

**EFFECTS OF CULTURE IN REGARDS TO PROPERTY INHERITANCE,
CULTURE VIS-A-VIS PROPERTY INHERITANCE BY WOMEN IN
UGANDA**

**CASE STUDY: THE NUBIAN COMMUNITY
LUWERO DISTRICT (BOMBO TOWN)**

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DECLARATION

I **VICTORIA ADA ZEKIA GARILLE** of Registration number **LLB/19426/112/DF**, declare that the work embodied in this report is by artistic efforts except for where due acknowledgement is made in the text and has never been presented to any institution for this or any other award. Its production without the authors is the University's consent will constitute an infringement in the copyrights.

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APPROVAL

This piece of work has been under my supervision and now it's ready to be submitted to the external examiner. It confirms to acceptable standards of scholarly presentation and it's fully adequate in scope and quality as a dissertation in partial fulfillment for the award of Degree of Bachelor in Law of Kampala International University.

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DEDICATIONS

I dedicated this book to **God** for the care which made me to overcome all the hardship during my studies, remain the source of inspiration to my heart and pillar of strength in my life, saying that all the glory and honor be unto him. On earth my dedication goes to my **Father Richard Garille** who has been a friend and father throughout my life, you 'r the reason for my living, eight years down the road practicing what you expected me to continue upholding (education), I promise that sky is the limit. You did not live to witness this but mammy will.

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LIST OF STATUTES

International Instrument

- The Universal declaration on Human Rights (UDHR)
- The International convention on Economic, civil and political rights (ICCPR)
- The international convention on the elimination of all forms of discriminations against women (CEDAW)
- The Africa charter on human and people rights
- The 2011 UN resolution on violation against women

Uganda Legislations

- The constitution of the republic of Uganda 1995
- The succession act cap 162
- The land act cap 227
- The customary act cap 248
- The administrator General act cap 157
- The penal code act cap 120
- The divorce Act Cap 249
- The culture of discrimination against women in global perspective
- The local council court act cap 13 of 2006

List of Policies

-The gender policy 2007 of the government of Uganda, ministry of gender and social development.

LIST OF ACRONYMS

| | |
|---------|---|
| -CEDAW | Convention on the Elimination of all forms of violence Against Women. |
| -UGP | Uganda Gender Policy |
| -NGP | National Gender Policy |
| -LAW-U | Law Advocate for women in Uganda |
| -UDHR | Universal Declaration of Human Rights |
| -NRM | National Resistance Movement |
| -ICESPR | International Covenant on Economic, Social and Political Rights |
| -UWONET | Republic of Uganda Women's Network |
| -ULA | Uganda Land Alliance |
| -FIDA-U | Uganda Association of Women Lawyers |
| -FOWODE | Forum for Women in Democracy |

LIST OF CASES

Julius Rwabignume Vs Hope Balimbisomwe civil appeal no 30/2007

Gascoigne Vs Gascoigne (1997)HCB 322

Rex Vs Amakeyo (1917)KLR 14

Karanja Vs Karanja (1976)KLR 307

Edita Makaiyingi Vs Merekizedeki (1973) HCB 23

Uganda Vs Jenina Kayondo (1977) HCB 111

Nderitu Vs Nderitu (1998) LLR 29

Law Advocacy for women in Uganda Vs AG const petition no 13/05 and 05/o6 2007

Noor Bee Vs Ahmed Shaunsisa (1978)1JH (2)62

Christine made Vs Sylvia Namanda & Ors (1985)

Hawa Muhammed Vs Allyseju (1982)TLR 32

Hyde Vs Hyde (1886) LRIP & D 130

ABSTRACT

This research is aimed at establishing the right of women to own property in Africa in general taking the practice in Bombo town as an example.

History, culture, traditions and customs in Africa seem to demonstrate that African women do not enjoy any right to own property. However, modernization and legislation have intervened since the 19th century to change the situation in favor of women.

The problem is whether those changes intended to protect women as introduced by International and municipal laws aimed at protecting and promoting women's rights to property ownership are being adhered to.

The researcher took some days to physically investigate the practical situation in Bombo town of Luwero district in Uganda. The Nubian community of Bombo has been chosen because of its conservative Islamic cultures and traditions.

In conclusion, the researcher is of the opinion that despite modernization and legislation as stated earlier, the position of women with regards to property ownership has not changed much over the years and that there is great need for more enlightenment and empowerment of women.

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CHAPTER ONE

1.0 Introduction

This chapter describes the background to the studies. It states the problem and explains the purpose and objectives of the study. It also identifies the research questions and scope of the study as well as the significance of the study.

Thereafter the chapter continues with setting out the assumption of the study, the methodology applied ending with the chapterization of the research writing.

There are therefore two types of property, movable and immovable including land¹ tenements and things attached to the earth temporarily or permanent and other property of every description like mattresses bed and personal effects etc.

This study aimed at establishing whether women in Bombo (or Africa for that matter) enjoy any rights of owning property under customary law or statute law.

Before the Colonization of Africa, many individuals and indigenous rulers' occupied unique positions in their realms. Their statuses were accepted by religious, political and judicial heads of the kingdoms. They were the custodians of the people's ancestral cultural heritage².

Customary laws are the norms and customs that make a culture dynamic and are continually being renewed, reshaped and re-built on structural and attitudes and inherited from indigenous history and sociology³. There are many native tribes in Uganda e.g Aluru, Acholi, Baganda and Basoga to mention a few. There are also the Nubians which originated from Sudan but are now considered as a native tribe in Uganda.

Culture is further defined as a complex of distinct spiritual, intellectual and emotional features that can be characterized as social group.⁴ It is the sole source of validity of a moral right⁵ or

¹ Ref sec 2(m) and (p) of succession act to mean movable and immovable including land.

² See www.ghana.com.uk

³ Researched By Baguma Diana on culture on gender discrimination of women

⁴ The world conference on cultural practices held in Mexico City in 1982

⁵ Nubian cultural information centre

rule. Cultural change occurs in communities and households as response to social and economic shifts.⁶

Customary law remained valid during the colonial period subject to the repugnancy test. However, various other laws have since come into effect allowing women to own property in their own right⁷.

Regrettably customary law has had its negativity on women more than its positivity. *A man could claim that since he paid dowry he expected the woman to be owned by him and that she would automatically obey him.* The case of **Rex vs Amakeyo**⁸ is in point when it decided that according to African customs, *women were considered as chattels that could be taken at men's will as he deemed fit.* In Iteso it was considered as unfair that women do not get any support from men. Therefore the majority of the women conceded defeat. In some other cultures like the Lugbara, Acholi and Lango women are still considered as property. Thus the spirit which would have encouraged women to own property became far from the reality.

When the written laws of Uganda came into force by virtue of orders in council,⁹ English law came in to protect women from being subordinated by their husbands. The case of **Hyde vs Hyde**¹⁰, means that property of either shall automatically be owned by living partner since the case *defined marriage to be the voluntary union between one man and one woman to exclusion of all others.*

More importantly the discriminatory tendencies that started during the colonial period persisted until Uganda became independent. Thereafter the women's right to own property was guaranteed in the Constitution of Republic of Uganda¹¹. The current regime embraces different changes after promulgation of the 1995 constitution giving every Ugandan right to own property unlike the previous constitutions of 1962 and 1967 respectively. Protection from deprivation of property by association or individuals is prohibited.¹²

⁶ By Ahmed Katerege – UAH forumist/journalist

⁷ as provided for in the constitution of Uganda 1995; the succession act cap 162 among others.

⁸ (1917)KLR 14

⁹ (1902) E.A OIC

¹⁰ (1886)LRIP &D 130

¹¹ (see Article 33(1), 21,26,31 of 1995 Constitution.

¹² Art 26 of 1995 constitution of Uganda

Customary law still remains valid subject to the repugnancy test. Other various laws also came into effect allowing women to own property e.g. Succession act cap 162 among others.

It seems that Islamic laws continue to take precedence over civil laws; as such Muslims are not concerned about property ownership because marriage is considered as part of worship and therefore it has its own rules¹³. On *gender and society dissertation by Fatou Diop*¹⁴ “Women often have access to land and only through the male members because they are seen as dependants like mothers, wives or daughters. The women are blocked from land which is controlled by cultural and economical factors, since they do not have the required money to meet the price for the land.

Today Property ownership by women in Uganda is governed by international and municipal laws as well as customary laws. Governments generally commit themselves to rectify conventions and treaties through the development of policies that will sustain measures for addressing reforms of laws that may hinder women development at all levels.

After the world war 11, there was need for the maintenance of peace and justice for humankind as a search for strengthening international cooperation aimed at protecting the human person against arbitrary exercise of state power as well as improving standards of living¹⁵.

In Uganda the laws providing for women to own property include the following conventions and legislations:-

The Universal Declaration of Human Rights (UDHR) which was passed by the World Conference on Human Rights in Vienna in 1948. Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom, The optional protocols to the declaration are specified as below:

¹³ Sheik Hassan Kirya on interview with monitor news paper

¹⁴ University of Gaston Berger in Senegal

¹⁵ Apio Esther thesis on critique law relating to freedom of expression in Uganda page 5; by Human rights in the Administration of Justice: a manual on human Rights Judges, prosecutors and lawyers P.3

- (i) The International Covenant on Civil and Political Rights 1966 (ICCPR).
- (ii) The International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR).
- (iii) The Optional Protocol to the International Covenant on Civil and Political Rights 1966

All the three conventions were also adopted by the member states to transform the ideas of human rights into legally binding obligations on the member states. In fact all forms of violations of the rights of women and all forms of exploitation were declared incompatible with human dignity and their elimination was demanded.

Clearly the preamble to the UN charter states that, the dignity and worth of the human person should be protected and promoted

1. The International Covenant on Elimination of All Forms of Racial Discrimination against Women (CEDAW) is a far reaching convention which provides that, women where they are, whether in rural or urban areas have equal rights in accessing agricultural and loans. Thus the provision aims at uplifting the standard of women at all levels.
2. The African Charter on Human and People's Rights restores property rights to wives who were separated from their husbands.

The most relevant domestic legislations include the Constitution of Republic of Uganda 1995, the land law Act cap 227 and the Succession Act cap 162,

1.1 Backgrounds of the Studies

The researcher looked at the diversity of the cultures and their unification methods in resource distribution especially in terms of women's rights to property inheritance. The researcher taken keen interest in the NUBIAN COMMUNITY¹⁶ because of their social, economic and political formation, trend and mechanism to harmonize the handling of property inheritance and distributions on religious, customary or other legal lines considering the fact that the majority of them concentrate on polygamous practices.

¹⁶ Ref sec1 of land act cap 227 to mean indigenous community occupying land per 3rd schedule of constitutions.

Based on the mentioned background of the Nubian Community (socially, economically, religiously and politically, the researcher is to examine the impact of women property inheritance rights in pre-colonial, colonial and the current position in Uganda.

In this case study the researcher is to know how diversities of culture and religion affect women's property rights in this unique and well set historic backgrounds borrowed from the origin the of the Nubian people living in Bombo. Thereafter she will give her own contribution as part of her support to the reform of the Nubian COMMUNITY.

Bombo is a small town located in South Central Uganda covering from 23 to 58 miles north of Kampala and about 58 miles(93) km South of Nakasangola. Currently in August 2014 the National Population Census put its population at 26,370 of them constituting up to 6% of Ugandans. Nubians are very conservative by nature. It is connected by road to the agricultural region for cotton, coffee and bananas. There is also trade and industry producing plywood, wood products, footwear, beverages, textiles, apparel, rope, twine and glass.

The type of soil is predominantly sandy and clay. The clay is useful for structural clay products¹⁷. Nubian wealth and natural resources include such items as gold, ivory, copper, frankincense, ebony and pottery.

Since the pre-colonial days, Uganda has hosted the ethnic group of Nubians (of Sudan origin) which can be traced to the Nubian Kingdom, of the Nuba Mountains in Sudan. Traditionally they are unbelievably fascinating with unique and conservative culture. There were over 10,000 of them in Uganda in the eighteenth century. It is the only tribe in Uganda that restricts all its members to belong to the Islamic faith. They succeeded to convert everybody to Islamic religion by restricting conditions for recruitment into the army (which they used to control), intermarriage and other forms of associations. Indeed, their traditions are slightly more or less in line with Islamic teachings and some specific social factors. They cannot however, be referred to as of the Nubian kingdom of Egypt nor of Nuba Mountains of Sudan (which is known as the Kush Kingdom). They are simply Nubians of East Africa covering Uganda, Kenya,

¹⁷ By Ahmed katerega- UAH forumist/journalist

Tanzania and Somalia. They descended and resettled in diverse places of Uganda¹⁸ and East Africa and Somalia after the World War I.

In South Sudan Nubian tribes can be found in Malakia (local lodging area) in Juba Town. Their culture and way of life are similar to those in Uganda and East Africa in general. They like plaiting hair, dancing doluka, making handicrafts, cooking tasty food (with kisra-paper food or Sudanese chapatti as it were) and making of mat (Birish). They comprise many Sudanese tribes like Nuba, Fur, Fertit, and Central Equatorian tribes such as the Bari, Kakwa, Kuku etc, and Eatsern Equatoria tribes (the Madi, Lango, Latuho, Acholi) plus Other tribes from other regions which include the Dinka, Shiluk, the Azande, Moru, Baka, Avukaya, Lugbara, Metu, Madi and Okesu etc. They dropped their original ethnic languages in favour of Arabic as it has been the uniting factor compared to the Swahili which is spoken among the army of East Africa nowadays.

As one of the few Ugandan tribes, the Nubians managed to keep their customs more or less intact. Their zeal and legacy compared to other people looks every inch unchallengeable e.g. they are experts in cookery, they introduced baking of Kabalagala¹⁹, Sambusa and Mandazi. Their hairstyles look like corn raw (biswahili and Bututtwa) and they invented vocabulary like Lufula or Abattair²⁰ and the name Ggaba²¹ which are a few examples.

As an impact in Neo-Islamic Nubian presence is vivid seen in the northern districts of Uganda. They also involve in trade and other professions generally, e.g. transport industry, teaching career, health, law enforcement agents, public service, entrepreneurship, and politics including sports respectively²².

As stated earlier Nubians are now constitutionally recognized as one of the country's ethnic communities in Uganda. They count as the 58th tribe in the country. Nubians also effectively participate in politics like any other tribes in Uganda e.g. through Nubian Consultative Forum.

¹⁸ By Hassan Ismail Abdulkerim in his research, the Nubian question? Sec gen of Ugandan Nubian Consultative forum(UNCF page 7)

¹⁹ Kabalagala is banana pancake made from sweet banana and cassava flour

²⁰ Lufula means a hole which is borrowed from Nubian word.

²¹ Ggaba means forest or bush

²² IBID 4 page 46-48

They have several LCS, some chiefs in Kabaka's government, councilors and the current second Prime Minister Honorable Moses Ali. However, they are neither pastoralists nor agriculturalist.

We had also stated that Nubians are mainly business minded community mostly engaged in jobs like butchery, driving, shoe making etc. and their women own good business in town. Educationally few of them only get higher education qualifications like Diplomas, Degrees, Masters, and PHDs respectively.

The Nubians are sociable people. Their marriage is called the "Nikah"²³. It is conducted at the mosque or at the girl's home where it is presided over by a sheikh. In the Islamic belief the parents should marry off their daughters in the best way they deem fit including the lack of choice and absence of consent of the girl. However, things are changing nowadays as the tradition is being challenged by western values including freedom of choice.

The procedure for marriage begins with discussion between two family friends who are familiar with each other. The parties have to make their choice after having done some research in the backgrounds of the couple to be. The female elders are sent to investigate and when they report back to the heads of the families, then an application will be submitted to the lady's father or guardian. The lady's side replies the application with demands for many items of customary requirements and gifts. Finally the two sides have to meet and scrutinize the list of the requirements and come up with the final list. The required items shall be presented on "Shella"²⁴

On the reception day of the wedding where Nikah is done, the groom pays the Mahara to the girl which is an item of her choice.²⁵ After the father of the girl has confirmed the Mahara he hands the pride to the bridegroom or his delegation. The elderly people receive gifts like cigarettes, blankets, mosquito nets and clothes.

In case of separation or divorce this Mahara is returnable to the Groom if the woman refused the man. However, mahara is not returnable if it is the man who refused the woman.

²³ Nikah is marriage celebrated as Islamic faith or sec 2 of marriage and divorce of mohammedans sharia law

²⁴ The important day of paying bride price including gifts. Normally done on Thursday, Friday for preparation and Saturday for reception and celebrations.

²⁵ Mahara is the bride price that woman requested from her husband as her bride price and its handed to herself.

In the last two centuries, women have been regarded by the matrilineal customary system as property to be sold at men's will. Women have had difficulties in getting out of this oppressive and suppressive customs and culture. They still accept that the man is the head of the family even if he does not perform any roles pertaining to the responsibilities of the family.

1.2 Statement of the Problem

Women's right to own property was not recognized until the 19th century. Women lived in stereotyping and oppression where they were taken as property themselves. Parents also denied girls rights to own property. A woman or widow who lost her husband without leaving a will always lost her chances of owning any property. Women were left vulnerable due to lack of good laws and their dissemination including mechanisms for proper implementation of those laws

Although the constitution provides for equality before and under the law in all spheres of political, economic and social cultural life including the fact that there should be no discrimination on ground of sex, race, color, ethnic origin, tribes, birth, creed or religion , political opinion, these provisions are not strictly adhered to. Taking the example of distribution of property upon inheritance, widows are often left without property. The relatives of her deceased husband would grab all that she ought to inherit. However, this is not normally the case if the woman were to die. The relatives of her husband would not allow her children to own the property but only allow them to use it.

After the promulgation of the 1995 constitution and the ratification of the other international conventions mentioned earlier aiming to give protection to women from all kinds of discrimination, including discrimination against property ownership the implementation thereof was too little and felt only felt by few. According to the Lango culture, women do not own property till now. They are not even aware if they have that right to own any. In many other cultures in Africa, gender relations are still built on an ideology of Gender hierarchy, where the male is supreme and the woman is subordinate. According to *Jerry H Bently and Herbert Zeigler*²⁶ the construction of patriarchal societies in both Egypt and Mesopotamia built a hierarchy which vested authority over public and private affairs in their men. Men decide the work that family members are to perform at family level. Men are responsible during marriage

²⁶ Tradition and encounters a global perspective on the past

arrangements for their children. Men also dominate in public affairs with rare exceptions like building houses and driving heavy vehicles.

According to Islamic law where the Nubian community belongs a man is recognized as the head of the household and is entrusted with all major family decisions according to his judgment. Taking as an example the belief that in the interest of protecting husbands and the legitimacy of the off spring, some people thought death of a husband is a punishment for wives caught in adultery. However, men are permitted to engage in consensual sexual relationship with concubines/slaves or prostitutes without penalty. Most women in Bombo have not even known their rights and most of them only own moveable property such as kitchen utensils, mattresses, beds, etc. This study is being carried out to establish injustice against women particularly the denial of the right to own property during marriage based on their culture and custom.

Women, especially in the Islamic community have less opportunity as has been the opposite case with the male. The other factor is due to early marriage among the Islamic community which has played a lot of role in luring young girls to abandon education and as such, has contributed in creating lack of awareness about women's right to own property during and even after the marriage. One of the researcher's missions is to know whether Mahara paid to a woman and dowry paid to relative of the woman carry equal rights according to the custom and whether they matter in terms of property inheritance by women in Uganda and especially amongst the Nubians.

1.3 Purpose of the Study

The Research identified and examined the loopholes in our laws and their implementation concerning the impact of culture in reference to women's property rights and give recommendations for reform.

1.4 Objective of the Study

The main objective of this study is to identify causes, examine and assess the effect of culture on women's property rights

1.5 Specific Objectives

- 1 To discuss causes for women property rights in Uganda
- 2 To analyze the laws on women and property in Uganda.
- 3 To examine the effect of land contribution to women empowerment.
- 4 To suggest possible recommendations for improvement and reform.

1.6 Research Question

- 1 Can Nubian women in Bombo own property equally during marriage or after dissolutions in their own right under customary or statute law
- 2 What is the effect of marriage upon ownership of property by women?
- 3 What are the laws which are law protects women's rights to property widely been implemented or disseminated?
- 4 What are the possible recommendations and awareness needed for the rights to own property in inheritance?

1.7 Scope of the Study

1.7.1 Geographical Scope

The scope of this study was conducted within the territory of Uganda (in Bombo Town of Luwero District), targeting a court, three Local Council, several Women Groups including widows.

1.7.2 Content Scope

This research examined the right of women to inherit property in Uganda. It seek to investigate the causes, effect, extend, nature of problems facing women from acquiring property during inheritance among the Nubian community in Bombo and formulate strategies on how to curb the culture.

1.7.3 Time Scope

The study carried out for five months from Jan 2014 to May 2015 including submission

1.8. Significance of the Study

The researcher believes that once this study is completed;

- 1 It will help other students to make reference in line with the study.
- 2 It will help to fulfill the researcher's requirement for the award and her LLB degree (which is an academic development)
- 3 It will assist the legislators to identify loopholes in formulating good policies that ensure that women's rights to own property are strengthened and implemented seriously.
- 4 It will help women rights organizations locally or internationally for raising awareness on dissemination of women's right to own property in different forums

1.9 Methodology

The study based on desk research as well as conducting field work in Bombo. The desk research involves the use library materials for obtaining primary and secondary sources. The primary sources include interviews, questionnaires, International Human Rights laws, Constitutional and other domestic laws of the Republic of Uganda. The secondary sources included the available literature on the ground on the right of women to own property inheritance such as books, and articles, papers, reports and journals by visiting libraries and internet websites.

1.10 Chapterization

The first component of the research document comprises of declarations, approval, dedications, and acknowledgements list of statutes, list of acronyms, list of cases, abstract and table of contents before the really chapterizations. This dissertation is divided into five chapters,

Chapter one contain the introduction, background of the problem of study, purpose of study, objective and specific objective, research question, scope of the study, significance of the study, methodology and arrangement of the chapters.

Chapter two reveals literature review as Legal force on Women's Property Right, analyzing the non legal issues that affect the right of women in property inheritance. It further analyzes laws that bind Uganda making Uganda be part to the instruments that provide for the right of women in property inheritance in Uganda. This chapter also contain international legislation e.g.

international convention on elimination of all forms of racial discriminations and the African charter on Human and People's Rights.

In the domestic legislations the chapter covers the constitution of Republic of Uganda 1995, The Customary Marriage Act cap, the Land Act cap 227, the succession act cap 126 law of Uganda and Doctrine of Co ownership of Matrimonial Property.

Chapter three contain introduction, the research design, the research instruments, questionnaires, sample and sampling techniques including Reliability and validity, Procedure and budget for researches, preparedness to overcome challenges, Limitation of the study, Data analysis & Reporting and ethical considerations.

Chapter four analyze findings and examining the effect of culture vis a vie effectiveness of the laws in protection of women's ownership rights to property inheritance in Bombo and other cases in Uganda.

Chapters five suggest possible recommendations, solution and conclusions.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This chapter gives an overview to the extent in which the law development of laws with regards to the rights of women's rights to the ownership of property developed after the 19th century. It will consider developments in international law, domestic law and case law with specific reference to Uganda.

Following the establishment of the UN in 1945 it became possible to adopt conventions and treaties intended to promote peace, unity and cooperation among member states with the aim of attaining justice all over the world. The conventions and treaties are supposed to be ratified by member states so that they can have direct application to the individual countries which have interest in them.

The relevant international laws in the area of property ownership by women are the Universal Declaration of Human Rights (UDHR) 1948; and the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) adopted in 1979 by United Nation General Assembly.

This chapter briefly examines the relevant provisions of these laws. That followed by developments at the African level which is contained in the African Charter on Human and Peoples Rights adopted in June 27 1981.

We then proceed with developments in the law at domestic level. In Uganda the relevant laws are the Constitution 1995, the Land Act Chapter 227, Succession Act chapter 162 the Customary Marriage registration Act chapter 248 and the Penal code Act chapter 120.

We shall also consider development in customary law as well as case law.

2.1 Developments in International Law.

2.1.1 The Universal Declaration of Human Rights (UDHR).

The Universal Declaration of Human Rights (UDHR) came in to protection of women's rights through three optional protocols concerning human rights treaties to be treated in their own right upon signing the treaty.

- I. The International Covenant on Political and Civil Rights (ICPC). Art 3 provided for the States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set in the present Covenant.
- II. The International Covenant on the Elimination of All Forms Discrimination (CEAFD). Incorporates the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- III. The International Covenant on Economic, Social and Cultural Rights (ICESCR).

The relevant aspects can be summarized as follows:-

- a) Everyone has the right to own property individually or in association with others.²⁷
- b) No one is to be arbitrarily deprived of his or her property.²⁸
- c) Men and women of full age (18 years) have the rights to marry and found a family. They are also entitled to equal rights to property ownership in marriage and after its dissolution.²⁹

2.1.2 Convention on Elimination of all forms of Discrimination against women. (CEADOW)

The Convention on the Elimination of All Forms of Discrimination Against Women went some steps further aimed at improving the status of women with regards to their rights to own property (CEDAW) as international bill of rights restricted but recognizes enjoyment of women's rights in the basis of equality of men and women rights and fundamental freedoms in political, economic, social, cultural, civil inter alia. The relevant provisions are summarized as below:-

- a) Every member state is required to pay particular attention to rural women. Rural women are not supposed to be marginalized because of their low level of education. Rural women are to be treated equally with their counterparts in the urban areas. They must have equal access to agricultural credits and bank loans.³⁰

²⁷ Ref.A.17(1) UDHR

²⁸ Ref.A.17(1) UDHR

²⁹ Ref.A.16(1) UDHR

³⁰ Ref. A 14

- b) There must be no discrimination in marriage and family life in that particular assurance is to be offered to both men and women to same rights to enjoy property when they enter into marriage; during marriage; and after dissolution of marriage.³¹
- c) Parties to a marriage should enjoy equal rights to family benefits such as bank loans, mortgage and other forms of credit including rights to recreation and other aspects of cultural life.³²
- d) Member states are to guarantee without distinction the rights to ownership of property by women in that they are not inherited by some few fathers.³³

2.2 Developments at the African level.

2.2.1 The African Charter on Human and People's Rights.

Provided that fundamental human rights stem from the attributes of human beings, which justifies their national and international protection and on the other hand that the reality and respect of people's rights should necessarily guarantee human rights

Art 13 and 14 provided that every individual shall have the right of access to public property and services in strict equality of all persons before the law. These rights to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of proprietor laws.

2.3 Developments in Uganda.

It is important to note that Uganda has ratified all the international conventions mentioned earlier (the UDHR and CEADOW).

Furthermore Uganda has proceeded to enact laws in conformity with the provisions mentioned in the above stated conventions. The rights of women to own property in Uganda becomes clearer as we examine the various provisions of the relevant Ugandan laws including its constitution.

³¹ Ref. A 15

³² Ref. A 13

³³ A.5 of African charter on human rights

2.3.1 The Constitution of the Republic of Uganda 1995.

We should remind ourselves of the fact that the constitution is the supreme law of the land and that it has binding effect on all persons and authorities in the country. If any custom or law is inconsistent with the provisions thereof, the constitution shall prevail and such custom or law shall be void.³⁴

Briefly the Ugandan Constitution protects and promotes women's rights to property ownership as follows:-

- a) Every person has the rights to own property individually or in association with others. This provision is similar to that of UDHR.³⁵
- b) No one is to be deprived of the property or interest therein except for public interest and on prompt payment of fair and adequate compensation.³⁶
- c) Rights to property ownership can be protected through court of law.³⁷
- d) A man and woman have the right to get married and found a family as well as own property in equal rights in marriage, during marriage and upon dissolution of marriage.³⁸ This provision is also similar to those of UHDR.
- e) The state must take affirmative action in favors of marginalized groups on the basis of gender etc; and for any other reason created by history, tradition or custom for the purpose of redressing imbalances which exist against them.³⁹

The Constitution further prohibits laws, cultures, customs and traditions which are against the welfare and dignity of women and particularly those which undermine their status.⁴⁰

- f) Women are to be accorded free and equal dignity with men. The state must in this regard provide facilities and opportunities necessary to enhance the welfare of women to enable them realize their potential and advancement.⁴¹

³⁴ A 2 of constitution of Uganda 1995

³⁵ Ref. A 26(1)

³⁶ Ref A 26(2)

³⁷ Ref. A 26 (2)ii)

³⁸ Ref. A 31

³⁹ Ref 32(1)

⁴⁰ Ref 32 (2)

⁴¹ Ref A 33

- g) Furthermore women shall be treated equal to men in terms of opportunities in politics, economy and social activities and women shall have affirmative action for the purpose of redressing any imbalances by reason of history, tradition or custom (Ref. A.33(4)(5)).

2.3.2 The Land Act Cap 227 of 1998.

The relevant provisions of the Land Act 1998 echo those of the Constitution of the Republic of Uganda as already stated above. They run as follows:-

- a) Family members may hold certificate of customary ownership.⁴²
- b) Individual members of an association can also hold title to land including its female members.⁴³
- c) A woman can apply for a certificate of occupancy in her own name.⁴⁴ She can also assign, sublet, pledge or create third party rights in the land.⁴⁵ Furthermore she can subdivide and undertake any other lawful transaction in respect of the occupancy. The tenancy can also be inherited.⁴⁶
- d) The tenant can occupy or acquire registerable interest as freehold, mailo, lease or sub-lease.⁴⁷
- e) There is restriction imposed on transfer of land by family members in that no person is allowed to sell, exchange, transfer, pledge, mortgage or lease any piece of land without prior written consent of the spouse.⁴⁸
- f) Women have affirmative action for the purpose of redressing the imbalances created by history, tradition and custom.⁴⁹
- g) Women are accorded full and equal dignity of the person with men and the state is required to provide the facilities and opportunities necessary to enhance their welfare to enable them realize their full potential and advancement.⁵⁰

⁴² Ref 4(1)

⁴³ Ref 22(3)b) and c)

⁴⁴ Ref 33

⁴⁵ Ref 34

⁴⁶ ibid

⁴⁷ Ref 38

⁴⁸ Ref 39

⁴⁹ Ref 33(5)

⁵⁰ Ref 33

- h) The state is also required to take affirmative action in favors of groups marginalized on the basis of gender etc. or any other reason by history, tradition or custom for the purpose of redressing imbalances which exist against them.⁵¹
- i) Laws, cultures, customs and traditions which are against the dignity, welfare or interest of Women or any other marginalized group are prohibited.⁵²
- j) Emphasis is given for women to have equal opportunities to men in terms of political, economic and social activities.⁵³

In order to ensure the operationalization of the above stated position, some provisions have been made for the inclusion of at least one woman in the Uganda Land Commission⁵⁴ and that at least one third of the membership of the District Land Boards should be women.⁵⁵

2.3.3 The Succession Act.

Sec 27 of the act provided for distribution of property upon death of a male intestate, subject to sec 29 & 30 that estate of a person dying intestate shall be divided. This law was also drafted with the aim of protecting women's rights to own and share in property with men. The relevant provisions are as follows:-

- a) No person shall by marriage acquire any interest in the property of another.⁵⁶
- b) Upon the death of a male intestate the distribution of property has to be calculated as below:-
 - I. The wife gets 15% where the deceased is survived by a customary heir, a wife, lineal descendant and a dependant relative.

⁵¹ Ref 32

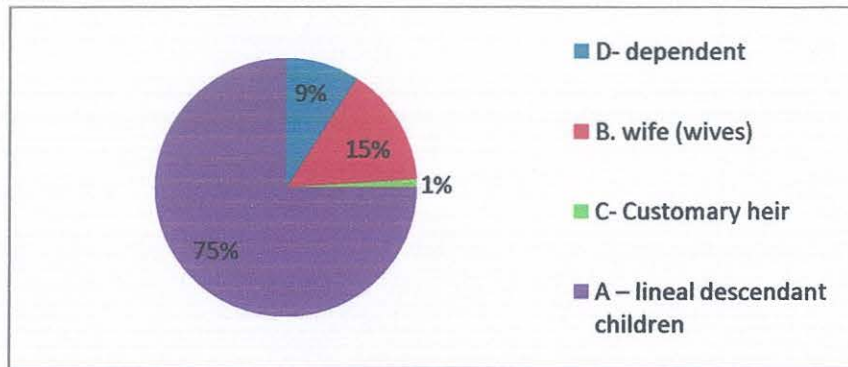
⁵² Ref 33(2)

⁵³ Ref 33(4)

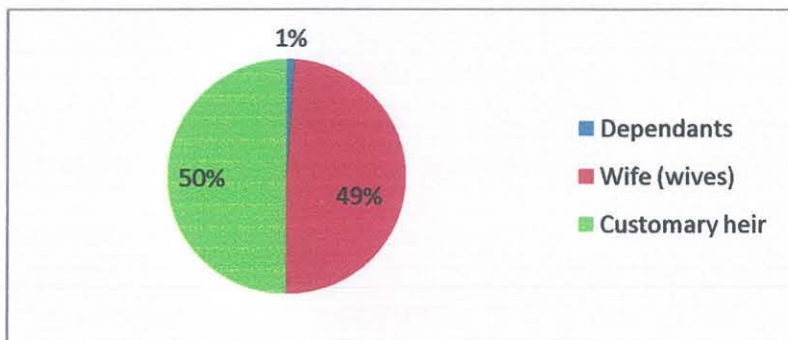
⁵⁴ Ref S. 47(4)

⁵⁵ Ref S. 57(3)

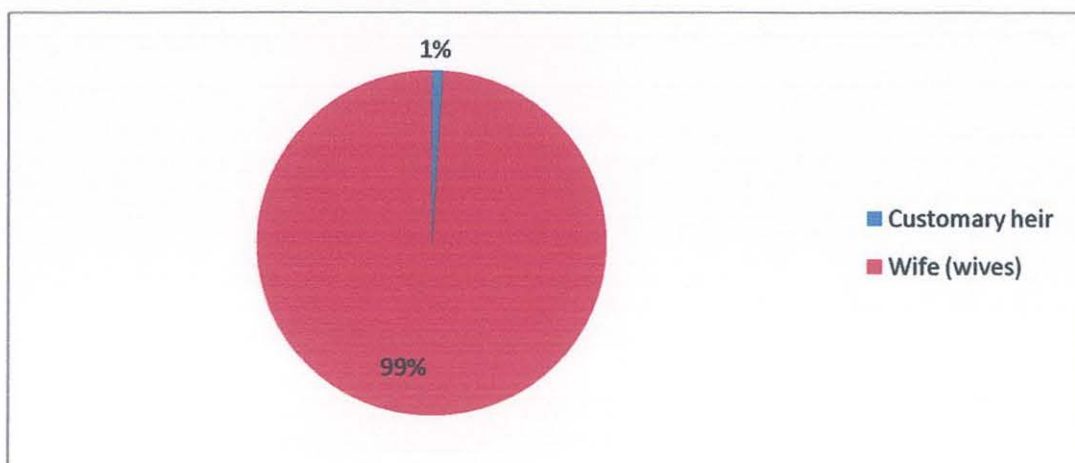
⁵⁶ Ref S. 3



- II. The wife gets 50% where the intestate is survived by a customary heir, a wife and a dependant relative but no lineal descendant.



- III. The wife gets 99% where the intestate is survived by a customary heir, a wife, or a dependant relative but no lineal descendant.



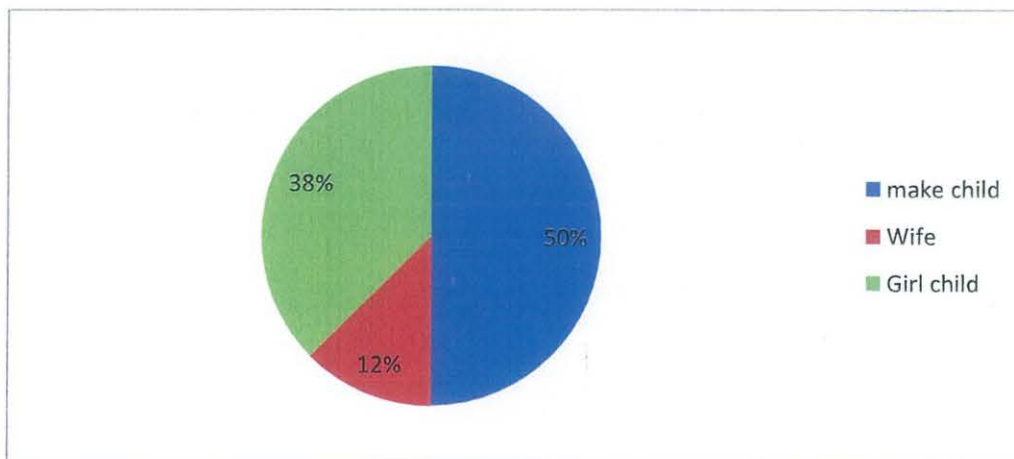
where the wife and husband have been separated, none is entitled to the property of the other.⁵⁷ But both husband and wife may dispose of their property by will.⁵⁸

Whereas section 27 was declared unconstitutional by **Law and Advocacy for women V AG**⁵⁹, declared sec 27 unconstitutional. This even makes matters worse because currently there is no guiding law enacted to address the problem. The case gives the discretion on the administrator to distribute the property in a fair and equitable manner addressing all the beneficiaries. However with the influence of cultural bias against women, the researcher thinks what is fair may be discriminatory against women.

2.3.4 Customary Marriage Act Cap 248.

In Islam succession set in the in Islamic law, where the intestate survived with a family.

| | |
|--------------------------------|------------|
| A. Make child (customary heir) | 50% (1/2) |
| B. Wife (wives) | 12.5 (1/8) |
| C. Girl child (ren) | 37.5 (1/6) |



Customary practice largely discriminate against women with deep rooted prevail in matrilineal family structures, rights concerning property rights is no written. However, all tribes in Uganda adopted by patriarchies that care and maintain the family by venture of their status as fathers therefore, a woman does not inherit property but might acquire from their husbands. In the book

⁵⁷ Ref S. 30

⁵⁸ Ref S. 36

⁵⁹ Constitutional petition no 5 and 6 of 2007

“the role of property in the family structure⁶⁰” that family is attached to property and resources in a situation where a woman is supportive while the man appropriate property.

The customary marriage bill proposed intends to bring about reform and consolidate the law relating to customary marriage recognizing all marriages administered under (civil, Christian, Hindu, Bahai) and their marital rights and duties.

⁶⁰ By Robert Gray, family estate in Estate in east Africa. London Rutledge kagan ltd 1964

CHAPTER THREE

3.0 Introduction.

This chapter considers the technical aspects of the research such as research design and instruments including the questionnaires prepared and interviews conducted. It also looks at the sampling techniques sources of information used. The chapter examines the reliability and validity of the information gathered. The procedure followed is also described and the budget constraints encountered are explained including the level of preparedness to overcome those challenges. Limitations to the research are acknowledged. The methods of data analysis and reporting are stated together with the ethical considerations involved therein.

3.1 Research Design

This study cuts across sectional surveys and it includes both qualitative and quantitative data collection. Methods like use of questionnaire forms, interviews and documentation from policy makers and other stake holder were also applied.

The quality of the design used for information collection from despondences on attitude and opinion in relation to the law and women's right to own property is a choice of descriptive design and is premised on the basis that it can yield rich data that leads to important recommendations. On the other hand the quantity used for the collection of numerical data enabled the researcher to find out that 70% plus of the married women is not aware of their rights to own property compared to the 30% which do.

3.2 Research Instruments

The instruments used were designed questionnaires and interviews aimed at collecting systematic variety of data from respondents who did not have enough time to be interviewed.

3.3 Questionnaires

The researcher intended to use questionnaire approaches in which close-ended questions were used to identify research problems and collect relative data in an effort to answer the research questions under investigations for the purpose of facilitating into the establishment statistical

data. The questionnaires were distributed to the target groups as an opportunity to express themselves and work independently without bias or favor. The use of questionnaires is to target a large number of people within a short period of time and to reduce the time to be spent. The questionnaires were distributed and collected within a week with the copy of researcher's questionnaires attached. That approach stimulated the person's thinking about her feelings or motive to express what she might consider as important answers.

3.4 Interviews

The researcher interacted face to face with the respondents for the purpose of getting first hand information and convenience intending to obtain the required information. This approach helped the researcher to find out more from the respondents. The women were organized in groups of 5 to 10 persons to be interviewed on the subject and their opinions have been recorded and included in the research findings.

This method used was very much preferred because the data given was original, accurate and reliable. The researcher also is involved in interpersonal talk with the different respondents in order to obtain some more useful information. The interviewees were easily administered by the researcher. However, she did not expect the respondents to be literate enough. So the researcher tried to give guidance or simplify the question as much as possible.

3.5 Sampling Techniques

The researcher used sampling randomly to avoid biasness as compared to other techniques like cluster, snowball among others by selecting 25% widows owning properties, 25% of comprise of Department/NGO/LC/RDCs offices including court. Clearly about 40% widows do not own property and 10% are men all at Bomb Town (take this information to the findings in chapter Four).

The research was confined to the respondents in the different areas in order to get information from them on culture and property inheritance by the Nubian Community. The researchers targeted groups which included men in offices; those in casual jobs, community leaders, local council leaders, and the judiciary. The researcher is to interview at least seventy people as respondents.

3.6 Source of Information

The researcher's source of information was obtained through visits to the various libraries to obtain the research materials including Kampala International University (KIU), Makerere University, Law Development Centre (LDC), Foundation of Human rights Initiative library and Human Rights Commission. These materials formed the bulk of the basis of the primary leading source of the studies. However, these information from the school library, books, internet, lecture note, other student dissertation for guiding purposes, Nubian literature review writings by the own children and man of the Nubian community was the source of secondary evidence.

Primary evidence was obtained from interviews, meetings, and many debates on the topic.

3.7 Reliability and Validity

The researcher is relied entirely on interviewers, literature review, documentations resulting from the meetings, and many debates. It is hoped that the researcher had enough valid and reliable materials for the purpose.

3.8 Procedure and Budget for Study

Data collection and Analysis as a process was handled stage by stage including other information collection and photocopying from libraries etc.

The activities involved included making appointments, holding meetings and conducting interviews which required airtime and travel costs ranging from Ush 2,000/= to Ush5,000/= per interviewee. These appointments, for interviews, meetings etc were budgeted for ten days.

The researcher's transport costs to and from Bombo for Distribution of forms and fixing of appointments was also included.

Collecting written materials like printing of drafts and questionnaires forms incurred some more costs. Miscellaneous provisions for unbudgeted items were considered.

The researcher is able to raise cost of stationeries and other costs to cover all the costs involved.

3.9 Preparedness to Overcome the Challenges

The researcher assures that the respondent had the information always in advance and that any information given was used as confidential for academic purposes and guide to legislators for making laws which addresses all concerns of women's rights of inheriting property

The researcher determined to fundraise from many well wishers to enable her to complete this study in time.

The researcher also employed a research assistant who was capable to speak luganda and many other languages other than the Bantu languages in Bombo town to help with translation. Fortunately the researcher is able to speak Nubian Arabic and English fluently so as to be able to reach out to other tribes that needed translation.

3.10 Limitation of the Studies

The researcher is expected to complete her research and report back successfully. However, she anticipated the following challenges in the data collection.

1. Since the research involves family secrecy, the respondents did not feel comfortable to disclose the challenges they went through in their homes thus they might have not given accurate information.
2. Other people might have given exaggerated information especially those who might have under gone bad relationship with their spouses and that might have misled the researcher.
3. The researcher is to come across some other targeted members who could speak only in English or Swahili or Arabic and as such she was forced to hire a translator.
4. Due to financial constraints nowadays, information could not be obtained without some costs.
5. Inadequacy of time might have made the researcher to apply ineffective data collection techniques e.g. preparation of questionnaires which took time and helped in covering some wide area in shorter time.
6. The fear of the unknown or lack of trust by the respondents made them to hesitate that information could leak back to their spouses, however, the researcher was saved by her student ID.

3.11 Data Analysis and Reporting

After the data was collected, edited, coded, classified and tabulated, it was analyzed. Descriptive methods especially quantitative techniques were used involving tables. Frequencies of reported cases and responses for processing of data were done on daily basis for five days to identify any information gap. The data was presented in form of raw data as provided by the respondents.

3.12 Ethical Considerations

The researcher used the principle of observing confidentiality to protect family values, social status of the respondents to guard against escalation of domestic violence with their families. She made sure that the interviews were done in a manner that did not in any way incite either of the parties involved in dispute over matters of property inheritance or conflict of interest. She advised the parties to seek for redress in case of problems but not to take the law in their hands.

CHAPTER FOUR

4.0 Introduction

This chapter analyzed findings and examining and assess the effect of culture visa a vie effectives of the laws in protection of women's ownership rights to property inheritance in Luwero and other cases in Uganda.

4.1 Application of the Law

This chapter analyzes cause and effectiveness of the law of women's movable property ownership including land as immovable property, among others during and on dissolution of marriage

4.1.1 A Intestate Succession

Intestacy may be total or partial, total intestacy occurs where a person makes no effective testamentary deposition of any property; however this right given to man can be compared to women in the marriage, wife inheritance is also among Nubian and other tribes of Uganda. Implementation of the inheritance wills have been and still difficult practically.

The legal regime together with the social and cultural realities generally excludes women from the property owing to pass in Uganda. Implementation of the property inheritance law desired more efforts to the procedure employed at the office of the administrator general is extremely complex and to some individual slow. It's not yet clear whether statutory rules considered intestate succession as impossible or inexpedient to apply in sharia law statutory instrument, courts has to decide⁶¹ the general performance of customary law over other reforms of succession.

4.1.2 Property division upon death of either Woman a Man.

The extent in which property inheritance is divided upon death of a man in-tested, or either woman died in-tested is not the **same as been prescribed by the law**. Family property of customary land is usual attached to the resources which is difficult to be owned by a woman in the name of matrimonial house. Majority of women in Bombo own movable property but not

⁶¹ The piramate like cover made out of local materials for serving food among the Nubian.

assets like land. In **Karanja Vs Karanja**⁶² it was held that women's property Act 1882 is applicable in customary law, and is subject to any written law.

A participant boda-boda rider has this to say. "In Islam, a woman has no right over anything, what is under my control is what I keep my eyes on but I cannot start on issues like owing individual property during marriage". in the case of **Noor Bee Vs Ahmed Shaunsi**⁶³ a dispute claim of share in a motorcar, television set, refrigerator and household utensil. The learned chief Gadhi held that a claim jointly acquired allowed in Islamic law on the principle house. Philosophy realized and heightened in case of Noor reason for divorce according to the sharia law, explains the concept of mahra in relations to examine the extent in which applications among the Muslim community and hope is references to the academia, judges, lawyers, and the public as whole.

If the woman dies, a surviving husband has a life interest in his wife's property, all her property will remain to the man and new or subsisting relation if in polygamy setup except her personal effect. But if man dies his surviving wife's rights of occupation of the house seized on her re-marriage hinder her from re-marrying.

4.1.3 Rights of children be included in a will by Fathers.

Female child not been always include by fathers in their testamentary will by fathers as a result most women loose it both whether in the marriage or at family level.

Sec 27 of succession Act provided that law had provided for both men and husband to dispose off their property in will. Sec 2(g) of succession Act defines dependants" waraba"⁶⁴ to mean those who were been looked after by the deceased, the question whether the "dependent will continue staying in the home of the deceased when a pragmatic one depending on the resource of good will",

Customary practice has no particular categories of people been classified as dependent with rights to the deceased's' estate. The succession Act limited the definition of a dependent to A wife, A child bellow age of 18 years, A son or daughter above the age of 18 years, A parent,

⁶² (1978) KLR 302

⁶³ (1978)1 JH (2) 62.

⁶⁴ Waraba to mean dependant in Kinubi language

Grandparent, grand children, brother, sister who is depending wholly on deceased during his life time⁶⁵.

4.1.4 Lack of proper guideline for property distributions

in Islamic religion where majority of Nubian belongs to in Bombo are governed by sharia law (Islamic marriage) that means property inheritance is prioritized to male **child to inherit half (1/2) of the entire property, female child takes (1/6) yet wife takes (1/8) respectively**. Nubian solve property inheritance dispute through engagement of religious (**Imam**) leader, **council of elders and through court of law**⁶⁶. Often women preferred court system. They usual go to the council of elders whenever they are faced with court fees. Their judgments depend on contribution made in matrimonial home and reasonable regards for matrimonial property where there is polygamous marriage. In **Nderitu Vs Ndaritu**⁶⁷ *it was held that women's substantial indirect contribution to the family income and assets by using her income to pay house expensed to prepare food and clothing for children's organizing their schooling and general enhancing the welfare of the family.*

The dilemma surrounding women's property inheritance guideline as to whether to go for (1/8 or 15%) is lacking as permanent guideline for settling property dispute among the Nubian community is still unanswered. Generally, **women have no procedural formula or mechanism for solving property inheritance dispute.**

The researcher's visit to office of the Administrator General's records indicates number of complaints of disputed Estate approves to the applicant in revealed in three year from 2012 to 2015 in the as following :-

| Particulars of Ownership of estate applications | 2012 | 2013 | 2014 | 2015 |
|---|------|------|------|------|
| Female child | 50 | 20 | 33 | 1 |
| Male Child | 47 | 43 | 44 | - |
| Widow | 1 | - | - | - |
| Sister | - | - | 1 | - |
| Brother | 2 | - | - | - |
| Joint ownership by female and male child | 15 | 4 | 13 | - |
| Unsolved application | 21 | 21 | 15 | 11 |
| Total cases per annum | 136 | 88 | 106 | 12 |

⁶⁵ Sec 2(g) of succession Act

⁶⁶ Ismail Mustapha Morbe, secretary Nubian Consultative Forum

⁶⁷ (1998) LLR 2731

This research indicates that **women are always losing the property to either their female child or male child**. According to the judicial officer Wobulenzi Grade one court of judicature, so many case of property inheritance by women reported include men complaints which are occasionally but not very rampant. Such allegation given by victim alleges that **victim of property inheritance disputes being locked out of access to property public Humiliation, abuse, insult and assault are common by in laws**.

Property inheritance among the Nubian in Arua is better because of set principle guiding restrict distribution of deceased property **not be removed from his "family"**⁶⁸ if died intestate Islam. Islam religion respect the rights of women enshrined in the constitution except their physical differences.

Women's awareness of rights to own property according to the research finding sampling that both illiterate, literate participant out of 60 women participated is **69.5% of them are aware of their rights while 30.5% are not aware**. One participant had this to say *"I know that women has right to own property, but did not show interest to own believing I shall inherit from my husband since I have marriage certificate which means I cannot own property individually"*.

| NO | AWARENESS | FREQUENCES | PERCENTS |
|----|-----------|------------|----------|
| 1. | yes | 49 | 69.5 |
| 2. | No | 11 | 30.5% |

The law that protects women's right to own property is not disseminated and implemented widely.

The researcher's findings indicated that 63.5% of the married women do not own property and 37.5% of them own property due to the customary influences that "customary law recognize and favor men.

Preferable distribution or owning of property is seen as advantage to women being re-married to her own choice. The person re-marrying the widow is recognized by the relatives of the woman. After the burial the widow's consent is taken whether she wishes to leave or re-

⁶⁸ Sec 3 of marriage and divorce bill 2015, to mean husband and wife, including their children.

marry, if she consents to remarry immediately the in-laws announced to the woman's relative that their daughter had been inherited.

If a **widow is too old**, she is just been left to remain in the family amidst her children. If the **woman to be inherited is young**, the clan sits and selects a man who wished to take her as a wife. However, if she refused to be inherited she is forced that young widow has to remain to continue producing for the clan, where the bride price not paid or cleared, the clan makes that the dowry is paid during the funeral rites or after, but always mahra is paid before the wedding.

If the **widow refused to be inherited and she had children**, she will be allowed to stay, once has no child shall be chased away; the plight of such a widow is made worse by the fact that property is assumed to belong to the husband one respondent said *she has to go away with property, because property are co-owned and her rights to own property has to be respected. Widow inheritance had been a practice that has led to abuse of women's rights.*

4.1.5 Children born outside the Marriage (wedlock)

Illegitimate children were **not be considered for any inheritance including their mothers**, he/she might be considered if the father organized them allocation for his (woman and child) during his life time in the will or given different arrangement. Succession act define Child (ren)⁶⁹ According to Islamic religion illegitimate child(ren) And those convert from Islamic to any other religion is prohibited or disqualified from inheriting any properties. In **Christine Male VS Sylvia Namanda & others**⁷⁰. The principle used in this case was based that property acquired becomes jointly own upon marriage to respondent and shall be shared equally. *In this case concubine's children were denied for a share in his estate in favour of legally married wife. Court awards the children of the concubine entitlement to their share as children of the deceased person.*

4.1.6 Property access, control and ownership upon Marriage

Business women unanimously expressed in agreement that **culture is the major obstacle to their right to own property by women during marriage**. According to a female trader that *"culturally a woman cannot own property, if I get any money out of this business he wanted to*

⁶⁹ Sec 2(b) of the succession act to include legitimate, illegitimate and adopted children born out of wedlock.

⁷⁰ (1982) HCB 140

know, he decided on what to do with it. It's hard for me to progress or begin to tell him about having my own property".

Women that had no child mostly rejected by in-laws and such **widow gets nothing** even if she came with her property acquire before marriage except her clothes during dissolutions or inheritance. One of the respondents had this to say *"I am typical leaving example or I have been chased out of my home by my co wife with my children; and now I am renting"*⁷¹ the research indicates that often widows property taken away by the relative. Example co-wives, relatives (brother or sister in-laws) of the deceased, although she was still staying in the rented house where she had lived with deceased.

4.1.7 Women Acquiring, Buying and own Land in Her Own Right and Name

Problems that women face in acquiring property are basically social economic in nature as well as legal its noted that majority of women are illiterate and formally not employed as such are not in position to be employed or financial capable acquiring property on their own.

Land Act protected women rights to buy land that no person shall be deprived of his or rights to own property. **In Gascoigne Vs Gascoigne**⁷² in this case, the husband put the house in his wife's name so as to avoid being taken by his creditors. The house belongs to him because he could not be allowed to take advantage of his dishonesty. *It was held that strictly the proof of existing transaction involved in such giving of property and an assets of effective delivery. Court often emphasized that where a matrimonial home is owned and jointly held. Even though one spouse makes substantial improvements or contributions, the property is presumed to be owned together.* The high court of Uganda in **Uganda Vs Jenina Kyonda**⁷³ it was recognized that *women in Uganda regardless of their marital status could own property in their own right*

A women can apply for certificate of occupancy in her own name, some jurisdiction like Zimbabwe and Tanzania have recognized economic contribution of women and provided that any form of **domestic work considered when dividing property.** in **Hawa Muhammed Vs Allyseju**⁷⁴ *whether the domestic service of a house wife amounted to contribution effort in*

⁷¹ Aisha Semogerere, a women chancellor Bombo town.

⁷² (1918)1KB 223

⁷³ (1977)HCB 111

⁷⁴ (1983)TLR32

acquisition of matrimonial property. it was held that domestic effects by both spouses contributed towards to the acquisition of the material house at awarded where of the matrimonial home.

Individual members can also hold title including female members. **Customary land tenure system makes women acquisition of land by male head property very difficult.** Thus gifts like land are very rare to be inheritance by the female gender⁷⁵. Furthermore, *“women are discourage when it comes to property inheritance, as such I did not see important of owing property I suggested let men struggle because women’s efforts are not recognized”* one participant had to say this.

Table indicates number of women owning property in Marriage.

| No | OWNERSHIP | FREQUENCE | PERCENT |
|----|-----------|-----------|---------|
| 1. | No | 63 | 63.5% |
| 2. | Yes | 38 | 37.5% |

On the same assumption of women right to own property, one participant has to say this *“if a woman has bought her property, she cannot own in isolation of her husband since the laws are very clear on property right. No exception with the matrimonial property, religion is part of us but it should not blind fold us to the extent of depriving us of our rights”*.

African charter also provided that the right to own property in Uganda clearly to be examined in various relevant Ugandans.

Constitution of Uganda 1995 further provided for that protection of property rights ownership through court., however, women can acquire as much as she can in her independent name but where she has not contributed to the property, automatically property belongs to the man alone despite of her absolutely users right and control over that property while the marriage is subsists. One participant said *“even if I buy my own property for example land, my husband tells me that he is the head of the family so those property belong to him and I have nothing to do but as long as our children are getting school fee from the property, its fine with me”*.

⁷⁵ Kigula John, women in land dispute in Uganda page 1

4.1.8 Can a Woman Share Property with Men

CEADAW provided for every state as a requirement to improve rural women that had been marginalized to equally compete with urban women in credit programs through Bank loans inter alia.

Succession Act was fair to women by providing that *“no person shall by marriage acquire any interest in the property of the person who he or she marries; it means that marriage does not culminate into co-ownership of the parties’ property.* Although fairness is indicated in property acquired by either party before the marriage but its practice implementations is the opposite.

Injustices arise in relation to property acquire during marriage & majority of **women in Uganda are not formally employed nor had access to money to acquire property.** In case of **Julius Rwabinumi Vs Hope Behimbisomwe**⁷⁶ in This case *principle of joint trust applies to all property belonging to the parties to the marriage at the time of marriage or after. Its subsistence, provision for equality in marriage under constitution of 1995 Art 31, Justice A. Twinomujuni stated that where contribution of spouses to matrimonial property is substantial, then there is an inference that the spouse created a trust in the property whether in the name of husband or wife they own the property equally,* where contribution is not substantially, court will determine and make sure its divided equally, this case recognized women’s efforts whatever little it may be nor it gives direction, for division of matrimonial property.

One of the greatest shortcomings of 1998 land act does not take cognizance of women’s contribution through unremuneration domestic labor. In **Edita Makiyingi Vs Merekizadeki**⁷⁷ court applied equity by holding wife’s interest in the property in her husband’s estate as such she is entitled to share for her labor as firm of the substantial contribution to household property.

4.1.9 What Happened To the Family Property upon dissolutions of Marriage

The constitution of Uganda provided for right of Men and women to found family and own property in equal rights in marriage. Since **2011 to date, 417 cases of property inheritance by**

⁷⁶ Court of Appeal civil/appeal No. 30 of 2007

⁷⁷ (1975)HCB Page 23

women had been reported so far⁷⁸, Sec 27 of succession Act provided that upon death of male intestate distribution of property has to be calculated,

15% awarded for women when the deceased person survived with customary heir, wife, lineage and dependant. Succession law of **Uganda requires that when a person dies intestate** the surviving spouse has the right to occupy the residential holding or matrimonial home.

50% awarded for a woman if her deceased person survived with customary heir, wife, dependant but no child.

Percentage of 99% awarded on the basis that the deceased person survived with customary heir, no child and either wife or dependant present. **Women's awareness on their rights to owning property during marriage is there but implementation is almost impossible.**

The Islamic succession practice of entrusting half of the total property of deceased male child neglecting female within the family is against the provision of the constitutions on equality before the law. From Muslim point of view, it's **hard for a woman to own her own money during marriage** though *In Islamic law provided that , marriage does not generally affect the personal status of a Muslim woman.*

She has the right to retain her property including wages, earning acquired by her belongs to her. Quran 4:32 provided that Unto men a fortune from that which they have earned, and unto woman a fortune from which they have earned (envy not one another)but ask allah of bounty. Lo! Allah is ever knower of all things.

4.2 HEIR "wasia"⁷⁹,

A legal heir is living relative rests in degree to an intestate, a male relative inherit property more easily than females, there is nothing like joint tenancy in such property instead of favoring one side against the other.

A good illustration of unfair law for women is found in **Law advocacy for women in Uganda Vs Attorney General**⁸⁰ of succession Act provision disadvantaged female heir⁸¹, sec 22

⁷⁸ By Abdalah Bomb Khamis Kenyi, chairman of Nubian council of Elders

⁷⁹ Wasia to mean heir or a person with authority to administer deceased estate in kinubi language

⁸⁰ Petition no 13/05 and 05/06 2007

provided that estate/property of the deceased person would be distributed to his heir & **no provision for females**; constitutional court agrees with the law of Uganda and held in *favor of female by declaring several sections of the succession Act unconstitutional for provision of different inheritance and succession right NOT to be based on sex*,

4.3 Whether Woman and Man Enjoys Equal Status in (Social Rights)

UDHR, CEDAW, Constitution of Uganda 1995, Land act and customary law provide for Government to ratify international laws to the municipal laws in order to protect women property.

4.3.1 Policy and framework for women's land rights.

Prior to the 1995 constitution no neutral statutory land law, written law prohibited women from owning land, but 1995 constitution was the first positive step for affirmative position regarding gender issues. However, constitution adopts the general position and does not directly provide for women property and land rights as in contrast with say Act 154 of the COMESA treaty which provided that; "women make a significant contribution towards the process of economic transformation and sustainable growth and thus it is impossible to implement effective program/ for rural transformation and improvement in the informal sector without the full participation of women".

Despite of contributing to the property still acquiring the **property still belongs to the husband subject to distribution among different parties on his death**, the truth that the law in Uganda equates domestic work such as home management, food production looking after children inter alia. The hardship of this provision is seen concerning family property especially in rural areas.

Women accorded full an equal dignity of the person with men and the state is required to provide for affirmative action, facilities and opportunity in favor of marginalized groups, **to realize their full potential and advancement**.

The law protects women from laws, culture; custom that is against women for promotion of opportunity for women with men in terms of political, economic and social activities policies.

⁸¹ Art 2 (n) (i) to (iii), 15, 16, 27, 43 & 44 of succession Act

Women be appointed in Uganda land Commission and at least 1/3 membership of District land Board be women (**awards of appointments**)

Parties to the marriage have the rights to enjoy family benefits. Man and woman of full age have the right to marry and **entitles to equality right to property ownership in marriage and dissolution**. Culturally, a woman cannot go back to her maternal home with her children; she leaves the property and her children of matrimonial home.

4.4 Testate Succession

Tested succession in Uganda is largely governed by the succession act⁸² a person is entitled to make a will and thereby distribute property as she or he wishes. Under this law it was provided that testamentary freedom is only regulated in order to balance certain conflict interests. This involves balancing the wish of individual testator for the purpose of the well being of the family.

4.5 Contested Estate

Most contests in succession matters involve assets like bank account, bicycles, houses, radio, television set among others. Such dispute arises from **debts owned by the deceased; intermeddling brothers, widows, inheritance property grabbing by in-laws** e.g. the matter is solved by elder of the clan/community. According to one elder of the council of elders; “whomever takes away any property must be forced to return failure to do so, he shall be curse or wished fall ill and should he comeback, shall be fined by elders to sacrifice a bull.

Several issue of dispute been reported from brother in law fighting over the estate of a brother or **relatives trying to cheat the children of the deceased person’s property, or brother fighting amongst them for who shall re-marry the widow, or brother of the deceased fighting with children of deceased over their father’s property**. Some widows refuses to be remarried but fight to get her estate in her husband property, often polygamous marriages tend to arouse malice and jealous in the home leading to conflicts.

⁸² As amended by the succession decree 1972.

4.5.1 Property Grabbing

Property grabbing from widow is common as **sign of revenge** by deceased side for lack of cooperation between the women if considered of bad characters. Elders play a big role pursuing the victim to recover even if she/he is chased away as matter of practice.

4.5.2 Widow inheritance

Widow inheritance **not widely observed among the Nubian**, it's a sign of retaining the woman in the clan; most women tend to disappear immediately after the death of her deceased husband special if the relation between her and her in-laws is bad. Widow retention is the method of keeping the family intact, such practice cannot as maintain a woman who had been rendered destitute, based on her discipline in her matrimonial home.

Inheritance widow in Cultural setting was therefore agreed that any man that inherited/marries a widow is supposed **to step in the shoes of the deceased person in all aspect** (handle all responsibilities including sending children to school, disciplining) but not to give her hell by taking her advantage in the name of protecting his brother's children. The researcher did not come across a widow who refuses to be inherited among the respondents. Though they said to be knowing some in their communities.

4.5.3 Disadvantages of widow inheritance

Widow shall have great changes in her life either positive or negative change e.g. if the deceased and his wife used to be in town, inheritance may force her to be inherited by brother in-law that lives in the village whose earning entirely depends on farming, such widow has her rights to reject the offer of wife inheritance.

Such culture and customs still holds women disadvantage because they have "no say in matter of inheritance, this can negatively impact on the widow".

- (1) If the deceased died of HIV/AIDS, she might be killing another sibling in the name of inheritance.
- (2) Widow has no choice to choose her suitable husband to inherit.
- (3) Inheritance sometime encourages brothers to kill each other for the purpose of property inheritance.
- (4) Widow might find it difficult to adjust to another man's behavior who inherits her.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATION

5.0 Introduction

This chapter provides a summary of conclusions and recommendations of the study carried out on laws governing women's property rights in Uganda.

5.1 Conclusion

Women's property rights are violated and will continue to be violated if the property inheritance laws is not made and strengthened either internationally. Domestically still maintain the imbalances and discriminations that they promised on the status of women right from home level and in society still been violated. This image derives from home to the public places .e.g. at workplace women is been under rated as well in economic shares including women in inheritance matters.

The 1995 constitution of the Republic of Uganda and other international convention to which Uganda ratified give protections to women among other persons against abuse of their rights is enforced to specifically solve conflicts towards women. *Women's legal rights and obligations enable them to seek redress where they have been denied their rights to own property. This can be achieved by lobbying the law makers to enact specific laws to enforce these rights including (women's property right to own property inheritance).*

The Uganda law reform commission observe the rights of contribution to family survival in monetary form to mean resulted from efforts of both spouse, their *need for the law to reflect social reality and give the equal reward to different forms of contribution of each spouse* e.g. in the rural areas matrimonial houses are situated on clan land or family land.

5.1.1 The extent to which women's enjoyment of property rights in Uganda.

Especially in Bombo town shows that women suffer from property inheritance cases. However, 25% percent of women do report their cases but 75% are ignorant about it. *The research discovered that women rights to property inheritance awareness confirmed that women are the victim of male partners for lack of prior will arrangement.*

Injustice is seen when women's property distributed her property if she die intestate is unregulated (without a will). Therefore, that property inheritance among Ugandan men is the great reluctance because law already protect them and *if a woman dies unattested her property acquired before and during marriage remains whether she has children or not.*

There is need to enhance women's control over land for the important role they play in agricultural production, Control of land is essential for women to live with dignity. *Having women's names on certificates of title of land protects them from relatives and in-laws who grabs the land as common practice in Uganda, but also enables them to have access to credit.*

Financial institutions in Uganda do not give credit without security, therefore land title certifies and recognized being as evidenced by a certificate of title is one of the most recognized and accepted forms of security. Rights of women in control and dispose land should accompany their user rights, explains and confirms the structural causes of women's poverty.

The need to advance the cause for co-ownership cannot be ignored any further as the world becomes more individualized and integrated through effects of globalization, commercial pressures on land and its scarcity due to high population growth rates is gradually changing. *The issue of guaranteeing security of tenure for women, in terms of access rights and control and ownership is practical need (strategic needs) for equality of resource and voice is to be achieved*

5.1.2 The cause of property inheritance rights by women in Uganda?

The findings of this research revealed that most of the cause of the women's right to property inheritance is *lack of will, polygamous and poverty that upon death of the husband, all the clan, family and dependant are on tension as how the inheritance is going to be divided special if the deceased has many properties.* Such circumstance fuels more when the deceased person has more than one wife everyone is in defensive position. The worst part is when the family is poor (poverty) and the deceased person was the only hope (bread winner) that family, mostly member of the family ends divided either temporary or permanently.

Another reason is when a *woman was rejected from the day one, or her being of bad behavior (character) to in-laws before her husband's death.* In such cases in-laws plays a negative role to deny her the property in issue.

Furthermore, the concept of equality cannot be effective due to the *higher illiteracy level amongst women to take advantage of positive element of the law due to their low economic status*. yet the law enforces cannot even consider the status of those women when they seek redress or justice in courts of law and as result they are being denied rights to own property simply because they cannot afford to pay for the expensive incurred in the court of laws.

5.1.3 The effects of the women's right to own property inheritance.

All respondents agreed that men are always reluctant to *award women property as they deserve after the death of the husbands that both suffer to acquire it*. Women who knows for been rejected prepares to fight for property to the end if denied by in-law, and will vow to win at all cost.

Furthermore, for women those knows the law are willing to seek justice but enforcement of such may be hard due to financial status, some are not formally employed hence may not be in position to access court of law because of the expenses incurred in process of legal redress. It's therefore important to noted that *denial of women's property rights is both a socio-economic and legal burden always been shoulder by women*.

Women's contribution in monetary and non monetary within the family for example labor, up keeping, improvement of the spouses property and property acquired prior to and during the marriage, *it shall customary be acquired, benefit by both parties because they both has equitable interest*.

5.2 Recommendations

In regard to the above conclusion drawn, the study signifies a concern for the following approaches to be undertaken for the improvement of women's access to ownership of property.

The gender policy always is believed to be suggesting, providing, promotion of equality of both gender. It was suggested that government is just providing "lip service" to women victims with no intention of helping through strong policy, implementation and evaluation mechanisms not strongly put in place. Policies as such as *equality between both gender be balanced, role of women in society be valued and recognized among the women in society*.

To address the imbalances created by culture and customs that treats women equally with man when it comes to property inheritance or economic features. To enacted law specifically for property inheritance in case of death being one of ground for bringing marriage into end inter alia (separation and divorce) provision on dissolution of marriage.

Women shall be accorded equal citizenship rights, freedom from discriminations, and strengthening affirmative action in factor of women including custom tradition and practices that undermine the welfare, dignity and interest of women. I *strongly recommended reinforcement of cultural attitudes and practices that perpetuate injustice and discrimination because these provisions do not on many occasions turn to reality.*

5.2.1 Asserting Women's Land Rights

It is recommended that more emphasis needs to be directed towards enabling women to assert their existing land rights when land is registered for the first time for example under the Ministry of Water, Land and Environment's Systematic Demarcation Project.

Land acquired jointly should have clear demarcations of the proportion of each of *the joint owners. In case of separation it becomes easy to separate property as each individual contributor to acquisition of property is aware of their own contribution.* In this way women can easily claim for their portion because it is earmarked, other than when it is under the name of the husband.

Sec 39 of the land Act should be reviewed in a way that accords. *Protection to the spouse to live on such land without any right to appeal* when her consent has been derived to her husband and the lost clause by Hon Meria Mutembe, the former minister for ethics should be restored but efforts must be put to change the rigid mentality of men through engaging them in the sensitization program. Land act needs to be strengthened to suit the current economic challenges.

5.2.2 Increasing the Employability of women.

Government should directly intervene on behalf of women, to prevent any form of discrimination against any women at job from criticisms e.g. maternity pay that women to remain in service even after maternity, will help to improve women's ability to acquire protection of their property rights from grabbing.

If a woman is income sound, she will be able to acquire more assets independently registered under her names and there shall be no opportunity for property grabbers during successions.

5.2.3 Increasing Women's Access to Justice

There is need for increasing access to justice to curb gender related issues of property ownership. *Women need to be represented on the Commercial Court Users' Committee, to enable women at grass roots access giving their opinions on land grabbed to legal assistance.* This is because without representatives, women may fear to approach the committee, having women representatives give them friendly of less tension and trust to follow up their property rights' cases.

Whether division of property can be defined as substantial contribution of a woman for her marital property constitutes. Women are entitled to *prove their contribution in property inheritance which they have acquired* to be based on the principle of equity by court of law, in helping and encouraging of woman not to give up but know that their rights exists.

5.2.4 Modification of laws on titles

The registration of Titles Act (RTA) *should be reformed to create new modes of registration that protect a spouse's interest in the matrimonial home e.g. the cohabitation rights.* This is to mean that the subsistence of a caveat lodged by a wife should last for more than two months and have duration similar to that of a beneficiary.

Regulations should be developed to give more specifically to the *duties of lenders and purchasers to obtain the consent of spouses to dispositions of family land.* The law thus should be designed to ensure that no caveat land if sold, if sale is concluded between the buyer and purchaser for the sake of redeeming the certificate at a reasonable sale, then this should be through the consent of spouse as well. This will help women to maintain a direct attachment to family property in which they have vested their effort and in so doing, they are able to know the commercial dealings of their husbands and participate in the apportionment of the proceeds of property.

The succession act enacted long ago and do not serve the current situation. However, the researcher recommended law of property inheritance (succession act) be strength, effective and

implementation because some of the sections does not suit today's trend, court of Judicature⁸³ shall granted the letters of administrator to the woman of the deceased person. The researcher further recommended property grabbing is criminalized to anyone grabbing property from deceased family, unless included in the will otherwise.

The researcher is recommending forceful inheritance of women is criminalized so that it saves double loss of sibling including reduction of pain and humiliations that a woman may undergone, these to be declared unconstitutionally.

5.2.5 Lobbying Support

Concerned actors need to lobby government support in streaming labor laws to address key issues of women workers including discrimination, sexual harassment, and maternity leave and pay. *These standards if effectively enforced can enable to improve women's employability thus stabilizing their incomes. Once women's incomes are stabilized, the better will be their access to property acquisition and protection as they will have enough funds saved and secured from their salaries.*

According to the researcher women are not aware of their provision of the law their rights exists to own property during marriage. Discrimination against women that has rooted through culture and traditions had to change in the attitudes of men and women with regards to each other's rights.

There is need for legislation that can help achievement of gender equality on each person's right to own property during marriage, it should be noted that changing belief and stereotyped role for man and women may reconcile precondition that ensuring equal opportunities for education between boys and girls in the absence of free education.

There is need for advocacy to begin right from young generation of (men and women) changing attitude on women's property ownership distribution during marriage and elders shall borrow the bottom top approach. Once elders sees smoothness of its implementations and stabilities in the family and begins to value women's contribution are equally in a marriage/home they will have no choice but agree with adoption of that approach.

⁸³ Nakibuako Beatrice court Clark, Wobulenzi court Grade 1

Economically, women face emanate form of socio-economic aspect, there is need for law and legislation which discriminate against women to ensure formal equality in all aspect between the men and women. *Women need platform where modification of custom, tradition and practice that discriminate against women as matter of urgency.*

5.2.6 Monitoring and Evaluation on Implementation of Policy Guidelines

Building on the 1998 Baseline Survey of Local Council Courts, follow-up monitoring and evaluation should be undertaken, in particular in relation to the effectiveness of new policy guidelines and reviews in gender related issues. *This calls for enhancement of legal aid and paralegal projects to provide accessible for women operating businesses, including help for women that know how to acquire and protect property exclusively.*

Building on the civic education reform measures should be taken on policy advocacy to further efforts in giving women practical guidance about their rights and how to enforce them. In this way once their property is grabbed, they will have a way forward other than sitting back.

5.2.7 Seeking Integrated Approaches

More integration approaches need as a realistic investment directly in support of the existing strategies that is lacking including financial support and good policies. This may indicate effect successful policies trough existing supportive laws that advocate for women's position that has been viewed increasingly changing women economic status through investments' and embarking in agricultural sector in large numbers.

Alternative measures should be explored to empower women at all levels, once capacitated women will understand their legal rights to own property as more so how to pursue these rights.

5.2.8 Strengthening Individual Capacities

Focusing on strengthening individual capacities and decreasing vulnerabilities of women to gender disparities is a matter of priority. These will enable women to understand and recognize their potential to own and manage property on their own. *Criminalizing deprivation of women's property should be made a simple matter which can easily be prosecuted. Thus it is crucial to involve women's property rights in discussing legal changes.* Once women are able to view property claims as non complex issues, they will not sit back but will pursue the law because of its easy access to pursue legal action in process.

5.2.9 There is need to change the underlying cultural values.

There is need to change the underlying cultural values of society and structures *supporting no women's deprivation of property by targeting the public and institutions like family, school, churches and mosques as these have the foundations of promoting beliefs and shaping society.* This will promote a positive attitude towards women's property rights with minimized criticisms through the different institutions; will be more easier for the law to be implemented with lesser impingements.

Girl child education should be emphasized among the illiterate groups of women and introduction of Adult education in the local area so that women are able to know and understand the value of formal education and taking in consideration female education as top priority.

This helps to reduce on the high level of illiteracy among the Nubian women for the purpose of sanitizations and strengthen them to struggle within marriage and to have better life in society. This can be done by amendment of the laws concerning women for example in the educational act to include *punishment for parents who would not take their children to school with the provision of both primary and secondary level. or any person defiling school girl.*

5.2.10 Expanding the Work of the Centre for Arbitration

The Centre for Arbitration and Dispute Resolution's should be expanded to take on an outreach role, *working with Local Council Courts to train their members in mediation techniques for commercial*

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School of law
P.O BOX 20000
Kampala (Uganda)
Date:

The Registrar
Family Division Court
Bombo Court, Bombo Division (Town)
Luwero District

Dear Sir/madam:

RE: Request to allow me to conduct my Academic Research at your Honourable Court.

I am a student of Kampala International University pursuing a Bachelor of Law. As a requirement of year four, every student is supposed to carry out a research.

I am therefore carrying out a study on **The Effects of Culture in Regards to Property Inheritance, culture visa-a-vis Property Inheritance by Women in Uganda**. Case study is Nubian Community, Bombo Town in Luwero District.

I therefore humbly request your honorable office to give me a hand in this research with the following below data:

- 1) Where your honorable court received complaints of culture visa-a-vis property Inheritance and are the law of inheritance been widely disseminated
- 2) If yes, how many issues/cases were there per annum and whether they received letter of administrations ?
- 3) What were the most cases/issues complained about? List at least four of them where possible (wife Vs Husband's relatives)
(Wife Vs Her relatives)
(Wife Vs Her children) etc
- 4) Other than Adversarial process and awarding remedies, what other alternatives/approaches would you recommend to the government and public at large as measure to prevent conflict of interest in property inheritance by women?

I am grateful to this opportunity, as i look forward to hearing from your good office.

Yours faithful

Ms Victoria Ada Zekia Garill

APPENDIX 1A

RESEARCH QUESTIONNAIRES

Name of the ORGANIZATIONS/DEPARTMENT

.....
.....

Dear Sir/Madam

I am VICTORIA ZEKIA ADA GARILLE A fourth year student pursuing a Bachelor Degree of legal law (LLB) at Kampala International University (KIU), currying out my research on CULTURE VIS A VIS PROPERTY INHERITANCE BY WOMEN IN UGANDA, CASE STUDY THE NUBIN COMMUNITY.

Humbly request you to fill those questionnaires with all honest. This research will purely for academic purposes and all information given will be treated with utmost faith, respect, confidential, privacy and protection of dignity of my institution (university). Part “A” for Organization or Department and part “B” is purely for individuals.

Part A

A. Name of Organizations

.....
.....

How often do you receive complaints from a victim of property inheritance by women how often do they report? Whether in your opinion women own property equally in their right under customary law or statue law during marriage and after marriage or dissolution .

.....
.....

1. Do you ever receive complaints of property inheritance by men?.....

.....

2. If yes, how often do they report? And what is the effect of the marriage upon ownership of property by women

.....
.....

3. In your own opinion, do you think to what extent the laws that protect women's right to own property generally been widely disseminated and implemented.

.....
.....

What do they most complain of (select the most four case reported most)

1. Being locked out from accessing the property

2. Beatings

3. Public humiliations

4. Abuse

5. Insult

6. Assault

4. How do you recommend to government and policy makers be to eradicate /reduce property inheritance by women in Uganda particularly among the Nubian community?

.....
.....

In your opinion, what is the organization/body that can help such victim?.....

.....

Thank you for Your Cooperation

Part B

B. INDIVIDUALS

Name of the individual

.....

.....

.....

How often do you receive complaints from a victim of property inheritance by women how often do they report? Whether in your opinion women own property equally in their right under customary law or statue law during marriage and after marriage or dissolution .

.....

.....

1. Do you ever receive complaints of property inheritance by men?.....

2. If yes, how often do they report? And what is the effect of the marriage upon ownership of property by women

.....

.....

3. In your own opinion, do you think to what extent the laws that protect women's right to own property generally been widely disseminated and implemented.

.....

.....

What do they most complain of (select the most four case reported most) being locked out from accessing the property

Beatings.

Public humiliations

Abuse

Insult

Assault

4. How do you recommend to government and policy makers be to eradicate /reduce property inheritance by women in Uganda particularly among the Nubian community?

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5. In your opinion, what is the organization/body that can help such victim?.....

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Thank you for Your Cooperation