

“Without Land You Are Nobody”: Critical Dimensions of Women’s Access to Land and Relations in Tenure in East Africa

**IDRC Scoping Study for East Africa on
Women’s Access and Rights to Land & Gender Relations in Tenure**

☞ Kenya ☞ Ethiopia ☞ Rwanda ☞ Uganda ☞



*Photograph of a parcel of land and a woman's shadow.
Picture taken by a farmer herself in Western Kenya (Verma, 2001).*

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*Pretty women wonder where my secret lies,
I'm not cute or built to suit a fashion model's size
But when I start to tell them,
They think I'm telling lies.
I say,
It's in the reach of my arms,
The span of my hips,
The stride of my step,
The curl of my lips.
I'm a woman
Phenomenally.
Phenomenal women,
That's me.*

*Now you understand
Just why my head's not bowed.
I don't shout or jump about
Or have to talk real loud.
When you see me passing,
It ought to make you proud.
I say,
It's in the click of my heels,
The bend of my hair,
the palm of my hand,
The need for my care.
'Cause I'm a woman
Phenomenally.
Phenomenal woman,
That's me.*

From Phenomenal Woman (Maya Angelou: 2000)

Dedication & Acknowledgements



In memory of Chusa Gines, a fellow physical scientist, researcher and colleague, who believed life is not only about how well we work and the difference we make in other people's lives, but how well we play and respect one another.



First and foremost, I am deeply grateful to all the participants of this scoping study in Kenya, Ethiopia, Rwanda, Uganda and Madagascar. I appreciate the time they spent with me, taking time away from their very busy lives to share, express and discuss critical issues relating to gender and land rights. They did this with generosity, openness and a deep sense of commitment to the empowerment of women and marginalized groups in East Africa.

I am also deeply indebted to IDRC for providing me with opportunities over the years to explore critically important issues pertaining to gender and land rights in East Africa, something that has both concerned and interested me since my first body of field work on gender, land and livelihoods in Kenya (2001). In particular, I greatly appreciate Elizabeth Fajber's invitation to be involved in this important study on women's rights and access to land, as well as her support and encouragement over the past year. I am deeply grateful to Simon Carter for continuing to challenge and engage me in critical issues relating to farmers' livelihoods and gender issues, and in turn, being open to being challenged and engaged. Colleagues at IDRC, including Guy Bessette, Wardi Leppan, Luis Navarro and Renaud de Plaen have provided intellectually stimulating space for critical reflections on the practice of development, including the challenges and opportunities it provides. I am also grateful to a group of dynamic women researchers working on development and natural resource management, including Eve Crowley, Christopher Davis, Louise Fortman, Villia Jefremovas, Patti Kristjanson, Fiona Mackenzie, Ruth Meinzen-Dick, Diane Rocheleau, Diane Russell, and Vicki Wilde for their positive guidance, support and inspiration. Also, Joachim Voss, Don Peden, James Fairhead, Johan Pottier, James Ferguson and Tom Tomich have been incredibly supportive and encouraging over the years. I am thankful to Elizabeth Fajber, Johan Pottier, Chris Huggins, Judy Adoko, Margaret Rugadya, and colleagues at IDRC who read this study and provided valuable feedback, comments and additions.

List of Acronyms

ACTS	African Centre for Technology Studies
AfD	Associates for Development
AU	African Union
CAPRI	Collective Action and Property Rights
CBOs	Community Based Organizations
CBR	Centre for Basic Research
CEDAW	Convention on the Elimination of Discrimination Against Women
CEMIRIDE	Centre for Minority Rights and Development
CERTWID	Centre for Research on Women and Development
CLEAR	Centre for Land, Economy and Rights of Women
EASSI	Eastern African Sub-Regional Support Initiative for the Advancement of Women
ECA	Economic Commission for Africa
EWLA	Ethiopian Women's Lawyers Association
FAO	Food and Agriculture Organization of the United Nations
FGM	Female Genital Mutilation
FIDA	Federation of Women's Lawyers
FSS	Forum for Social Science
GADEN	Gender and Development Networking Centre
GROOTS	Grassroots Organizations Operating Together in Sisterhood
HAGURUKA	Association pour la Promotion et la Defense des Droights de la Femme et de l'Enfant
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IDRC	International Development Research Centre
IDR	Institute for Development Research
IELRC	International Environment Law Research Centre
IGS	Institute for Gender Analysis
ILRI	International Livestock Research Insitute
IUCN-WISP	The World Conservation Union-World Initiative for Sustainable Pastoralism
KLA	Kenya Land Alliance
LandNet	Land Network
LEMU	Land and Equity Movement in Uganda
MISR	Makerere Institute for Social Research
MPIDO	Mainyuito Pastoralist Integrated Development Organisation
NGOs	Non-Governmental Organizations
OSSREA	Organization for Social Science Research in East Africa
RDI	Rural Development Institute
RISD	Rwanda Initiative for Sustainable Development
RECONCILE	Resource Conflict Institute
RPE	Rural Poverty and Environment (RPE) Programme Initiative
TSBF-CIAT	Tropical Soil Biology and Fertility Institute – International Centre for Tropical Agriculture
UWEAL	Uganda Women's Entrepreneur's Association Limited
UWONET	Uganda Women's Organization's Network
ULA	Uganda Land Alliance
UNDP	United Nations Development Programme
UN HABITAT	United Nations Human Settlements Programme

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IDRC Scoping Study for East Africa on Women’s Access and Rights to Land & Gender Relations in Tenure • Kenya • Ethiopia • Rwanda • Uganda •

*It does not matter how many laws we have. As long as there are no social movement to pressurize women’s rights, particularly land rights, the law might not be worth the paper it’s written on.
(Mbote quoted in Mulama, 2006:1).*

Introduction

Land is a critical resource for women and men in East Africa. It has multiple values and meanings, and this overlapping multiplicity makes it even more critical for people’s livelihoods. For instance, land is not only a material and productive resource that enables survival, livelihoods and agricultural production, it is also an important symbolic resource that heavily influences status, rites of passage and identity. Moreover, it is deeply laden with cultural and spiritual meanings that are context and culturally specific. It is not surprising then, that any study of gender and land rights must first and foremost take into account cultural variability, historical specificity and political-economic and geo-political differences.

This scoping study focuses on gender and land rights in four East African countries, including Ethiopia, Kenya, Uganda and Rwanda. It has been commissioned by IDRC, under its Rural Poverty and Environment Program (RPE) Initiative, to carry out a scoping study on women’s access and rights to land within the context of gender relations in tenure. It is part of a global study undertaken in 9 regions and in 23 countries, with an overall objective to develop a program for support for research and action that can improve rural economically poor women’s access to and ownership of land and other productive resources. This must be done with an understanding of the gender, socio-cultural and power relations that govern tenure, as well as moving beyond this to support secure access to resources in practice. The specific objectives of the study are to i) identify key actors, review existing key issues, activities, gaps and priorities in gender, land and resource tenure; ii) to identify a few specific cases where ongoing research can contribute to the field testing and implementation of gender positive tenure; iii) to build partnerships with key international and regional organizations engaged in research and development in this area and identify opportunities for potential collaborative work; and iv) synthesize a set of key outstanding issues and efforts to advance this agenda, and concrete recommendations in terms of strategic research support and partnerships for RPE.

In order to address these broad and cross-cutting dimensions, this report begins by making explicit the conceptual framework and the methodological approach taken in carrying out this study. Following this, it summarizes and analyzes the common themes and issues that emerge across different cultural and geographical contexts, as well as the differences and specific issues. Based on these findings, it concludes by identifying gaps in research and capacity, and by suggesting a way forward through positive action and agency.

Conceptual and Methodological Points of Departure

There are many ways to approach the issue of land tenure, and at the same time, there are many ways to investigate the research questions and objectives outlined above. However, this study takes a specific approach that sheds critical light to the complexities of women's access, control and rights to land and gender relations in tenure. In order to situate this study in terms of its approach and methods, this section will specify the conceptual framework and methodology undertaken.

Conceptual Framework

The conceptual framework for this study engages in a feminist post-structuralist political ecology approach (which is also used in the work of Mackenzie (1995), Leach (1991), Carney (1996, 1990), Schroeder (2001, 1995), and Moore (1993), for example. Such a conceptual framework places importance on gender¹ as one domain of difference, as it intersects with other domains such as class, age, life-cycle positioning, caste, ethnicity, marital status, etc. Multiple and co-existing domains of difference produce different positionalities, which influence women and men's access to resources. Access, control and ownership of natural resources such as land are negotiated within and between the household, and therefore, gender and household relations are a focal point through which relations of production are studied. Gender relations of production are culturally specific and are characterized by differential relations of power between women and men. Power relations are continually being negotiated, contested and resisted in various ways. Hence, the focus is on the micro-politics of women and men's struggles over access to productive resources, the symbolic contestations that constitute those struggles (Moore, 1996:126; 1993:381). Such an approach is interested in exploring how these struggles and contestations are shaped by, and shape broader political-economic, historical, cultural and socio-cultural relations (such as kinship relations, social networks, collective action, etc.). Also, central to the approach is a focus on the ways that development, the market, the state, culture, global forces and multiple regimes of property rights affect land use practice and access to land (Carney, 1996:165).

Recognizing relations of power and how they are inseparable from knowledge production is critical to understanding gender and land tenure. And while women may be rendered vulnerable and marginalized in accessing, defending and controlling land and other productive resources, they are not powerless actors. Many bodies of literature have documented the creative and powerful ways that women negotiate, contest, resist and create room to manoeuvre in their struggles over land rights (Abwunza, 1997, 1995, Mackenzie, 1998, 1995, 1991, Verma, 2001). Recognizing women's agency, creativity and private/hidden/back-door resistance and activism is critical. Abwunza in particular, argues that women often posture a position of deference to patriarchy in public, while creating much needed room to manoeuvre in "back-door" spaces (1995). In a similar vein, Kandiyoti maintains that women strategize and engage with coping mechanisms to maximize security, optimize livelihood options and resist against concrete constraints, norms and rules, which are a type of "patriarchal bargain" (1988). Hence, any study that investigates research issues that are highly sensitive, such as gender struggles over land must also be able to differentiate and analyze differences in public and hidden/private transcripts as articulated by Scott (1990, 1985)², as well as problematize patriarchy beyond a monolithic conception of men's dominance (Kandiyoti, 1988:274).

Recognizing legal plurality is critical to both understanding the dynamics of gender land struggles, and in exploring positive action and support women in their struggles, contestations and resistance. We must move away from simply recognizing a single legal order, or even a dualistic notion of land tenure. For gender struggles over land play out within and across multiple and overlapping legal spheres made up of

statutory and customary laws. Both statutory and customary laws bring together laws, norms, rules and sanctions. Statutory legal arrangements range from constitutional rights pertaining to land, property, marriage, divorce and ownership, to land acts and laws, to provisions enabling the participation of women in government bodies.

Statutory laws are not isolated from, and have not pre-empted, replaced or overridden customary laws. Instead, there is a certain degree of fluidity in the use of land rights mediated by the multiple and overlapping legal domains, and these legal spheres provide people space to contest right to land (Mackenzie, 1995:18). What must be investigated in each country is whether the mechanisms, rules and administrative bodies for administering different legal spheres are equitable, available and accessible to women. Customary laws are more complex and more numerous, as every cultural group has its own array of customary laws pertaining to land and property. Often they are oral in nature, flexible and ever-changing according to changing political-economic and socio-cultural contexts. Because they reflect cultural norms – and cultural norms reflect power relations, they also tend to be patriarchal in nature. In many cases, customary norms increasingly privilege men, and render women more vulnerable and marginal. Hence, patriarchy figures centrally in the interpretation, re-interpretation of customary laws. However, where there is patriarchy, there is also women's resistance, contestation, negotiation and bargaining against hegemonic discourses and practices that marginalize them.

Gender-Based Methodology

The methodology for the scoping study centres on the importance of direct interaction with researchers of the South. It also focuses on cultural diversity and acknowledging difference between different actors. Hence, working against generalizations, taking into account the subjectivity as well as the positionality of key informants (as well as the researcher), being reflexive and recognizing the agency of various actors is at the heart of this work.

The research began with a literature review, internet research, discussion with key researchers and practitioners, as well as attending key workshops including: Land Rights for African Development: From Knowledge to Action (UNDP, November 2005), Regional Workshop on Sub-Saharan Africa on Improving Tenure Security of the Poor (FAO, October 2006), Consultation on Legal Empowerment of the Poor in Kenya (UN-HABITAT, UNDP and UNEP, November 2006) and the World Social Forum (2007). Based on the information gained from these over-lapping activities, I was able to expand knowledge and build a contact base of key researchers and activists working in the field of gender and land rights in the countries involved. The primary method for drawing out the main issues pertaining to gender and land rights were semi-structured and open-ended interviews with individuals working on gender and land rights issues. Given time constraints which limited country visits to five days, most interviews were carried out in the capital of each country. Interviews were undertaken with researchers, development practitioners working for NGOs, CBOs and civil society organizations, academics, political advocates, government officials, and individual consultants and activists. In some places, I directly quote and give credit to an individual. In other places, when politically contentious yet important remarks are made, I keep the informant anonymous to protect their identity. This is especially important in cases where activists and key researchers who support the opposition political party in the area of land reform are in prison or have been threatened by those in power as result of their activism. A great deal of importance was placed on the collection of literature from Southern journals as well as books published in the South. The scoping exercise was carried out in four countries, including Kenya, Rwanda, Uganda and Ethiopia. I added some new and useful insights from Madagascar to nuance understandings of gender and land issues further.

What was particularly interesting in **Ethiopia**, was the sometimes contradictory information and understandings of land rights, state legislation, etc. between researchers and activists. This level of discrepancy requires further study and investigation – as discrepancies are usually a sign that something deeper, and perhaps “hidden” is going on. While it has a healthy academic community that actively engages in issues of land tenure and reform, there are few academics, researchers and activists engaging in gender and land rights specifically. Another issue in studying gender and land rights in Ethiopia is the incredible diversity that exists in terms of culture and customary laws. Similarly, the same degree (if not more) discrepancies arose in the case study of **Rwanda**. In particular, the major discrepancy centred on the differences, contradictions and strong reactions to acknowledging the existence and non-existence of customary laws. Some practitioners denied a situation of legal pluralism, even stating that all customary laws were now abolished and ceased to exist. At first, these statements startled me. I began to make sense of these discourses by using Scott’s framework of the differences between public and private transcripts (1985, 1990). Whatever the discourses may say, customary laws do continue to exist widely in practice, especially for rural farmers. As this is a major contradiction and discrepancy, any further research in Rwanda should further elaborate and carry out research on the existence and denial of legal plurality, and especially the practice of customary law, and its role in gender relations of tenure. Furthermore, Rwanda was probably the most complex scoping study to undertake, because of the highly sensitive and intricate situation in the post-genocide context.

Uganda and Kenya are somewhat similar in that there is an active civil society that engages critically with dominant discourses pertaining to land rights. This means that locating practitioners, researchers and activists working on gender and land issues in these countries proved easier because of sheer numbers. Both countries also have active customary land regimes, and therefore, a focus on legal plurality is critical. There are many activists working on gender and land rights in **Uganda**, and the laws and policies of the country are among the most progressive in the region. However, it is important to compare and contrast what is written on paper, with what actually happens in practice. There is a huge gap between statutory laws and practices and their enforcement and implementation. After multiple interviews, it became apparent that there not only exists lack of political will, but also burn-out and fatigue by the activists themselves. Hence, it is important for research not only to look at institutions and multiple legal regimes, but also the individuals who safe-guard, contest and implement them. Similarly, in **Kenya**, there is a long history of contestation and debate around land reform, as land issues are highly politicized. Kenya is perhaps not as progressive in terms of the drafting of gender friendly statutory laws and policies, and lacks affirmative action in government bodies. However, there exists an active civil society, and because Kenya is also a hub for many development organizations and activities, there are many opportunities to link up with practitioners.

As mentioned earlier, in all contexts, limiting country visits to five days set some very limiting time constraints to the scoping study. However, as the scoping study is a point of departure for further support and research programming, any research supported in the various countries should give adequate time for in-depth research, including substantial time in rural and urban areas to document gaps in implementation and enforcement of statutory laws, as well as the overlapping of plural legal regimes, and focus on customary laws. The study of overlapping of legal regimes and customary laws in particular, requires in-depth ethnographic research and gender analysis.

Common Themes & Issues Across Country Contexts

Some very powerful themes emerge from this study. One of them is the striking similarity in terms of the existence of cultural diversity and variability in each country. Any study of gender and land tenure must take such specificity into account in the way culturally specific norms, laws and stigmas characterize and

shape gender struggles over access and control over land. Other common themes include symbolic and cultural meanings, struggles over land in a situation of legal pluralism, land and labour issues, and the lack of implementation and political will. As many of these themes will be elaborated in more detail in the country-specific case studies, this section will only briefly describe some of the similarities. Nonetheless, it is important to note that some of the similarities between country contexts are actually quite striking (as are the differences). Certainly, the issue of land scarcity in contexts of increasing population, privatization and the geo-politics of inequitable land distribution is an issue that surfaces in all the countries studied. Another common issue are the challenges that women face in terms of inheriting land, especially widows and orphans who lose their rights and access to land after conflict/war and HIV/AIDS. Children born out-of-wedlock, co-wives, divorced women, single mothers and pastoralist/indigenous women are also particularly vulnerable in terms of their land rights. The customary laws and statutory laws that govern inheritance may vary from country to country, but this group of people form a nexus of extreme vulnerability which we must pay attention to, and seek solutions that are appropriate for improving their livelihoods. It is also worth mentioning that while research capacity varies from country to country, it is safe to say that in general, there is not enough capacity in the countries studied for in-depth gender analysis and gender-based methodologies - not for the demand and the gaps that exists in research. This is an urgent gap, and is often exacerbated by the rapid type of workshops and seminars that are often given by development organizations on gender issues. While such types of resources are important for raising the general level of awareness, it is not enough to create a critical mass of expertise on gender issues. Hence, let us not confuse gender awareness with gender analysis (Verma, 2001), as the latter requires longer-term thinking, systematic planning and serious support.

Symbolic and Cultural Meanings

Struggles over land are often symbolic, constituted within the realm of cultural idioms, norms and meanings embedded in ideas about morality and patriarchy, which in turn shape material resource struggles over land (Moore, 1993:383). Understood this way, land has multiple meanings that go beyond understandings of it as only a material resource which sustains the management of natural resources. Land is an important symbolic resource which is characterized by socio-cultural dimensions, and is almost always bound up in patriarchal ideology. Symbolic meanings of land are socially constructed and manifest themselves as cultural norms, idioms and stigmas which are meant to perpetuate gendered identity and inequitable gender relations. These cultural meanings are constitutive forces which have real influences in 'ordering' life, as well as gendered property relations and gendered struggles over land. This conceptualization is present and demonstrated in many case studies in East Africa (Mackenzie, 1995, Carney and Watts, 1990, Verma, 2001, Rose, 2004, etc.).

Struggles Over Land in a Situation of Legal Pluralism

Both the practice of customary and statutory laws cannot be separated from patriarchal norms, nor from ideological and symbolic processes associated with them, which consolidate control over material property in the favour of men. The situation is a complex one with overlapping legal regimes, and whereby people contest and negotiate rights by drawing on whatever legal resource they can (Mackenzie, 2003:258). Women negotiate control over land by both navigating between, and within, different legal spheres. In some cases, women draw upon customary law as a strategy to retain control when, paradoxically, their rights are threatened by men's manipulation of custom. It is also worth noting that women's rights to land may also be threatened by more powerful women in the household compound, or outside of it. In these situations, they may also choose to draw upon certain elements of customary law to argue their rights to use and access their share of land. In other cases, women use statutory laws when

they are able to access local land administrative bodies and local land boards to defend their rights, and when this same system is not used against them.

While each country has different statutory laws, constitutional rights and national land policy reforms, East African women face similar types of struggles in accessing, controlling and benefiting from land – although they succeed or fail in these struggles depending on their subjective and individual positionalities according to class, caste, ethnicity, age, marital status, etc. This similarity is incredible given the extraordinary cultural diversity that exists between and within the four countries. But perhaps the similarities are borne out of intense patriarchal ideologies that characterize gender struggles in the region. It is important to remember that much of land inheritance occurs according to patrilineal customary laws. In almost all the contexts studied, men gain rights to ownership of land, while women gain usufruct rights.

Researchers in the various countries express concerns about rising rates of domestic and sexual violence. There are also some researchers that have documented the way that customary laws are re-interpreted in a way that erodes women's position, rights and recourse, especially when there are conflicts or contestations related to land rights. So, for instance, in Western Kenya, widows previously had rights to their deceased husband's land under the customary norm of "widow inheritance" (Verma, 2001). However, as discussed further below, these rights have been re-interpreted in ways that privileges men and marginalize women. This may not be surprising, given that not only customary laws transmitted and dominated by male elders, but gender roles and responsibilities are changing in the context of globalization, devolution of the state and political-economic changes, and because donors, organizations and government bodies are placing ever-greater emphasis and funding on gender issues. The negative side of all this attention and resources, is that men perceive themselves as losing social value and status in society. It may mean that power relations may be changing in real terms, but also, it may be indicative that the reaction of men and other powerful actors to swing the balance back to the old status quo is through backlash – sometimes involving violence.

Many development practitioners and organizations working on land tenure issues continue to assume that heads of household are men, even in cases where women are *de jure* or *de facto* heads of household. Women headed households are an increasing phenomenon in the countries studied, due to male out-migration, widowhood, divorce, genocide and conflict and HIV/AIDS, to name a few. The case of women whose husbands have died of HIV/AIDS is especially acute, given that women are not only at risk of themselves, they are also exposed to additional vulnerabilities including decreased labour and moral discourses and stigmatization which then infringe on their land rights. The ability of a woman to demonstrate that she is a "good" wife is challenged. This is critical because it through the successful engagement of this symbolic resource that she is able to challenge patriarchal discourses and practices and create autonomy and freedom of movement. It is through this symbolic resource that she is able to access resources. As Jefremovas argues for Rwanda, women's legal and social status and power is defined by the position of their husbands, fathers and lovers (1991). The language of morality and stereotype is one weapon in women's struggles to access and control resources. However, in a situation of HIV/AIDS, they wage an uphill battle. No longer able to play the public roles of virtuous wives, exemplary widows and dutiful daughters (*ibid.*), women are therefore not able to access, control and maintain rights to resources such as land. Their access to these resources is contested by their husbands' families, who often blame his death on her. This dynamic is critical and the further documentation of case studies in each of the countries would be beneficial.

The Relationship Between Land and Labour and other Productive Resources

The relationship between land and labour is critical, especially in terms of women's ability to control over proceeds of their own labour. For example, in Kenya, there are certain commodities, such as coffee, where payment is awarded to the title deed owner of land, rather than the cultivator. This creates critical problems around the control of the proceeds of women's own labour. Even in a situation where women have invested their labour in producing coffee, it is their husbands, as legal title owners under statutory law who gain access to the proceeds of their wives' labour (Mackenzie, 1995; Verma 2001). Tea differs from coffee, in that it is the cultivator of the tea who is remunerated. In this sense, women are better able to control the proceeds of their own labour when they cultivate tea – a cash crop for which they don't have to be title deed owners in order to benefit and control benefits. However, as illustrated in other parts of Africa, not only do women withdraw their labour when they can no longer control and benefit from the proceeds of their own labour (Mackenzie, 1995, Schroeder, 2001), but also, when women do succeed in succeeding in benefiting from a certain type of cash crop, men tend to take over. Indeed, this is the current case in Kenya. Despite high rates of male out-migration, women have been able to divert and invest their labour in ventures that are more lucrative and where they are better able to control their labour. However, over time, as ventures such as the cultivation of tea have become successful, and with the backdrop of circular migration and returning male migration back to rural areas, men have taken over the control of the cultivation and remuneration.

Another example of the relationship between land and labour is illustrated by the case of pastoralists, whose access and control of communal lands is changing rapidly by neo-liberal development and political-economic discourses, processes and restructuring. As communal land is further sub-divided and fragmented by governments towards an individual free-hold system of tenure, access to land and resources becomes more contentious and difficult for pastoralist communities. This is especially critical for women, who normally bear the responsibility of gathering resources such as water for human use and consumption. The individualization and sub-division of land inhibits and diminishes women's access to water and creates greater labour burdens, as they are forced to walk greater distances to access this important resource to sustain their livelihoods. Such examples demonstrate the importance of exploring not only land tenure issues, but also the intersection and relation of land and labour from a gender perspective. They reveal the reasons why women invest and divest in certain labour practices and crops, how their labour burdens increase or decrease, all in relation to land tenure. There are many ways that labour and land relate to one another in critical ways, and these must be investigated in different contexts.

It is also worth mentioning that there is a critical relationship between land and other productive resources such as water, credit and extension. For instance, unless otherwise designed, many credit schemes require collateral in the form of title deeds. This, of course, excludes many women from participating and benefiting. However, credit schemes that target women and de-link credit with land title, such as those modelled after the Grameen Bank, also face critical problems. For instance, special credit schemes funded by the World Bank in Madagascar that target women render the most economically poor women even more vulnerable than before (Verma, 2007). This is because the repayment periods and the interest rates benefit the profit-oriented rural banks more than the women they are targeting. Few women raise the cash in the short-term from their businesses and petty trading, for which the loans are originally intended to support. It is only economically elite women who can negotiate and bargain for cash from wealthier relatives, family members, husbands and lovers who succeed in paying back the weekly repayments. When economically poorer women are not able to raise the money for these repayments, the onus then falls on the rest of the group members to repay on their behalf. The most economically poor women are further stigmatized by the group, and by society when they fail.

The relationship between water and women's land rights is also a critical one. The case of pastoralists in East Africa, for instance, demonstrates that when land is dispossessed from pastoralist and indigenous communities by the state in the favour of more powerful interests (such as the flower growing industry in Kenya, or mining interests in Ethiopia, or oil exploration in Northern Kenya, or national parks in Uganda and Rwanda), women's access to resources such as water becomes incredibly difficult or totally cut-off. In some cases, pastoralist and indigenous communities become squatters in their own ancestral lands. They are either disposed of their rights, or have to walk great distances to access water when fences and boundaries are imposed on their ancestral lands. Furthermore, in areas where water is critical, such as in areas in Madagascar where irrigated agriculture and rice cultivation is central to people's livelihoods, the imposition of water users' associations and use fees renders women especially vulnerable. Not only are they often excluded from these associations, but decisions around water access privilege men as water becomes a privatized commodity, rather than a communal resource (Verma, 2007). Women as heads of households are particularly marginalized.

Lack of Implementation and Political Will

While law has the potential of mitigating social injustices, there are limitations to the role that laws can play in addressing gender and land rights. This is clearly evident in the evidence from the scoping study. There is a huge gap between laws, policies and legal proclamations and the implementation of them. In other words, there is a problem with the lack of implementation, which is compounded by the lack of political will, and which translates into lack of development resources. When laws are implemented, they are not done so in a neutral manner, but rather, they are implemented in a way that still privileges men. When a certain number of women are designated to local land boards (where, for instance, conflicts over land, are heard and decided upon), it becomes evident that numbers not enough. This is evident in the case of Uganda (where there is affirmative action stipulating that at least 30 per cent of all government bodies must be represented by women) or in Rwanda (which enjoys one of the highest representation of women in government bodies). Numbers are not enough. What is required is a change in the underlying culture of practice (as in case of Uganda), where the rights of women through customary or statutory laws are respected, validated and protected. Aside from this, there are other barriers in place, such as corruption, bribery, etc. which also privilege men. This becomes clear when men and powerful elites are able to bribe and "buy" officials in mediating land cases, or in changing title deed information. It might also be worth taking into account Kameri-Mbote's suggestion that there are limits of law in engendering social transformation and that we must engage in other types of strategies to bridge the gap between laws and practice (2006:1).

Another related issue is that even in a country like Uganda, which has fairly progressive laws and policies, many participants in this study complained about the lack of political will within the government. What this means is that while the laws and policies are progressive on paper, very little is being done in terms of practical, solid and real practice to protect women's rights and access to land. Furthermore, the Uganda Land Alliance for instance, noted that while some acts of parliament get preferential treatment and are passed fairly quickly under the pressure of the government, other bills pertaining to women's rights wait for years on a dusty shelf, waiting for the political will by the government to be enacted.

Country Specific Issues & Differences

Although the four countries that make up this study share some common issues with regard to gender and land rights, it is problematic to make generalizations for East Africa. A more nuanced approach is to review some of the emerging issues in each country, as well as some of the differences within regions of

the country. In order to understand the complex dynamics of land rights in East Africa within the context of gender relations in tenure, and women's access and control over land, it is useful to review several issue areas within each country in turn. The issue areas vary, depending on the historical, socio-cultural and political dimensions in each country context.

Ethiopia: Gender and Evolving & Complex Notions of Rights to Land

Besides, laws in themselves will not bring about equity and equality. Investigating the problems and bottlenecks for implementation and finding remedies along the way is vital... Access to land alone cannot bring about food security or eradicate poverty. Land rights for women must be supplemented by other resources like traction power and credit services. Intervention to resolve women's land rights need to take on board these complementary issues so that meaningful improvement in the lives of rural women can be attained and their eventual emancipation realized (Tesfa, 2002:20).

In Ethiopia, land tenure is a highly contested and politicized issue. While land is owned “by the people”, no single person owns land outright. However, they do have use rights based on a lease that lasts 100 years. Within state politics, and especially among the opposition, some donors and advocates, many argue for the privatization of land. This is not likely to occur, as the present government strongly believes that privatization is not useful or equitable. Another important consideration is Ethiopia's incredible cultural diversity. This diversity means that there is a high degree of legal pluralism, with customary laws taking a prominent role in determining inheritance of use rights and in the resolution of conflicts over land. In order to understand what makes Ethiopia unique in terms of gender and land rights, I will review numerous issues, including statutory laws, use rights, security in tenure issues, specific aspects of cultural and regional variability and gender based violence. Based on these issue areas, it is possible to make some preliminary conclusions about the gaps in research and capacity that must be addressed to make headway in terms of research on women's access and rights to land.

Statutory Laws, Constitutional Rights and Policies

Before the Derg came into power in 1974 (by overthrowing the ruling monarchy), land tenure was based on a feudal tenant-landlord system, with some land being private, and some being communal. The Derg nationalized all rural lands, and through the Land Proclamation of 1975, private property ceased to exist and all land became public. Land was consequently re-distributed, and allocations were based on household size. While the proclamation was written progressively in terms of gender³, it allocated land by those who were able to till land, and in doing so, it denied the rights of children, older farmers and women who did not plough land because of cultural norms restricting them to do so (Tesfa, 2002:9). During its villagization programme of 1977, many rural farmers were forced to move from their places of origins to new areas (Tesfa, 2002; Rahmato, 2003). Men were registered as heads of households, and this marginalized women's access and control over land. The villagization programme failed and most farmers eventually returned to their original homelands by 1990.

In 1987, the new constitution again acknowledged women's equal rights to land. Despite these provisions, in practice, land rights privileged men's access and control, even though more women were cultivating and using land. Women in polygamous marriages had, and continue to have inequitable rights to land, as only one wife was allowed to register for land. In 1995, a new constitution declared that all land belonged to the state, and that citizens had only usufruct rights to land (Federal Democratic Republic of Ethiopia, 1995). While it reiterated women's equal rights to land, in practice (except for the exception of Tigray regional state), such rights were rarely realized because customary laws over-rid statutory laws. The constitution gave power to the regional state governments to administer land and other natural resources in accordance with the federal law. The 1997 Federal Rural Land Administration Proclamation

emphasized “the equal rights of women in respect to the use, administration and control of land as well as in respect to transferring and bequeathing holding rights” (Federal Negarit Gazeta, 1997). Even the articles that encoded the principles for regional governances and laws emphasized women’s equal rights to land and distribution. The new Land Administration and Use Proclamation of 2005 acknowledges the autonomy of regional states in matters of land, but land is still public property. The proclamation is progressive in terms of women’s rights, but it is less so in practice. In particular, it does not officially recognize or support customary law.

Currently, the government allocates land. The majority of people live in rural areas (with estimates of the rural population estimated at 85 per cent). What is most striking about Ethiopia is its progressive constitutional rights and statutory laws pertaining to status and rights of women. For instance, the constitution of Ethiopia states that women have equal rights with men. More specifically, it states that “they have equal rights with men to acquire, administer, control, use and transfer property”, as well as enjoy “equal treatment in the inheritance of property” (Article 34, Federal Republic of Ethiopia, 1995:92). It is critical to note that the constitution is not applied or enforced, and women have not taken their share. One participant explained, “men have given a blind eye to the constitution. Up to 1995 all codes were against women, the new code has improved, but can it be implemented?”.

Moreover, Article 62 of the current Family Code of Ethiopia (2000) states, “1) all income derived by personal efforts of spouses and from their common or personal property shall be common property, 2) all property acquired by the spouses during marriage by an onerous title shall be common property unless declared personal under Article 58(2) of this code, and 3) unless otherwise stipulated in the act of donation or will, property donated or bequeathed conjointly to the spouses shall be common property” (Article 58, Federal Republic of Ethiopia, 2000:18). Hence, the family code allows for joint ownership of land and property in marriage. However, conflicts over land within the household often arise upon dissolution of marriage or in the case of widowhood. Although a consent clause exists in the family codes, in practice for instance, husbands can, and often do take a loan without consent of their spouses. In some cases, this might extend to the “selling” property without their wife or children’s consent. Land is supposed to be allocated and registered to female headed households, but in practice, except for Tigray regional state, such allocations are often “re-directed” to her husband’s brother.

There are a couple of areas of concern. First, until recently (and under the new land acts), there were no local land administration institutions. Regional acts that codify and stipulate for them currently exist in the 4 regional states which have formulated their own regional land proclamations, although not all of them are fully operational. Second, the laws do not take into account the special circumstances, cultural uniqueness and the needs of pastoralist societies, who occupy about 50 per cent of the land area. It is doubtful that the laws are applicable or relevant to pastoralist societies. These societies are being pushed towards sedentarization, which is not of their choosing, and is being pushed from outside because of land fragmentation and appropriation for purposes such as military operations, mining and the creation of national parks. These trends are very similar to those of Kenya.

Use Rights

The land proclamation of 2005 codifies use rights for both women and men in terms of titles that last 100 years (Federal Republic of Ethiopia, 2005). What this means is that people own their houses, but lease their land for 100 years. However, it remains to be seen if land allocations made to women and men have been equitable. In many cases, men and elite farmers are allocated bigger plots than women and economically poor farmers. Added to this, land issues are highly politicized in terms of political debate at the national level. It is not surprising then, that the issue of privatization is highly debated subject in Ethiopia, with even one well known and outspoken activist in jail.

Some of the dynamics around land also have to do with scarcity of land, which is a product of politics and history. The present government has been clear that no new land will be re-distributed because it considers land a scarce resource. This is seen as a good policy because it simultaneously protects the rights of pastoralists living in arid and semi-arid regions. Except for one regional state, no “new” land has been re-distributed. However, there has been a drive towards land registration. Given the combination of land scarcity, registration and no land re-distribution, young farmers have little access to land. The estimates are 30 to 50 per cent of young farmers lack access to land. In some cases, inheritance doesn’t take place when parents are still alive, but after they are deceased. In many cases, not all sons will inherit land and this means that the situation of girls, sons born out-of-wedlock and divorced and widowed women is rendered even more marginal. Farmers prefer that their sons gain access to land through land re-distribution mechanisms, especially when their land holdings are too small for further division. Given that land inheritance is normally governed by customary law, and that there is a great deal of diversity and variability in customary laws relating to different cultural groups, it is important to understand these differences and dynamics. When there are no options for the inheritance or use rights, then the pressure on the government increases and more and more young farmers and women whose rights are disenfranchised end up in informal settlements in urban areas. As the government does not allow for formal resettlement, this poses a challenge for this group of people, who are incredibly vulnerable and have little choice but to become “squatters”. In this regard, there is a great deal of scope for further research on these rural-urban dynamics.

While rural women and men don’t have ownership rights within state laws and policies, they do have use rights to land. Officially, these rights cannot be bought and sold. However, informal markets exist where land is bought and sold without title deed. Land is also rented, and those renting out land sometimes feel insecure in their tenure. Other arrangements include share-cropping. There also exists “free-livestock-grazing” rights which prevents individuals from excluding others to use their land for grazing of livestock. Such an arrangement is seen as an impediment to investing in land by some researchers, while it’s seen as a good practice for the health of the environment, it merits further research. An area of concern is intra-household allocation of income generated from the products of the land. This income is normally negotiated between women and men within the household, but within power relations that are not equitable. Women also have limited access to farm inputs, and this is a concern for women headed households, where their livelihoods and the sustainability of their land depends on such inputs.

People are allocated use rights where they live, and these rights are not transferable to another place or region. This raises questions when there are times of famine, drought, crisis or when individuals (especially women) are disenfranchised from their rights to land or are forced into urban centres in search for employment. If they are forced to move elsewhere or to urban centres, they lose their use rights, and cannot inherit use rights in the future. If they move temporarily, they are not likely to find their rights intact upon returning, as the local government may take them back, based on the local government’s right to take back unused land and re-allocate it. Historically as well as recently, there have been land evictions by the government for “development” purposes. Most problematically, these evictions did not incorporate compensations mechanism.

Security in Tenure

It was noted by some researchers and activists that land tenure in Ethiopia has had a very insecure history, because land was confiscated from people twice in its history. Hailasee confiscated land and re-distributed land to his cronies, and Mingastu under the Derg took land away from individuals in order to “equalize” land distribution. It is not surprising then, that land tenure issues are highly politicized, sensitive and contentious for a great many people.

Despite progressive constitutional clauses, land proclamations and family codes, the implementation of equitable laws in practice is a major challenge. The practice of statutory laws are subject to patriarchal

discourses, norms and practices. Judges and police are not always sensitive to women's rights. There is a general feeling that use rights are not stable, as they can be taken away by the government, who has the ultimate authority. It is also important to note that given that dominant neo-liberal discourses from certain donors and political opponents to privatize and register land, there are some foreseeable impacts that may affect women's access to and rights to land. Women's ownership and titling of land (when women register land under their names) face other access issues. One paradox is that while women may have rights to a plot of land, in many cases they don't own oxen and must hire men to plough their land, often in exchange for a portion of their harvest. In many cases, this arrangement leads to food insecurity. Another issue is that if land policies and laws are not explicit about co-ownership and consent, land registration and privatization may render them more vulnerable than before. That is, land may be registered under their spouses names, and render their usufruct rights under customary law more vulnerable. As the case of Uganda suggests, co-ownership and consent is a highly contested subject. Written laws don't mean very much if they are not enforced and implemented, and when there is a lack of political will to empower women. As much of land tenure in Ethiopia follows customary laws, any statutory laws and policies must recognize customary regimes, but also must be in-synch with them in a manner that empowers women. It would be useful for research to document and focus on positive and negative experiences from Tigray region, where registration has been more or less completed. Some of the initial findings indicate that in many cases women are allocated smaller parcels of land than men, for example. Also, in the case of divorce, under statutory law, women have equal rights to land. It would be good for future research to further document these dynamics, and in particular, to explore how statutory laws overlap with existing customary laws, and whether these protect women's rights to land, or render them more vulnerable.

Customary Laws: Cultural and Regional Variability

There is a great deal of cultural and regional variability in terms of land reforms and gender land rights. This variability is reflected in Ethiopia's nine semi-autonomous regional states and their regionally specific government regimes. While the Federal Republic of Ethiopia has a state land proclamation (2005), each regional state should also have their own land acts. In reality, four states have embarked on this process to-date. The regional state of Tigray has completed land registration, while Oromiya, Amharha and Southern Region has started registration, and six remain to formulate and adopt them. The regional land acts must follow and cannot contradict the Ethiopian constitution and the national land proclamations.

It is critical to discuss Tigray regional state on its own because of its gender progressive land proclamation, and progressive implementation of it. In order to understand this, it is important to review a brief history of Tigray region. Land reform took place during the liberation struggle waged by the Tigray People's Liberation Front from 1974 to 1991. As a result, women gained independent access to land. However, as land was allocated according to household size, female headed households were allocated smaller parcels of land. In recent times, land redistribution and registration has taken place, unlike other regions. Both husbands and wives have equal rights to land. Land is registered under both their names, and upon separation and dissolution of marriage, they take away equal shares of the land. Therefore, upon divorce, women keep their land. Women-headed households also have rights to register for land. However, economically poor households often rent out, lease or share-crop their land because they have limited access to resources to farm the land in a sustainable way.

While Southern and Omara regional states are undergoing ongoing processes of land registration, in most cases, women have inequitable access and control over land. In Oromiya, women gain access to land through marriage. Upon dissolution of marriage, they are expected to leave their marital homes and return to their natal homes. If land is not allocated to them by their fathers or brothers, they are forced into urban areas in order to survive. Polygamous marriages make the issue of land rights complex, especially in the division of use rights between several women. In practice, it is normally the most senior

women who has access to land, as only one wife is allowed to register. Such use rights are made even more vulnerable and are subject to contestation upon dissolution of marriage.

In other areas of Ethiopia, land inheritance follows customary laws which privilege men. As one researcher stated, “in Ethiopia, women own household utensils, chickens and maybe a couple of sheep, but land, people and cattle are the property of men”. Even so, when women want to sell their chickens for example, such decisions must be negotiated with their spouses. Women are expected to marry and access land through marriage. Informal marriages complicate the picture a great deal, because depending on the context, there may be a considerable difference between what is recognized by customary and statutory law. It is also worth noting that there are cases where men are also vulnerable in terms of their rights to inheritance. For example, not all male descendants inherit land, because of issues of land-subdivision (where parcels are already too small to further sub-divide), or the expectations from parents are that the government will or should re-distribute land for young farmers. There are also instances where both women and men out-migrate, and find their land rights taken away upon their return. Normally, when a farmer out-migrates from her/his rural farm, their land rights are no longer tenable, as discussed earlier.

Gender-Based Violence

An understanding of gender relations in Ethiopia must be further nuanced by dimensions such as domestic violence, rape, abduction, FGM, scarification, forced marriage, early marriage, sexual harassment and discrimination. Many researchers stated that the rates of domestic violence was high in Ethiopia, and that while women were subject to violence, they were also blamed for it. Many cases of violence goes unreported. While the revised family code of 2000 stipulates that the age of marriage is 18 years of age and that marriage must occur with consent, some marriages are forced (they occur without the consent of the spouses), especially for women who are under-aged. In the Southern region of Ethiopia, the practice of abduction means that young women are abducted, raped and forced into a life of marriage by their abductors.

While such practices are illegal, as per the family code which bans all “harmful traditional practices”, in reality, they are still practiced. There is very little recourse, because when cases of abduction or forced marriage are brought up to the enforcers of customary laws (who tend to be male elders), or to the enforcers of statutory laws (such as judges and police, who also tend to be men), they support the very customary practices that render women vulnerable and that impinge on their rights. Such cases are sometimes resolved by giving the parents of the abducted young women a bull and some money. However, the women who are abducted remain in a state of forced marriage. There is an enormous gap not only in implementation, but also in the enforcement of penalties and the criminalization of illegal activities such as abduction and forced marriage which neglect women’s rights as human rights. Furthermore, there is an enormous lack of information, dissemination and awareness of statutory laws and constitutional rights that theoretically protect women. One researcher exclaimed, “how serious is the government? Because serious implementation of the laws is simply not taking place”. Another one reflected, “policies are not seriously implemented at the grassroots, there are no grants or money to do research on gender”. Indeed, one critical gap in research knowledge is the relationship between gender-based violence and rights to land.

Gaps in Research & Capacity

An important gap in the research is the documentation of impact and change following legal changes in the family code and land proclamations. That is, a systematic documentation of the difference between written laws, policies and practice. For instance, future research should focus on the differences between overlapping statutory laws, customary laws and practice, and systematically document changes in practices, to what degree changes are taking place, in which regional areas, and in which issue areas (i.e. inheritance, dissolution of marriage, abduction, etc.). Research must also move beyond a focus on the implementation of statutory laws, and maintain a focus on the legal plurality of the situation in Ethiopia.

Hence, research should focus on the differences and discrepancies between statutory laws, policies, proclamations and their implementation and the practice and enforcement of customary laws and norms. Of critical importance is an understanding of which overlapping legal orders best provides spaces for women to manoeuvring, negotiation and resistance. It should also attempt to document cases where people are indeed selling land without titles in an informal market, as well as women who have been disenfranchised and disposed of their rights to access land. Also, some attention must be paid to regional states which have not yet formulated land acts or local land administration authorities.

For such research to come to fruition, it is important to note that while there are many researchers focusing on land tenure, reform and rights, there are very few researchers and organizations focusing on gender dimensions with solid expertise on gender analysis and gender based methodology. It should also be mentioned that not only is the capacity to carry out in-depth and rigorous gender analysis weak (especially pertaining to gender and land rights, where many organizations work with individual consultants, and therefore a critical mass of researchers working on gender and land rights is lacking), but so is the capacity to carry out in-depth qualitative research. There is much greater capacity for quantitative/economic analysis, although even this would greatly benefit from greater capacity to collect and analyze gender disaggregated data. There are several institutes that may facilitate this process, and especially in hosting or ramping up work on gender and land rights, with the assistance of capacity strengthening assistance from gender experts. These include, for example, the Organization for Social Science Research in Eastern and Southern Africa (OSSREA), Institute for Gender Studies (IGS) which was formerly the Centre for Research and Training on Women in Development (CERTWID), Institute for Development Research (IDR), Forum for Social Sciences (FSS), Ethiopian Women's Lawyers Association (EWLA), the East African Sub-Regional Support Initiative for the Advancement of Women (EASSI), LandNet Africa, and other regional organization such as the Tigray Women's Association (these organizations are further detailed in Appendix B). Research initiatives must provide financial and intellectual resources, as well as networking opportunities in order to elevate the status of gender research in the country.

Any research on gender and land rights in Ethiopia must carry out research in each of the regional states, given that each one has or will have its own land proclamation, and that each region is implementing land reform policies differently, and has culturally specific customary laws. The effects of land registration and certification in regional states like Oromio, Arahma and Tigray has occurred very recently, and is a researchable question, and presents a gap in knowledge. It is important to document the perceptions and experiences of women and men farmers in regards to land registration in the regional states, and more importantly, in terms of access to land. How rural women farmers might or might not access such administrative bodies is a critical question. Given the number of women headed households in increasing (because of ongoing conflicts and HIV/AIDS), it would also be important to document their experiences in accessing and controlling land and other critical resources. Other question that requires further investigation and represents a gap in knowledge is the relationship between HIV/AIDS, gender and land rights, as well as the relationship between tenure security and investments in land and soil fertility. Last but not least, pastoralists occupy about 50 per cent of the land in Ethiopia, yet there are very few studies on land issues and pressures towards privatization, sedenterization, dispossession and disenfranchisement of land from a gender perspective. Similar to women from agricultural communities, pastoralist women are also extremely vulnerable because of multiple pressures placed on their shoulders.

Kenya: The Marginalization of the Marginalized & the Re-Entrenchment of Patriarchal Discourses and Practices

When women have long-term security in tenure, they are more likely to invest in labour-intensive soil management and farming practices. However, due to decreasing plot sizes, women's ownership of land – a major threat to men's power – is bitterly contested, and manifests itself in men's outright threat to women's security in tenure, through the harnessing of elements of customary law and associated cultural norms... Women engage in fierce struggles over land in creative ways, using both customary and statutory laws (in a situation of legal plurality) to defend their rights – but operating, nonetheless, in legal domains that privilege men's authority (Verma, 2001:235).

Land issues in Kenya are inseparable from national geo-politics, history and socio-cultural realities. Kenya's history plays a profound role in shaping the political terrain and issues surrounding land distribution and rights (Nzioki, 2006:90). Colonial rule created a political relationship between the white settlers and Kenyans, “which were always determined by the land question: its application, ownership, control, use and distribution” (ibid.). Colonial understandings of land, based on a system of freehold tenure excluded the option of women owning or inheriting land, were imposed from above and disregarded the context specificity of customary norms and laws (during a time period where even women in England did not have the right to own or inherit land). However, rather than pre-empting and over-riding customary laws, a situation of legal pluralism emerged, creating over-lapping legal domains (Verma, 2001; Mackenzie, 1995; Haugerud, 1983). Legal plurality is an important part of the landscape in Kenya today, with customary and statutory laws not as isolated, separate and essentialist legal domains, but rather, the overlapping of different legal domains “provide the spaces within which people, differentiated by here primarily by class and gender, contest rights to land” (Mackenzie, 1995:18).

Statutory Laws, Constitutional Rights and Policies

At present, the Kenyan government defines land as either government land, trust land or private land. Government land is owned by the government on behalf of the public and where the government is the user, whereas private land owned by individuals or organizations under a freehold or leasehold title. Trust land is perhaps a more controversial category, and is held in trusteeship by county councils on behalf of the people inhabiting communal lands such as pastoralists and indigenous peoples (a critical subject I return to below).

Kenya has no National Land Policy in force yet. There are sectoral policies on environment, agriculture, but they don't specifically address issues of gender and land rights. There is a draft land policy in circulation at the time of writing this report, but it has not yet reached final draft stages and has not been ratified by parliament. The policy must first be debated by the Kenyan people and organizations in a national symposium organized by the Ministry of Lands, the date for which has not yet been set. The draft land policy has been audited by organizations such as the Kenya Land Alliance and Reconcile, and organizations such as GROOTS view the policy as gender friendly. However, until it is ratified by parliament as a bill, it has no legal status. And furthermore, lessons from other East African countries demonstrate that without clear plans and allocated resources for implementation and awareness raising when the policy is in effect, it will do little for the empowerment of women and other marginalized groups.

In terms of constitutional rights, Kenya's constitution recognizes customary laws, but in the end, the state law is the ultimate authority and is dominant over other legal codes. Kenya has also been actively debating land reform. A draft constitution was put to a referendum in late December 2005, but was defeated. One of the most contentious and hotly debated issues of the constitution was land tenure

reform. The draft constitution initially had provisions for affirmative action in government bodies - from parliament (where presently only 18 of the 222 members are women), to land boards, and credit awarding facilities. Despite constitutional changes, the department of land affairs states that there is 30 per cent representation sitting on its land boards (Mulama, 2004:2). However, similar to the situation in Uganda, numbers do not tell the entire story. Having women on land boards does not change the underlying norms and behaviours. Power relations still privilege men, and women often find it difficult to make progressive decisions that protect the rights of other women. By doing so, they face an uphill battle, but also they face resistance and backlash from men board members. Under statutory property law, married women have rights in acquiring, holding and disposing land. Both women and men can legally own property, and the right of a spouse of own property is recognized. However, despite what is written in paper, the major obstacle remains implementation and access to the institutions of the law, such as local district councils and courts. The most economically vulnerable and marginal women don't have access to resources to bring them regularly to these rural centres, as any court case requires regular presence in the court, nor the means to pay the bribes and "gifts" required to make their cases heard (Verma, 2001). Sometimes, their in-laws or husbands may bribe officials to change documents so they no longer have access and are disposed of their land rights (ibid.). Hence, both corruption and access to the institutions of the law are major impediments to justice under statutory law.

Another contentious issue is the Trust Land Acts. This act addressed former native areas which are being subjected to a process of consolidation, adjudication and registration. It converts trust lands into individual holdings through sub-division. However, what is less clear is the rights of women and the role they play in decision-making in this process. While economically elite women might benefit from such a conversion, it is less likely that economically poor and marginal women will gain access to such lands. Also, this act raises several critical questions in terms of pastoralist societies, which I focus on further below.

Kenya is no different from other countries in the gap that exists between what is stipulated "on paper" and what actually occurs in practice. And while spouses have the right to own property under statutory law, women are often rendered vulnerable when there is separation of property upon the dissolution of marriage and widowhood (especially when property is registered under men's names, or if it is not "officially" registered, but nonetheless follows customary laws the privilege men's power). One way to address the inequities is to take into account the contribution that women make in terms of household, child-rearing, agricultural and income generating work as contributions towards the ownership of property (Kameri-Mbote, 2006).

Customary Laws

Similar to the situation in other East African countries in Kenya, access, control and ownership of land is mostly determined by customary laws which are culturally specific in the country. These laws also determine how land is allocated according to gender and marital status in situations of marriage, divorce, succession, women headed households, widowhood, and most importantly, in situations of conflicts over land between individuals. Given this situation, it is not surprising that only 5 per cent of Kenyan women have land registered in their names. It is worth keeping in mind that customary laws are not static and have been influenced by colonialism and neo-liberal processes of change that advocate privatization and individual title. In light of these changes, laws more strongly entrench men's power, and ignored women's customary rights to land.

Single unmarried women are perhaps the most stigmatized in society. They are expected to marry and gain usufruct rights to land through their husbands. According to customary laws, women who are unable to marry should in principal, be allocated land by their father. However, this occurs rarely as customary laws are re-interpreted, and women who are allocated land by their fathers are subject intense stigmas. Given this situation, for example, many women in Western Kenya prefer to be married as second or third

wives, rather than remain single (Verma, 2001). For this allows some degree of status and access to critical resources such as land, through marriage.

Today, widow-inheritance has taken on a different form and meaning. In a highly changed environment - where access to land is increasingly limited, costs of bringing up children are high (involving escalating costs of school fees, uniforms, etc. and the provision of land to all sons, including those “inherited” through the custom of widow-inheritance), and where HIV/AIDS is a very real health threat (especially where the cause of a husband’s death is “unknown”) - men invoke selective aspects of the custom of “widow inheritance” which focus on inheriting land (Verma, 2001). This, while silencing other aspects which involve “inheriting” the widow and her children, as these entail taking on additional financial resource burdens and obligations (ibid.). When invoked in this manner, “widow inheritance” involves chasing their deceased brother’s widow from her land, a situation which may be facilitated if her reputation as a “bad” wife can be demonstrated. Widows who are new in their marital circumstances or who have young children are particularly vulnerable to being chased, whereas those with adult sons are in a stronger position to defend their rights to land.

The reinterpretation of the custom of widow inheritance by men has become a very real threat to women’s long-term rights to land. Women have responded to this threat by invoking statutory laws in some cases, while invoking customary laws in others, and sometimes both depending on their individual situations and circumstances. Understanding the dynamics of, and the circumstances under which, women’s rights to land are threatened, and the resources necessary to defend these rights, is critical. At the same time, while we have some knowledge based on past case studies, it is critical to document new case studies in the current political-economic environment, where women have explicitly invoked customary or statutory laws, or both, in order to better understand the bottlenecks and opportunities this strategizing entails. For women are dispossessed of their rights to land, it is not only access and control over land that is dislocated, it is also the continuity of extensive agricultural knowledge, which is critical for sustainability of the environment in a context where there is a high degree of spatial variability.

Gender and Geo-political Inequities

It is important to note that the re-entrenchment of patriarchal norms that privileged men’s power began with colonial policies that rendered women invisible. Given that women in England didn’t have rights to land, property or even rights to their own children in the event of divorce, it is not surprising that these same norms were trans-planted in Kenya, without regard to women’s customary rights to land. This is especially true for customary laws that allowed for women’s usufruct rights to land, support mechanisms and continued rights to land when they came under threat. Colonial laws gave outright individual title to men only. They didn’t recognize customary laws, and rendered women’s usufruct rights invisible in the legal order.

It is also worth noting that the geo-politics of Kenya influences the way land is distributed according to different cultural groups and political actors in the country. In particular, the Ndung’u report of 2003 commissioned by President Kibaki outlines illegal and irregular allocation of public land (Kenya National Commission on Human Rights, 2006). It reports on the abuse of land because of patronage. For instance, land allocation has been commonly used by every government since independence to buy political support. The report states that powerful figures (mostly men including past and present Presidents) in the Kanu government were allocated prime urban plots and rural land previously belonging to public corporations such as the Agriculture Development Corporation and Kenya Railways. Such “irregularities” in the allocation and ownership of land also puts into sharp question simple Malthusian arguments that pit farmers, population growth and land scarcity against environmental degradation. Such abuses of land also indicate the importance of land as the most critical symbol of power. Political figures in Kenya have abused their power to gain access and ownership of land for their own private benefit. Such abuses of power were highly gendered. This was undertaken with the collusion of the Ministry of

Lands and other governing bodies. Hence, corruption at levels of government is a major impediment. Women in Western Kenya stated that such corruption also existed at district level, and that defending rights to land through statutory laws required financial resources, including bribes and “gifts” necessary to complete simple tasks such as land registration, etc. It should also be noted that donors such as the World Bank and IMF have withheld aid to Kenya pending reforms.

Marginalization within Marginalization: Gender, Pastoralists and Indigenous Peoples

At least 80 per cent of Kenya’s land mass is semi-arid and arid pastoralist land. Despite this, pastoralists and indigenous peoples are one of the most marginalized groups in the country in terms of land rights. And if pastoralists and indigenous peoples are marginalized, then the situation for pastoralist women is even more severe. However, in order to understand the history of marginalization of pastoralists and indigenous peoples in Kenya, it is important to review past and ongoing injustices before addressing the issue of gender specifically. To begin with, the marginalization of pastoralists and indigenous peoples began with colonialism, when the colonial regime perceived pastoralist land as “idle” and “vacant”, or saw their way of life as “backwards”, “traditional” and “out-dated”. Hence, began the imposition of western conceptualization of land as individual property and land holdings – a conceptualization that did not (and does not) represent pastoralists’ understandings of land as a communal or common resource. Even to this day, pastoralist elders cannot fathom the concept of individual land holding, for it’s a concept that is utterly foreign to them and beyond their cosmological understandings. Significant tracts of the best pastoralist lands were appropriated by the colonial regime, including vast tracts of land surrounding Lake Naivasha which were subsequently allocated to colonial individuals. Another famous example of dispossession of land is the case of Ogiek in the Mau forest complex, where in 1933 their forest habitat was turned into government forests and they were disenfranchised from their land rights and the livelihoods they derived from the forest (Kameri-Mbote and Odour, 2006; Kimaiyo: 2004).

In the post-independence period, although the players have changed, pastoralists and indigenous peoples continue to wage an uphill battle to defend their rights to land. The struggles are ongoing today. The Endois of Lake Baringo, for example, have mounted a case against the Kenyan government at the African Commission on Human Rights. Following the precedence set just weeks before writing this case study, the indigenous peoples of the Kalahari mounted a case against the Botswana government, which they won. Based on this victory, other groups of indigenous peoples are looking for ways to raise awareness and litigate their rights in human rights tribunals, commissions and national courts. They are also looking towards research and knowledge as a way of documenting ongoing cases of dispossession and disenfranchisement of land rights. There is a wide gap in research that must be urgently addressed. Pastoralists and indigenous peoples are losing their rights to land on a daily basis as other more powerful interests encroach in on them to make way for national parks and reserves, military operations, development projects, mining and oil exploration. For example, the Kenyan government has allocated six vast tracts of land in the North to the Chinese government for oil exploration, and this has dispossessed pastoralist communities of their ancestral lands. All of these processes are occurring without the consultation, participatory engagement, agreement and the compensation of pastoralist and indigenous people’s communities. Not only does this constitute a violation of human rights, it also has powerful repercussions on their ways of live, livelihoods, culture and self-esteem. It is simultaneously a process of cultural extinction and annihilation. Valuable indigenous knowledge and coping strategies in arid and semi-arid regions are being lost. And given the gender division of labour, some of this knowledge has gender dimensions. Women are impacted significantly when they no longer have access to pastoralist lands and resources such as water (because of the creation of parks and reserves that render them “squatters” in their own ancestral lands, and the shutting down of corridors to water by more powerful interests, such as the flower growing industry of Lake Naivasha, for example). When women no longer have access to resources such as water, they must walk considerably longer distances, and therefore, their labour burdens increase considerably.

Another important process that is transforming pastoralists' way of life and livelihoods is the sub-division and fragmentation of land. Mwangi demonstrates that this process of individualization, titling and parcellation of common holdings is being captured by more powerful and elite individuals (2005, 2006). These processes impede mobility, magnify vulnerability to drought, jeopardize the viability of sustainable livestock management and undermine socio-cultural livelihoods of pastoralists and indigenous peoples (Mwangi, 2005). In Kenya, group ranches were created (previously intended for the economic commoditization of livestock management systems and formalizing land markets), under the Land Adjudication Act of 1968 (Republic of Kenya, 1968). Pastoralist communities like the Maasai agreed to the creation of these ranches as a measure to stop further land appropriation from the government, incursions from other cultural groups, land grabbing by elites (Mwangi, 2005:10). It was also a possibility by which to gain access to other development resources such as infrastructure for water and social services. However, the creation of group ranches has failed to meet its intended objectives, and instead succumbed to outside pressure for subdivision of land and individual titles. And as already mentioned, the process of sub-division, fragmentation and dispossession of land is not only making women's lives more vulnerable, women themselves are not consulted, but rather, are excluded from decision-making processes and positions that affect their lives. For example, women are excluded from processes of registering land. While some women favour the sub-division of land because they believe it provides secure inheritance for their children, others are resentful about the increased conflicts due to tress-passing, burdens and inconveniences that the sub-division has brought about (Mwangi, 2005). As already discussed, women's time and access to resources such as water and fuel has increased because of parcelling of land. Understanding and characterizing these differences according to different axes of socio-cultural and gender differences is also an urgent gap in research that needs to be addressed.

High Levels of Male Out-Migration: Changing Gender and Urban-Rural Relations

Historical processes created high levels of male out-migration from rural to urban centres and other areas such as large plantations, tourist destinations, etc., a phenomenon that has been sustained and continues today. The main driver for male out-migration is income generation in response to external pressure created by taxes, and economic policies such as structural adjustment programmes, etc. High rates of male out-migration began with the consolidation of colonial rule when the colonial government created native reserves and imposed hut and poll taxes (Mackenzie, 1995). This forced men to export their labour to colonial plantations and urban centres in order to pay taxes. The differential access of men to wages, salaried employment and trading on and off the reserve, also initiated and sustained a process of increased social and economic differentiation (Mackenzie, 1991, 1995; Kitching, 1980). Surplus was used to purchase land and this created and further exacerbated socio-economic differentiation based on class, gender and ethnicity.

There are critical gender dimensions of male out-migration. One critical aspect is the gender division of labour and decision-making. High levels of male out-migration mean that women have to take on labour burdens and roles and responsibilities that were once considered that of men. However, while absence of men is significant in the day-to-day management of land holdings, it is less so in terms of decision making regarding the land holdings, such as the sale of land and livestock (Mackenzie, 1991:246). In other words, high levels of male out-migration doesn't necessarily bring about greater freedom to make critical decisions regarding the management of natural resources or access and control of land. For instance, in Western Kenya, with high rates of male out-migration, responsibilities such as digging land or grazing cattle became the responsibility of women over time, while other responsibilities such as planting trees remained taboos for women (both a physical act of demarcating property and a symbolic act of property ownership) (Verma, 2001). With increased labour burdens, women have less time to invest in the long-term sustainability of the land and natural environment. They opted to intensify commodity production, thereby maximizing short-term agricultural production and economic gain, at the expense of long-term sustainability of the land (Mackenzie, 1991:247) and investments in soil fertility and management. Women became de jure heads of households, but without the decision making power and

access and control over land. Land continues to be passed trans-generationally from father to son, there are many cases where widows rights to land (as per customary law) is contested, even in cases where husbands have been absent in urban centres for a great part of the marriage. Customary laws are changing, and in a situation of intensively farmed small-holdings, customary laws change in ways that privilege men and silence certain aspects of “widow inheritance” (Verma, 2001). Whereas historically, the brother-in-law inherited the widow, her children and her husband’s property, in contemporary times, brothers-in-law make attempts at inheriting her property, but not her or her children (ibid.). Hence, women are driven out of their marital homes and land through an interpretation of customary law that silences some aspects and privileges other aspects. However, women respond by either engaging in and interpreting customary law in return, or by engaging in statutory law (or both), if they have the resources to do so (ibid.). Given the flexibility and adaptability of customary law, it also provides a domain in which alternative realities of the less powerful in society, such as women, confront the representations of the more powerful (Mackenzie, 1990:611).

Capacity Strengthening

There are well established NGOs and research organizations in Kenya who are actively working on gender and land rights issues (these are also detailed in Appendix B), such as Kenya Land Alliance (KLA), Grassroots Organizations Operating Together in Sisterhood (GROOTS), the Centre for Land, Economy and Rights of Women (CLEAR), African Centre for Technology Studies (ACTS), Gender and Development Networking Centre (GADEN), LandNet East Africa, East African Sub-Regional Support Initiative for the Advancement of Women (EASSI), Resource Conflict Institute (RECONCILE), Mazingira Institute, the University of Nairobi, and individual researchers and consultants based out of larger organizations such as the United Nations Development Programme (UNDP), the International Centre for Tropical Agriculture (CIAT), the United Nations Human Settlements Programme (UN Habitat), etc. However, the majority of these organizations are advocacy and lobbying organizations, and there is still room to support them in terms of capacity strengthening on systematic gender analysis on land rights, especially where there are critical gaps in knowledge or where further research is required to understand contemporary dynamics (i.e. as the Kenya’s Land Policy and Constitution are debated and eventually enacted, and the impacts these may have on women’s rights and access to land). In addition, there is a need to support capacity strengthening of pastoralist communities for research and gender analysis, as their lives and their ancestral lands are quickly being dispossessed. Some organizations that might benefit from such support are, for example, Mainyoito Pastoralist Integrated Development Organization (MPIDO), Maa Civil Society Forum (MCSF), Maasai Women for Education and Economic Development (MAWEED), Pastoralists and Hunter-Gatherer Ethnic Minorities Network (PHGEMN) and Centre for Minority Rights and Development (CEMIRIDE), Pastoralists Development Network of Kenya (PDNK) and The World Conservation Union-World Initiative for Sustainable Pastoralism (IUCN-WISP).

Rwanda: Emerging Gender and Land Rights Issues & ‘the Great Disappearing Act’ in a Post-Conflict Era

Rwanda presents a fascinating case study in which customary rules of land tenure were first influenced by colonial impositions and later by catastrophic events associated with the war and the spread of AIDS (Rose, 2004:219).

Many researchers, scholars and practitioners working on land tenure in Rwanda regard it as a “particular” and “special” case. Indeed, one of the most significant features of Rwanda is the often contradictory, heatedly debated and emerging dynamics in relations in tenure marked by harrowing memories of genocide and conflict. Rwanda is a small country with a small surface area, but has a large history of conflict, where “genocide turned country upside down” and tore at its very social fabric. While

reconciliation is at the heart of many of the government's new policies and laws in the post-conflict era, some elements are also a direct reaction to the genocide - an experience that has left deep scars. For instance, Rwanda is actively moving towards decentralization. After having a very strong and central state for a long time, it is strengthening the role of local governments. What is most interesting however, is that besides hegemonic discourses and neo-liberal economic restructuring that is pushing many countries around the world towards decentralization, in Rwanda, it is also seen as a remedy for "the bad governance and leadership" that occurred during the genocide, which in turn is believed to have fired the fuel for the conflict. The belief is that if the government had not been as centralized and hierarchical during the conflict, the genocide would not have been as bad as it was. The point here is not solely on the role of decentralization and its implications on land tenure, but to recognize that one cannot possibly begin to discuss land rights in Rwanda without taking into account the deep scars, the psychological fallout and the way that conflict has actively shaped and changed national politics and discourses, relations in tenure, and gender relations.

At the outset of the discussion, it is worth noting a few dynamics relating to land that contextualize the situation in Rwanda. First, approximately 80 per cent of all disputes in Rwanda relate to land. Future research may want to situate and analyze this percentage in past estimates and evidence, and to decipher a trend in increased or decreased disputes pertaining to land and the gender dimensions of conflicts over land. Second, gender and land rights are better understood when contextualized under the back-drop of increased population density and scarcity of land. Rather than deduce a direct relationship between scarcity and conflict, it is better understood that increased conflicts are not just a result of scarcity alone, but are always embedded in pre-existing political-economic and historical conflicts that are re-ignited in the face of scarcity (Homer-Dixon and Percival, 1995; Homer-Dixon, 1994). With this understanding of pre-existing conflict, land is an important element of inheritance and livelihoods. However, there is often not a lot of available land, and hence this creates competing land claims. In addition, NGOS like Haguruka state that out of the 9766 cases (tribunals) heard in courts cases so far, 5205 were inheritance cases. Third, are the country-specific post-genocide and post-conflict dynamics that I have touched upon above, and will elaborate further below. In the after-math of the genocide and war, Rwanda has seen changes in gender relations, whereby 35.18 per cent of households in Rwanda are headed by women and women have taken on gender roles that were previously the responsibility of men, including managing financial resources, constructing houses and road, etc. (Republic of Rwanda, 2004: 9). This has implications on gender relations, as I articulate below. And fourth, in the area of land law, customary rather than statutory law has continued to prevail and most land is acquired and adjudicated under localized rules (Rose, 2004:208). However, despite this reality, the discourses, especially among some development and government practitioners interviewed for this study argue that customary law either no longer exists or is no longer viable. This is perhaps the most unique and intriguing characteristic of the land debate in Rwanda.

There are several significant inter-related issues regarding gender and land rights that are critical to this study, including: the many social, cultural and gender issues of Rwanda in a post-conflict/genocide situation; the many contradictions that exist around legal pluralism and in particular, customary laws (this issue also provides interesting methodological conundrums for consideration, as briefly discussed earlier); and the understanding, dissemination and implementation of statutory laws. These issues characterize the study in Rwanda in significant ways and are articulated below, followed by specified gaps identified in research and development action, as well as positive actions that are being undertaken or envisaged in the future.

Social, Cultural Gender Issues in a Post-Conflict/Genocide Situation

What sets Rwanda apart in this study of East African countries are the challenging post-conflict dynamics and issues arising after two periods of conflict. Some practitioners feel that Rwanda is a "special case" because civil society is ready for change after the trauma that ensued. The post-traumatic experiences are

experienced by both the victims and perpetrators, and sometimes a person can also be both. One participant exclaimed, “it’s like people cut off a part of their own lives...it was like a mass suicide of the whole country”. The two conflicts created two types of refugees, those from 1994, and those from 1959. While these two events have some similarities between them, they were different and distinct. The conflict of 1994 is recognized as genocide, whereas there is some debate about the events of 1959. For instance, Pottier argues that post-genocide Rwanda is a historical construct, and that many socio-cultural dynamics do not result from the 1994 genocide, but have well-established roots (2006). What is clear is that both conflicts created refugees. Among these, some were urban refugees, while others were cross-border refugees. For instance, some of the refugees of 1959 remained out of the country for up to 30 years, and managed to do well for themselves, returning in positions of relative power. Refugees from 1994 tended to remain outside of Rwanda for shorter periods, but came back perhaps more marginalized and sometimes under a cloud of suspicion about their roles in the genocide. This in turn affected their access to land. For example, while they were away, other people profited from their absence, sometimes taking over and cultivating their land. When the refugees return to their rural homelands, they found that their land was taken over and claimed by others. These are delicate disputes, and often end up in court. The disputes are often between who remained behind taking over property and now occupying the land vs. those returning. Of course, proof of ownership is required (in a situation where documentation may also have been lost), although this can be in the form of testimonials from neighbours and family members. In such a situation, the rights of widows and orphans (especially girls) becomes problematic.

Many of those left behind during the genocide were women, as majority of those left behind were widows and orphans. After the genocide, women took on more responsibilities as *de jure* and *de facto* heads of households. After the genocide of 1994, women had to learn to live on their own, they had increased responsibilities, had to work for themselves, and at the same time, their rights to land were unclear. The situation, as one participant explained, “destroyed the social structure of men as bread-winners”. The genocide not only destabilized administrative and political setup, but also created massive changes in social, cultural and gender relations. During this time, “Rwanda hit the lowest bottom of the pit”. Orphans who were already subjected to trauma, were again subjected to other injustices, including land grabbing and intimidation pertaining to property claims. While these instances have reduced compared to the time of the period following the genocide, these types of injustices continue to a lesser degree.

The absence of men, also created some interesting opportunities. Women became empowered in special way and in the post-conflict period organized themselves quickly into associations and councils. Some women lobbied and advocated for their rights in the 1999 law (Republic of Rwanda, 1999). In this way, Rwanda is a good example of promoting women’s rights. But at the same time, it took five years to pass the law. In addition to technical and political reasons that characterize lengthy enactments of laws in Rwanda, other reasons it took time to pass the law included “culture” and “men’s unwillingness to include or ratify women’s rights”. In a reconstruction period immediately after the genocide, many women in rural areas also sought to “bridge the gap” between customary laws (where many “communities were in turmoil as a consequence of cataclysmic population shifts” and were experiencing discontinuity in terms of land tenure) and statutory laws (which were being discussed, debated and drafted at the time) (Rose, 2004:211). As Rose argues, “the postwar transition in Rwanda had created an open space in which, by urgent necessity, these rules and practices had to be radically reinvented. Importantly, this space provided women, who had endured some disadvantages under the prewar customary land law, with many new opportunities, but also with some constraints, for addressing their limitations under Rwanda’s land control hierarchy and for reinventing customary land law on a case-by-case basis” (ibid.). These constraints were moderated by their multiple positionalities as women: whether they were infertile or fertile, economically poor or rich, lacking or enjoying social connections and networks, physically disabled or able, or psychologically incapacitated or stable from war and post-conflict trauma (ibid.: 226).

Under customary law, widows do not outright inherit their husband's land. Land is usually inherited by brothers-in-law (or sons and nephews). In the past, widows had usufruct rights, however this has become heavily contested. In a case where many women were left behind in rural areas (many of them widows and orphans), in the absence of male kin, they have no rights to sell or use land as a guarantee for credit. These women are incredibly vulnerable in terms of their rights to land and have problems in accessing and controlling land. Despite the law of succession which states that widows have rights to inherit land, the law only applies to legally recognized marriages, and not non-legal and customary ones. Widows who are not married legally are in danger of being expelled from the land, no matter how long the marriage. The widow must go to court to defend her rights and is susceptible to land grabbing. In some cases widows are also denied access to land of their deceased husband, sometimes by their own sons. The Women's Legal Rights Network reports a case where a boy killed his mother with a machete because he wanted to sell the family property and she had refused.

Before the succession law of 1999 (Republic of Rwanda; and as detailed further below), the succession rights of girls and women were not explicitly recognized in law. Article 50 of the law protects the rights of legitimate children under civil law, who have the rights to inherit property in equal parts. In order to do so, they go to the state authority and show their birth and marriage certificates, as legitimate children of parents. However, again there is a gap between what is written in law and what actually occurs. Orphan girls don't normally inherit land, it is their maternal uncles or fathers, but if they are not alive, this leaves orphans in a precarious situation, especially when children are minors. Under the burden of proof, orphans must demonstrate proof, but as in case of many orphans, they have no certificates, and must rely on the testimonies (and good will and faith) of adult relatives and neighbours.

Another challenging and stark legacy of the genocide is the issue of gender-based backlash and violence. This is exacerbated by post-trauma of men who took part in the genocide, and are experiencing increased instances of alcoholism. Approximately 100,000 men were put in prison during genocide, sometimes being away for as long as 10 years. They returned to find women as heads of households. When men feel disempowered by the fact that women have taken over roles in their absence or as a result of the gender based demographic shifts after the genocide, they assume they have "been left behind" (metaphorically). Young men who have never had formal education, feel "left behind" and insecure when workshops and projects are solely focused on women and their rights. As men experience increased frustration (which is most likely exacerbated by trauma) they feel threatened, and resort to violence. Women who have already experienced trauma during the genocide are once again subjected to violence. Men's masculine identities no longer fit in the new situation, and they often feel they are too dependent on women. It is suggested by some participants that trainings should focus on both women and men (perhaps through gender-based working groups). As gender relations are shifting, men need to be sensitized on how to live in a changed society. Perhaps this can be accomplished through civic education, life skills trainings, media, etc. And perhaps men need new role models. At the same time, it is important to focus research on the dynamics and reasoning behind women opposing land inheritance by women. Here, Jefremovas' research on women's identities and moral discourses (1991) and the reproduction of patriarchal discourses by women and their impacts on access and control over resources such as land is critical (Kandiyoti, 1998, 1988). For research, it is clear that future research needs to focus on shifts in gender balance and power relations, and on the violence, backlash and changing gender identities that results from such shifts.

The 'Disappearance' of Legal Plurality and Customary Laws

As alluded to above, there exists major disjunctures and contradictions between public discourses about legal pluralism and the recognition (or denial) of customary laws, and what is actually taking place on the ground in terms of land tenure and inheritance. In Rwanda, it seems that the "greatest disappearing act" in the post-conflict era, is that of customary laws – or more precisely, the disappearance of customary

laws from dominant discourses. Customary laws are still practiced widely and by the majority of Rwandans. However, there exists a contradiction between what is publicly stated by government officials and development practitioners, and what actually occurs in practice. Unlike other countries in East Africa, one of the most contentious subject in Rwanda is the subject of “customary law”. Not only is the word “customary” considered an extremely loaded term in the context of a post-genocide and post-conflict situation, the term “law” when used in conjunction with the word “customary” evokes a great deal of shifting in people’s seats. As experienced during this scoping study, many development practitioners working on land issues (whether Rwandan or expat) are hesitant in using the term. Some go as far as denying the existence of customary law in playing a role in land tenure altogether. Some take offence with giving customary regimes the same status as “law”. Some suggest instead that inheritance is influenced by customary practices and ideology (not law). One practitioner suggested that under the new land law, all customary law has been abolished, and that all land rights are now solely governed by statutory law. Even on paper, there is a contradiction. On the one hand, the National Land Policy of 2004 recognizes a dual legal system and states:

On one hand, there is: the customary law, which governs all the rural land and promotes excessive parceling out of plots through the successive father-to-son inheritance system. And on the other: there is the written law, which mostly governs land in urban districts and some rural lands managed by churches and other natural and legal persons. This law confers several land tenure rights to individuals such as land tenancy, long-term lease and deeds (particularly in towns). On the whole, Rwanda’s land tenure system requires comprehensive reforms, from the elaboration of a national land policy to the establishment of a land law and land code, which will guide the judicious use and management of the land resource for the economy to be able to take off in such a way that our country is freed from the grips of poverty (Republic of Rwanda, 2004: 9).

On the other hand, the new Land Law of 2005 formally abolishes every form of customary tenure. It especially abolishes customary law in the North-West of Rwanda under article 86:

The “*ubukonde*” custom as governed by law no. 530/1 of May 26, 1961 on land tenure in the territories of Gisenyi and Ruhengeri is hereby abolished. Persons referred to as “*abagererwa*” who were authorized to occupy the land by *umukonde* owner, who are cultivating the land, or otherwise exploits is, shall be considered like any other customary land users (Republic of Rwanda: 2005).

Pottier argues “that in the same way that ethnicity is banned from official rhetoric, so the discourse on Rwanda’s former land regimes has become outlawed. In their desire to barring all land exploitation under a single modern system, the authorities have ruled that *ubukonde* must belong in the past” (2006). While there may be some questions over the continued existence and relevance of *ubukonde*, some people suggest it may or may not be extinct in practice. There exists no in-depth research study on this question. This of course, is a major gap in research and knowledge that must be addressed, especially with a critical eye to the impacts of the role of abolishing customary law for women and gender relations, which as argued in this study, are an importance space for women to defend their rights to land. In regards to what is happening on the ground for rural farmers in other parts of Rwanda, there exists a situation of legal pluralism and overlapping legal regimes. However, as elaborated further below, the new Land Law of 2005 does not recognize customary law (except to abolish it in one region), as the land policy of 2004 does. This contradiction raises the question of whether customary law has legal status in Rwanda or not (as it does in other East African countries).

According to customary law, generally, land inheritance follows patrilineal lines from father to son. All property belongs to men, and women don’t normally inherit land outright (unless they are given a parcel of land as a gift by their fathers), but have usufruct rights to land through marriage. In the past, under customary law, widows had rights to inherit their deceased husband’s property. However, this has changed over time and like many other contexts in East Africa, parts of customary law has been re-

interpreted and re-imagined to privilege men. The right of widows to inherit their husband's land and the rights of daughters to access gifts of land by their fathers began to be contested in the 1980s (coincidentally, about the same period that structural adjustment programmes were being instituted in so many parts of the South, and differentially impacted women's livelihoods and rights to land in particular - see Gladwin, 1991). Jefremovas argues that in the 1980s, women in Rwanda had difficulties in laying social claims to rights under statutory laws, because at that time, they had few social rights under customary laws. In short, some of the rights that women had under customary law became invisible and silenced, making women more vulnerable to land grabbing and disenfranchisement of their rights. In the reconstruction period, one of ways women "bridged the gap" between unclear laws and take advantage of the uncertainties that arose was to "double dip" (Rose, 2004:239). This means that women seek and maintain access to land in both their matrimonial and birth areas. This of course is contested by men, who invoke customary law and argue that land inheritance follows patrilineal lines where women only have usufruct rights to land. Men contest by asking "how can a woman inherit land from her husband, as well as from her father?"

Some scholars consider customary law as something negative because it has the potential of sometimes being invoked in the pretext of exploiting women – especially young girls, single women, widows and daughters. The argument is that customary law is no longer able to protect women. While this may be true in certain cases, it is not in other cases, and must be further researched and documented. At the same time, future research must also investigate the way customary laws, idioms and norms are used to defend women's rights to land as well. Special attention must be paid to the way women themselves invoke customary laws and discourses to defend their rights to land and property. For in many parts of East Africa, it is often the most viable and local "first line of defence" (as illustrated in Mackenzie, 1993 and Verma, 2001). In Rwanda, this may especially be the case, given that the land reform process is recent and still ongoing, and that at the time of fieldwork, local land boards were not operationalized on the ground.

Another argument concerning customary law, which is not unique to Rwanda, is that customary regimes such as the "abunzi" (village level councilors, understood as "informal" structures) must be made formal. In other words customary laws, regimes and structures must be captured by the state and written, codified and formalized under statutory law. This tendency reflects neo-liberal political-economic discourses and practices. While Rwanda is a government that is moving from a highly centralized government in the post-conflict period to a decentralized state, "land can only be talked about by the government after the genocide". This would seem like a contradiction in terms – a contradiction that may only be understood in light of the devastation caused by the genocide.

Returning the 'hyper-sensitivity' expressed by many practitioners in acknowledging customary laws, some practitioners explained that since the second conflict, clan headmen did not enforce customary laws, and that land arbitration depended on statutory law rather than customary laws. This is a contested notion, first because the power of the clans may have diminished earlier in relation to land issues, and second, because customary laws are the primary legal regime used by most rural Rwandans. After 1959, many cultural institutions were destroyed and became "diluted", including the monarchy. In effect, what is being argued here is that customary laws also became eroded under this situation. This statement is in contradiction to what grass-roots NGOs were claiming. That is, that much of land tenure and inheritance still follows customary laws (especially patrilineal lines of inheritance). What becomes quickly clear is that the issue of customary law is a politically sensitive issue and must be researched with care and deep reflection. Further giving "culture" a bad name, the government discourse in post-genocide era seems to be that cultural diversity and ethnicity no longer exists in Rwanda. There is a denial of the existence of cultural identities. This is in stark contrast to Burundi, a government that explicitly acknowledges difference.

Perhaps another reason for the controversy and sensitivity is partly historical, and based on the power that the monarchy and its administrative arms had, particularly in term of control of pastoralist land. One participant remarks, that with ethnic groups being broadly associated with different livelihood strategies and practices (i.e. agriculture vs. pastoralism), ‘custom’ invokes memories of pre-colonial and colonial era ethnic relations, which were extremely controversial. In this sense ‘custom’ could also, and is often conflated with ‘communal lands’, such as access to marshlands and other areas (i.e. Batwa access to current national park areas that are currently controlled by the state, but were previously their ancestral lands, from which they were dispossessed). It is also important to keep in mind the history and politics of land distribution which created land pressure. Having less land available for customary rituals and practices might also contribute to disappearance of actual cultural practices, and open the way for increasing monetization of land markets. Last, one practitioner suggests that while post-traumatic stress may be an important part of the equation, another critical component may also be the post-1994 government’s desire to claim a re-invention of the country, and to avoid open discussions of cultural and political issue by perpetuating discourses of “one-ness”. The governments’ main discourses insist on uniformity, by doing away with ethnic labels (Pottier, 2006). What results from this is that the “official view on past land tenure regimes reduces historical complexities in an attempt to homogenize the collective memory” (ibid.). In reality, ethnicity remains important for political appointments, access to resources and power relations. Political opponents in Rwanda remain deeply sceptical of the discourse of “one-ness”, and point that in practice, many groups of people are marginalized and remain at the periphery of this illusive “one-ness”, such as indigenous peoples like the Batwa. Further, there are startling continuities between the pre- and post-genocide government, with the central government dominating local power structures and remaining strongly connected to the centre.

In writing this section, and in trying to understand the complexity of the situation, it is perhaps best to understand “the disappearance of culture” through cognitive analysis. The “disappearance of culture” is not to say that culture has actually disappeared (in fact, it is alive and well), but the level of denial that exists in acknowledging that culture is a reality, especially in government discourses which suspend references to anything to do with culture and ethnicity. The denial perhaps stems from the deep seated feelings of people who have undergone deep psychological trauma, and are having to deal with forceful discourses emanating from donors and development agencies that codify the Rwandan conflicts in a colonial language of “backwardness, shame, primitiveness and ethnic conflict”. Future research might include some psychological theories about post-trauma and stress in order to understand how “culture” has disappeared from people’s conceptual frameworks and discourses. And action research might include counselling services from experts specialized in post-traumatic and post-crisis situations. One gender dimension of genocide and conflict in the Rwandan situation is rape and other forms of gender-based violence and psychological traumas – traumas that continue to affect the behaviours of a great many Rwandan women and men, but issues that may also be suppressed. One participant suggested that perhaps “people are not able to think in a coherent manner” and that the genocide had created “no-go” areas of discussion, because they are still in deep in denial. The “no-go” areas of discussion may also be exacerbated by political expediency by those in political power. The reality may be that there are multiple forces that are creating the “disappearance of culture” and “no-go” areas. However, this is in stark contrast to other East African countries, where law and policy makers are showing a renewed interest in the importance of customary laws and the ways they have evolved (Pottier, 2006, 2005, Whitehead and Tsikata, 2003). As already argued, the introduction of statutory laws that privilege privatization, titling and freehold tenure, does not pre-empt or override existing customary laws. What is likely to emerge is a complex picture of overlapping legal regimes and rights to land, whereby women and men will contest rights to land by drawing on which ever legal resource they can (Mackenzie, 2003: 258).

Statutory Laws and Policies

In recent years, Rwanda has been undergoing major land reforms. One participant suggested, “this is the first time the government is implementing land tenure in a way that is organized”. However, some may interpret the term “organized” as “formalistic”, which as discussed earlier may leave little room for customary law, normally seen as dynamic, negotiated and open for contestation. Furthermore, some participants expressed the concern that only the government was allowed to talk about land after genocide. One participant also expressed a concern that there was no security in tenure until 2005 (i.e. farmers could be evicted at any time) during the transitional period. In order to contextualize the new laws and policies in terms of people’s real needs a lot still has to be done in terms of strengthening gender and land rights within statutory frameworks relating to land tenure and inheritance. These laws and policies impact women and gender relations in significant ways, and are elaborated below in chronological order (although it should be noted that there are other laws and policies that are relevant as well, including the Constitution of 2003, the National Policy on Gender of 2004 and the National Policy on environment of 2005).

In 1999, Rwanda passed Law Number 22 to supplement the Civil Code and to institute part five regarding “matrimonial regimes, liberalities and successions” (Republic of Rwanda: 1999). Whereas the family code of 1988 previously had no provisions for inheritance and succession, the new code allows both “male and female children” to inherit land (as per article 50). While this provision is a step in the right direction, there is still no clear provision on inheritance of land in the case of widowhood, dissolution of marriage, etc. Nor is there a specific clause on co-ownership of land between spouses. A co-ownership clause will take a lot sensitization to implement. Rose argues that while “the law took a huge step forward in granting female children and adult women inheritance rights on an equal basis with men...this law is not completely adequate: it not comprehensive, it contains unclear provisions and it contains provisions that could potentially be applied in a discriminatory manner” (2004:242), especially in regards to women’s rights. In addition, while the succession law 1999 gives girls and women the rights to inherit land, the application of the law lags far behind in daily practice. In essence, while the law sees men and women as equals, men are in a more powerful position in terms of interpreting laws, decision-making and inheriting land. As one participant exclaimed, “the mentality is that land belongs to men”. Another gap in the law is that while it recognizes successions for legal marriages, it does not do so for non-legal (or customary) which are numerous in Rwanda. Similarly, polygamous marriages are not recognized. In certain parts of the country, like in the north-west of the Rwanda, polygamous marriages are common. While they are an advantageous in terms of labour, they are not advantageous in terms of land. This is because land size is diminishing, and if women and men follow statutory laws, only the first wife is recognized while others “unrecognized” wives are excluded. According to the Ministry of Gender, over 40 per cent of all marriages in Rwanda are not legalized. In a similar vein, the law doesn’t recognize the rights of many children born in non-legal marriages or born “out-of-wedlock”. Lastly, the law covers property rights, but does not discuss land rights (as a sub-set of property rights) (Rose, 2004:243).

Rwanda passed a National Land Policy in February 2004. The purpose of the National Land Policy is to shape the law. The new policy makes it clearer that land is an important part of inheritance (this was not made explicit or clear in the past). In terms of gender and land tenure, article 3.5 in the policy describes customary law in somewhat negative and almost colonial terms, stating the following:

According to Rwandan custom, land ownership is the prerogative of men, and land rights are inherited from father to son. Girls were therefore excluded from the inheritance of family land. This system prevented a woman from land ownership, even as a widow where she was entitled only to the right of usufruct over family land while waiting for her sons to come of age. If her husband died before she had borne him any children, a woman could not claim any of her husband’s land unless she married one of his brothers. Even in such a case, it was the new husband who became the owner of that land. And if this second marriage did not take place, the widow returned to her parents (Republic of Rwanda, 2004:20).

There is little discussion about how customary law can also be invoked by women to create space to manoeuvre and defend their rights to land. The policy also makes reference to the law on matrimonial regimes, liberalities and successions, as well as the new land law:

The new inheritance law published in the Official Gazette No. 22 of 15th November 1999 has solved this problem that had remained pending for so many years. Article 50 states that “all legitimate children under the civil law shall inherit equally without any discrimination between male children and female children”. The land law should take into account this clause with regard to land inheritance (Republic of Rwanda, 2004:20).

Despite this statement in the policy, as becomes evident in the new Land Law discussed further below, the question of spousal inheritance still remains unresolved. Another problem is that there is a huge gap between laws and application and institutionalization of law, especially at the community level. One participant explained, “the policy comes from the state, but every farmer does their own thing”.

In September 2005, Rwanda created the new Organic Law determining the use and management of land in Rwanda, which has 89 articles (Republic of Rwanda, 2005). At the time of the field work, the law had not been implemented yet. Many of the decrees associated with the organic law were still being debated and drafted. Many practitioners felt there was an urgent need to get more people involved in the drafting of land decrees, especially women and indigenous peoples. Some felt that better coordination and capacity strengthening was also required to assist practitioners to draft the decrees, and that more legal specialists were needed. It was also noted that very few women attended the field meetings organized by the government and civil society organizations pertaining to the drafting of the law and the decrees.

Some of the major changes in the law pertain to the fact that land must now be consolidated and organized according to ninety-nine year lease holds (where land is owned by government) rather than full ownership. The architects of the new land law claim that it will result in better soil management, productivity and sustainability, reduce land disputes and bring about social stability (Pottier, 2006). However, the reality is that the bill’s emphasis on the obligation to consolidate fragmented family plots and register them will most likely cause further tension (*ibid.*). The law embraces neo-liberal discourses that promote privatization, and by doing so, hopes to make a dent in the practice of subsistence farming and instead create a private land market through registered titles (*ibid.*). The law limits land registration to a one hectare minimum. This means that households with less than 1 ha. are barred from registering land. Until now, the sale of small parcels of land has been an important coping strategy for women and men, especially in times of emergencies, family crises, etc. The new minimum land holding size, if enforced, will force people to choose between selling everything, or not selling at all. In a country where the average land holding is 0.5 ha. for 60 per cent of households, and 1 ha. or less for 75 per cent of households (Nzioki, 2006), setting a minimum for land holdings will have far-reaching detrimental impacts for the majority of people. Indeed, since only three-quarters of the rural population in Rwanda own plots totalling 1 ha. or less to begin with, the Land Law could force a vast number of the farming population off the land (Pottier, 2006). The danger is that in creating an army of landless people, the new Land Bill may actually create the potential for generating significant conflict (*ibid.*).

One incredibly contentious element in the Land Law pertains to the expropriation of land. The law contains many vague clauses on environmental conservation, and “professional” and “productive” use of land. In particular, Article 20 of the law grants local authorities the power to “approve the consolidation of small plots of land in order to improve land management and productivity” (Republic of Rwanda, 2005). In addition, Articles 62 to 65 stipulates that subsistence farmers can have their land confiscated should they fail to exploit it diligently and efficiently. The Land Law authorizes local authorities to judge farming practices and outputs, and thereby expropriate the land of farmers who are deemed not to comply

with “more productive uses of land”, for the purposes of redistribution to more needy citizens (see Article 87). However, as Pottier remarks, the Law remains silent on the criteria against which a farmers’ ability is to be judged, “a highly subjective concept anyway” (2006). If these clauses are likely to be implemented with strict land use regulation, they will result in the confiscation of land as a penalty for non-compliance. There is a great danger that such clauses may be mis-used and abused by those in power, especially by powerful new elites who might appropriate land for their own benefit. Rwanda has already seen a widening gap between the new elites and the rural majority, and such a clause will most likely further widen the gap. The end result is an exit from agriculture, and the endorsement of widening class differentials (Pottier, 2006). In urban areas, more widespread expropriation is planned and already underway, with different people receiving different expropriation rates depending on the honesty of the technicians involved and the capacity of the victims to advocate for their rights when they are abused.

It is not clear what compensation is to be paid to Rwandans who become landless as a result of these clauses. Pottier argues, “given that expropriation will occur when state authorities deem the land to be too small and underdeveloped, compensation, if paid, will amount to a mere token gesture, possibly ‘*nul franc*’...what then does the future hold for those who lose their land because it is too small or poorly managed, potentially half a million households? Will any alternative strategies open up?” (2006). Not only does Rwanda have a poor track record when it comes to creating off-farm income opportunities and employment, the government is “asking resource-poor farmers to take a formidable leap of faith. They are asking farmers to embrace the unfamiliar, never-tested logic that agricultural growth, grounded in land consolidation and better fertilizer use, will create demand for non-agricultural goods and services” (Pottier, 2006). In effect, the Land Law and Policy may have “failed in engaging with the complexities of everyday life. The architects of the new law and policy, just like foreign consultants brought in by the post-genocide government and its donors, have all too easily been persuaded that land fragmentation is ‘bad’ and land consolidation is ‘good’” (2006).

Furthermore, systems and structures to support and implement the organic land law have not rolled out yet. An interesting contradiction arises again as some practitioners claim that the local land boards are operational, while others claimed they are not up and running yet. As far as this study is concerned, there is little evidence that the land boards are in place yet. Again, this is a question that future research must address, especially regarding women’s equitable access to the land boards – and again, with a focus on the most economically marginalized. Another issue that must be monitored in the future is the enforcement and implementation of the law. As in many other East African countries, implementation remains a weak link. If the new law is only partly enforced, it will probably increase opportunities for local corruption and settling of scores (which are abundant in the post-conflict period).

Another issue that is raised in the law is how to implement the new law in relation to the land policy and in terms of gender. While previously the laws were male-centric and didn’t recognize women’s rights in the law, women now have the same rights as men in the family, especially in terms of family inheritance (when they are kin). The 1999 matrimonial and succession law states that women and men have equal rights, whereas the new organic law of 2005 doesn’t explicitly state this clause (Republic of Rwanda, 2005, 1999). In the new land law of 2005, the problem of women’s inheritance of land is not solved. In matters relating to women’s access to land, the law refers to the law on matrimonial and succession – and as already stated, the latter law is not explicit enough in terms of inheritance rights. This creates a disjuncture that remains unresolved between the law on inheritance of 1999 and new law of 2005. Many activists and practitioners stressed the urgency of having a law explicitly on inheritance, not only outlining women rights to inherit land as kin, but also as widows, in cases of divorce, etc.

Another problem that remains unresolved in the law on land (and an area for further research) is the role of ‘culture’ or customary law. As noted earlier, land tenure is inseparable from culture, and is closely related to the livelihoods of people in Rwanda. However, the law does not adequately deal with

customary law or culture. In addition, in much of Rwanda, land is considered a matter of “property in the family”, and despite what is encoded in statutory laws, some Rwandans don’t want land to go to “another family in Rwanda”. Essentially, what this means is that they don’t want to share land with a “foreigner”, and “foreigners” in this case are thought of as the children of daughters (while children of a son considered “family”). Thus, practice is inseparable from discourses of morality that create greater barriers and burdens for women. As Jefremovas demonstrates these discourses have powerful affects in practice, as discourses of “loose” women, for example, can create problems for women in accessing, controlling and retaining critical resources such as land (1991).

Customary law stresses that land is inherited by sons, and daughters have usufruct rights to land. When addressing these issues, some practitioners stated that ‘culture’ represented a key ‘problem’ to land rights, but that this problem could be addressed simply by changing the mentalities and attitudes of people by sensitizing them. There are also accounts that cases of violence are on the increase because many Rwandans are refusing to recognize the rights of women under the new policies (especially the matrimonial and succession law of 1999). One practitioner recited the case of a young boy who killed his sister because he didn’t want her to share the property of their parents. Another situation that is creating gender-based violence as well as a major gap in the law is when women married before the law of 1999 came into place and are now claiming their share (where land had already been allocated to their brothers and parents).

Capacity Strengthening

There is a lively community of academics and researchers who study Rwanda in terms of land rights and tenure, both before and after the genocide. This means there is a good deal of literature and ethnographic evidence, especially about land relations before the genocide, and some after it. However, not only is it important to note that many researchers live outside of Rwanda, but that there are still fewer who study the gender dimensions of land rights. While Rwanda needs support for capacity strengthening in terms of gender analysis and research on gender and land rights in the post-genocide era (i.e. where many intellectuals have been lost), there is potential that some of the existing organizations in the country may be able to host or ramp up future research. These include, Human Rights Watch (HRW), Association pour la Promotion et la Defense des Droits de la Femme et de l’Enfant (Hagaruka), LandNet Rwanda, Rwanda Initiative for Sustainable Development (RISD), Rural Development Institute (RDI) (details of these organizations are outlined in Appendix B). In addition, it is also important to support innovative research that incorporates some cognitive analysis, as well as carefully theorized political and anthropological analysis in order to understand and situate Rwanda’s complex and sensitive history, and the dominant discourses that silence the role of culture, customary laws and ethnicity.

Uganda: Gender and Eroding Political Gains & Micro-Political Struggles

The women of Uganda are keen to own and control land as a way of ensuring that they also control the proceeds of their labour on land. They view spousal co-ownership as a major building block for their security of access to land in marriage. With ownership and control of land, women would be better placed to make a meaningful contribution to food security and poverty alleviation. However, this is but one factor among many in addressing the problems of food security and poverty... (Nyakoojo, 2002:2).

Similar to Rwanda, Uganda is also a post-conflict country. However, what sets Uganda apart from the three other countries of this study is the existence of a lively and healthy civil society that actively engages with government, albeit a slightly “fatigued” and “burned out” women’s rights movement. However, the “burn-out” and fatigue that activists are experiencing is a real concern in Uganda that needs

to be tackled. In other words, it is important to keep in mind such a burn-out may endanger all the gains already made so far, especially in the absence of advocacy strategies that may kick start or influence implementation processes. Many NGOs, civil society groups and research organizations actively engage in development issues. Some of them focus their efforts exclusively on gender and women's rights, some on land issues, and some on both. There are a few other things that set Uganda apart from the other countries in this case study. Uganda reserves one-third of its seats for women in every government body, from parliament to local district councils. In terms of its constitution, it is not only progressive in terms of the status of women, it also recognizes rights under customary tenure (Government of Uganda, 1995), which is a legal domain used by the majority of people. It is argued by civil society advocates and researchers that what also differentiates Uganda in terms of gender relations is its high rates of domestic violence against women, HIV/AIDS and polygamy.

Land and Women's Rights: Gains and Losses In Land Legislation and Statutory Laws

While ambitions have been high from women activists and civil society interested in promoting gender equity, the reality is that some of the gains made in the area of land rights are under threat. In 1998, the Uganda Land Act was enacted. It was actively debated among parliamentarians, civil society and researchers. What women and land rights activists wanted, and were unable to get, was a clause on co-ownership, which would stipulate that inherited land could be co-owned by spouses. It should be noted that this clause is in the domestic relations bill has been "on the table" in parliament since independence – that's 42 years! It is seen as a highly contentious issue, and is not likely to be passed without pressure on the government and strong backing from the President. What the land act does provide for is a consent clause. This means that the person holding title deed (through customary or statutory law), must get the consent of spouses, before land is mortgaged, leased, rented or sold. It is important to note that while the clause did previously include the consent of children in land transactions, the Land Amendment Act of 2004 struck children off the list of persons who could give consent. In essence, the clause has been narrowed down considerably, and there are other bills pending that may mean the final "death blow" to the clause.

Worryingly, the consent clause in Land Act of 1998, is being contested under a new law that is being debated among civil society activists and the banking/financial community in Uganda. As mentioned above, the land act stipulates that consent must be obtained from spouses and children in the event of sale, lease, mortgage or rental of family land and property. While it comes short of what women activists want – which is a clause specifically recognizing co-ownership rights between spouses – there is a new Mortgage Bill currently being debated has the potential of superseding (and therefore negating) the consent clause in the Land Act. Bankers in the financial community see the consent clause as a burdensome clause that impedes the flow of market transactions, and are arguing for its "removal". In effect, if the new Mortgage Act is passed in parliament in the form that bankers are arguing, it will override the consent clause in the Land Act. This will be a huge step backwards for women's rights pertaining to land. Future research should follow up on this change which, if enacted, will have a detrimental impact on the gains made by Uganda in terms of women's rights to land.

On a more positive note, Uganda is also the only country in East Africa, that has affirmative action in all government bodies, from parliament to local district land boards. There are one-third women sitting on these boards, but as one informant exclaimed, "that's it, they are only sitting on the boards, they don't have the power to do anything else but sit". Increased numbers on the board doesn't mean as much when the culture of the board is comprised of an "old-boys network", where women are afraid to speak or to assert themselves for fear of being labelled or stigmatized. This is especially an issue when women come from the areas where they are representing their constituencies, and must continue to live in these areas. Therefore, beyond ensuring one third women on the boards, it is also necessary to begin thinking about institutional change that empowers like-minded women to make decisions that are more equitable and support vulnerable women in ensuring their rights to land.

Gaps in Implementation

There are huge gaps in the implementation of legislation governing land rights. Even though the consent clause recognizes women's rights in terms of land transactions, and the constitution outlines women's rights to own land, the implementation of the laws in everyday practice is hugely lacking. Every single person interviewed and consulted for this study recognized this as a major gap. Issues that impede implementation include lack of resources (including money and information), lack of political will, and patriarchal norms and practices.

Another issue regarding implementation is the lack of political will and willingness to put force and power behind gender issues and women's rights. While Uganda has signed CEDAW, and promotes itself as a leader in the areas of gender and land rights, there is evidence that the lack of political will from the highest positions of power may be holding back the state level struggles for change. This is something that the Economic Commission for Africa may be able to do, that is, put pressure at the highest levels of government to place more resources and power in terms of implementing and enforcing women's rights to land. Finally getting the domestic relations bill passed in parliament is also an important issue. Last, it is also worth noting that there may be a diminishing amount of energy among feminists and women's activists in Uganda. And this might be occurring because struggles and rights that were hard won in the past, are eroding in the face of fierce struggles with those in power and those setting the development agenda, such as the bankers and financial organizations pushing the new Mortgage Law.

The Consent and Co-Ownership Clauses

The consent and co-ownership clauses are a step in the right direction. As mentioned earlier, they set Uganda apart in terms of its progressive statutes. However, there are a few problems worth reviewing. First, in terms of the co-ownership clause, the word "ownership" is problematic because it is defined differently according to the type of tenure regime. The dominant understanding of "ownership" is premised on a freehold and individualized regime of tenure. Under customary law, for example, the right to sell, lease, use, allocate, etc. is not vested in the individual, but rather, in different institutions. When women activists lobbied for the co-ownership clause in the law, it was based on an understanding of individual rights. Resistance to the clause then took on the unfortunate phrase "women do not own land under customary tenure". LEMU, for example, suggests that it is perhaps better to rearticulate the phrase to "women do not own land *in that way* under customary tenure".

Further, LEMU argues that Ugandan society is evolving from communal to individual relations, where most of society has evolved into a family unit, and the values and rights of the individual and rights within a family unit are set up differently. It is important to keep in mind that while such transitions are important, their dynamics are different for pastoralist communities. Nonetheless, the co-ownership debate attempts to apply the values and rights for an individual within family units, where men hold rights in trust. However, this leads to misunderstanding and resistance because the dominant assumption is that "women don't own land". This assumption is often used by men to disenfranchise women of their land rights. Even more unfortunate, the same assumption that "women don't own land" is sometimes used by development practitioners and organizations for various reasons.

Secondly, the consent clause in the Land Act also raises a few dilemmas. It was originally intended to provide for consent of a spouse in selling family land. The law also provides for land committees to give consent when land is being sold on behalf of a child. The latter was repealed, and as it stands now, the law only provides for consent of spouses. There is no legal protection for the land rights of widows either. While customary law provides and recognizes for the rights of widows, it becomes weakened

when the phrase, “customary law does not allow women to own land” is invoked. Some practitioners believe that an important opportunity to use this protection and to hold the system accountable may be lost. LEMU, for example, believes that a big problem is that customary laws, which included the protection and rights of women is excluded in the Land Act, and that state laws have failed to replace customary rights and protections.

It is also worth drawing distinctions between the consent clause and the co-ownership clause. Both are needed but for different constituencies. Consent is perhaps more appropriate for unregistered land and is more in line and acceptable under customary tenure. One problem, however, is that under customary laws, it is usually the clan that gives consent for sale of land, whereas statutory laws allocate that consent to individual spouses (read wives). On the other hand, to apply the consent clause for unregistered land may be problematic, since those whose names don't appear on titles do not have rights to land. When selling land, it's the people who own title deed who must sign transfer deeds. Banks get upset when spouses (read wives) challenges the sale of land after the sale has been completed. If the consent clause were to be challenged in court, it may not stand. Some practitioners believe that titles are more appropriate for the economically wealthier men and women. The co-ownership clause ensures that the name of a wife appears on the title deed. However, it is worth keeping in mind that titled land in Uganda only applies to approximately 20 per cent of the population. In the event of a sale, wives would have to sign the sale agreement, and whether this is gotten through agreement or violence is another matter which is often not considered. Also, it is titled land that is used for collateral by banks and development organizations who supply credit. Therefore, while the consent clause may not be of significance to banks, it is vitally important for women in terms of their customary rights. LEMU suggests that the co-ownership clause is perhaps more appropriate for titled individual land which benefits a minority of the economically wealthier populations, and the consent clause is more appropriate for untitled land which benefits the majority of rural women and men. For this reason, organizations such as LEMU target the consent clause, and argue that the lower courts should take responsibility for its implementation.

Violence

What does consent mean when consent is gotten through violent means? Some activists and researchers believe that while the consent rights are important in the Land Act and must be protected, they also question the extent to which consent can be practiced when it is gotten through violent means. That is, when husbands resort to violence and physical abuse to coerce consent from their wives. This is an important issue that points out women's rights to land and violence must be considered together.

Legal Plurality & Customary Laws

In practice and reality, for most people, much of land tenure follows customary laws (which differ in every region and reflect the cultural diversity of Uganda). This creates critical dilemmas and tensions when we consider gender dimensions of land rights. On the one hand, it is important that customary laws are recognized and empowered and that rural women and men have the right to protect and practice their distinct customary laws, norms and practices. On the other hand, many practices were altered starting from the colonial period onwards, and more solidly entrenched patriarchal norms which privileged men's control over land. For instance, women were rendered more invisible within statutory laws. Their usufruct rights to land were ignored under colonial laws. In the current situation, these patriarchal norms continue to privilege men's power, and render women's rights untenable, especially when women are widowed, divorced or attempt to access land independently as heads of household (a right that each daughter enjoyed under pre-colonial customary laws). The critical tension is that while it is important to support the practice of customary laws, it is problematic to condone and support practices that undermine women's rights as basic human rights. I will come back to this dilemma further below.

However, one way forward may be to critically reflect on the overlapping of customary and statutory laws, and to view both these regimes as changing over time in relation to one another. For example, LEMU argues that most the most dominant perspective through history has been that customary laws do not allow women to own land, and that it is communal (read “backwards”), bad for economic growth and is an out-dated regime that must be phased out. Not only does this reflect colonial discourses that are also dominant today, it also paved the way for a bias inherent in colonial and present day development discourses that customary laws had to be done away with. Not only do customary legal domains have systems of governance that continue to be ignored repeatedly throughout history, the very discourses that paint them as “backwards”, “primitive” and “out-dated” allow more powerful men and women to contest and manipulate the rights of others in weaker positions. In this sense, there is a critical connection between power and knowledge. What ends up happening is that customary laws are erroneously held accountable for privileging men’s positions of power (and abuse). It is perhaps worth recognizing that successive governments have failed to correctly analyze the issues around legal plurality, and especially customary laws and the system of governance it maintains (ibid.).

Another problem in dominant analysis of land tenure regimes is that they render gender dimensions invisible. For instance, the “man” under customary law is both a manager (an institution) of land with responsibilities to hold land in trust, as well as a person with rights to land, who is ultimately managed by his clan. Under customary law, upon his death, the role of the manager (the husband) is passed to the widow (the wife). The widow is therefore an institution in her own right for managing land. What is rarely discussed are the responsibilities that the institution holds. Rather, the focus tends to be on the rights, not the responsibilities. Women must also be seen as institutions, not merely as individual “women”. Rather than focus on issues through in-depth and systematic gender analysis, the tendency has been to view land tenure as a “man and woman” issue. Again, LEMU argues that such a view only leave two strategies as remedies to the “problem”, namely statutory law and sensitization. However both these solutions have been tried repeatedly over time and have had limited success.

Another illustration of the need to look beyond the individual is the case of divorced women. When women are divorced or are chased from their marital homes, they normally return to their natal homes, if land is available and has not been sold, and if they are accepted back (sometimes they are not when there is land scarcity). When a woman is married, it is important that she give consent when her family land is being sold. Women with children normally return with those children, and is given land for cultivation, if it is available and if she has maintained relations with her family. However, her children will not have rights to the cultivated land, and are not entitled to become heads of families or managers of the land on their mother’s family land. They are expected to make claims on their fathers’ land, to sometimes discover that land has been sold, or they are not recognized as legitimate children, or their rights to land are denied outright. Hence, when it comes to land rights, it is important to focus on the family, rather than the individual. Focussing on the household as a point of departure, as gender analysis often does, is critical. By doing so, it is possible to see that through the vulnerability of women, her children may even be more vulnerable, and hence, the whole family.

Post-Conflict Issues and Dynamics

Similar to Rwanda, Uganda is also a post-conflict state – although the history, politics and context of the conflict in Uganda are different from that of Rwanda. Rugadya’s study in Northern Uganda, in particular, sheds light to the problems faced by 1.7 to 2 million internally displaced people, as a result of the conflict between the government and the Lord’s Resistance Army (LRA) and the continued insecurity caused by Karamojong warriors (2007:1). The return and resettlement of people is a complex process, which bring about issues of social friction and conflicts that adversely affect people’s lives, land tenure and rights. Ragadya suggests, “an important consequence of conflict is increased poverty due to abandonment of agriculture and livestock activities, which is presently apparent in Northern Uganda, making the need for

restoring stability in land relations and the resumption of sustainable livelihood activities, a critical component of any programmes for recovery and return” (ibid.).

Some of the broader issues centre on mistrust and suspicion of the government’s intentions which have lead to speculations of land grabbing based on evidence of state sponsored land grabbers (Rugadya, 2007:v). In addition, customary laws, institutions and practices have also been transformed. Most notably, “households heads are now “owners” and not “trustees” of rights in land, therefore the power base of this tenure has shifted from the clans to the households heads”. There is of course, a gender dimension to this. Experience in other East African countries has shown us that household heads are often defined as men. Indeed, widows are the largest numbers of persons remaining in the camps, because their land rights are uncertain (ibid.: vi). In addition to this, it is also important for future research to focus on situation when women are denied their rights when returning as refugees, and in resettlement situations at the end of conflicts. One concern is the emergence of rural land markets as a domain for women, but without regulation, and the impact this may have on returning refugees and women who are resettled. The case of internally displaced people reconfirms that a major issue in Uganda is the non-functioning of decentralized land administration structures because of lack of human resources, institutional structures and lack of political will. Ragadya points out that District Land Tribunals are barely functional because they are grossly under-resourced and because there exists no established institutional and legal framework to handle post-conflict matters such as restitution and resettlement (2007). Further research needs to document gendered experiences, as well as investigate the way customary laws and practices are now interacting and overlapping with statutory laws, especially in an environment where there is such a high degree of mistrust towards the state.

Capacity Strengthening

Given its active civil society, it is not surprising that Uganda has some strong organizations for research on gender and land rights, including Associates for Development (AfD), East African Sub-Regional Support Initiative for the Advancement of Women (EASSI), Land and Equity Movement in Uganda (LEMU), Makerere Institute for Social Research (MISR), Uganda Land Alliance (ULA) and the Centre for Basic Research (CBR). However, despite the great advances Uganda has made in its statutory laws, there is the issue of burn-out in the women’s movement pertaining to land rights. Therefore, it is important to support networking opportunities amongst these organizations, and link them to other movements regionally and globally. Furthermore, there is still scope for greater capacity strengthening in terms of gender analysis, especially for young researchers, and for research in areas where gaps have been identified. And finally, a movement that is feeling burn-out may benefit greatly by a boost in research funding on gender and land rights, and this may also signal to those in political power that these issues are very critical and of great importance to the lives of vulnerable and marginal women in the country.

Other East African Dynamics: Gender, Caste & the Power of Ancestors

Even though IDRC has not commissioned work in Madagascar, I thought it important to add one paragraph on the issue of caste and powerful meanings which tie land to the ancestors. First, issues of caste are incredibly difficult to research, but are central in understanding access, control and ownership of land in Madagascar. Similar to the intense stigmas attributed to unmarried single women in Kenya and Uganda, stigmas attached to caste are even more profound and intense in Madagascar. People in the Central Highlands of Madagascar have different positions in terms of caste, where caste is an axis of difference differentiated by descendants of slaves and descendants of nobility. Slavery is a very poignant part of Madagascar’s history, and it has far-reaching impacts on present-day social relations. Descendants of slaves have differential access to land. They can rarely own land and normally gain access to land through relationships and negotiations (normally as tenants) with the noble caste. When caste is further nuanced with relations of gender, it becomes evident that women who are descendants of slaves are in a

precarious position in terms of accessing and controlling land. Second, one cannot begin to discuss issues of land without discussing the powerful role of ancestors on the living. Rice fields and farm plots that are inherited from the ancestors are extremely valuable. There are sites in the landscape that are sacred. Malagasy farmers are continuously communicating and interpreting signs from the ancestors about livelihood and land use decisions. Hence, land is not simply a material factor in production, it is inextricably tied to notions of identity, links to the ancestors, and cultural and spiritual meanings that not only define decisions pertaining to land, but also decisions pertaining to agriculture, the after-life and investments in the land (Verma, 2007).

Conclusions: Identifying Gaps, Gender-Positive Action & the Way Forward

Given the goal of the IDRC's RPE programme is "to develop a program of support for research and action that can improve rural women's access to and ownership over land and other productive resources", it is critical to understand gender, socio-cultural and power relations that govern tenure (as the terms of reference for this study articulates), as well as to look at broader issues that impinge access. That is, it is important to review the critical gaps in research, as well as examples of positive action, support and coping strategies that might help to guide action research. Based on these together, it is possible to suggest a way forward that brings about positive change in the lives of economically poor and vulnerable women and other marginal actors.

Identifying Gaps in Research and Capacity

In order to construct a program that will effectively address the issue of women's access, control and ownership of land, first and foremost, it is first and foremost, important to identify where gaps in knowledge may lie. After analyzing the preliminary results from this study, it is evident that gaps lie in the following areas of research and knowledge: innovations in laws and policies, implementation, legal plurality, disenfranchisement of land and urban-rural migration, the re-interpretation of customary laws that privilege patriarchal norms, cultural change from within, detailed ethnographies and case studies, masculine identities and backlash, the case of pastoralists, post-conflict contexts, accessing research information, climate change, and capacity strengthening. Each of these gaps is briefly discussed below.

Innovations in Constitutional Rights, Land Acts and Policies

Many advocates argue that legally encoding and institutionalizing co-ownership clauses within statutory law will increase women's power within conjugal relations. Uganda has been attempting to do so since independence, and Kenya has not yet codified co-ownership within its legal instruments. In both countries, there is a lack of will, as well as resistance from men and political elites. Further understanding the dynamics of resistance and opposition through research will help to address (and perhaps move beyond) the fears that underlie them. Another positive innovation within statutory laws and policies is the codification and institutionalization of consent clauses. Such clauses make explicit that women and other family members must give consent before land is sold, rented, leased or inherited. However, as noted earlier, such a clause must be viewed in light of the existence of gender-based violence. In other words, we must ask ourselves critically, what does consent mean when it is gotten through violence? Coerced consent is not consent, when derived by coercion or violence, it means very little for the empowerment of women in defending their rights to land. Last, it is critically important that statutory laws and policies recognize customary laws, as this is the most used domain for economically poor and marginalized women and men to defend their rights to land. The existence of legal plurality and overlapping legal domains is a reality and a very important space to strategize, contest and manoeuvre in every country

studied, whether political powers admit it or not. In addition, it is important to keep in mind that within all the debates in each country, tenure security has different meanings for different people (Musuhara and Huggins, 2005:319). What rural farmers want is security from land conflicts. This is especially the case for women and other marginalized groups who are vulnerable to having their land rights disenfranchised. What governments and dominant international donors want is security through land registration (as a push towards privatization). As Pottier suggests, “as is well understood by now, elsewhere in Africa land titling has not done the poor any favours, and may well have created conditions at odds with intended policy goals” (2006).

Implementation, Implementation, Implementation - Or Lack Thereof

In each country there is an enormous gap between what is stated and written on paper (in laws and policies) and what is practiced and actually operationalized on the ground. This was a sentiment expressed repeatedly by almost every person interviewed and consulted. Despite the existence gender positive, sensitive and progressive statutory laws and policies in countries studied, they mean very little if there is no political will, development resources and mechanisms for them to be effective and to have force. What this means is that statutory laws have little “bite” to them in terms of gender issues. And when statutory laws are applied, they are carried out by local land tribunals, land board and district councils that are blind or ineffective in defending and supporting women’s rights. In addition, some of the local governing bodies with mandates to resolve local land conflicts or facilitate registration, show signs of corruption (including bribery, accepting or demanding “gifts”, showing favouritism, etc.) as well as deeply patriarchal ideologies that don’t support or implement the gender positive spirit and encoding of statutory laws. In other cases, the local land administrative and governing bodies are not functional, don’t have adequate financial resources nor the political will to make the changes necessary. Many advocates and researchers believe that there is a lack of political will and commitment on behalf of national governments and policy makers to implement and enforce statutory laws that are already progressive.

Not only is land itself a resource that is critical to women’s livelihoods, but the administrative bodies that govern land tenure are also an important resource to women. And therefore questions of equitable access to them are also critical. Access to these institutions is especially critical for rural women who live long distances from them. Registering claims and defending rights to land entail frequent trips to rural towns and district capitals. Economically poor women don’t have the resources required to access transport and other additional costs incurred. It is also worth noting that some statutory laws are out of synch with customary norms, practices and laws. This is especially striking in the case of marginalized women and pastoralists. And most actual practices pertaining to land tenure are mostly governed by customary laws.

Legal Plurality: Overlapping Legal Domains as Critical Spaces to Manoeuvre

In interviews and consultations with key advocates, activists and applied practitioners in the field of gender and land rights, it seems there is a strong focus on statutory laws, policies and their implementation. Given that for many rural farmers and pastoralists, land conflicts and access issues are governed by customary laws, the bias towards statutory laws must be addressed and remedied. At the same time, it is also important to avoid painting a picture of legal dualism, because the diversity in each country context means that the situation is more pluralistic. A situation of legal plurality means that in each country studied, there exists overlapping legal orders that are negotiated depending on the context specificity of conflict and access issues. The overlapping of legal domains also allows room for manoeuvre and space for negotiations, bargaining and contestation, especially for women who must strategize within power relations that marginalize them. In this vein, women are not powerless actors, but have agency in resisting and advocating for change. Following from this, it is important that customary laws are also given increased visibility and the weight they deserve in a context of legal pluralism. It is also important to acknowledge that in different contexts, customary laws are not fixed, but are flexible and change over time. In particular, it is important for research to investigate the ways they have increasingly privileged men’s power, and made women’s rights invisible or marginal. At the same time,

it is also critical to explore the ways they have provided women options, space to manoeuvre and power to contest power relations and patriarchal norms that disadvantage them.

Exploring What Happens *After* Women are Disenfranchised and Dispossessed of Land: Rural-Urban Migration

What happens to women when their rights to land are disenfranchised, when they are dispossessed from their property, and they cannot return to their natal homes? How do they survive? What becomes of them? And what kinds of strategies do they engage to sustain their livelihoods and well-being? What is evident from almost all studies of gender and land tenure, is that we know little about these women. They seem to drop out our radars. It is critical to focus some research on these women, as they may be the most vulnerable and marginal of all – the ultimate victims of failures in customary and statutory laws to defend their rights. Not only is it of utmost importance to document their experiences and perceptions, but also to investigate the ways that laws, norms and policies have failed to support them in their struggles. It is also critical to understand how and where they survive. Researchers working on gender and land tenure issues believe that many end up in informal settlements in urban areas. But, how many? What resources could have been provided to support them, to support women who may find themselves in similar situations in the future, and to support women in informal settlements? Are they able to access urban homes, land and other critical resources? Do they continue to maintain links, relationships and rights to access rural resources when they've migrated to urban informal settlements? Do they continue to provide resources and maintain links to rural areas, and in turn, do their social networks in the rural areas provide resources and support in urban areas? These are all researchable questions that must be addressed. For if we cannot document cases of how laws, policies and norms fail to support women, then we cannot begin to come up with comprehensive solutions that can really mitigate these failures in a serious manner.

A Critical Tension: Supporting Customary Laws vs. Redressing Patriarchal Norms

As discussed above, a very deep seated tension emerges in considering the gender dimensions of land tenure from an anthropological lens. On the one hand, it is important to support cultural diversity in the form of distinct customary laws that govern land tenure for different cultural groups in East Africa. It is also important to recognize diversity of women, and that women's needs are not homogeneous. This is critical. It would be extremely problematic to homogenize and make generalizations regarding cultural practices and customary laws, or to suggest that statutory laws pre-empt or replace customary laws. Indeed, it would be equally problematic to have only one cookie-cutter statutory law governing countries with incredible diversity. On the other hand, in supporting customary laws, there is the danger of supporting patriarchal and sometimes violent practices that render women invisible, vulnerable and marginal. How can we continue to support cultural diversity and culturally specific values, norms and laws, while at the same time advocate for laws and practices that are gender positive and sensitive, but that undermine and challenge the cultural "order" that privileges men? Customary laws that were once supportive of women's access to land – especially in the event of divorce, widowhood, polygamous marriage or women who remain single – have been re-interpreted by men to the extent that they marginalize women and silence their rights to land. Instead, they privilege men's status and access and control over resources. However, women have not remained passive victims. They have also engaged in and called upon customary laws, norms and idioms in creative ways and bargained with patriarchal discourses and practices in order to defend their rights in the face of dispossession and disenfranchisement.

Cultural Change from Within, With Support from Outside

Despite these inequities, women have been able to create room to manoeuvre through creative strategies that bargain with patriarchal discourses and practices, and re-re-interpret and subtly manipulate customary laws, norms and idioms back in their favour. For instance, they resist patriarchal norms by withdrawing their labour from their husband's land and farming enterprises (Schroeder, 2001, 1995; Carney and Watts,

1990). Instead, they invest in social relations, networks and organizations that provide space and autonomy for them to carry out their own projects, and where they control the proceeds of their own labour (ibid.). Such resistances can also involve “guerrilla” type tactics that create diversions in one place (such as prescribing to public transcripts that reinforce men’s authority), while carrying out what they really desire in another place through “back-door” activities and discourses. To gain in-depth understandings regarding complex gender relations requires supporting in-depth research and long-term field presence that establishes trust with participants. This is something that is necessary for in-depth ethnographic work, but at the same time, it can be difficult because the subject of land rights can be a contentious, politicized and sensitive one. It is also important for action research to recognize and support women as change agents who are actively involved in land reform, advocacy and re-interpreting and changing customary and statutory laws.

Detailed Ethnographic and Participatory Studies

Literature reviews undertaken by IDRC have noted that given the incredible complexity and dynamism of gender and land tenure issues, there is a need for detailed ethnographic and participatory research that seeks a much clearer and deeper understanding of this complexity, and situates the analysis of gender relations and land rights in the everyday-lived experiences of women and men (Adamo, 2005:2). Such research must include ethnographic methods (including multi-sited ethnography), in-depth and systematic gender analysis, as well as participant observation. Such methods will greatly benefit from visual methods such as participatory photography and video, which can then be targeted to policy and decision-makers for maximum impact. In some countries such as Rwanda and Ethiopia, further baseline research on gender and land rights is required, especially a focus on competing conflicts and struggles over land. It is only in understanding the complexities of women and men’s struggles, their experiences and affects, that we can begin to formulate appropriate context-specific solutions that support them – and such understandings can only be derived through in-depth, systematic and longer-term ethnographic, participatory and gender-based research.

Changing Gender Power Relations: Masculine Identities Under Threat and Issues of Backlash and Violence

There is a critical need for further study of masculine identities and men’s positionalities in the context of an increase in women’s roles in economic and political spheres. As a result of changing responsibilities and political-economic circumstances, men feel their power diminishing in the context of patriarchal ideologies without legitimating activities (Silberschmidt, 2001). What is most critical is how these perceptions are invoked in re-establishing authority, sometimes through violent means and a re-assertion of sexually aggressive behaviour (ibid.). Such behaviour not only flags the importance of sexual reproductive health (and HIV/AIDS), but also how this may impact the concept of “consent” as it pertains to the access, control and ownership of land (i.e. what does consent really mean, when it may be arrived at through violent means?). The linkages between domestic and sexual violence and land rights are a domain of further research investigation, and cannot be separated from changes in men’s identity and perceptions of social value. In terms of action-oriented research, it may be useful to involve men while promoting women’s rights, and especially in awareness raising activities. Dissemination activities involving media, for instance, might also consider promoting positive and gender-sensitive male role models.

The Urgent Case of Pastoralists: Addressing Historical Injustices & Systematic Marginalization

As Hesse and Odhiambo note, pastoralism is not only a complex issue in East Africa, but also globally, with enormous variations within, between and across countries and territories and cultural groups (2002:2). A great part of East Africa is inhabited by people who derive their livelihoods and ways of life from pastoralism. Yet these very same people are marginalized within national geo-politics and access to

development and national resources. At the same time, the resources and ancestral lands they've had access and control over historically have been appropriated by more powerful actors, such as colonial regimes and post-independence governments, who are deemed to act as their "trustees". Indeed, the issue of trusteeship is critical for understanding the power relations that have rendered pastoralists and indigenous communities vulnerable historically, and as a result of current neo-liberal discourses and practices. The power to intervene is rendered possible through the notion of trusteeship - the idea that "those who see themselves as 'developed' believe they should act to determine the process of development for others deemed less-developed" (Cowan and Shenton, 1995:28). These ideas have had a great influence on the power of the state to intervene and act on the behalf of pastoralists and indigenous peoples. However, interventions such as the sub-division, privatization and appropriation of land (for such purposes as military operations, creation of national parks and reserves, commercial interests such as mining and drilling for oil, and the re-location of other groups of people, have occurred without informing, consulting and compensating them. Although land is a critical resource for the livelihoods of pastoralist women and men, there is little research carried out and very few case studies available on the gender and land dimensions of pastoralist and indigenous peoples' struggles. The same issues also pertain to indigenous peoples who derive their livelihoods from other types of communal lands and resources, such as forests, rivers and lakes. This is a major gap in research in knowledge. Given the increasing pressure to privatize and fix territorial boundaries for pastoralists and indigenous peoples, it is important to document how different people in these societies, and especially women, are coping against strong external pressures, and are strategizing to regain control and benefit from land rights.

Post-Conflict Regions and Countries

As the case of Rwanda and Uganda demonstrates, there are special issues that emerge when countries come out of political conflict and genocide. These issues require sensitivity and critical reflection, and perhaps some innovative thinking. Men and women who have suffered as a result of conflict and genocide sometimes feel the after-effects and after-shocks of violence and trauma long after the conflict is over. In addition, there are changes in demography, and socio-cultural and gender relations, such as an increase in women-headed households, orphans and the existence of HIV/AIDS as a result of war and violence. There are also changes to customary laws and practices that require special attention and care. This means that research must be extra sensitive to these issues and towards research participants. There is also an important need to document the gender-based experiences of women and men who have suffered, and continue to have their rights to land rendered vulnerable in the post-conflict situation. This is especially true for orphans and women such as widows, women-headed households and single women, whose rights to land is sometimes threatened by more powerful neighbours and relatives.

Accessing Information, Organizations and International Public Goods

Research organizations commission research which is subject to participatory monitoring and evaluation and impact assessment. International public goods are produced. A certain number of reports, papers and case studies are published and distributed. However, a major weakness is that while good research has been undertaken, either much of the information doesn't get published or research projects don't have budgets for follow-up activities such as dissemination, publication and information sharing of research results in the medium or long-term. And when findings are disseminated, they are done so through the written medium, thereby missing out on the majority of the intended beneficiaries of development, who may not have formal education and the ability to read the written word. This is a major gap. In carrying out this scoping exercise, it became quickly apparent that it takes quite a lot of resources to access and gather information that is critical in learning about women's land rights. While this scoping study provided the resources necessary to do so, it is not obvious at all that African researchers and activists, especially struggling students, with limited resources can access information in the same manner. They can hardly afford the costs of transport, and accessing and photocopying research findings. Hence, knowledge generated by research becomes a resource for the privileged. In this process, what happens to

the ability of students, NGOs, CBOs and civil society activists to access findings? It is even less apparent how an economically poor farmer might access vital information, such as key contact addresses, legal aid and simple information on land rights. The situation is difficult enough in urban areas, and is made even more difficult in rural areas, where access to legal aid clinics, information centres and local land boards are not an option for those living in remote rural areas with little or no access to roads or transportation. It is imperative that research findings are made more accessible through better funding and more locally appropriate mechanisms for dissemination. These may include things like radio, theatre, posters, calendars and through local markets, community centres and information centres (discussed further below). Lastly, there is a need to reformulate and package research findings for policy makers who have limited time. Linking research and policy is critical, both for supporting progressive statutory laws, as well as for recognizing and supporting customary laws within a framework of legal pluralism.

Capacity Strengthening

In many of the countries where the scoping study was carried out, there is a critical need for systematic, rigorous and in-depth gender analysis. This is especially true for Rwanda and Ethiopia (as well as Madagascar). The focus must be on moving beyond simplistic “add women and stir” approaches from the 70s, but which are nonetheless practiced by development practitioners and academics alike, working on development issues in East Africa. The problem is compounded by deteriorating university standards. Faced with more students (high student-to-professor ratios), salaries that have not been adjusted in many years, and very little access to intellectual resources such as key journals and books, African universities are not able to produce rigorous social scientists that are able to compete according to international standards. One way to address this issue is to ensure that all projects include resources for training and capacity strengthening through higher degrees focusing on gender and land rights, as well as systematic training workshops on gender analysis. This approach can be supplemented by exchange programmes, for example, between East African universities and universities in Canada. In particular, in Ethiopia, the baseline research on gender issues in general, and the capacity for gender analysis is weak. Land tenure experts have undertaken research on gender, women and female-headed households, but without the conceptual understanding of the analysis of gender-disaggregated data, or the understanding of gender theories and methodologies. Moreover, the research tends to be quantitative and statistical. There is little research that focuses on qualitative or ethnographic approaches, and more specifically on women’s lived experiences. Basic research must be undertaken to bridge this gap, and to build a knowledge-base on gender and land rights from which to base positive action, support and further foster women’s agency.

Gender-Positive Action, Support & Agency

First and foremost, it is important that IDRC support research to address the gaps identified in the last section. Each participant was asked to identify these, and I’ve summarized and synthesized these perspectives. Furthermore, in order to construct a program that incorporates action research and takes into account possible avenues for supporting people’s agency, positive advocacy and development, it is useful to review activities being undertaken in the countries studied that are considered positive. They may also have applicability and relevance to different socio-cultural and political-economic contexts in other regions or parts of the world.

Collective Action & Purchase and Rental of Land by Women’s Groups

One positive example of increasing women’s control over land is that in Uganda, UWONET has purchased 50 acres of land, which they intend to redistribute to women headed households. All the women who will gain land have been disenfranchised from their rights to land previously (including one woman, who is a survivor from an acid attack). In order to participate in the project, women have to come up with the 20,000 USH of their own in order to pay the fees for titling the land, even though many cannot even afford this amount. Any initiatives that attempts to purchase land and distribute it amongst a

group of women must pay attention that it focuses on economically poor women and their needs, constraints and priorities. As this project is in course of being implemented, it might be beneficial to carry out research in documenting the experiences and perspectives of women who partake in this scheme. Special attention to the unintended consequences of a project such as this one may also provide valuable lessons for similar types of projects in the future.

Another example of collective action is where some women's groups have purchased land in their group's name. The land is used communally for agricultural production, the benefits of which are then shared by group members. However, this form of collective action may only be possible by economically wealthier women as land prices are high, and may not be a possibility for the most vulnerable and marginal women who IDRC is mandated to focus its efforts on. However, this form of collective action may also be possible when women rent land or share-crop. Nonetheless, it is important to be aware that the formation of women's groups in countries like Kenya is subject to a lot of opting out, new membership, dissolution and reformulation of groups. Hence, group membership changes according to changing needs, priorities, wealth, economic poverty, positionalities, and internal conflicts and micro-politics. Organizations like CAPRI are well placed to carry out and collaborate on research on gender, collective action and property rights.

Construction of Low Income Housing

Another example of a supportive activity is a project undertaken by HABITAT Uganda in the construction of fifty low income houses for the benefit of women. However, the project also includes married women, and in some cases, houses are registered in men's name. While this project provides some potential for vulnerable women, its implementation and gendered benefits might also be researched, in order to understand gendered issues of equitable access and control. Projects such as these might also benefit from research prior to project implementation, especially in understanding and prioritizing project access and benefits for the most vulnerable and marginalized women, such as economically poor women, women-headed households and widows.

Access to Legal Aid

Access to free legal aid is a critically important support mechanism for economically poor women in defending their rights to land. While many women turn to customary laws as a first line of defence, legal aid is sometimes the only accessible alternative means for dispute resolution in accessing the institutions of statutory law. At the same time, legal aid NGOs such as Haguruka in Rwanda, FIDA in Uganda, EWLA in Ethiopia and FIDA in Kenya are over-whelmed, and require more personnel and funding resources in order to keep up to the demand of defending small cases. Another problem rural women face in defending their rights to land through legal aid is in accessing legal aid centres, which are often located in urban centres. Rural women who lack resources to invoke their rights in statutory legal regimes can only do so through free legal aid. And because they don't understand the dense legal jargon and the complexities of the legal system, legal aid clinics are good for supporting women and helping them make sense of the jargon. The legal aid clinics also look for important precedence setting cases that will have an impact on women's rights to land, also carry out awareness raising amongst women about their legal rights through statutory laws.

Local Land Administration and Information Centres

In some countries, there exist local land boards in charge of adjudicating land disputes, claims and processing registration of land. In other countries and regions, such boards exist in theory, and have not yet been implemented (such as in the five regions of Ethiopia and in Rwanda). Furthermore, in countries where they do exist, it is not evident that they are effective in supporting women's land rights, because of the dominance of men and because women sitting on the boards are embedded in cultures that does not recognize them or give them voice. Therefore, it may be important to think about supporting efforts to

open community-based women's information centres, and carry action research simultaneously. Such centres might be multi-purpose (also providing information on health, livestock, credit and agricultural issues). However, for the purposes of this scoping study, it is critical that such centres focus on disseminating information – in written form and through oral communication – about women's rights to land through different legal domains. Women's statutory rights must be communicated, as many studies have shown that understanding of such rights (by both women and men) is minimal or non-existent.

Disseminating Information to Remote Rural Areas

Information is a key resource in women's struggles to defend their land rights. However, local land boards, where functional and available, are located at district capitals. This creates differential access to information by rural women and men. Radio and local theatre is perhaps the best means of spreading information, especially for communities that are remote or are nomadic, such as pastoralists and indigenous women and men. Action research might consider providing remote communities with radios, and then document the process of gendered access, use and information sharing as a researchable question. Such an initiative must be supported by gender-positive radio programming that highlights women's rights through skits, soap operas, dramas and songs, and how women and men receive, perceive and process information. Popular culture is also a powerful means of changing value systems, perceptions and norms. Again, such a pilot project should be piggy-backed by research that documents the impact, perceptions, reactions and resistance to such initiatives.

Access to Credit

Access to credit is often contingent on ownership of land, property and other material resources. Hence, security in tenure and co-ownership of land between women and men could potentially have a positive affect on women's access to credit. However, such a link must be further documented through research in the countries studied. Further, many development organizations and projects sometimes provide credit schemes to economically poor women. However, studies of credit schemes demonstrate that the terms of projects, such as repayment schedules, interest rates and social pressure used as a tactic for repayment are not always favourable to women. In fact, some credit schemes tend to privilege already economically elite women, while rendering economically poor women from vulnerable than before. For instance, credit scheme projects in Madagascar, for example, demonstrate that women often borrow money from relatives, lovers and husbands to repay their loans, and often don't use it for the purposes they stated. Economically poorer women who are unable to negotiate borrowing money from relatives, friends or lovers, find themselves further stigmatized and chastised by the group for non-repayment, as the group has to collectively take on the additional burden for repayment. Many of these women opt of the project and women's groups and find themselves ostracized when they are unable to make the repayment. They sometimes resort to borrowing money at even higher rates, and therefore make themselves even more marginalized and vulnerable than before.

Innovative Research and Methods

The use of personal narratives and participant observation, and the engagement in in-depth ethnographies that yield detailed case studies and testimonials are important methods that allow researchers to get at issues that are sometimes difficult to understand, especially where the public transcripts are dense. Participatory photography and videos are innovative methods that allow for farmers perceptions and experiences, such as experiences of dispossession and disenfranchisement as well successful struggles to retain their land rights, to be captured visually and orally. This also allows for these same issues and experiences to be shared and disseminated more broadly, especially to society at large, as well as policy and decision makers. Visual and oral methods of dissemination can also include rural radio (often used by pastoralist organizations, for instance, to reach communities that are nomadic), rural theatre, posters and calendars. All of these methods can also be targeted to women and men who may not be able to read

the written word. In many parts of East Africa, where information and knowledge is communicated orally, it is important to focus on oral and visual methods of dissemination and knowledge sharing.

Another innovative initiative, especially for a women's movement focussing on land rights that might be feeling isolated, disconnected and burnt-out, is to support national, regional and international networking opportunities for researchers and activists from various countries. This will not only help to energize and support experts working on women's access and rights to land, but it will also assist in mobilizing a process of exchange. It might also be useful to include any young professionals that IDRC might support in terms of capacity strengthening on gender analysis in these meetings. In addition to face-to-face meetings, it might also be useful to support a centralized email list, web-site and e-conference(s), where information can be accessed, shared and debated. Last, given the great amount of effort that has been invested in this scoping study as well as others (a total of nine regions), it would be beneficial to publish the studies in an edited volume (which can also be published on-line, similar to many of IDRC's other books), for example, where access to the studies can be made more accessible globally.

Policy & Legislation

At the continental level, the Economic Commission for Africa (ECA) attempts to garner political will and support for gender equity within policy reforms and processes at the state level. It also involves NGOs, centres of research excellence and ministries in formulating guidelines and frameworks through regional consultations, continental meetings, ministerial meetings and presidential consultations. It works on creating a peer review mechanism that places pressure on state level governance, and between governments. However, it should be noted that given the emphasis placed on privatization of land, Ethiopia normally does not participate in regional or continental consultations. The African Union (AU) also attempts to influence heads of state to commit to policies that are gender sensitive and equitable. Progress in terms of land issues is more difficult, given the diversity of the countries involved, and the highly politicized nature of land. The implementation of land policies in particular, has been very difficult. In Addition, such inter-governmental and multi-lateral bodies also advocate for the harmonization of policies on poverty reduction, gender equity and land rights.

At the state level, different countries have made different levels of progress towards the formulation, legalization and implementation of land policies. For instance, while certain countries have a constitution that supports equal rights to land, it doesn't have a policy or laws (?) to legislate those rights. Advocacy groups, such as the Federation of Women Lawyers in Uganda, the Ethiopian Women Lawyers' Association, The Uganda Land Alliance, the Kenya Land Alliance, etc., must be given support in advocating for and implementing change. It is important to include them in aspects of the research, especially pertaining to issues of implementation, policy and advocacy. Given the focus on many women lawyers' association on statutory law and legal aid, it would be important to supplement such support in terms of the re-re-interpretation of customary laws that are more sensitive and equitable to women. Policy change may also want to take into account women's contribution towards household labour, child-rearing, agriculture, rice cultivation, livestock management, soil fertility and income generation as in kind contributions that merit co-ownership of property.

Organizational Support for Gender and Diversity Issues

I have already mentioned that in countries like Uganda, which has had an active women's movement in terms of advancing women's rights to land, many activists feel a deep degree of burn-out, fatigue and demoralization. Such feelings also ring true in other countries. Whether there is an active women's movement or not, gender activists often find themselves alienated and disconnected from positive energy and support that is critical to make a difference in the lives of economically poor and marginalized women. This is exacerbated by the fact that they often work from within larger organizations, ministries and land boards that are male-dominated and resistant to real gender-positive research and action.

Political will for real gender based change is dearly lacking, from government bodies to development organizations to universities. Often, gender analysis is carried on as an after-thought, as window-dressing or in a watered down way to satisfy donors and bi-lateral governments. Many gender experts find themselves marginalized to the point that they begin to refrain from calling themselves gender experts. They feel that to do so, would be “professional suicide”. This is a great concern. Further, the issue of backlash from male colleagues aggravates the experiences of gender activists and experts.

First and foremost, it is important to really begin to engage men in the battle for gender equity and women’s rights to land (especially, and beginning with those that are progressive and open to gender issues). Not only do research projects need to encourage networking, regular meetings and virtual exchange between and amongst activists, they also need to allocate a portion of the research to activities such as capacity strengthening and enhancing women’s leadership and negotiation skills. Such initiatives would also be strengthened if they were not “one off” events, but also supported by mentoring and guidance over time. This is critical. To fail to support women in these skills, would be to support critical, progressive and badly needed research, but *not* the researchers carrying it out. In addition, it is important to support venues for meeting, sharing and exchanging knowledge amongst gender activists and researchers. For instance, in carrying forward IDRC support for research on gender and land rights, it would be important to bring together researchers on a regular basis for fostering a community of learning, exchange and networking (with the support of professional facilitation and team/networking building). This would also help to re-energize researchers and activists who are feeling burnt out. Research and organizational change must go hand in hand. A change of culture and gender relations within research organizations and institutions is the missing link – a component that is rarely talked about – but which must be urgently supported and made explicit for research to have greater impact for those vulnerable women who are battling for their very livelihoods on a daily basis.

Making a Difference at the Grassroots is the *Only Way Forward*

Without access to land, women are in reality, “nobody”. For land multiple meanings - material, cultural, social, political, economic, spiritual and symbolic meanings - that are absolutely critical to women’s livelihoods. These meanings must be seen through multiple lenses and legal regimes. Indeed, this scoping study has argued that legal plurality is a good thing. Different legal spheres have different mechanisms for dispute resolution, sets of rules, decision-making bodies, hierarchical structures and degrees of accessibility. People use one or the other to access as well as to retain control over rights to land, depending on the costs and benefits associated with either regime. Recognizing and valuing the existence of multiple legal spheres is important in term of better understanding the local dynamics of land tenure, as well as the gendered struggles over land resulting from threats to security of tenure and women’s access. It is important to support not only advocacy towards the codification, adoption and implementation of statutory laws, but also support in making customary laws stronger and equitable, while still recognizing the cultural uniqueness of each domains of laws and norms.

This scoping was officially undertaken in four countries. Yet, between and within these four countries there exists an extraordinary amount of complexity, diversity and dynamism in terms of gender and land rights. This is further constantly being negotiated and resisted by changes in the political-economy, government regimes and development policies and interventions. It is therefore important to carry out both extensive quantitative as well as rigorous and in-depth qualitative research, depending on the research needs and gaps in each context. While quantitative analysis allows for an understanding of the extent of some of the dynamics and inequities, qualitative analysis provides rich ethnographies and narratives of the reasons and coping strategies engaged by those who are struggling over land. Either way, research must situate itself in the everyday struggles and lives of women and men.

Whatever the research question, whatever the research gap being addressed, it is important that research focus on the everyday lives of economically, socially and politically vulnerable women and men in East Africa and other regions of the world. And whatever the conceptual framework, whatever the methodology, research must make a difference to the people it is meant to be serving. So often, research for development is carried out as an academic exercise, or as a career-building opportunity, or a fund-raising opportunity to do something entirely different than what is specified in the objectives. There is a critical need to identify partners that are serious and genuine about making a difference in the lives of vulnerable women in their battle for equity, respect and social justice. In carrying out this scoping study, I have been lucky to interact with so many researchers, activists and development practitioners dedicated to making a real and positive difference in the lives of vulnerable and marginal women and men. Some are seasoned researchers in the field of gender and land rights (but feel burnt-out and are in need of moral and resource support), some are dedicated and well-intentioned to the cause but would benefit greatly from further capacity strengthening. IDRC can play a critical role in making a difference to these partners in East Africa, who can then, in turn, make a real difference to women struggling for their land rights, livelihoods and sense of self-respect against forces that are sometimes greater than them. Making a difference in the lives of the most vulnerable and marginal women at the grass-roots is the only way forward. For, to do so, is to respond to the greatest challenge of development.

Bibliography

- Abwunza, J.M., 1997, Women's Voices, Women's Power: Dialogues of Resistance from East Africa, Peterborough: Broadview Press.
- Abwunza, J.M., 1995, "Silika – To Make Our Lives Shine": *Women's Groups in Maragoli, Kenya*, in Anthropologica, 37(1), p.27-48.
- Adamo, A., 2005, Globalization, Gender and Land Tenure in the South: A Literature Review, IDRC: Ottawa.
- Agarwal, B., 2003, *Women's Land Rights and the Trap of Neo-Conservatism: A Response to Jackson*, in Journal of Agrarian Change, Vol. 3, No. 4, p. 571-585.
- Agrawal, B., 1994, A Field of One's Own: Gender and Land Rights in South Asia, Cambridge: Cambridge University Press.
- Angelou, M., 1994, The Complete Collected Poems of Maya Angelou, New York: Random House.
- Berry, S., 1997, *Tomatoes, Land and Hearsay: Property and History in Asante in the Time of Structural Adjustment*, in World Development, Vol. 25, No.8, p.1225-1241.
- Berry, S., *Social Institutions as Access to Resources*, in Africa, Vol.59, No. 1, p.41-55.
- Carney, J., 1996, *Converting the Wetlands, Engendering The Environment: The Intersection of Gender Within Agrarian Change in Gambia*, in Liberation Ecologies: Environment, Development and Social Movements, Peet, R. and Watts, M. (Editors), London and New York: Routledge, p.165-187.
- Carney, J. and Watts, M., 1990, *Manufacturing Dissent: Work, Gender and The Politics of Meaning in a Peasant Society*, in Africa, 60(2), p.207-241).
- Cotterill, P., 1992, *Interviewing Women: Issues of Friendship, Vulnerability, and Power*, in Women's Studies International Forum, 15(5/6), p.593-606.
- Cowan, M. and Shenton R., 1995, Doctrines of Development, London and New York: Routledge.
- Federal Democratic Republic of Ethiopia, 2005, Federal Democratic Republic of Ethiopia Rural Land Administration and Land Use Proclamation, Addis Ababa: Federal Negarit Gazetta Proclamation No. 456/2005.
- Federal Democratic Republic of Ethiopia, 2005, Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation, Addis Ababa: Federal Negarit Gazetta Proclamation No. 455/2005.
- Federal Democratic Republic of Ethiopia, 2000, The Revised Family Code Proclamation of 2000, Addis Ababa: Federal Negarit Gazetta Extraordinary Issues No. 1/2000.

- Federal Democratic Republic of Ethiopia, 1995, The Constitution of the Federal Democratic Republic of Ethiopia, Addis Ababa: Federal Negarit Gazetta.
- Gladwin, C. (editor), 1991, Structural Adjustment and African Women Farmers, Gainesville: University of Florida.
- Haugerud, A., 1983, *The Consequences of Land Tenure Reform Among Smallholders in the Kenya Highlands*, in Rural Africa, Vol.15/16: 65-89.
- Hesse, C. and Odhiambo, M.O., 2002, In Search of a Vision for the Future of Pastoralism in East Africa: Developing an Alliance and Strategy in Support of Pastoral Self-Determination, Discussion Paper, Nakuru: IIED and Reconcile.
- Homer-Dixon, T.F., 1994, *Environmental Scarcities And Violent Conflict*, in International Security, 19(1), p.5-40.
- International Finance Corporation and the Foreign Investment Advisory Service, World Bank Group, 2005, Gender and Growth Assessment for Uganda: A Gender Perspective on Legal and Administrative Barriers to Investment, Washington D.C.: World Bank.
- International Land Coalition, 2005, Voices from the Field - Women's Access to Land and Other Natural Resources in Kenya: A Series of Three Workshops Conducted with Rural Poor Villagers in Southern Nyanza Province, Rome: Women's Resource Access Programme, ILC.
- Jackson, C., 2003, *Gender Analysis of Land: Beyond Land Rights for Women?*, in Journal of Agrarian Change, Vol. 3, No. 4, p.453-480.
- Jefremovas, V., 2002, From Brickyards to Graveyards: From Production to Genocide in Rwanda, New York: State University of New York Press.
- Jefremovas, V., 1991, *Loose Women, Virtuous Wives and Timid Virgins: Gender and the Control of Resources in Rwanda*, in Canadian Journal of African Studies, Vol.25, No.3, p.378-395.
- Kameri-Mbote, P., 2006, Law, Gender and Land: Kenya's Experience, Washington D.C.: IFPRI, <http://www.ifpri.org/themes/gender/Presentation/LawGenderLand.ppt>.
- Kameri-Mbote, P. and Odour, J.A., 2006, Following God's Constitution: The Gender Dimensions in the Ogiek Claim to Mau Forest Complex, Harare: Weaver Press.
- Kandiyoti, D., 1998, *Gender, Power and Contestation: Rethinking Bargaining with Patriarchy*, in Feminist Visions of Development, Jackson, C. and Pearson, R. (editors), London and New York: Routledge.
- Kandiyoti, D., 1988, *Bargaining with Patriarchy*, in Gender and Society, Vol. 2, No.3, p.271-290.
- Kenya Human Rights Commission, 2006, Unjust Enrichment, the Making of Land Grabbing Millionaires: Abetting Impunity. The Other Side of the Ndung'u Report on Illegal and Irregular Allocations of Public Land, Living Large Series, Vol.2, Nairobi: KNCHR and KLA.
- Kimayo, 2004, Ogiek Land Cases and Historical Injustices, 1902-2004: "Your Resources, Our Relations", Nakuru: Ogiek Welfare Council.

- Kitching, G., 1980, Class and Economic Change in Kenya: The Making of an African Petite Bourgeoisie, New Haven: Yale University Press.
- Kyalo-Ngugi, A.M., 2002, Women and Land Rights in Kenya, Kampala: EASSI.
- Leach, M., 1991a, *Engendered Environments: Understanding Natural Resource Management in the West African Forest Zone*, in IDS Bulletin, 22(4), p.17-24.
- Leach, M., 1991b, *Locating Gendered Experience: An Anthropologist's View From a Sierra Leonean Village*, in IDS Bulletin, 22(1), p. 44-50.
- Mackenzie, F., 2003, *Land Tenure and Biodiversity: An Exploration of the Political Ecology of Murang'a District, Kenya*, in Human Organization, Vol.62, No.3, p.255-266.
- Mackenzie, F., 1998, Land, Ecology and Resistance in Kenya, 1880-1952, Portsmouth: Heinemann.
- Mackenzie, F., 1995a, "A Farm is Like a Child Who Cannot Be Left Unguarded": *Gender, Land and Labour in Central Province, Kenya* in IDS Bulletin, Vol.26, No.1, p.17-23.
- Mackenzie, F., 1995b, *Selective Silence: A Feminist Encounter with Environmental Discourse in Colonial Africa*, in The Power of Development, Crush, J., (Editor), London and New York: Routledge, p.100-112.
- Mackenzie, F., 1993, *Exploring the Connections: Structural Adjustment, Gender and the Environment*, in Geoforum, 24(1), p.71-87.
- Mackenzie, F., 1991, *Political Economy of Environment, Gender and Resistance under Colonialism: Murang'a District, Kenya, 1910-1950*, in Canadian Journal of African Studies, Vol.25, No.2.: 226-255.
- Mackenzie, F., 1990, *Gender and Land Rights in Murung'a District, Kenya*, in the Journal of Peasant Studies, Vol.17, No.4: 609-643.
- McAulsan, P., 2006, Improving Tenure Security for the Poor in Africa: A Framework Paper for the Joint FAO-HLC LEP Regional Workshop, October 2006, Nairobi, London: Birkbeck College.
- McAulsan, P., 2005, Legal Pluralism as Policy Option: Is it Desirable, Is it Doable?, Paper Presented at UNDP Conference on Land Rights for African Development: From Knowledge to Action, Nairobi, Kenya, October 31-November 3, 2005.
- Moore, D., 1996, *Marxism, Culture and Political Ecology: Environmental Struggles in Zimbabwe's Eastern Highlands*, in Liberation Ecologies: Environment, Development, Social Movements, p.125-147, Peet, R. and Watts, M. (editors), London: Routledge.
- Moore, D., 1993, *Contesting Terrain in Zimbabwe's Eastern Highlands: Political Ecology, Ethnography and Peasant Resource Struggles*, in Economic Geography, Vol.69, p.380-401.
- Moore, H.L. and Vaughan, M., 1994, Cutting Down Trees: Gender, Nutrition, and Agricultural Change in the Northern Province of Zambia, 1890-1990, Social History of Africa Series, Isaacman, A. and Hay, J. (Editors), Portsmouth: Heinemann and London: James Currey Ltd.

- Moore, H.L., 1988, Feminism and Anthropology, Oxford: Polity Press.
- Mulama, J., 2004, Rights Kenya: Women Seek Access to Land, Inter Press Service Agency, <http://www.ipsnews.org/africa/print.asp?idnews=25359>
- Musuhara, H. and Huggins, C., 2005, Land Reform, Land Scarcity and Post-Conflict Reconstruction: A Case Study of Rwanda, in From the Ground Up: Land Rights, Conflict and Peace in Sub-Saharan Africa, Huggins, C. and Clover, J., (Editors), Nairobi: ACTS, p.269-346.
- Mwangi, E., 2006, Subdividing the Commons: The Politics of Property Rights Transformation in Kenya's Maasailand, CAPRI Working Paper No.46, Washington D.C.: IFPRI.
- Mwangi, E., 2005, The Transformation of Property Rights in Kenya's Maasailand: Triggers and Motivations, CAPRI Working Paper No. 35, Washington D.C.: IFPRI.
- Nyakoojo, E., 2002, Women and Land Rights in Uganda, Kampala: EASSI.
- Nzioki, A., 2006, Land Policies in Sub-Saharan Africa, Nairobi: CLEAR and SIDA.
- Okoth-Ogendo, 2006, Formalizing "Informal" Property Systems: The Problem of Land Rights in Africa, Thematic Paper for the Commission on Legal Empowerment of the Poor, 27-28, November, 2006, Nairobi, Kenya, Nairobi: University of Nairobi.
- Ole Simel, J., 2004, The Century-Long Displacement and Dispossession of the Maasai in Kenya: The Role of Civil Society, UNITAR 2004 Regional Training Programme to Enhance Conflict Prevention Peacebuilding Capacities of Indigenous Peoples' Representatives in Africa, 13-17 December, 2004, Arusha, Tanzania.
- Peet, R. and Watts, M., 1996, Liberation Ecology: Development, Sustainability, and Environment in an Age of Market Triumphalism, in Liberation Ecologies: Environment, Development and Social Movements, Peet, R. and Watts, M. (Editors), London and New York: Routledge, p.1-45.
- Percival, V. and Homer-Dixon, T.F., 1995, Environmental Scarcity and Violent Conflict: The Case of Rwanda, The Project on Environment, Population and Security, Toronto: University College of Toronto.
- Pottier, J., 2006, Land Reform for Peace? Rwanda's 2005 Land Bill in Context, in Journal of Agrarian Change, Vol. 4, No.4, p.509-37.
- Pottier, J., 2005, 'Customary Land Tenure' in Sub-Saharan Africa Today: Meanings and Contexts, in From the Ground Up: Land Rights, Conflict and Peace in Sub-Saharan Africa, Huggins, C. and Clover, J. (Editors), Nairobi: ACTS, p.55-76.
- Pottier, J., 2002, Re-Imagining Rwanda: Conflict, Survival and Disinformation in the Late 20th Century, Cambridge: Cambridge University Press.
- Rahmato, D., 2003, Resettlement In Ethiopia: The Tragedy Of Population Relocation In The 1980s, FSS Discussion Paper No. 11, Addis Ababa: Forum For Social Sciences.

- Republic of Rwanda, 2005, Organic Law No. 08/2005 of 14/7/2005 Determining Use and Management of Land in Rwanda, National Land Law, Kigali: Official Gazette of the Republic of Rwanda.
- Republic of Rwanda, Ministry of Gender and Family Promotion (MIGEPROF), 2004, The National Gender Policy, Kigali: Ministry of Gender and Family Promotion.
- Republic of Rwanda, Ministry of Lands, Environment, Forestry, Water and Mines, 2004, National Land Policy, Kigali: Ministry of Lands, Environment, Forestry, Water and Mines.
- Republic of Rwanda, Ministry of Gender and Family Promotion, 1999, Law No. 22/99 of 12/11/1999 to Supplement Book I of the Civil Code and to Institute Part Five Regarding Matrimonial Regimes, Liberalities and Successions, Kigali: Official Gazette of the Republic of Rwanda.
- Rose, L., 2004, Women's Land Access in Post-Conflict Rwanda: Bridging the Gap Between Customary Land Law and Pending Land Legislation, in *Texas Journal of Women and the Law*, Vol.13, p.197-250.
- Rugadya, .M., Obaiko, E. and Kasusiime, H., 2004, Gender and the Land Reform Process in Uganda: Assessing Gains and Losses for Women in Uganda, Kampala: Associates for Development.
- Schroeder, R., 1995, "*Gone to Their Second Husbands*": *Marital Metaphors and Conjugal Contracts in The Gambia's Female Garden Sector*, in *Canadian Journal of African Studies*, Vol.30, No.1, p.69-87.
- Scott, J., 1990, Domination and the Arts of Resistance: Hidden Transcripts, New Haven and London: Yale University Press.
- Scott, J., 1985, Weapons of the Weak and Everyday Forms of Peasant Resistance, New Haven and London: Yale University Press.
- Silberschmidt, M., 2001, *Disempowerment of Men in Rural and Urban East Africa: Implications for Male Identity and Sexual Behavior*, in *World Development*, Vol. 29, No.4, p.657-671.
- Tesfa, H., 2002, Women and Land Rights in Ethiopia: A Comparative Study of Two Communities in Tigray and Oromiya Regional States, Kampala: EASSI.
- Verma, R., 2007 (forthcoming), "If We Want to Keep Peace, We Must Make Space": The 'Minefield' of Pastoralism and Land Rights in Kenya, Rome: FAO.
- Verma, R., 2007, Inside the Development Machine: Culture, Power and Disconnect in the Central Highlands of Madagascar, Unpublished Ph.D. Thesis, London: School of Oriental and African Studies.
- Verma, R., 2001, Gender, Land and Livelihoods in East Africa: Through Farmers' Eyes, Ottawa: IDRC.
- Wanjala, S., 2004, The National Land Policy in Kenya: Addressing Historical Injustices, KLA Issues Paper No.2, Nakuru: Kenya Land Alliance.

- Whitehead, A. and Tsikata, D., 2003, *Policy Discourses on Women's Land Rights in Sub-Saharan Africa: The Implications of the Re-turn to the Customary*, in Journal of Agrarian Change, Vol.3, No.1-2, 67-112.
- Wolf, D., 1996, *Situating Feminist Dilemmas in Fieldwork*, p.1-55, in Feminist Dilemmas in Field work, Wold, D. (Editor), Westview: Boulder.
- Yngstrom, I., 2002, *Women, Wives and Land Rights in Africa: Situating Gender Beyond the Household in the Debate over Tenure Reform*, in Oxford Development Studies, Vol.30, No.1. p.21-40.

Appendix A – Gender & Land Tenure References and Related Literature

Africa Land Tenure Literature

- Adams, M. and Turner, S., 2005, Legal Dualism and Land Policy in Eastern and Southern Africa, Paper for Workshop on Land Rights for African Development: From Knowledge to Action, October 31-November 3, 2005, Nairobi, Kenya, Nairobi: ILC and UNDP.
- African Centre for Technology Studies, 2004, Report on the Conference on Land Tenure and Conflict in Africa: Prevention, Mitigation and Reconstruction, 9-10 December, 2004, Nairobi: ACTS.
- African Union and the Economic Commission for Africa, 2006, Issues Paper, Consultative Workshop on Land Policy in Africa: A Framework for Action to Secure Land Rights, Enhance Productivity and Secure Livelihoods, 27-29, March, 2006, Addis Ababa: AU and ECA.
- African Union and the Economic Commission for Africa, 2006, Summary of Key Messages and Recommendations of the Consultative Workshop, Consultative Workshop on Land Policy in Africa: A Framework for Action to Secure Land Rights, Enhance Productivity and Secure Livelihoods, 27-29, March, 2006, Addis Ababa: AU and ECA.
- African Union And Economic Commission For Africa, 2006, List Of Participants, Consultative Workshop, 27-29 March, 2006 On Land Policy In Africa: A Framework Of Action To Secure Land Rights, Enhance Productivity And Secure Livelihoods, Addis Ababa: AU and ECA.
- Augustinus, C., and Deininger, K., 2005, Innovations in Land Tenure, Reform and Administration in Africa, Paper for Workshop on Land Rights for African Development: From Knowledge to Action, October 31-November 3, 2005, Nairobi, Kenya, Nairobi: ILC and UNDP.
- Economic Commission for Africa, 2004, Land Tenure Systems and Their Impacts on Food Security and Sustainable Development in Africa, Addis Ababa: ECA.
- FAO, 2006, Land Tenure Alternative Conflict Management, FAO Land Tenure Manuals, No.2, Rome: FAO.
- FAO, 2005, Access to Rural Land and Land Administration After Violent Conflicts, FAO Land Tenure Studies No.8, Rome: FAO.
- FAO, 2002, Land Tenure and Rural Development, FAO Land Tenure Series, No.3, Rome: FAO.
- Huggins, C. and Ochieng, B., 2005, *Paradigms, Processes and Practicalities of Land Reform in Post-Conflict Sub-Saharan Africa*, in From the Ground Up: Land Rights, Conflict and Peace in Sub-Saharan Africa, Huggins, C. and Clover, J. (Editors), Nairobi: ACTS, p.27-54.
- Huggins, C. and Pottier, J., 2005, Land Tenure, Land Reform and Conflict in Sub-Saharan Africa: Towards a Research Agenda, in From the Ground Up: Land Rights, Conflict and Peace in Sub-Saharan Africa, Huggins, C. and Clover, J. (Editors), Nairobi: ACTS, p.383-392..

- International Land Coalition, 2005, Analysis of International Development Agency Land Policies: An ILC Working Paper, Paper Presented at UNDP Conference on Land Rights for African Development: From Knowledge to Action, Nairobi, Kenya, October 31-November 3, 2005.
- McAulsan, P., 2005, Legal Pluralism as a Policy Option: Is it Desirable, Is it Doable?, Paper for Workshop on Land Rights for African Development: From Knowledge to Action, October 31-November 3, 2005, Nairobi, Kenya, ILDCand UNDP: Nairobi.
- Mwangi, E. and Dohrn, S., 2005, Biting the Bullet: How to Secure Access to Drylands Resources for Multiple Users?, paper presented at UNDP-ILC Workshop on Land Rights for African Development: from Knowledge to Action, October 31-November 31, 2005.
- Odhiambo, M.O., 2002, Advocating for Land Policy Reforms in Kenya, Uganda and Tanzania: NGO Lessons and Prospects, Paper prepared for the 2nd Workshop of the Pan-African Programme on Land and Resource Rights, Lagos, Nigeria, 15-16 July, 2002.
- Saruchera, M. (Editor), 2004, Securing Land and Resource Rights in Africa: Pan-African Perspectives, University of the Western Cape: PLAAS.
- Toulmin, C. and Hesse, C., 2004, Land Tenure and Administration in Africa: Lessons of Experience and Emerging Issues, London: IIED.
- Verma, R., 2007, Inside the Development Machine: Science, Culture and Disconnect in the Central Highlands of Madagascar, Ph.D. Thesis, School of Oriental and African Studies: London.
- Wanyeki, L.M., 2006, Women and Land in Africa: Culture, Religion and Realizing Women's Rights, London: Zed Books.
- Wily, L.A., 2005, The Commons and Customary Law in Modern Times: Rethinking the Orthodoxies, Paper for Workshop on Land Rights for African Development: From Knowledge to Action, October 31-November 3, 2005, Nairobi, Kenya, Nairobi: ILC and UNDP.
- Wily, L.A., 2006, Land Rights Reform and Governance in Africa: How to Make it Work in the 21st Century?, Draft Discussion Paper, Nairobi: UNDP.
- Wily, L.A., 2005, The Commons and Customary Law in Modern Times: Rethinking Orthodoxies, Paper Presented at UNDP Conference on Land Rights for African Development: From Knowledge to Action, Nairobi, Kenya, October 31-November 3, 2005.

General Gender & Land Tenure Literature

- Benschop, M. and Sait, M.S., 2006, Progress Report on Removing Discrimination Against Women in Respect of Property & Inheritance Rights, Tools on Improving Women's Secure Tenure, Series 1, Number 2, Nairobi: UN HABITAT.
- Bhatla, N., Duvvury, N., and Chakraborty, S., 2006, Property Ownership and Inheritance Rights of Women for Social Protection – The South Asian Experience, Project Report, International Center for Research on Women, Washington D.C.: ICRW.

- Crowley, E., 1998, Women's Rights to Land and Natural Resources: Some Implications for a Human-Rights Based Approach, Paper given at a workshop on Rights Based Approach to women's Empowerment and Advancement on Gender Equality, Rome Italy.
- De Bruijn, M., van Halsema, I., and Van Den Hombergh (Editors), 1997, Gender and Land Use: Diversity in Environmental Practices, Amsterdam : Thela Publishers.
- Ekaas, S., Cooke, R.D. and Moore, B., 2004, Rural Women's Access to Land and Property in Selected Countries: Progress Towards Achieving the Aims of the Convention on the Elimination of All Forms of Discrimination Against Women, Rome: FAO, IFAD and ILC.
- FAO, 2005, Convention on the Elimination of all forms of Discrimination Against Women (CEDAW): Guidelines for Reporting on Article 14, Rome: FAO.
- FAO, 2002, Gender and Access to Land, FAO Land Tenure Series No.4, Rome: FAO.
- FAO, 2000, A Gender Perspective on Land Rights: Equal Footing, Rome: FAO.
- Frias, Z.G., 2005, Gender and Land Compendium of Country Studies, Rome: F.A.O.
- Fortmann, L., 1998, Why Women's Property Rights Matter, paper presented at International Conference and Workshop on Land Tenure in the Developing World, Cape Town, South Africa.
- Gurung, J., 2006, Gender and Desertification: Expanding Roles for Women to Restore Drylands, Rome: International Fund for Agricultural Development.
- Habitat, 1999, Women's Rights to Land, Housing and Property in Post-Conflict Situations and During Reconstruction: A Global Overview, Land Management Series No.9, Nairobi.
- International Centre for Research on Women, 2006, Information Bulletin: Reducing Women's and Girls' Vulnerability to HIV/AIDS by Strengthening their Property and Inheritance Rights, Washington D.C.: ICRW.
- International Land Coalition, 2002, *Women's Access to Land and other Natural Resources in Indonesia: A Series of Two Workshops Conducted With Poor Rural Villagers in West Java*, Women's Resource Access Programme: Voices from the Field Series, Rome: ILC.
- International Land Coalition, 2002, *Women's Access to Land and other Natural Resources in Cambodia: A Series of Four Workshops Conducted With Poor Rural Villagers*, Women's Resource Access Programme: Voices from the Field Series, Rome: ILC.
- International Land Coalition, 2002, *Women's Access to Land and other Natural Resources in India: A Series of Five Workshops Conducted With Poor Rural Villagers in Uttar Pradesh and Madhya Pradesh*, Women's Resource Access Programme: Voices from the Field Series, Rome: ILC.
- International Land Coalition, 2002, *Women's Access to Land and other Natural Resources in Nepal: A Series of Five Community Workshops*, Women's Resource Access Programme: Voices from the Field Series, Rome: ILC.
- Oxfam, 2001, Gender Perspectives on Property and Inheritance: A Global Sourcebook, Amsterdam: KIT Publishers.

- Pottier, J., 1999, Food Security and Gender: Information Gaps and How to Plug Them, in High Level Consultation on Rural Women and Information, Proceedings, FAO, http://www.fao.org/documents/show_cdr.asp?url_file=/docrep/x3803e/x3803e18.htm.
- Rao, N., 2005, *Women's Rights to Land and Assets: Experience of Mainstreaming Gender in Development Projects*, in Economic and Political Weekly, No. 40, No.44/45, p. 4701-4708.
- Von Ravensburg, N.G. and Jacobsen, I., 1999, Gender Responsive Land Tenure Development, Frankfurt: GTZ.
- Women Organizing for Change in Agriculture and Natural Resource Management, 2006, Land Rights and Indigenous Women, WOCAN and Action Aid International Conference on Agrarian Reform and Rural Development, March 8, 2006.
- Women's Land Link Africa, 2006, The Link Newsletter, Vol.1, May 2006.

General Gender & Land Tenure in Africa Literature

- Centre on Housing Rights and Evictions, 2005, A Place to Live: Women's Inheritance Rights in Kenya, Geneva:COHRE.
- Centre for Land, Economy and Rights of Women, 2006, Gender Issues in Land Reforms: Africa, Paper commissioned by SIDA-Resource Centre for Rural Development (RRD), SIDA-RRD: Nairobi.
- East African Sub-Regional Support Initiative for the Advancement of Women, 2002, Women and Land Rights in Eastern Africa: Conference Report, Kampala: EASSI.
- Gopal, G. and Adu, E., 1999, Gender and Law: East Africa Speaks, Washington D.C.: The World Bank Group – Africa Region Findings, No. 126, January 1999, <http://www.worldbank.org/afr/findings/english/find126.htm>
- Hatcher, J., Meggiolaro, L. and Santonico Ferrer, C., 2005, Cultivating Women's Rights for Access to Land: Country Analysis and Recommendations for Afghanistan, Bangladesh, Burkina Faso, Ethiopia, Ghana, Guatemala, Malawi, Mozambique, Uganda and Vietnam, Rome: ActionAid International.
- IFPRI, 1999, *Women, Land and Trees*, in the Gender CG Newsletter, Vol.5, No.1, Washington D.C.:International Food Policy Research Institute.
- Lastarria-Cornhiel, S., 1997, *Impact on Privatization on Gender and Property Rights in Africa*, in World Development, No.25, No.8.
- Manji, A., 2003, *Capital, Labour and Land Relations in Africa: A Gender Analysis of the World Bank's Policy Research Report on Land Institutions and Land Policy*, in Third World Quarterly, Vol. 24, No.1, p.97-114.
- Nzioki, A., 2006, Land Policies in Sub-Saharan Africa, Nairobi: CLEAR and SIDA.

- Okello, R., 2003, *Men's Property: Why East African Women Have No Land*, in the East African, March 3-9, 2003.
- Palmer, R., 2002, Gendered Land Rights – Process, Struggle, or Lost Cause?, London: Oxfam.
- Scholz, B. and Gomez, M., 2004, Bringing Equality Home: Promoting and Protecting the Inheritance Rights of Women – A Survey of Law and Practice in Sub-Saharan Africa, Geneva: Centre on Housing Rights and Evictions.
- Sigot, A., Thrupp, L.A. and Green, J., 1995, Towards Common Ground: Gender and Natural Resource Management in Africa, Nairobi: ACTS.
- Silaa, T.E., Sameji, R.K. and Merere, L.T., 2002, “Beyond the Radical Title”: Women and Land Rights in Tanzania, Kampala: EASSI.
- Strickland, R.S., 2004, To Have and to Hold: Women's Property and Inheritance Rights in the Context of HIV/AIDS in Sub-Saharan Africa, Working Paper, June 2004, Washington D.C.: International Centre for Research on Women.
- UNIFEM, 2001, Women's Land and Property Rights in Situations of Conflict and Reconstruction, A Reader based on the Feb. 1998 Inter-Regional Consultation in Kigali, Rwanda.
- Zerai, W., 2002, Women and Land Rights in Eritrea, Kampala: EASSI.
- Zewde, B. (Editor), 2003, Land, Gender and the Periphery: Themes in the History of Eastern and Southern Africa, Addis Ababa: OSSREA.

Ethiopia Literature

- Adal, Y., 2001, Land Redistribution and Female-Headed Households: A Study in Two Rural Communities in Northwest Ethiopia, Addis Ababa: Institute of Development Research, Addis Ababa University.
- Amhara National Regional State Environmental Protection, Land Administration and Use Authority, 2003, Directives Issued for the Implementation of Rural Land Administration and Use, Proclamation No.46/2000.
- Amhara National Regional Government, 2000, Rural Land Administration and Use Proclamation, Proclamation No. 46/2000, Bahir Dar.
- Amhara National Regional Government, 2000, Environmental Protection, Land Administration and Use Authority Establishment Proclamation, Proclamation No. 47/2000, Bahir Dar.
- Aredo, D., 1999, *Property Rights in Land: Theory and Evidence From Rural Ethiopia*, in Ethiopian Journal of Development Research, Vol.21, No.2, Addis Ababa: Addis Ababa University.
- Aredo, D., 1994, *Female Headed Households Farm Households In Two Contrasting Regions In Ethiopia: Access To And Management Of Resources*, in Ethiopian Journal Of Development Research, Vol. 16, No.1, Institute Of Development Research, Addis Ababa: Addis Ababa University.

- Asfaw, G., 2003, Environment, Poverty and Gender, Consultation Papers On Environment No.2, Civil Society and Environmental Dialogue, Addis Ababa: Forum for Social Sciences.
- Assefa, M., Gender Dimensions Of Urban Poverty In Ethiopia; The Case Of Three Kebeles In Addis Ababa, in Issues In Urban Poverty: Two Selected Papers, FSS Studies On Poverty No.5, Addis Ababa: Forum for Social Sciences.
- Benin, S., 2002, Policies Affecting Land Management, Input Use And Productivity: Land Redistribution And Tenure In The Highlands Of Amhara Region, Paper Presented At The Regional Policy Conference O Policies For Sustainable Land Management In The East African Highlands, Economic Commission for Africa, Addis, April 24-26, 2002.
- Dejene, S., 2002, Gender Roles In Agricultural Production Among The Sidama Of Southwestern Ethiopia, Addis Ababa: CERTWID.
- Ethiopian Economic Association/Ethiopian Economic Policy Research Institute, 2002, Land Tenure and Agricultural Development in Ethiopia, Addis Ababa: EEA/EEPRI.
- Ethiopian Women Lawyers' Association, 2004, Land in Our Voice Dimtsachen: Quarterly Magazine of he Ethiopian Women Lawyers Association, Addis Ababa: EWLA.
- Ethiopian Women Lawyers' Association, 2000, *EWLA's Contribution to the Family Law Reform Process*, in Addis Ababa: Birchi - The Journal of EWLA, Vol.1, No.1, Summer 2000.
- Federal Negarit Gazeta, 2005, Federal Republic of Ethiopia Rural Land Administration and Use Proclamation, Proclamation No. 456/2005, 11th Year No.44, 15th July, 2005, Addis Ababa: Federal Negarit Gazeta of the Federal Democratic Republic of Ethiopia.
- Federal Negarit Gazeta, 2005, Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation, Proclamation No.455/2005, 11th Year No.43, 15th July, 2005, Addis Ababa: Federal Negarit Gazeta of the Federal Democratic Republic of Ethiopia.
- Federal Negarit Gazeta, 2000, The Revised Family Code Proclamation of 2000, Federal Negarit Gazeta Extraordinary Issue No.1/2000, Addis Ababa: Federal Negarit Gazeta of the Federal Democratic Republic of Ethiopia.
- Federal Negarit Gazeta, 1997, Federal Republic of Ethiopia Rural Land Administration and Use Proclamation, Proclamation 1997, Addis Ababa: Federal Negarit Gazeta of the Federal Democratic Republic of Ethiopia.
- Federal Negarit Gazeta, 1995, The Constitution of the Federal Democratic Republic of Ethiopia, Addis Ababa: Federal Negarit Gazeta of the Federal Democratic Republic of Ethiopia.
- Flinton, F. and Tamrat, I., 2002, Spilling Blood over Water? The Case of Ethiopia, in Scarcity and Surfeit: The Ecology of Africa's Conflicts, Lind, J. and Sturman, K. (Editors), Pretoria: Institute for Security Studies, p.243-320.
- Gebremedhin, B., Pender, J., Tesfay, G., 2002, Community Natural Resource Manangement In The Highlands Of Ethiopia, Paper Presented At International Conference On Policies For Sustainable Land Management In The East African Highlands, April 24-26, 2002, Addis Ababa: UNECA.

- Gebriel, A.H., 2001, *Peasant Endowments and the Redistributive Functions of Informal Rural Land Markets: The Case Of Cereal Producing Landed Peasants*, in Ethiopian Journal for Development Research, Vol.23, No.2, Addis Ababa: Addis Ababa University.
- Hoekema, A.J., 2002, *Aspects of Legal Pluralism In The Federal Set-Up Of The Ethiopian State*, in Ethiopian Journal Of Development Research, Vol.24, No.2, Addis Ababa: Addis Ababa University.
- Habtamu, W., 2004, *Gender and Regional Disparities In Opportunities To Higher Education In Ethiopia: Challenges For The Promotion Of Social Justice*, in Ethiopian Journal Of Higher Education, Institute Of Educational Research, Addis Ababa: Addis Ababa University.
- Habtamu, W., Terefe, H., Abdi, Y.O. and Kefetew, K., 1997, *Gender and Cross-Cultural Dynamics in Ethiopia: The Case of Eleven Ethnic Groups*, Addis Ababa: CERTWID.
- Hoben, A., 1995, *Paradigms and Politics: The Cultural Construction of Environmental Policy in Ethiopia*, in World Development, Vol.23, No.6, p.1007-22.
- Holden, S. and Yohannes, H., 2001, Land Redistribution, Tenure Insecurity and Intensity of Production: A Study of Farm Households in Southern Ethiopia, CAPRI Working Paper No. 21, Washington D.C.: CAPRI.
- Jemma, H., 2001, *The Debate Over Rural Land Tenure Policy Options in Ethiopia: Review of the Post-1991 Contending Views*, in Ethiopian Journal of Development Research, Vol.23, No.2, October 2001, p.35-84.
- Kidamu, A., Rahmato, D., 2000, Listening to the Poor: A Study Based On Selected Rural And Urban Sites In Ethiopia, FFS Discussion Paper No. 3, Addis Ababa: Forum for Social Sciences.
- Mengistie, H., 2004, Lord, Zega and Peasant: A Study Of Property And Agrarian Relations In Rural Eastern Gojjam, FSS Special Monograph Series No.1, Addis Ababa: Forum For Social Sciences.
- Mersha, G. and wa Githinju, M., 2005, Untying the Gordian Knot: The Question of Land Reform in Ethiopia, ISS/UNDP Land, Poverty and Public Action Paper No.9, The Hague: Institute of Social Studies.
- Nega, B., Adenew, B. and Sellasie, S.G., 2003, Current Land Policy Issues in Ethiopia, Addis Ababa: Ethiopian Economic Policy Research Institute.
- Negatu, W and Adal, Y., 2002, Some Aspects of Rural Land Tenure in Ethiopia: Access, Use and Transfer, Addis Ababa: Institute of Development Research, Addis Ababa University.
- Oromia Regional Government, 2002, Oromia Rural Land Use and Administration Proclamation, Proclamation No. 56/2002.
- Rahmato, D., 2004, Searching for Tenure Security? The Land System and New Policy Initiative in Ethiopia, FSS Discussion Paper no. 12, Addis Ababa: Forum for Social Sciences.
- Rahmato, D., 2003, Resettlement In Ethiopia: The Tragedy Of Population Relocation In The 1980s, FSS Discussion Paper No. 11, Addis Ababa: Forum For Social Sciences.

- Rahmato, D., Kidanu, A., 2002, Livelihood Insecurity Among Urban Households In Ethiopia, FSS Discussion Paper No.8, Addis Ababa: Forum For Social Sciences.
- Rahmato, D. (Editor), 1994, Addis Tiruneh: Gender Issues in Agroforestry – Addendum to Land Tenure and Land Policy in Ethiopia After the Derg, Proceedings of the Second Workshop of the Land Tenure Project, Dragvol: The University of Trondheim.
- Southern Nations Nationalities and Peoples Regional Government, 2003, Rural Land Administration and Utilization Proclamation, Proclamation No.53/2003, Awassa.
- Southern Nation, Nationalities and Peoples Regional Government, 2003, Regulations and Procedures for the Implementation of Rural Land Administration and Land Utilization Proclamation (draft).
- Tadesse, Z., 2003, Gender and Economic Policy, Gender Policy Dialogue Series No.1, Addis Ababa: Forum for Social Sciences.
- Teklu. A., 2005, Land Registration and Women’s Land Rights in Amhara Region, Ethiopia, Research Report 4, London: IIED.
- Teklu, T., 2003, Rural Lands And Evolving Tenure Arrangements In Ethiopia: Issues, Evidence And Policies, FSS Discussion Paper No.10, Addis Ababa: Forum For Social Sciences.
- Tigray Regional Government, 1997, Rural Land Use Proclamation, Proclamation No.23/1997 (in Amharic).
- Tigray Regional Government, Rural Land Use, Investment and Agricultural and Natural Resources Development Proclamation, Regulation No. 15/2001/02.
- Tiruneh, A., 1994, *Gender Issues in Agroforestry*, in Addendum to Land Tenure and Land Policy in Ethiopia After the Derg, Proceedings of the Second Workshop of the Land Tenure Project, Rahmato, D. (Editor), Addis Ababa: Land Tenure Project, Institute of Development Research, Addis Ababa University.
- UNDP, 2005, Formalising and Securing Land Rights: Diverse Approaches from Africa, Workshop on Land In Africa: Market Asset, or Secure Livelihood?, 8-9 November, Nairobi: UNDP.
- Women’s Affairs Office of the Federal Democratic Republic of Ethiopia and the World Bank, 1998, Implementing the Ethiopian National Policy for Women: Institutional and Regulatory Issues, Washington D.C.: World Bank.
- Wondimu, H., Terefe, H., Abdi, Y.O, and Kefetew, K., 1997, Gender and Cross-Cultural Dynamics in Ethiopia: the Case of Eleven Ethnic Groups, Addis Ababa: CERTWID.

Kenya Literature

- Abwunza, J.M., 1997, Women's Voices, Women’s Power: Dialogues of Resistance from East Africa, Peterborough: Broadview Press.

- Abwunza, J.M., 1995, "*Silika – To Make Our Lives Shine*": *Women's Groups in Maragoli, Kenya*, in *Anthropologica*, 37(1), p.27-48.
- Aliber, M., 2004, *The Impacts of HIV/AIDS on Land Rights: Case Studies from Kenya*, FAO: Rome.
- Carter, S.E. and Crowley, E.L., 2000, *Agrarian Change And Changing Relations Between Toil and Soil in Maragoli, Western Kenya (1900-1994)* in *Human Ecology*, Vol.28, No.3.
- Carter, S.E. and Crowley, E.L., 1997, *Land Use Change in Western Kenya, 1900-1990*, Draft Manuscript, Nairobi: TSBF-UNESCO, J. Lynam (editor), *Diversity and Dynamics: Understanding Spatial And Temporal Variation In African Agricultural Systems*.
- Carter, S.E., Crowley, E.L. and Mulogoli, C., 1998, *Contemporary Patterns of Land Use Change in Contrasting Areas of Western Kenya*, Manuscript, Nairobi: TSBF-UNESCO.
- Carter S.E. and Murwira, H.K., 1995, *Spatial Variability in Soil Fertility Management and Crop Response in Mutoko Communal Area, Zimbabwe* in *Ambio*, 24 (2), 77-84.
- Crowley, E.L., 1994, *Rural Institutions and Choice: Alternative Approaches to Resource Access and Allocation for Technology Adoption in African Agriculture*, Nairobi: TSBF-UNESCO.
- Crowley, E.L. and Carter, S.E., 2000, *The Changing Relationships Between Toil and Soil in Maragoli, Western Kenya, 1900-1994*, in *Human Ecology*, 28(3), 383-414.
- Crowley, E.L., Soule, M.J. and Carter, S.E., 1996, *Off-Farm Income and Farming in Western Kenya*, Report to USAID, Nairobi: TSBF-ICRAF.
- Davison, J., 1988, *Who Owns What ? Land Registration and Tensions in Gender Relations of Production in Kenya*, in *Agriculture, Women and Land: The African Experience*, Davison, J. (Editor).
- Gitobu, J. and Kamau, J., 1994, *The Effects Of SAPS On Women's Access To Education*, in *Structural Adjustment Programmes (SAPS) In Kenya: Implications on Lives of Women*, Kanyinga, K. and Ibutu, S. (Editors), Workshop Report, Nairobi: National Council of Churches, p.56-76.
- Hegedus, N.F., 1994, *Structural Adjustment in Tanzania and Kenya: Implications for Female Peasant Farmers in the New International Division of Labour*, M.A. Thesis, Halifax: Dalhousie University.
- Human Rights Watch, 2003, *Double Standards: Women's Property Rights Violations in Kenya*, Washington D.C.: Human Rights Watch.
- International Land Coalition, 2003, *Women's Access to Land and other Natural Resources in Kenya: A Series of Three Workshops Conducted with Rural Poor Villagers in Southern Nyanza Province: Women's Resource Access Programme – Voices From the Field*, Rome: ILC.
- Kameri-Mbote, P., 2006, *Law, Gender and Land: Kenya's Experience*, Washington D.C.: IFPRI.
- Kameri-Mbote P. and Odour, J.A., 2004, *Following God's Constitution: The Gender Dimensions in the Ogiek Claims to Mau Forest Complex*, Nairobi: University of Nairobi.

- Kameri-Mbote, P., 2002, Gender Dimensions of Law, Colonialism and Inheritance in East Africa: Kenyan Women's Experiences, IELC Working Paper No. 2001-1.
- Kameri-Mbote, P., 2002, Property Rights and Biodiversity Management in Kenya: The Case of Land Tenure and Wildlife, Nairobi: ACTS.
- Kameri-Mbote, P. and Mubuu, K., 2002, Women and Property Rights in Kenya: A Study on Trends in Ownership, Control and Access to Land and Productive Resources in Agricultural Communities in Select Districts, A Study Commissioned by the Kenya Federation of Women Lawyers, FIDA-K, Nairobi: FIDA-Kenya.
- Kanyinga, K. and Ibutu, S., 1994, *Key Note Address*, in Structural Adjustment Programmes (SAPS) In Kenya: Implications on Lives of Women, Kanyinga, K. and Ibutu, S. (Editors), Workshop Report, Nairobi: National Council of Churches, p.1-4.
- Kenya Human Rights Commission, 2006, Unjust Enrichment, the Making of Land Grabbing Millionaires: Abetting Impunity. The Other Side of the Ndung'u Report on Illegal and Irregular Allocations of Public Land, Living Large Series, Vol.2, Nairobi: KNCHR and KLA.
- Kenya Human Rights Commission, 2000, Women and Land Rights in Kenya, Nairobi: Kenya Human Rights Commission.
- Kenya Land Alliance, 2005, The National Land Policy in Kenya: Addressing Customary/Communal Land Issues, Nakuru: Kenya Land Alliance.
- Kenya Land Alliance, 2005, Woe Unto Women, Pastoralists, Squattors, Hawkers, Juakali Artisans and Fisher Folk!: Land Update, Volume 4, No.1, January-March 2005.
- Kenya Land Alliance, 2005, The National Land Policy in Kenya: Views on the Draft Issues and Recommendations Report of the National Land Policy Formulation Process, Newsletter of the Kenya Land Alliance, Volume 4, No.4, October-December 2005.
- Kenya Land Alliance, 2005, The Proposed New Constitution of Kenya – The Gains and Losses in Land, Property, Environment and Natural Resources, Newsletter of the Kenya Land Alliance, Volume 4, No.3, July-September 2005.
- Kenya Land Alliance, 2004, The National Land Policy in Kenya: Critical Gender Issues and Policy Statements, Nakuru: Kenya Land Alliance.
- Kenya Land Alliance, 2004, The National Land Policy in Kenya: Addressing Historical Injustices, Nakuru: Kenya Land Alliance.
- Kenya Land Alliance, 2004, The National Land Policy in Kenya: Critical Public Land Issues and Policy Statements, Nakuru: Kenya Land Alliance.
- Kenya Land Alliance, 2002, Gender Aspects of Land Reform: Constitutional Principles, Nakuru: Kenya Land Alliance.
- Kenya Land Alliance, 2005, Fact Sheets: Human-Wildlife Conflicts in Kenya, Nakuru: Kenya Land Alliance.

- Kenya Land Alliance, 2002, Land Use in Kenya: The Case for a National Land Use Policy: Land Reform Volume 3, Nakuru: Kenya Land Alliance.
- Kibwana, K. and Mute, L., 2000, Law and the Quest for Gender Equality in Kenya, Nairobi: Clairpress Ltd.
- Kimayiyo, T.J., 2004, Ogiek Land Cases and Historical Injustices: "Your Resources, Our Relations", 1902-2004, Nairobi: Ogiek Welfare Council.
- Kyalo-Ngugi, A.M., 2002, Women and Land Rights in Kenya, Kampala: EASSI.
- Lamba, S., 2005, A Report into 'How' and 'Where' the Cause of Justice was Defeated in the Referendum Draft Constitution of 2005, Nairobi: Mazingira Institute.
- Mackenzie, F., 1998, Land, Ecology and Resistance in Kenya, 1880-1952, Portsmouth: Heinemann.
- Mackenzie, F., 1995a, "*A Farm is Like a Child Who Cannot Be Left Unguarded*": *Gender, Land and Labour in Central Province, Kenya* in IDS Bulletin, Vol.26, No.1, p.17-23.
- Mackenzie, F., 1995b, *Selective Silence: A Feminist Encounter with Environmental Discourse in Colonial Africa*, in The Power of Development, Crush, J., (Editor), London and New York: Routledge, p.100-112.
- Mackenzie, F., 1993, *Exploring the Connections: Structural Adjustment, Gender and the Environment*, in Geoforum, 24(1), p.71-87.
- Makoloo, M.O., 2005, Kenya: Minorities, Indigenous Peoples and Ethnic Diversity, London: Minority Rights Group International.
- Mulama, J., 2004, Rights-Kenya: Women Seek Access to Land, Inter Press Service New Agency, <http://www.ipsnews.org/africa/print.asp?idnews=25259>
- Mutoro, B.A., 1997, *Gender Aspects in Small-Scale Farming in Kenya: A Case Study in North Maragoli Location in Vihiga District*, in Gender and Land Use: Diversity in Environmental Practices, de Bruijn, M., van Halsema, I. and van den Hombergh, H. (editors), Amsterdam: Thela Publishers.
- Nyamu-Musembi, C., 2003, *Local Norms, Institutions and Women's Property Rights in Rural Kenya*, in East African Journal of Peace and Human Rights, Vol.9, No.2, p.255-289.
- Nyamu-Musembi, C., 2002, Are Local Norms and Practices Fences or Pathways? The Example of Women's Property Rights, in An-Na'im (Editor), Cultural Transformations and Human Rights in Africa, New York: Zed Books.
- Nyukuru, E., 2005, The Gender Dimensions of the Land Resource Conflict: Implications for Peace and Policy Interventions in Kenya, M.A. Thesis, Nairobi: University of Nairobi.
- Nzioki, A., 2002, *The Effects of Land Tenure on Women's Access and Control of Land in Kenya*, in An-Na'im (Editor), Cultural Transformations and Human Rights in Africa, New York: Zed Books.

- Nzomo, M., 1997, *Kenyan Women in Politics and Public Decision Making*, in African Feminism: The Politics of Survival in Sub-Saharan Africa, Mikell, G. (Editor), University of Pennsylvania Press: Philadelphia, p.232-254.
- Nzomo, M., 1992, *Beyond Structural Adjustment Programs: Democracy, Gender, Equity, and Development in Africa, with Special Reference to Kenya*, in Beyond Structural Adjustment in Africa: The Political Economy of Sustainable And Democratic Development, Nyang'oro, J.E. and Shaw, T.M. (Editors), New York: Praeger Publishers, p.99-118.
- Nzomo, M. and Staudt, K., 1994, *Man-Made Political Machinery in Kenya: Political Space for Women?* in Women and Politics Worldwide, Nelson, B.J. and Chowdhury, N. (Editors), New Haven and London: Yale University, p.415-435.
- Odaga, A., 1991, 'Kech En Mar Pesa': Gender And Livelihood In A Western Kenya Sub-Location, Ph.D. Thesis in Geography, Oxford: St. Antony's College.
- Odhiambo, M.O., 2002, Advocating for Land Policy Reforms in Kenya, Uganda and Tanzania: NGO Lessons and Prospects, Paper for the 2nd Workshop of the Pan-African Programme on Land and Resource Rights, Lagos, Nigeria, 15-16 July, 2002, Nakuru: RECONCILE.
- Okoth-Ogendo, H.W.O., 1991, Tenants of the Crown: Evolution of Agrarian Law and Institutions in Kenya, Nairobi: African Centre for Technology Studies.
- Ossiya, S., 2004, Pastoralist Development Policies in Eastern Africa: Issues for the Permanent Forum on Indigenous Peoples, East Africa Regional Conference on Indigenous Peoples, 29-31 January, 2004, Nairobi, Kenya.
- Republic of Kenya, 1968, The Land Adjudication Act, Chapter 284 of the Laws of Kenya, Nairobi: Government Printer.
- Rocheleau, D., 1997, *Women Men and Trees: Gender, Power and Property in Forest and Agrarian Landscapes*, in World Development, Vol. 25, No.8, p.1351-1371.
- Rocheleau, D.E. and Steinberg, P.E., 1995, *Environment, Development, Crisis, and Crusade: Ukambani, Kenya, 1890-1990*, in World Development, 23(6), p.1037-1051.
- Taylor, D., 2006, *Politics – Kenya: Anti-Corruption War Stalls*, <http://www.ipsnews.net/africa/nota.asp?idnews=32739>.
- Thomas-Slayter, B. and Rocheleau, D. (Editors), 1995 Gender, Environment and Development in Kenya, London: Routledge.
- Thomas-Slayter, B., Wamalwa-Muragori, B. and Rocheleau, D., 1995, *The African And Kenyan Contexts*, in Gender, Environment and Development in Kenya, London: Routledge, p.23-46.
- Verma, R., 2007 (forthcoming), "If We Want to Keep Peace, We Must Make Space": The Complexities of Land Tenure and Rights for Pastoralists in Kenya, FOA: Rome.
- Verma, R., 2001, Gender, Land and Livelihoods in East Africa: Through Farmers' Eyes, Ottawa: IDRC.

- Walsh, J., 2003, Kenya: Double Standards: Women's Property Rights Violations in Kenya, New York: Human Rights Watch.
- Wangari, E., Thomas-Slayter, B., and Rocheleau, D., 1996, *Gendered Visions for Survival: Semi-Arid Regions in Kenya*, p. 127-154, in Feminist Political Ecology: Global Issues and Local Experiences, Rocheleau, D., Thomas-Slayter, B. and Wangari, E. (Editors), Routledge: London and New York.
- Wanjala, S., 2004, The National Land Policy in Kenya: Addressing Historical Injustices, KLA Issues Paper No.2, Nakuru: Kenya Land Alliance.
- Wanjala, S.C., 2003, Essays on Land Law: The Reform Debate in Kenya, Nairobi: Faculty of Law, University of Nairobi.
- Wanyeki, L.M., 2003, Women and Land in Africa: Culture, Religion and Realizing Women's Rights, London: Zed Books.

Rwanda Literature

- Andre, C., 2003, *Custom, Contracts and Cadastres in North-West Rwanda*, in Securing Land Rights in Africa, Benjaminsen, T. and Lund, C. (editors), London: Frank Cass.
- Bigagaza, J., Abong, C. and Mukarubuga, 2002, *Land Scarcity, Distribution and Conflict in Rwanda*, in Scarcity and Surfeit: The Ecology of Africa's Conflicts, Lind, J. and Sturman, K. (Editors), Pretoria: Institute for Security Studies, p.51-84.
- Conseil de Concertation des Organisations d'Appui aux Initiatives de Base, 2000, Problematique du Regime Foncier au Rwanda: Contexte et Perspectives, Relations avec l'Habitat Regroupe, Kigali: CCOAIB.
- FAO, 2006, A Case Study on the Implications of the Ongoing Land Reform for Sustainable Rural Development and Poverty Reduction in Rwanda and the Outcome Report of the Thematic Dialogue held on 20th January, 2006, Kigali Rwanda, International Conference on Agrarian Reform and Rural Development (ICARRD), 7-10 March, 2006, Porto Alegre, Brazil, Rome: FAO.
- Jefremovas, V., 2002, *From Brickyards to Graveyards: From Production to Genocide in Rwanda*, New York: State University of New York Press.
- Jefremovas, V., 1991, *Loose Women, Virtuous Wives and Timid Virgins: Gender and the Control of Resources in Rwanda*, in Canadian Journal of African Studies, Vol.25, No.1, p.378-395.
- Jones, L., 2001, Summary of and Comments on Draft Policy for National Land Reform, Kigali: LandNet Rwanda.
- LandNet Rwanda, 2001, Report of a Workshop on Mainstreaming Grassroots Consultations into the National Land Policy and PRSP, 22-23 November 2001, Kigali, Kigali: LandNet Rwanda.

- Liversage, H., 2003, Overview of Rwanda's Land Policy and Land Law and Key Challenges for Implementation – Briefing Document, Kigali: Ministry of Lands, Resettlement and Environment, Republic of Rwanda.
- Malkki, L., 1995, Purity in Exile: Violence, Memory and National Cosmology among Hutu Refugees in Tanzania, Chicago: University of Chicago Press.
- Musuhara, H., 2001, Land and Poverty in Rwanda, LandNet Rwanda Chapter, Seminar on Land in Rwanda, 22-23 November, 2001, Umubano, Rwanda, Kigali: National University of Rwanda.
- Musuhara, H., ----, Improving Land Tenure Security for the Poor: A Case Study of Rwanda, Executive Summary, Kigali: National University of Rwanda.
- Neher, L., Linares, A.M., Rose, L. and Mathieu, P., 1995, Rwanda Rule of Law Design – Four Week Interim Report: Introduction and Technical Reports, Procedures for the Trial Of Genocide Cases, Support to Civil Law: Land Tenure and Local Management Components, Justice at the Local Level: Findings and Recommendations for Future Actions, Kigali: Associates for Rural Development.
- Official Gazette of the Republic of Rwanda, 2005, Organic Law Determining the Use and Management of Land in Rwanda, Year 44 No.18, 15 September 2005, Kigali: Official Gazette of the Republic of Rwanda.
- Official Gazette of the Republic of Rwanda, 1999, Law to Supplement Book one of the Civil Code and to Institute Part Five Regarding Matrimonial Regimes, Liberalities and Successions, Year 38 No.22, 15 November 1999, Kigali: Official Gazette of the Republic of Rwanda.
- Palmer, R., 2004, Oxfam and Land in Post-Conflict Situations in Africa: Examples from Zimbabwe, Mozambique, South Africa, Rwanda and Angola, London: Oxfam.
- Palmer, R., 2001, A Review for LandNet Rwanda of the Draft National Land Policy – and Beyond, London: Oxfam.
- Palmer, R., 2000, Report and Reflections on the Rwandan Draft National Land Policy Workshop, London: Oxfam.
- Palmer, R., 2000, Recent Experiences of Civil Society Participation in Land Policy Planning in Rwanda and Malawi, Paper presented at the International Conference on Agrarian Reform and Rural Development, December 5-8, 2000, Philippines, London: Oxfam.
- Palmer, R., 1999, Report on the Workshop on Land Use and Villagization in Rwanda, Report presented at the Workshop on Land Use and Villagization in Rwanda, 20-21 September, 1999, Kigali, Oxfam: London.
- Pottier, J., 2006, *Land Reform or Peace? – Rwanda's 2005 Land Bill in Context*, in Journal of Agrarian Change, Vol.6, No.4, p.509-37.
- Pottier, J., 2005, 'Customary Land Tenure' in *Sub-Saharan Africa Today: Meanings and Contexts*, in From the Ground Up: Land Rights, Conflict and Peace in Sub-Saharan Africa, Huggins, C. and Clover, J. (Editors), Nairobi: ACTS, p.55-76.

- Pottier, J., 2002, Re-Imagining Rwanda: Conflict, Survival and Disinformation in the Late 20th Century, Cambridge: Cambridge University Press.
- Pottier, J., 1996, *Agricultural Rehabilitation and Food Insecurity in Post-War Rwanda: Assessing Needs, Designing Solutions*, in IDS Bulletin, Vol.27, No.3, p.56-76.
- Pottier, J., 1993, *Taking Stock: Food Marketing Reform in Rwanda, 1982-1989*, in African Affairs, Vol. 92, p.5-30.
- Pottier, J., 1989, “*Three is a Crowd*”: *Knowledge, Ignorance and Power in the Context of Urban Agriculture in Rwanda*, in Africa, Vol. 54, No.4, p.461-477.
- Republic of Rwanda, Ministry of Lands, Environment, Forestry, Water and Mines, 2006, Phase I of the Land Reform Process for Rwanda: Developing a Strategic Road Map, Land Sector Stakeholder Group Post-Inception Briefing Note, 24th February, 2006, Kigali: Ministry of Lands, Environment, Forestry, Water and Mines.
- Republic of Rwanda, 2005, Organic Law No. 08/2005 of 14/7/2005 Determining Use and Management of Land in Rwanda, National Land Law, Kigali: Official Gazette of the Republic of Rwanda.
- Republic of Rwanda, Ministry of Lands, Environment, Forestry, Water and Mines, 2004, National Land Policy, Kigali: Ministry of Lands, Environment, Forestry, Water and Mines.
- Republic of Rwanda, Ministry of Gender and Family Promotion (MIGEPROF), 2004, The National Gender Policy, Kigali: Ministry of Gender and Family Promotion.
- Republic of Rwanda, Ministry of Gender and Family Promotion, 1999, Law No. 22/99 of 12/11/1999 to Supplement Book I of the Civil Code and to Institute Part Five Regarding Matrimonial Regimes, Liberalities and Successions, Kigali: Official Gazette of the Republic of Rwanda.
- Reyntjens, F., 2004, *Rwanda Ten Years On: From Genocide to Dictatorship*, in African Affairs, Vol.103, p.177-210.
- Rose, L., 2006, Rwandan Orphans Denied Land Rights, Research Highlight 31 March, 2006, Colorado: United States Institute of Peace.
- Rose, L., 2005, *Orphan’s Land Rights in Post-war Rwanda: the Problem of Guardianship, in Development and Change*, Vol.36, No.5, p.911-936.
- Rose, L., 2004, Women’s Land Access in Post-Conflict Rwanda: Bridging the Gap Between Customary Land Law and Pending Land Legislation, in Texas Journal of Women and the Law, Vol.13, p.197-250.
- Rwanda Initiative for Sustainable Development, 2001, Culture, Practice and Law: Women’s Access to Land in Rwanda, Workshop Organized by RISD, 24-25 April, 2001, Kigali: RISD.
- Rwanda Initiative for Sustainable Development, 1999, Land Use and Villagization in Rwanda, Paper presented at the Land Use and Villagization Workshop, 20-21 September, 1999, Kigali, Kigali: RISD.

UNDP, 2001, Women's Land and Property Rights in Situations of Conflict and Reconstruction. <http://www.undpp.org/public/landrights>

UNHCR, 1998, Women's Property Rights and the Land Question in Rwanda, paper presented at the Inter-Regional Consultation, Kigali, Kigali: UNHCR.

Uvin, P., 2001, *Difficult Choices in the New Post-Conflict Agenda: the International Community in Rwanda after the Genocide*, in Third World Quarterly, Vol.22, No.2, p.177-89.

Uvin, P., 1998, Aiding Violence: The Development of Enterprise in Rwanda, West Hartford: Kumarian Press.

Uganda Literature

Associates for Development and the Centre for Basic Research, 2006, Gender Monitoring Baseline Survey for the Land Sector Strategic Plan in 20 Districts, Kampala: Ministry of Water, Lands and Environment, Land Tenure Reform Project.

Associates for Development, 2006, Institutional Profile, Kampala: AFD.

EASSI, 2005, Uganda's Domestic Relations Bill: Every Man, Woman And Child Stands To Gain, The East African Initiatives, January – June 2005, EASSI, Kampala.

International Finance Corporation, 2005, Gender and Growth Assessment for Uganda: A Gender Perspective on Legal and Administrative Barriers to Investment, Washington D.C.: IFC.

Kamusiime, H., Ragadya, M. and Obaikol, E., 2005, Capital Creation, Transfer or Reversal: Assessing the Outcomes of Systematic Demarcation of Customary Tenure in Uganda, Kampala: Associates for Development.

Kamusiime, H., Obaikol, E., Rugadya, M., 2004, Integrating HIV/AIDS In The Land Reform Process, Associates For Development, Land Research Series 3. Kampala.

Matembe, M., 2002, Gender, Politics And Constitution Making In Uganda, Fountain Series In Gender Studies, Kampala: Fountain Publishers.

Makerere Institute of Social Research, 2004, Patterns and Trends of Land Registration and Ownership in Uganda, 1980-2002, Kampala: MISR.

Paul, C., Kamusiime, H., Obaikol, E. and Rudagya, M., 2004, Tenure in Community Forests: A Study of Communal Land Associations as Forest Management Regimes in Budongo, Masindi, Kampala: Associates for Development.

Physical Planning Department, Jinja Municipal Staff Savings And Cooperative Union, 2004, Slum Upgrading Facility, UN Habitat: Mpumudde II Empowerment Of Women Through Housing Development And Land Rights – Implementation Strategy.

Republic of Uganda, 2004, Land Amendments Act - Acts Supplement No.1, Kampala: UPPC.

- Republic of Uganda, 1998, The Uganda Land Act, Kampala: UPPC.
- Republic of Uganda, 1995, Constitution of the Republic of Uganda, Kampala: UPPC.
- Rudagya, M., 2006, Gender Monitoring Baseline Survey for the Land Sector Strategic Plan in 20 Districts, Kampala: Ministry of Water, Lands and Environment, Land Tenure Reform Project, Consultants: Associates for Development, Centre for Basic Research.
- Rudagya, M., Kamusiime, H. and Obaikol, E., 2005, Pastoralist Issues for the National Land Policy, Kampala: Associates for Development.
- Rudagya, M., Obaikol, E. and Kamusiime, H., 2004, Gender and the Land Reform Process in Uganda: Assessing Gains and Losses for Women in Uganda, Kampala: Associates for Development.
- Rudagya, M. and Mabuya, M., 2003, Gender Mainstreaming in Advocacy Institutions, Kampala: Uganda Land Alliance.
- Rudagya, M. and Busingye, H., 2002, Gender Perspectives in the Land Reform Process in Uganda: Assessing Gains and Losses for Women in Uganda, Kampala: Uganda Land Alliance.
- Rudagya, M. and Busingye, H. (Editors), 2002, Gender Perspectives in the Land Reform Process in Uganda, Kampala: The Uganda Land Alliance.
- Sebina-Zziwa, A., Kibombo, R., Kabanda, N. and Kamusiime, H., 2004, Patterns and Trends of Land Registration and Ownership in Uganda, 1980-2002, Kampala: Makerere Institute of Social Research.
- Sebina-Zziwa, A., Kibombo, R., Kamusiime, H., 2004, Prevalence and Implications of Joint Titling among Conjugal Couples in Uganda, Kampala: Makerere Institute of Social Research.
- Sebina-Zziwa, A., Kibombo, R., Kamusiime, H., 2003, Land Dispute Resolution Mechanisms: What Works in the Rural Settings?, Kampala: Makerere Institute for Social Research.
- Sebina-Zziwa, A.J., 1995, Gender Perspectives on Land Ownership and Inheritance in Uganda, Access to Land and Other Natural Resources in Uganda: Research and Policy Development Project, Research Paper 16, Kampala: MISR and Wisconsin-Madison: The Land Tenure Center.
- Tripp, A.M., 2004, *Women's Movements, Customary Law and Land Rights in Africa: The Case of Uganda*, in African Studies Quarterly, Vol. 7, No. 4.
- Tripp, A.M., Kwesiga, J.C., 2002, The Women's Movement In Uganda: History, Challenges And Prospects, Fountain Series In Gender Studies, Kampala: Fountain Publishers.
- Uganda Land Alliance and ActionAid, 2006, Biting the Feeding Hand: Women's Voices on Land, Kampala: ULA and ActionAid.
- Uganda Land Alliance, ----, Monitoring the Performance of District Land Tribunals, Kampala: ULA.
- Uganda National NGO Forum, 2005, A Simplified Version Of The Poverty Eradication Action Plan (PEAP), Kampala: Uganda National NGO Forum.

Uganda Women's Network, 2006, Domestic Relations Bill Position Paper: Building a Sustainable Uganda by Enacting A Gender Sensitive Law, Kampala: ActionAid and The Domestic Relation Coalition c/o UWONET.

Uganda Women's Network, 2006, Women's Manifesto 2006: Fulfilling the Promises, Kampala: UWONET.

Uganda Women's Network, 2005, Violence Against Women - Who is Guilty: Tracking Media Coverage of Violence Against Women in 2005, Kampala: UWONET.

Uganda Women's Network, 2004, Women's Minimum Demands to Political Parties and Organizations, Kampala: UWONET.

Uganda Women's Network, 2003, Review of Affirmative Action in Uganda, Kampala: UWONET.

UN Habitat, 2004, Mpumudde II Empowerment of Women Through Housing Development and Land Rights, Jinja: Akright Environment and Physical Planning Department in Partnership with Jinja Municipal Staff Savings and Cooperative Union.

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Appendix C – Key Internet Web Sites & Web Links

<http://www.un-instraw.org/revista/hypermail/alltickers/en/0279.html>

http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/genderedrtf.rtf

http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/africa_east.htm

http://www.wunrn.com/news/02_05_06/020506_africa_gender.htm

<http://www.ifpri.org/themes/mp17/gender/news5-1/news51b.htm>

http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/introduction.htm

http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/links.htm

http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/africa_gen.htm

<http://www.ossrea.net/projects/landnet.htm>

<http://www.ossrea.net/annualrep/ar2001-05.htm>

<http://www.ifpri.org/data/ethiopia02.htm>

<http://www.ifpri.org/themes/mp17/uwltc.htm>

<http://www.ifpri.org/themes/mp17/ethiop.htm>

http://www.afrol.com/Categories/Women/profiles/ethiopia_women.htm

<http://doi.contentdirections.com/mr/greenwood.jsp?doi=10.1336/0313274231>

<http://www.edcnews.se/Cases/EthLandTenure.html>

http://www.fao.org/documents/show_cdr.asp?url_file=/docrep/006/y5026e/y5026e08.htm

<http://countrystudies.us/ethiopia/89.htm>

http://www.rdiland.org/CONSULTING/CV_JBrown.html

<http://www.worldpress.org/Africa/1839.cfm>

<http://www.geog.sussex.ac.uk/research/development/marena/pdf/ethiopia/Eth13.pdf>

http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/downloads/land_reg_women_land_rights_amhara_iied_res_rep4.pdf

<http://ideas.repec.org/p/fpr/worpps/21.html>

Endnotes

¹ For the purposes of this study, gender refers to the socio-cultural construction of roles and relationships between men and women which change over time and are culturally specific.

² Most important to the study of gender relations, is an understanding of the difference between what is considered as public transcripts and hidden/private transcripts (Scott, 1990, 1985). That is, it is important to be aware that in interviewing key informants, there may be a difference between what is publicly stated, and what is stated in private. Public transcripts often reproduce the discourses and ideologies of the dominant social order, whereas the private transcripts are more difficult to research – especially of people who are marginalized – often reflect the perspectives of those who are resisting dominant discourses and practices. Such transcripts can only be understood after some time is invested in a community and with people – they are not as accessible through rapid types of methods.

³ The Ethiopian Land Proclamation of 1975 under the Derg, stated that “without differentiation of the sexes, any person who is willing to personally cultivate land shall be allocated rural lands sufficient for his maintenance and that of his family (Tesfa, 2002:9).