

Gender and Homeownership: The dynamics of marriage in Kampala, Uganda



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Abstract- This study explores the ways in which women in Kampala, Uganda are able to co-own the matrimonial home with their husbands during marriage. Home ownership through marriage implies that a married woman is able to have her name included on the title deed of the land on which the matrimonial home is built. Hence upon divorce, separation or widowhood, the married woman has the power to use and sell the home. The argument made here is that for married women to become homeowners in a Ugandan patriarchal society, it is an uphill task. Hence special conditions need like control of income, absence of a husband, assertiveness, consensus, negotiation, financial crisis need to be available for a married woman to become a homeowner. Married women with nothing to contribute to the home project find it difficult to negotiate for homeownership rights. This is an indication of male dominance in home ownership. The study, based on purely a qualitative design, applied Hirdman's gender system and contract theory to explain the complex gender dynamics between married women and their husbands in regard to co-homeownership. The main contribution to this study is the understanding of the complex dynamics of homeownership among middle class urban women. It brings to light that there should be no generalisation of women's problems in terms of homeownership because each story presents different elements of the homeownership gender contract. This research adds to the existing knowledge on the complex relationship between married women and their husbands.

Key words: Gender, homeownership, marriage, matrimonial home, gender system, patriarchy

Introduction

In developed countries legal structures guarantee married women co-ownership of the matrimonial home regardless of whether the married women financially contribute to the home project or not (Deere and Doss, 2006:4; Lundy, 2002:607). As a result estate laws have enabled married women to increase their wealth (Deere and Doss: 1-50). In developing countries there is a lack of evidence on women's ownership of wealth especially on the ownership of particular assets like the matrimonial home in urban areas (Deere and Doss, 2006:6). A few studies on homeownership suggest that married women become homeowners as unmarried, divorced, separated or widows (Matere-Lieb, 1995). In some of these cases women must have their own income to become homeowners while in others married women indirectly control the home through their eldest sons or nephews (Larsson and Schlyter 1995). In ranking all categories of women in relation to men in terms of ownership of housing, men, followed by unmarried women with high incomes, were the main homeowners and the most disadvantaged categories of

women were the low- income unmarried women and high-income women married in community of property (Kalabamu, 2005: 245-268; Kalabamu, 1998:70; Matere-Lieb, 1995:63). This is because men and unmarried women with income had easy access to housing credit, hence easy access to land with registered title deeds and to houses on sale. In these cases not only did education empower women with good income but it also enabled unmarried women to assert their rights to own homes in contrast to the uneducated unmarried and married women (Larsson, et. al.1998:278; Tusingwire and Tumushabe: 1999:110; Gray, and Kevane, 1999:28). For example, working class unmarried women in low-cost houses acquired a plot of land in their own right. In addition, they bought building materials, supervised the construction and paid for the labour without any support from men. As unmarried women, they were able to apply for a plot of land in the Municipality and register the plot solely in their names without any societal, patriarchal and male hindrance. Apart from having income, as unmarried women, they were able to make

decisions without any societal and patriarchal hindrance because they did not need consent from any man on what to do with their homes. It is reported that about 70 per cent of housing units in Uganda are owner occupied.¹ In Kampala however, owner occupation for men also accounts for 70 per cent while female owner occupation accounts for 30 per cent (Table 1).

'Male only' landownership dominates in all regions, with an overall 63 per cent. When we look at the dynamics of ownership comparing unmarried and married women we note that 'woman only' ownership accounts for 18 per cent in the central region where Kampala is located while joint ownership among conjugal partners accounts for only 4 per cent in the central region. This shows that more unmarried women own land than married women. The table also demonstrates that more women own land in the Central Region than in other parts of Uganda. This is because Kampala was one of first areas that benefited from the individual land ownership system. With urbanisation and migration to the city some women took advantage of the market economy to buy land in the city. There has been an increase in land ownership by women since 1980, as demonstrated in the table below: Recent studies show that women who own land in their own names account for 18 per cent and this is prevalent in the Central region where Kampala is located, as illustrated in Table 2.² Although ownership of land does not necessarily mean homeownership, it is nonetheless an indicator of property acquisition.

The above table indicates that sole ownership of land among women increased from 12 to 17 per cent during the period while ownership of land among married women increased from one to six per cent. Overall, male landownership decreased by 17 per cent from 73 to 55 per cent while joint (conjugal) land ownership increased from one percent to six percent. On the other hand, landownership by

women only increased by six per cent from 12 to 17 per cent. These figures show us that there is gender inequality in landownership among married couples (Joint Conjugal). However, there has been an increase hence an indicator that there is a change in gender ownership patterns. Although statistics help us to know the extent of gender inequality in land ownership in Uganda, it is difficult to know the gender inequality in home ownership. This is because land and housing are regarded as different properties. Registration of land does not necessarily mean that there is a home on that particular piece of land. Although the above statistics give some indication of gender inequality, they do not indicate whether the jointly owned land has a matrimonial home on it. A number of studies on gender and housing have been carried out in the urban areas of Uganda but they have not specifically dealt with the dynamics of gender inequality in home ownership. In addition, most of the studies have been conducted in low-income areas, leaving out housing dynamics in mid-income areas.³ For example, Kuteesa and Kateregga's study conducted in Kamwokya looked at how low-cost housing affects men and women.⁴ Recent studies carried out by Manyire and Nabajja investigated the nature and relative importance of the socio-cultural and economic factors that facilitate or impede men and women's engagement in low-cost urban housing development in Jinja and Kampala respectively. Their study specifically focused on housing development for renting rather than the matrimonial home. They looked at the different strategies men and women use to facilitate access in housing development. Another study carried out in Kampala by Atukunda focused on access to housing. The study assessed the situation of female-headed households and male-headed

¹ Uganda Population and Housing Census, Analytical Report, October, 2006, Uganda Bureau of Statistics, Kampala, p.47

² Patterns and Trends of Land Registration and Ownership in Uganda 1980-2002, Makerere University Institute of Social Research, Makerere University Printery, Kampala, 2004, p.5.

³ Obbo, C., *African Women: Their Struggle for Economic Independence*, Zed Press, London, 1980.

⁴ Kateregga, R., 'A Gendered Assessment of the Housing Situation in Urban Areas: A Case Study of Kamwokya II, in Kampala', M.A. Dissertation, Makerere University, 1996; Kuteesa, S., 'Urbanization and Housing problems, A Case Study of Kampala District', M.A. Dissertation, Makerere University, 1995.

households in relation to quality of housing.⁵ Research by Tusingwire and Tumushabe focused on women headed households in relation to the control of housing. Their study focused on establishing the socio-economic characteristics of women heads of households in Kampala and the extent to which they control housing. They further looked at the way single women are perceived by both men and women when they control housing.⁶ The gap in this study is its failure to look at the dynamics among unmarried women with male partners and married women with their husbands in the ways in which they become homeowners or are deprived of home ownership. Other studies have looked at housing policies and how these affect women.⁷ These studies are mainly concerned with rental housing access, not home ownership. Furthermore, these studies were carried out in low-income areas where the legal ownership of land and housing is not common. The in-depth analysis of the experiences of men and women and the analysis of the different ways in which women in Uganda became homeowners is one of the contributions of this paper.

⁵ Atukunda, G., 'Access to Housing in Peri-urban Kampala: A Comparative Study of Female and Male Headed Households', Makerere Institute of Social Research, Research Report, 2001.

⁶ Tusingwire, H. & Tumushabe, J., 'Women and Control of Housing in Kampala, Uganda: Characteristics and Problems of Women Household Heads'. In Lee-Smith, D., (ed.), *Women Managing Resources, African Research on Gender, Urbanisation and Environment*, Mazingira Institute, Nairobi, 1999.

⁷ Ntege, H., 'Women and Urban Housing Crisis: Impact of Public Policies and Practices in Uganda'. In Dandekar, V., (ed.) *Journal of Indian School of Political Economy*, Vol.V. No.3, July-September, 1993. Also in *Economic and Political Weekly* October 30, 1993, pp.46-.62; Turyahumura, M. 'Housing Policy and Urban Women's Access to Shelter in Uganda: A Case Study of Kampala City', M.A. Dissertation, Makerere University, 1998.

General Objective of the Study

This part of the research is about gender inequality in homeownership among widows in Kampala, Uganda. Its main objective is to look at factors that inhibit or enable widows to own a matrimonial home.

Research Questions

- Do customary and statutory laws influence inheritance rights of widows?
- Does income of women influence inheritance rights of the matrimonial home?
- Does the level of education of widows influence inheritance?

Methodology

This research was premised on qualitative research methods. This is because qualitative data with their emphasis on peoples lived experiences are fundamentally well suited for locating the meaning and experience people place on their lives and for connecting these meanings to the social world around them (Miles and Huberman 1994). Qualitative method allows in-depth exploration of the issues and it captures the richness of peoples' experiences in their own terms.

Data Collection Methods

The researcher employed three techniques of data collection, which are all qualitative. These will included

- ◆ In-depth interviews
- ◆ Life History Interviews.
- ◆ Reviewing of Secondary sources

In-depth interviews were used to capture information from key informants for example The Administrator General. Life histories were purely used to acquire information from the respondents in this case widows. Data from governments, NGOs, parliamentary debates, Government policy papers, Acts of Parliament formed part of the secondary data.

Area and Population of the study

The Study was carried out in Nakawa one of the middle-income communities in the suburbs of Kampala the Capital City of Uganda. The researcher was interested in

middle-income areas because of the legal aspect of ownership. In many low-income communities the legality of ownership is questionable or does not exist at all. Nakawa is one of the few divisions where land is held under leasehold and freehold systems.

Selection of Respondents

The key respondents comprised of mainly married women. Married couples were purposively selected from households that had legal home ownership. The aim was to get the perceptions, experience, and views so as to draw possible conclusions on matters of ownership dynamics. The researcher recorded 15 life stories of married couples.

Data Analysis

The researcher transcribed the life stories verbatim, and summarized them in a systematic and chronological order of events. The transcribed information was analyzed using either thematic/ content analysis. The Analysis was done on the basis of the research questions of the study. Themes emerging from the data and other forms of categorization were used to discern various patterns from the data. The process of looking at the emerging patterns and themes, clustering or sorting the information and finding relationships then followed.

Secondary Data Analysis

The researcher looked at documents concerning the family law. These included The 1995 Uganda Constitution, The Marriage Act, and other studies carried out by scholars in similar fields specifically in Uganda and Africa in general. The purpose was for contextual information in order to get more insight on the issues.

Ethical Considerations

Since the issue of property ownership is very sensitive the researcher conducted the study with a lot responsibility and care. To avert peoples' fears, at every beginning of an interview the researcher would inform the respondents about the broad objective of the study. Care was taken to ensure confidentiality and anonymity through out the study by using Pseudonyms.

Theoretical framework

This section focuses on the theoretical frame on which this study is based. The purpose is to highlight the applicability of the theory in explaining the unequal gender relations in inheritance

Hirdman's Gender System and Contract Theory

Gender system and contract theory provides a strong emphasis on the gender power relations in the household and the social changes that take place within a social system as a result of factors such as modernization and urbanization (Lee-Smith 1997; Larsson 1995). The theory questions the relevance of associating female and male tasks with nature and the physiology of women and men. According to Hirdman's theory, there is no general answer that explains the difference that exists in some cases between men and women's living conditions because it all depends on the area studied and the social context. Hirdman's theory describes the structure of the gender system observed on the basis of social, economic and political systems. Several gender contracts create a 'gender system' under which a number of social, cultural and economic dynamics operate (Hirdman 1991). There is a belief in Hirdman's theory that with the gender system, it is possible to recognize the differences between women and men in terms of class, age, family structure and the way these differences influence economic, social and political outcomes. Hirdman's major concerns are the power relations that exist between men and women. She criticizes theories that base their analysis on gender roles because such theories tend to ignore power relations (Larsson 1995). Gender power relations are complicated processes and therefore they should be looked at from the institutional, cultural, and biological perspectives (Hirdman 1991; Kalabamu 2005). There are different rules governing gender interactions in different societies and these vary over time and space. These sets of rules found in different societies at particular times and space form the gender contracts. The Gender contracts are usually invisible relationships between men and women and are reflected at different levels for example at institutional,

interpersonal and cultural levels (Kalabamu 2003; Gwebu 2003; Lee-Smith 1997; Larsson 1995). The levels indicate the processes by which the values are assimilated and reproduced. In other words, they provide us with tools for analyzing how change, maintenance and adaptation of the system take place. Gender systems and contracts at various levels are subject to negotiation, re-negotiation and change. In this way women as individuals or groups may benefit from or access resources and services owned, produced or controlled by men. Through negotiation gender inequalities within households, communities, the market and the state are challenged. The outcome of any of the negotiation processes depends on an individual's bargaining power (Kalabamu 2005). For example in cases where married women have income, they have better bargaining power with their husbands than married women without any income. Similarly, in cases where married women have alternative options for example ownership of land, they are able to negotiate with their husbands to have their names included on the title deed of the matrimonial property. Hence, when social, economic and political rules change; the gender system creates new segregations and new hierarchies in society (Lee-Smith, 70; Larsson, & Schlyter, 217). Therefore, the gender system itself and its principles are also open to negotiation and change (Lee-Smith 1997, 71). The changes however come about only if societies are also ready to change in terms of attitude and practice. Against the above background, this paper presents evidence that shows the special conditions under which married women in a patriarchal Ugandan society became co-owners or sole owners of the matrimonial home. The stories demonstrate the opportunities married women had at their disposal and different strategies they used to negotiate the dominant gendered home ownership contract whereby husbands are regarded as owners of the matrimonial home while wives are regarded as homemakers of the home. Evidence is presented through the married women's life stories through their actions. Since there is a gap in the literature especially in developing countries on the ways in which married women become homeowners, this paper therefore fills in this

gap and provides new knowledge on the homeownership gender contract of married women. The discussions that follow this introduction present evidence from the life stories of married women on the ways in which they became homeowners.

Including one's name on the title deed while a husband is absent: The story of 'Kyama Nyakaisiki'

Kyama is a highly educated married woman who was able to co-own the matrimonial home with her husband. She was able to include her name on the title deed of the plot of land on which they built the matrimonial home because she had control of her husband's and her own income. Not only did she have control over all the income but also her husband was absent at the time she purchased and registered the plot of land on which they built the matrimonial home. Had her husband been around, he would most likely have registered the plot of land solely in his name without any due regard to Kyama's financial contribution, judging from his behaviour when he finally returned home. Kyama is a lecturer at Kyambogo University and a part-time lecturer in the department of secretarial studies at Makerere University. She lives in Banda with her three boys aged between 15 and 23 years, in a three bed roomed home she jointly owns with her husband. The house was iron roofed, with water, electricity, and is partially fenced (Fig.1). Kyama was born to a poor family 50 years ago. She grew up in a Catholic convent. Kyama's life was preoccupied with academic advancement. Although she initially had eleven years of education instead of the normal sixteen years, she upgraded to a Masters Degree level due to determination and hard work. The only child of her mother, Kyama had a difficult childhood. Born in a polygamous family, she was abandoned by her mother when she was only two weeks old. She lived with her paternal grandmother up to four years and later her father took her to a nun's convent. In the convent Kyama was exposed to the catholic moral doctrine of love, and respect. In a convent, everything was communally owned and hence this limited Kyama's exposure to private property ownership. Kyama completed seven years of study in Mubende and later joined

Nsambya Senior Secondary School where she completed her four years of study. Kyama could not advance in her studies because of her family responsibilities. Her paternal uncle advised her to attend a short course that would guarantee her a job to enable her look after her father's siblings. Kyama then undertook a secretarial course at Tepol Secretarial College in Nairobi, Kenya in 1973 and later upgraded to the intermediate and advanced level, qualifying as a Secretary. In 1978 Kyama returned to Uganda, and worked at St. Mary's College Kisubi as a secretary with a good salary and a house. In January 1980 Kyama acquired a scholarship from the sisters of Notrodem in Switzerland and went to the United Kingdom for a year's tutor's course in Secretarial and office skills, at Pitman's Central College. At Pitman's College she acquired a diploma in teaching typewriting, a diploma for teaching shorthand and a postgraduate certificate to instruct in a College of higher education. Although Kyama would have advanced further and acquired a certificate in technical studies, which in England was equivalent to a first degree, and this would be a short cut to a Master's degree, Kyama's plans drastically changed when she fell in love with Paul, a fellow Ugandan in Britain. Paul was from a different ethnic group and a highly qualified surveyor. In April 1982 Kyama married Paul in Williams's Church of Hope in Reading in the United Kingdom. After four months of marriage, Paul became abusive and Kyama realised that he had a mental illness. The couple was forced to return to Uganda in 1984, where they had no home. By that time the couple had one child. In Uganda the family first lived in Kansanga in her father-in-law's house who at that time was living abroad. Although Paul was mentally ill, his illness was intermittent and whenever he stabilized he would acquire well paying jobs within the East African Region and other parts of Africa. He for example worked with East African consultancy firms as an evaluation surveyor and the company rented a house for the family at Nsambya housing estate. However, because of Paul's mental illness, he never stayed on any job for long. Kyama was forced to look for a job to meet domestic expenses while Paul was in hospital or unemployed. With her postgraduate qualification in secretarial studies Kyama

was able to acquire a job and a house at National Teachers College, which is now Kyambogo University. The family then moved from their rented accommodation to a College owned house at Kyambogo. Since Kyama had a job and free accommodation, she was able to earn a reasonable income to sustain her family and invest part of it. At Kyambogo Kyama upgraded to a Bachelors degree and later to a Master's degree. With extra qualifications, Kyama's salary increased. To further improve on her income, Kyama acquired a part time teaching job in the department of Secretarial studies at Makerere University. With the two jobs, Kyama's income improved greatly. In the meantime, Paul acquired another job in Zambia and once in a while he would remit money to Kyama. With her personal savings and Paul's remittances from Zambia Kyama bought a plot of land. Kyama initially wanted to have the plot of land she co-financed registered solely in Paul's name because she thought it was culturally the right thing to do. In her social upbringing, she knew that a home belongs to a man. With her moral upbringing in the convent she did not anticipate that anything would go wrong in her marriage because she expected her husband who was also a catholic to be morally upright. It was a lady at the land office who advised Kyama to include her name on the title deed. Kyama had this to say about the lady at the land office: 'I will never forget the lady at the land office. If she had not advised me to include my name on the title deed, I would be homeless now' Kyama was able to include her name on the title deed because of the advice of the lady friend at the land office and because Paul was away in Zambia. Had Paul been around during the time Kyama registered the plot of land, he would most likely have registered the plot of land solely in his name judging from his behaviour when he finally returned home. When Paul finally returned to Uganda, he became very abusive and would rarely stay at home. He at one time instructed his lawyers to write to Kyama to hand over the title deed of the home and transfer the title deed into their children's names. Paul's proposal to have the title deed transferred into the children's name was to ensure that the property remained in the male line upon his death. He was not happy that Kyama had included her name

on the title deed. Kyama had to seek advice from her lawyers to stop Paul's intimidation. On realising that Kyama had refused to hand in the title deed of the matrimonial home Paul sneaked into her bedroom while Kyama was at the University, searched everywhere but failed to locate the title deed of the matrimonial home. Kyama had hidden the title deed very far from him, when she learnt of his motives. With anger and disappointment Paul took away Kyama's title deed of another property solely registered in her name and gave it to his sister. By the time of the study, Kyama's sister-in-law had not returned the title deed. Kyama had instead lodged a caveat with the land registry to stop any transactions on her plot of land. Although Kyama financially contributed to the matrimonial home and supervised the construction of the home while Paul was abroad, Paul did not recognize her contribution and efforts at all. Although Kyama would have registered the home solely in her name since her husband was absent, she did not do so because of harmony in the home and moral obligation since Paul had also contributed to the home project. We can therefore conclude that Kyama was able to include her name on the title deed only because Paul was absent. Had Paul been present at the time when Kyama processed the title deed he would most likely not have included Kyama on the title deed judging from his behaviour. His family will also have supported him in his actions. Paul's behaviour implied that he was not happy that Kyama's name was on the title deed. He instead preferred the plot of land on which they built the matrimonial home to be registered in their children's names. Kyama's story demonstrates that a husband's absence can be an enabling factor for some women to exercise ownership rights. When husbands are present and involved in the purchase and registration of the plot of land, they prefer to register the matrimonial home solely in their names as discussed in the previous chapter. In contrast to men's actions, Kyama's story demonstrates that it is difficult for a married woman to exclude her husband's name from the title deed because of the fear to create disharmony in the family. Kyama's story demonstrates that men have a patriarchal belief that property should remain within their family and not their wives. On the

contrary, when husbands contribute to the home project women ensure that a husband's interest is taken care of for the good of the family. The story also demonstrates that awareness about the law governing registration of land is an important tool for a married woman to become a homeowner in the absence of her husband. This implies that ignorance of one's rights and the law governing land registration could easily deny a married woman her right to ownership. Had the lady at the land registry not advised Kyama to include her name on the title deed, she would most likely be homeless or a user of the home she contributed to. In summary, Kyama was able to include her name on the title deed of the plot of land on which the matrimonial home was built because of the advice of a staff member at the land office. Secondly she was in total control of the income for the purchase and registration of the plot of land. Most importantly for Kyama, her husband was abroad at the time she bought and registered the plot of land. Had her husband been around at the time of purchase and registration of the plot of land, Kyama would most likely have found it difficult to have her name included on the title deed. Kyama would most likely have entrusted Paul with the registration process of the plot of land, judging from her initial behaviour depicted at the land registration office. Kyama would also most likely not have suggested to Paul to include her name on the title deed based on her religious and social upbringing that made her believe that husbands are supposed to be the respected heads of the household. Paul would definitely have registered the plot of land solely in his name, judging from his behaviour when he finally returned from abroad. Had Kyama not included her name on the title deed, Paul would most likely have evicted her from the matrimonial home. Kyama's story shows that a husband's absence can be crucial for a married woman in Uganda to independently exercise ownership rights.

Ownership of the matrimonial home when a housing loan is available to the wife and not the husband: The Story of 'Margaret Asekenye'

Margaret is a relatively well-educated married woman who solely owns the matrimonial home even though her husband

financed the home project. Margaret was able to solely own the matrimonial home because she had a job that offered a housing loan on condition that the title deed was registered solely in her name. Since her husband's job did not offer similar benefits, and her husband did not have an alternative source of money, he accepted having the title deed registered solely in Margaret's name for a family to have a home of their own after renting for many years. Margaret's husband succumbed to Margaret's employer's condition to have the title deed registered solely in Margaret's name because he had no income to provide a family with a home. Had Margaret's husband had other sources of income, most likely he would not have accepted registering the plot of land solely in Margaret's name, judging from previous arrangements where they had all the title deeds of land in the rural village jointly registered. Margaret's story demonstrates that a man can only accept having a plot of land registered solely in his wife's name if he is in a financial predicament. Margaret, aged 50, was born in Teso, one of the districts in the Eastern part of Uganda. Margaret, a retired secretary, lives in a three bed-roomed house in Banda parish with her husband, Peter, and their two children aged 25 and 21 years. The house is iron roofed, with water and electricity and a fence (Fig.2). Margaret, the fourth child of a family of ten siblings grew up in a monogamous family. Although there were ten siblings, Margaret's father was able to educate all of them. He was a teacher and her mother was a housewife. Margaret had eleven years of education. She attended the different primary schools her father was transferred to as a teacher. Margaret attended primary education at Achowa, Amuria and Moroto Town Council primary schools where she completed the Primary Leaving Certificate. Thereafter she joined Nabisunsa girl's Secondary School from 1971 to 1974. She then joined Uganda College of Commerce for a stenography course where she qualified as a secretary. In 1978, Margaret joined Uganda Commercial Bank, now renamed Stanbic bank, as a secretary. She was able to acquire a job at the bank because of her qualification without which she would be a housewife and a dependant. Margaret met Peter in 1975 at a Christian meeting. On 28

January 1978 they were married in a church. The couple was blessed with two children a girl and boy, now aged 25 and 21 years respectively. When Margaret was married she kept her job as a secretary. The former Uganda Commercial Bank had branches in every district and hence it was easier for Margaret to apply for transfer to join Peter wherever he would be transferred. Because she kept her job as a secretary, she was able to earn a reasonable income and acquire all the benefits the bank offered. The couple lived in different places within Uganda due to the nature of Peter's job as a Customs Officer. Margaret and Peter first lived in a government owned house in Jinja. In 1981 the couple lived in Tororo where Peter rented a house until 1988. The couple later transferred to Kampala where they rented houses at different times in Mpererwe, Kololo and Ntinda before they were allocated a government house on Nkrumah road in 1991.⁸ In 1993 the owners repossessed the house in which the couple lived. The couple then rented a house in Kireka. In 1992 the couple borrowed money from friends and bought a plot of land in Banda. Peter and Margaret serviced the loan through their salaries. Peter's government job could not offer extra money for investment in housing, nor did it offer any housing loans. As a result he could not finance the home project as expected of him. Margaret then informed Peter that her employer had an interest free housing loan scheme for members of staff on condition that a staff member presented a title deed in his or her sole name. Since Peter did not have enough income to build a home and yet he was spending a lot of money on rent, he had no choice but to accept Margaret's proposal. Had Peter had a choice he would not most likely have allowed Margaret to take out a housing loan with her employer

⁸ When President Idi Amin closed down businesses run by Indians in 1971, the government took over all Asian owned buildings and created a custodian board to take care of these buildings. The government was aware of the legal repercussions if it attempted to change ownership as the Indians owners had title deeds in the form of leaseholds for these buildings.

with the conditions that the title deed had to be registered solely in Margaret's name. He would most likely have preferred joint ownership of the plot of land. This is because the couple jointly owned all their other pieces of land in the rural village. Had Peter registered the plot of land in both names, Margaret would legally own half the value of the home. When I asked Margaret whether her husband would have accepted to register the title deed in her name if it was not for the housing loan she said: 'Maybe the title deed would be in both names (Mr. & Mrs.) because the other properties we have are in both names'. My husband has made sure that the other title deeds are registered in a such a way that my maiden names also appears on the title deed for identification purposes because anyone can claim to be a Mrs. so and so. Although Margaret's husband in principle accepted Margaret's idea to acquire a housing loan from her employer, the couple had not yet processed the title deed for the plot of land. Margaret could not process the title deed herself because she was busy at her work. Peter handled all the administrative aspects that go along with acquiring the title deed. These include among other things getting a surveyor to put mark stones on all corners of the plot, acquiring a letter from the local council official, looking for the landlord to sign the transfer form, and opening a file with the Ministry of Lands. After Peter had completed all the administrative work he took the transfer forms to Margaret to sign. The plot of land was then registered in Margaret's sole name. Peter's action to process the title deed in Margaret's sole name can be regarded as unusual but he had to do it because he was in a fix. He could not provide his family a home in which to live. In 1993 Margaret voluntarily resigned her job at the bank and she was given a retirement package. She spent most of the retirement package on the home. She also put part of the money in dry maize selling business. When Peter was transferred to Mutukula border near Tanzania he was paid hardship and overtime allowance. He would remit the money to Margaret to meet construction expenses. Margaret's retirement packages, the money from her business and the remittances from Peter enabled Margaret to meet the construction costs of the home. Since the plot of land is

registered solely in Margaret's name, she legally owns the home and Peter has only user rights. In summary, Margaret owns the matrimonial home because she had a job that offered her a housing loan while her husband's job could not provide the same benefit. If her husband's job had similar benefits, he would most likely have acquired a loan by himself. If Margaret's husband had income he would most likely not have allowed Margaret to acquire a housing loan because it would mean his name would be excluded from the title deed. Hence, it is because Peter did not have money to build a home, that he allowed Margaret to acquire a housing loan. Because Margaret's employer could not accept a jointly registered title deed, her husband had no choice but to register the title deed in Margaret's sole name for her to acquire a housing loan. Although Peter and Margaret contributed to the construction of the home, the home legally belongs to Margaret because the title deed is registered in her name. If Peter divorces Margaret she does not lose ownership rights because the home legally belongs to her. It would be up to Peter to convince court that he contributed to the home. The above story demonstrates that a married woman is able to own the matrimonial home when her husband is in a financial fix.

Changing the sole ownership status to joint ownership when the husband is in a financial crisis: The story of 'Damalie Nsubuga'

Damalie is a highly educated and professional married woman who was able to have her name included on the title deed of the matrimonial home. Damalie was able to convince her husband to change the ownership status of the home and have her name included on the title deed, which was originally registered solely in her husband's name. This happened because her husband was in a financial crisis. Had Damalie's husband not been in a financial crisis, he would most likely not have changed the ownership status of the home, judging from his insistence on including the children's names on the title deed. Damalie's story demonstrates the difficulty a married woman is likely to face to include her name on the title deed in a situation where the title deed is already registered in a husband's name.

Damalie has been married for over twenty years. She is a professional accountant and works for the Civil Aviation Authority. The couple lives in Banda parish in a three bedroomed house with three children aged 13 to 22 years. The house is tile-roofed, fenced, with water, electricity and servants quarters (Fig.19 and 20). Although Damalie agreed to tell her full story, her husband, Charles refused to talk to the author about issues concerning the home. Any attempts to ask him about ownership issues were futile. He said: 'Leave me alone, I have my own problems, my wife can tell you about ownership issues'. Charles only talked briefly about his family background.⁹

Damalie, aged 49, years is the first born of her mother. Her mother had only two children. Damalie was born into a rich polygamous family of fifteen siblings in Mukono District. Her father was a sub-county chief in the Buganda Government. He had big farms of coffee plantations from which he earned good income to educate all his children. Damalie had more than 18 years of education. She attended Matala Primary Boarding School from 1964 to 1970 where she completed her primary education. In 1971 she joined Kings College, Buddo and completed four years of ordinary level education in 1976. In 1976 she joined Nakawa College of Commerce for an accounting course but completed only one part of the course because the course was too tough. With the acquired skills in accounting she joined the ministry of Finance as a trainee accountant. She was later transferred to the Judiciary as an accountant. From 1988 to 1991 Damalie

embarked on a Degree course in Economics and Political Science at Makerere University, which she completed in 1991. With a degree in her possession and professional training in accountancy Damalie acquired a high paying job in 1992 with the Civil Aviation Authority, a privately owned company, as an accountant. In 1994 Damalie re-attempted the second stage of accountancy studies, and completed it in 1998. In 2002 she embarked on an MBA Degree at Nakawa Business School, which she hoped to complete in 2006. Probably by the time of submission of this thesis, she may have completed the course. With good education, Damalie earned a good income. Charles was also born into a polygamous family of 39 children in Muzizi village in Masaka District. His mother produced seven children. He had thirteen years of education. He attended Namilyango Junior Boys School from 1956 to 1962 where he completed six years of primary education. From 1963 to 1964 he joined Saviour primary school at Kisubi where he completed seven years of primary education. From 1965 to 1969 Charles joined St Gonzaga where he spent four years for ordinary level education before he joined Tororo College for a two year High school certificate from 1969-1970. Charles then joined Nakawa College of commerce for a diploma course in accounting. In 1973 he joined the Treasury department in the Ministry of Finance as an assistant accountant and was later transferred to the Judiciary as an accountant. He retired from public service in 1994. Damalie met Charles in the 1970s in the Judiciary Department where they both worked as accountants. In 1985 they were married in a Church. They were blessed with three children, all boys aged between 13 and 22 years. Charles has three other children, two girls, and a boy, from a previous relationship. The couple first lived in a government owned house provided by Charles's employer. Although both Damalie and Charles planned together to buy a plot of land on which to build their home, when Charles identified half an acre (0.50 decimals) plot of land in Banda in 1990 he paid for it without any consultation with Damalie. He had the plot of land registered solely in his name. It seems Charles bought the plot of land without consulting Damalie because he did not want Damalie to

⁹ I noted resistance from married men who did not solely own the home, for example Peter, Tumwine's husband, Deo. In cases where the home is solely registered in a woman's name, the men were either resistant to giving details, or lied about the home ownership dynamics. For example Petersaid that his wife processed the title deed when it was he who processed the title deed. Deo said that he co-owned the home when actually the home is registered in his son's name. Tumwine's husband refused to talk to me. On the other hand, when the title deed is solely in a man's name, the man is willing to discuss ownership issues.

contribute and later assert her ownership rights judging from his behaviour later on. Charles was aware that Damalie had money and she would be willing to contribute if he told her. Charles's action not to consult Damalie is an indication that he did not want to co-own a home with Damalie judging from his behaviour later on when Damalie asked him to change the title deed from single to joint ownership. In 1992 Charles embarked on the construction of the home. Damalie met some of the construction costs because by that time she already had a good job with the Civil Aviation Authority. When Charles received his retirement package in 1994, he also spent most of the money on the house. He built the matrimonial home from foundation up to window level, bought poles and timber for roofing but ran out of money. When Charles was financially stuck Damalie was at that time very reluctant to invest any more of her money because the title deed was registered solely in Charles's name. Damalie was reluctant to invest her money because she feared for her future. She had heard from her women friends and from newspapers how husbands sometimes evicted their wives from the home. Besides, Charles had other children from a previous marriage.

Although Damalie was reluctant to invest her money in a home that legally belonged to her husband, she did not have enough money to buy herself a plot and build herself a home. She only had 3 million Uganda shillings (1630 United States dollars) on her account and a plot of land at that time cost eight million Uganda shillings (4,347 United States Dollars). At the same time she was worried that since her husband had retired they would be evicted from the government owned house and her husband would not afford to pay rent. She had to make a choice whether or not to put her money into her husband's home so that they could have a home of their own, or to keep her money in her account. At first she naively thought that as a good head of household, Charles would never evict her from the home she had contributed to. She borrowed more money from her employer, bought tiles, doors, and widows, plastered the walls, and completed the floor. The couple then moved from the government owned house in Kamwokya to their uncompleted house in 1995. As Damalie continued to read more stories in

the print media about evictions of women and hear stories from her friends at the work place and social gatherings, she became more worried about her future in Charles's house. Damalie knew very well that to confront Charles on the change of ownership was an uphill task but she was ready to take the risk. In 1999, Damalie asked Charles to change the title deed from sole ownership to joint ownership. To convince her husband, she referred him to a number of stories she had read through the press media and heard from her friends about husbands evicting their wives from houses. Damalie was well informed about issues of ownership through the printed media and friends. If she had not known what was happening around her, and the community she lived in, she would most likely have not bothered to negotiate with Charles about a change of ownership of the home. Damalie was wise to use information from the print media and stories from her friends to discuss her status in the home with her husband. If she had not had this information she would most likely have invested all her money in the home without being concerned about her security. Charles was adamant to change the title deed of the house. As a result there was tension in the relationship. When Charles totally refused to change the title deed Damalie threatened to stop financing the home project. Because Charles was in a fix, he finally agreed to sign the transfer forms but on condition that all the children's names are included on the title deed. Damalie did not agree with Charles' idea to include the children's names on the title deed of the matrimonial home because according to her, that would in future bring problems. She gave to Charles three reasons why she did not want the children names to be included on the title deed. Firstly she felt that parents tend to have a lot of sentiments about their children when they are young and forget that they grow up. She mentioned cases where children kill their parents in order to take their property. She felt that including children on the title deed would guarantee them rights and hence more powers. Secondly, she stated that when children know about their future ownership of property, they do not work, and do not concentrate on their studies. They anticipate their parent's death. Thirdly, children tend to have conflict with each other

over property ownership issues. In spite of the reasons Damalie put forward for not including the children's names on the title deed, Charles insisted that the children names be included or he would not sign the transfer forms. Although Damalie continued to negotiate with Charles to exclude the children from the title deed her efforts were in vain and it took them a long time to agree on the change of ownership. Charles's insistence to include his children's names could be attributed to patriarchal male ideology that the house belongs to the male line. If he did not include the children's names and he died the house would automatically belong to Damalie and her relatives. Damalie failed to convince Charles to exclude the children names on the title deed because she was treading on sensitive ground related to family property and the patriarchal sentiments attached to this. Hence for Damalie to insist that only her name be included on the title deed, she was confronting patriarchal culture and custom even though she was in an urban setting. After a long process of negotiation with Charles not to include the children names on the title deed, and failure to convince him on this, Damalie finally compromised and agreed to include the children names on the title deed. Damalie compromised her earlier position because Charles totally refused to sign the transfer forms in her favour. She had already spent a good amount of money on the house and therefore if they did not come to an agreement she would lose all the money she had already invested in the home. Damalie took Charles to her lawyer and he signed the transfer forms in 2005 in her favour and that of their three children. Her lawyers signed as witnesses. Charles accepted to change the ownership status of the home and to include Damalie's name on the title deed because he was in a weak financial position. Charles was stuck and in a fix because he had retired from work, had spent his entire retirement package on the home and had no hope to acquire more money in his lifetime. Damalie was able to negotiate and convince her husband to include her name on the title deed because she was in control of the finances. If Damalie had not had a good education and a good income she would not have any justification to ask her husband to include her name on the title deed. Had Charles had

enough money to complete the house, most likely he would not have changed the status of ownership, judging from his behaviour. Further more, Charles accepted including Damalie's name on the title deed of the home because she accepted to have the children names included on the title deed. Since the children's names were included on the title deed, he felt the home would be protected and would remain in his patrilineal line. Had Damalie had no children at all, Charles would mostly likely have refused to sign the transfer forms in her favour. If Damalie had not had boy children, Charles would most likely have been reluctant to sign the transfer forms because it would mean removing the patriarchal property to another clan when the girls would be married. In all these patriarchal dynamics of ownership Damalie would lose all her investments in the home to Charles. Charles looked at his children as a compromising avenue to take care of his family's interests. Even if he died, he was sure that his family interests were catered for. If he included Damalie name alone on the title deed it would mean that upon his death the property would revert to the wife's clan. Charles's refusal to exclude the children's names from the title deed is a demonstration that he wanted the family property to remain in the male line. The inclusion of children's names on the title deed hurt Damalie so much that up to the time of this interview she had failed to come to terms with the situation of owning only one fifth of the value of the matrimonial home when she funded almost 75 per cent of the home project. In her story telling one could observe bitterness on her face. To her, Charles's insistence on including the children's names on the title deed was putting her at the level of a child, which she called in her local language 'okusomoza' literally meaning 'under looking her'. Although Damalie contributed three quarters of the home cost, she only owns one fifth of the home. In summary, Damalie was able to convince Charles to include her name on the title deed of the matrimonial home because he was financially stuck and Damalie was in a better financial position to finance the house project. Had Damalie been poor she would have had no power to convince Charles to include her name on the title deed. Had Charles had money to complete the home project he would most likely not

have accepted including Damalie's name on the title deed. Damalie was able to convince Charles to include her name on the title deed because she accepted Charles' proposal to include the children's names on the title deed. Had Damalie refused to agree to Charles proposal, Charles would most likely not have signed the transfer forms in her favour. Damalie's story also demonstrates that if a woman has something substantial to contribute to a home project she can negotiate her ownership rights with her husband to a certain extent. The above story also demonstrates that a married woman is unable to acquire equal ownership rights in the home if a title deed is already registered in her husband's name. For a married woman to convince her husband to change the ownership status of the home when the title deed is already registered solely in a husband's name is an uphill task and therefore for the husband to accept to change the status of ownership, he must be in a difficult financial situation. A husband would prefer the property to remain in the male line, not a woman's line even when she has contributed more money to the purchase and construction of the home. Damalie's life story demonstrates that a married man will only have his wife's name included on the title deed if she has something substantial to offer and when he is in a financially weak position.

Discussion of findings

There is little evidence to show how married women become homeowners. Studies in developing countries reveal that husbands dominate in decision making regarding the home (Manyire, 2002; Kalabamu, 2005:245-268; Larsson and Schlyter, 1995: 212-231). In contrast to earlier findings that married women are not allowed to register their names on the title deed, the life stories in this study demonstrate that married women are able to become homeowners in a patriarchal society under special circumstances. The analysis of the life stories shows that women are able to negotiate the dominant married women's' home ownership contract in which married women are regarded as homemakers but not homeowners. As a result a new home ownership contract whereby women become

homeowners is created. This is mainly due to the following special circumstances.

Control of income

Control of income not only helps a married woman to improve on her well-being but it also increases her power to negotiate over household investments like housing, hence reducing homeownership inequality (Moser, 1993:26). One of the ways of increasing married women's income is through paid employment. Workingwomen have more control over the allocation of household resources than non-earning wives (Sen, 1990:144). This observation implies that unemployed married women or women employed in low-paying jobs are unable to financially contribute to housing costs and hence are in weak negotiating position in the household. The life stories show that adequate income is a necessary condition for married women to negotiate for a share in home ownership. As a result of having their own money, married women no longer need to be in a subordinate position. The life stories demonstrate women's control of income in a number of instances. In cases where husbands do not have money to meet all the construction costs of the home project and the wives are able to provide the money and have control over it, the wives either become sole homeowners or co-owners of the home. In these cases women are able to become homeowners because their husbands have no choice but to accept their wives' terms.

Husband's absence

It can be argued that a husband's presence and involvement in home provision can easily deny a married woman homeownership rights if she is not alert and aware of her ownership rights. It can therefore be argued that absence of a husband plays a vital role for married women to make independent decisions without interference from husbands similar to what other scholars argue (Matere-Lieb 1995: 146). Although absence of the husbands in the study of home ownership has not been explicitly identified as one of the factors that accounts for married women's home ownership, it is indirectly implied. Studies reveal that unmarried, separated; divorced and widowed women are able to become homeowners so long as they have income. (Kalabamu, 2005:245-268; Matere-

Lieb, 1995). This study provides evidence that a husband's absence was crucial for a married woman to become a homeowner. This is because she was able to make an independent decision on ownership rights without any hindrance or interference from her husband. This study therefore adds new knowledge with regard to the concepts of 'husbands' presence and absence' as one of the important factors that can enable or inhibit married women to become homeowners. The findings of this study also reveal that in cases where a husband is involved in the registration process of the title deed the married woman has to be alert and aware of her ownership rights, otherwise she is stands to be deprived of homeownership. In conclusion, married women became homeowners because of the husband's absence, regular and control of income, negotiation, consensus and assertiveness. In all these situations a new gender contract is created whereby women became homeowners instead of users. According to the gender system contract theory, women have always been in a subordinate position (the other) while men are always in a dominant position (the norm) (Larsson and Schlyter, 1995: 212-231). The life stories have demonstrated that the homeownership gender contract can be reversed under special circumstances. Hence, the gender system can be shaken in situations where power relations and gender roles of women and men change. This usually happens when women become economically independent in a patriarchal society. This implies that if women want to become homeowners it is only them who can change the dominant gender contract especially in decision making at the crucial stages of housing investments. This however will require cultural, economic and political and institutional changes (.Mirafab, 2006:189. Narayan, et., 2000.:175; Rowlands,1998:15).

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Table 1: Gender tenure dynamics among households in Kampala

Occupancy tenure of Dwelling	Male headed	Female headed	Total	Male headed %	Female Headed %	Total %
Owner occupied	46,633	20,211	66,844	70	30	100
Free	19,163	6,402	25,565	75	25	100
Subsidised	4,117	1,521	5,638	73	27	100
Rented	149,169	57,064	206,233	72	28	100
Other	1,425	473	1898	75	25	100
Total	220,507	85,671	306,178	72	28	100

Source: 2002 Uganda Population and Housing Census, Kampala District Report, November, 2005, Uganda Bureau of statistics, Entebbe, Uganda, 26

Table 2: Gender of Title Deed owner by Region

Category of current title owners	Central Frequency	%	Western Frequency	%	Eastern Frequency	%	Northern Frequency	%	Total Frequency	%
Man only	40,908	59	8,373	72	6,068	72	3,048	78	58,397	63
Woman only	12,543	18	997	8	962	11	289	7	14,791	16
Joint ownership (Conjugal)	2,609	4	336	3	197	2	51	1	3,193	3
Joint (Sister & brother)	1,779	3	160	1	117	1	27	1	2,083	1
*Institution	6,433	9	1,107	9	823	9	293	7	8,656	9
*Administrator	3,180	4	178	2	34	0	48	1	3,440	4
Joint (Brothers)	1,268	2	536	4	206	2	139	3	2,149	2
Joint (woman & woman)	379	0	18	0	19	0	9	0	425	1
Total	69,099	100	11,705	100	8,426	100	3,904	100	93,134	100

Source: Makerere University Institute of Social Research, Patterns and Trends of Land Registration and Ownership in Uganda 1980-2002, Makerere University Printery, Kampala, 2004, 5.

*Institutions refers to estate belonging to Schools and Churches

*Administrator: This refers to deceased persons' estates under the Administrator General

Table 3: Patterns of Land Ownership in Uganda 1980-2002¹⁰

Category of current title owners	1980-1985 %	1986-1991 %	1992-1997 %	1998-2002 %
Man only	72	67	61	55
Woman only	12	14	17	17
Joint (Conjugal)	1	2	4	6
Joint (Man & Woman)	2	2	2	3
*Institution	7	8	9	12
*Administrator	3	4	4	4
Joint (Man & Man)	3	3	2	2
Joint (woman & woman)	0	0	1	1
Total	100	100	100	100

Source: Patterns and Trends of Land Registration and Ownership in Uganda 1980-2002, Makerere University Institute of Social Research, Makerere University Printery, Kampala, 2004, p.9 (Table transposed) *Institutions refers to estate belonging to Schools and Churches

*Administrator: This refers to deceased persons' estates under the Administrator General