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# DO CERTIFICATES OF CUSTOMARY OWNERSHIP AS CURRENTLY ISSUED AND DELIVERED TRANSLATE INTO MORE SECURE LAND RIGHTS FOR WOMEN AND MEN INVOLVED: A CASE STUDY OF NWOYA USING DATA COLLECTED BY THE MINISTRY OF LANDS, HOUSING, AND URBAN DEVELOPMENT

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This paper assesses the effectiveness of a specific land tenure intervention to improve the lives of women, by asking new questions of available project data sets.

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## **Abstract**

The certificate of customary ownership (CCO) is a land tenure reform implemented in customary tenure areas of Uganda, including Nwoya district, in the north. Proponents of CCOs contend that CCOs enhance tenure security for women and men, while critics argue that CCOs fall short of expectations, disenfranchise, and at times extinguish rights to land. The objective of this secondary data analysis is to assess changes in tenure security that are attributable to CCOs by focusing on the completeness of the bundle of rights using the Conceptual Framework on Women's Land Tenure Security.

Administrative data results suggest that the CCO application process is largely inclusive of women. The majority of the land area (82%) for which CCOs were applied does include women among the applicants. Survey data results show limited completeness of bundles of usus, abusus, fructus, transfer, and future interest rights. Women's bundles of rights tend to be less complete than men's, but women in households with CCOs tend to have more complete rights than women in households without CCOs.

From the results, it is apparent that the CCO intervention did not, or has yet to, improve tenure security as defined by the Women's Land Rights Conceptual Framework. Experience gained from using the conceptual framework for analysis suggests that the framework's broad definitions of bundles of rights may allow for disparate or incomparable definitions and metrics. The process of constructing analytical specifications also shows that the existing programmatic data sets may not contain sufficient information to measure the bundle of rights.

*Keywords:* Customary Tenure, Certificate of Customary Ownership, Completeness, Bundle of Rights.

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## 1. INTRODUCTION

Customary tenure is the predominant land tenure system in Uganda. About 80% of Uganda's land is held under this tenure, which is administered according to customary rules and practices pertaining to a given geographical and/or culturally defined area. Customary tenure is recognized in law, but land held under customary tenure remains largely unregistered. Despite customary tenure being widespread, it is not homogeneous; land can be communal or individualized and in some cases even held by families, clans, or sub-clans.

It has been argued that customary tenure has perpetuated restricted access and control on the part of women to productive resources and assets. In the customary tenure areas of Uganda, especially the north, only one third of the land is owned or co-owned by women; there is widespread acceptance of this inequality with 27% of the population reported to support unequal land rights for women, this number is as high as 54% in the Mid-Northern (Lango and Acholi) sub-region.<sup>1</sup>

The 1995 Constitution<sup>2</sup> recognizes 65 different tribes and peoples in Uganda, and there are as many rules of customary tenure as there are groups. Article 237 of the Constitution elevates customary tenure to be equal to other types of statutory land tenure (e.g., freehold, leasehold) where the bundle of rights in land are clear, absolute, and exist in perpetuity. Section 4 of the 1998 Land Act<sup>3</sup> and Chapter 4.3 of the 2013 National Land Policy<sup>4</sup> of Uganda endow customary tenure with the attributes of freehold tenure: the land being held in perpetuity and having the same legal protections and standing in law. These policies and legal provisions also provide a number of tools for the formalization of customary tenure, one of them being the certificate of customary ownership (CCO). The CCO transforms how customary rights are determined, held, and transferred by moving them away from reliance on the memory of elders in traditional land management institutions to documented formats guaranteed by state power and institutions. The underlying assumption is that documented land rights offer a better opportunity for secure livelihoods for holders. In recent years, a number of different donors and international NGOs (working with local partners) have begun issuing CCOs throughout the country. However, the processes have been sporadic and without standardized procedures.

The proponents of CCOs, especially the implementing agencies relying on self-evaluation process reports, contend that CCOs enhance tenure security for women and men. Critics, mostly based on a lack of rigorous evaluative analysis, argue that CCOs fall short of expectations

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<sup>1</sup> Uganda SIGI Country Report, Uganda Bureau of Statistics, & OECD (2015).

<sup>2</sup> Constitution of the Republic of Uganda (1995) (as amended).

<sup>3</sup> Republic of Uganda, Land Act, Cap. 227.

<sup>4</sup> Republic of Uganda, National Land Policy (issued by the Ministry of Lands, Housing and Urban Development).

and are actually disenfranchising (and in some cases extinguishing) some rights to land; especially for secondary holders who are mostly women. This contention has both scholarly and policy value. On the scholarly side, it is important to assess what transformations CCOs deliver with empirical rigor. From a policy point of view, tenure transformation will have winners and losers on account of existing vulnerabilities, which should be mitigated for all intended persons to fairly benefit from the CCO process.

To assess the changes in tenure security from the delivery of CCOs, this analysis focuses on the completeness element of tenure security found in the Women's Land Rights Conceptual Framework.<sup>5</sup> The analysis focuses particularly on the dimensions of usus, abusus, fructus, transfer, and future interest bundles of rights. The analysis uses three existing data sets collected by the Ministry of Lands, Housing, and Urban Development in April of 2018 with the support of Associates Research Trust-Uganda (ART-U). The data was collected from Nwoya district located in Acholi sub region, Northern Uganda, which is a predominantly customary tenure area and has been a key recipient of the CCOs. The data sets include:

- a) An extractive data set from a quantitative census of all CCO applications of the Nwoya District Land Office.
- b) A quantitative survey data set of CCO beneficiary and non-beneficiary households.
- c) A qualitative data set from a set of illustrative case narratives on the process of CCO delivery and effects of having CCOs.

## 2. THE CONTEXT

### 2.1 THE CCO IMPLEMENTATION AND ISSUANCE PROCESS

The simple and intuitively convincing argument that insufficient formalization of property and land rights disconnects poor people from the economy by preventing them from turning their assets into capital<sup>6</sup> has led to increased efforts for large-scale initiatives to formalize property rights, especially land rights. However, interventions aiming to formalize land rights to boost economic advancement of persons have often failed to live up to the expectations of both the proponents and the beneficiaries. In customary tenure, land rights management and distribution do not result from the operation of “perfect” markets but depend on power structures in the community and how local administrators or managers interpret, apply, and prioritize statutory and customary rules. A further issue is that not all customary land tenure systems operate in the same way; with differentiation based on authority for governing the rights resting with the whole group or a sub-set of the group and on whether the lands are used communally or on an individualized or household basis. There have been arguments that CCOs

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<sup>5</sup> Doss, C., & R. Meizen-Dick, *Women's Land Tenure Security: A Conceptual Framework* (2018).

<sup>6</sup> Hernan De Soto, *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else* (2001).

are appropriate where customary land has individualized rights, although this fails to address the power dynamics and authority structures that can restrict individual use and decision making.<sup>7</sup>

In Nwoya district, which is part of the land of the Acholi people in Uganda's north, the CCO issuance process involved sensitization of the community when initiating activities, filling out CCO application forms at the household level filling, community level adjudication of rights by the Area Land Committees, and transmission of applications to the sub-county level for processing by the recorder with the help of the District Land Board (DLB).<sup>8</sup>

In a generalized manner the following steps pertain to the CCO issuance process in Nwoya:

- 1) International NGO or donor with resources approaches Ministry of Land, Housing, and Urban Development (MLHUD) expressing intent to issue CCOs in a given area.
- 2) Memorandum of Understanding (MOU) is made between the two (spells out choice of community and reasons).
- 3) International NGO or donor contracts a local or national NGO.
- 4) A pre-visit is made to district or community to sensitize and get the local government to agree to CCO issuance in the area.
- 5) Target communities within the district are determined.
- 6) Community level sensitization is done in community meetings and on radio (District Land Office is also often used), content varies according to partners involved.
- 7) Induction of the Area Land Committee (ALC) is done so that they can adjudicate rights (it is their role to record rights and make sketch maps).<sup>9</sup>
- 8) Community is alerted on the date of adjudication and are mobilized to be present (until recently this has not been systematic but rather sporadic).
- 9) After adjudication, applicants are allowed time to fill out the forms and make decisions on whose name to include on forms. The cost of photographs and copies of the identity documents is born by the applicants, with some variation.
- 10) Once forms are submitted to the ALC, they are transmitted to the DLB for approval.
- 11) After the DLB decision, names and sketch maps included in applications are displayed for 14 days at the parish.
- 12) After this, CCOs are produced by the recorder at the Sub-county.
- 13) Each group of CCO applicants must sign for the Certificate, this is often done in a ceremony with some dignitaries.

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<sup>7</sup> United Nations Peace Building Programme & Uganda by Human Rights Focus, *Land Conflict Monitoring and Mapping Tool for the Acholi Sub-region Final Report* (March 2013).

<sup>8</sup> Area Land Committees and District Land Boards are both state offices established by the Land Law.

<sup>9</sup> This role is often undertaken by hired field assistants or through use of software.

The issuance process itself was positive in that it addressed misinformation about the intent of CCOs, solved the majority of land conflicts experienced by households that applied for CCOs, and had high application rates by both women and families. However, challenges have been documented as well. For example, though land may have been successfully demarcated and land rights comprehensively documented, subsequent transactions are not being recorded and the mechanism to do so is unclear. What has remained elusive in the midst of these achievements has been the documentation of real-life shifts in power relations and the possible abuse of this process to the disadvantage of vulnerable persons in communities.<sup>10</sup>

## **2.2 RESPONDENT DESCRIPTORS**

The data used by this report is secondary in that it was collected for a different purpose and different set of questions. This section outlines profiles of the people, households, and community in which the CCO process was carried out. This includes the respondents' demographic attributes and social economic characteristics; relationships between female respondents and other household members, communities, and other groups; physical characteristics of the land; the current tenure system of the land; whether property rights are held individually or collectively; whether the social norms view women as legitimate property owners; and the dispute resolution mechanisms in existence within the locality.

With specific regard to the survey dataset of beneficiary and non-beneficiary households, of the 280 respondents interviewed,<sup>11</sup> 145 (52.16%) were male and 133 (47.84%) were female. In this specific study, the unit of analysis was the household. A simple random sample of the households was taken in both the beneficiary and non-beneficiary households. From each of the selected households in both categories, responses were captured from the respective present household respondents. No specific criterion was taken to determine the gender of who answered the interview questions on the household's behalf. CCO beneficiary households in this context refers to those that applied for and received the CCO. "Non-beneficiary households" refers to those that did not apply for the CCO document.

The median age of respondents was 40.5 (range 62 years); males 41.0 (range 60 years), and females 40.0 years (range 62 years). Of the 280 respondents, 166 (59.50%) stated being household heads. Of the 166 respondents that stated being household heads, only 28 (16.97%) were female. The households had a median size of about 8 members with a median of 4 members being female. The majority of the 280 respondents, 219 (78.2%), stated having ever

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<sup>10</sup> David Betge, *On Common Ground: Addressing Land Rights in the African Great Lakes Region* (2018).

<sup>11</sup> A simple random sample of the households was taken in both the control and treatment categories. Responses were captured from the respective present household respondents from each of the selected households in both categories.



attended school. Table 1 shows respondents' attendance of school by gender, their levels of education, current marital status, and whether they had ever been displaced from their land.

Ever attended school?	Gender of Respondents				Total
	Male	Percent	Female	Percent	
Yes	134	91.16	83	62.406	219
No	11	7.48	50	37.594	61
Total	145	100	133	100	280
Highest level of education?	Gender of Respondents				Total
	Male	Percent	Female	Percent	
Primary	103	76.87	74	89.16	179
Lower Secondary	23	16.91	6	7.23	29
Upper Secondary	4	2.94	2	2.41	6
Certificate	2	1.47	1	1.2	3
Diploma	2	1.47	0	0	2
Total	134	98.53	83	100	219 <sup>12</sup>
Current Marital Status?	Gender of Respondents				Total
	Male	Percent	Female	Percent	
Married	87	60.84	59	45.38	146
Married / Cohabiting	1	0.7	0	0	1
Cohabiting	48	33.57	37	28.46	85
Single	3	2.1	2	1.54	5
Not Married	0	0	1	0.77	1
Separated/ Divorced	2	1.4	8	6.15	10
Widower/Widow	2	1.4	23	17.69	25
Total	143	100	130	100	273
Have You Ever Been Displaced from this Village?	Gender of Respondents				Total
	Male	Percent	Female	Percent	
Yes	133	91.72	100	75.76	235
No	12	8.28	32	24.24	44
Total	145	100	132	100	279

TABLE 1: SCHOOL ATTENDANCE AND LEVEL, MARITAL STATUS, AND WHETHER DISPLACED BY GENDER.<sup>13</sup>

Of the 219 respondents that stated having ever attended school, 179 (81.7%) attained primary level education as their highest level of education. Of these 219, 134 (61.19%) were male and 83 (37.89%) were female. The respondents were found to have spent a median of 32 years in their current localities, with males having spent a median of 35 years and females having spent a median of 26 years. Of the 280 respondents, 235 (84.2%) stated having ever been displaced while 44 (15.7%) stated having never been displaced from their land.

Of the 147 married respondents, 107 (45.53%) stated that their marriage was polygamous, while 128 (54.47%) stated that their marriage was monogamous. Of the 96 married or cohabiting<sup>14</sup> female respondents, 52 (53.6%) stated that their relationships were polygamous, while 45 (46.4%) stated that they were in monogamous relationships.

Of the 280 respondents interviewed, the majority, 245 (88.45%), stated that farming crops was their primary income generating activity. Of the remaining respondents, less than 5% each

**NB: Refer to Annex 2 for more descriptive statistics**

<sup>12</sup> The difference in (N) between school attendance and respondents' highest level of education is due to the fact that the respondent's highest level of education is a subset of the school attendance variable.

<sup>13</sup> Differences in (N) for the marital status and displacement questions result from missing observations in the originally analyzed dataset.

<sup>14</sup> Cohabiting is used to mean that the couple are living together as a husband or wife but have not gone through the rites of marriage under either formal or customary rules.

listed their primary income generating activity as boda-boda<sup>15</sup> riding, farming livestock, business-market or kiosk, business-shop operation, vocational occupation, or selling casual labor.

225 (96.57%) of the 235 respondents stated that they had been displaced in the past and that war was the prime cause of displacement. Of those 235 respondents who had been displaced, 220 (93.3%) stated they had returned to the land they had previously stayed on before displacement.

### 3. ADMINISTRATIVE DATA ANALYSIS APPROACH

The study uses four key indicators developed by Doss et al. (2013) to analyze quantitative data on women's land rights.<sup>16</sup> These are:

- a) The percentage of landowners who are women, which is calculated using variables in the administrative data as:

$$\frac{\text{Total number of women who are CCO applicants}}{\text{Total number of men and women who are CCO applicants.}}$$

- b) The distribution of parcels across the different forms of land holding includes (1) owned individually by a woman, (2) owned individually by a man, and (3) jointly owned by a couple or jointly owned by people who are not a couple. The study uses the number of CCOs as a measure for the number of parcels, on the rationale that each CCO application represents a land parcel. This indicator uses the number of parcels of land<sup>17</sup> as the denominator, with the number of plots owned by only women, only men, and both women and men as the numerators and does not distinguish between couples and non-couples or the number of persons in women-only or men-only applications:

$$\frac{\text{Number of CCO applications by women only}}{\text{Total number of CCO applications}}, \frac{\text{Number of CCO applications by men only}}{\text{Total number of CCO applications}}, \frac{\text{Number of Joint CCO applications (by both men and women)}}{\text{Total number of CCO applications}}$$

- c) Doss et al. (2014) indicate that the mean size of parcels across landholding categories does not account for the difference in size and quality among parcels but gives a simple measure of how the plots are owned. The equivalent of this indicator using variables in the administrative data is:

$$\frac{\text{Total land area of CCO applications by women only}}{\text{Total number of CCO applications with only female applicants.}}, \frac{\text{Total land area of CCO applications by men only}}{\text{Total number of CCO applications with only male applicants.}}, \frac{\text{Total land area of Joint CCO applications (by both men and women)}}{\text{Total number of CCO applications with both male and female applicants}}$$

<sup>15</sup> These are local forms of public transport (motor bike).

<sup>16</sup> Doss et al. (2013) used five indicators; however, the administrative data from Nwoya District headquarters can only be used to analyze four of the suggested five.

<sup>17</sup> The study uses the number of CCOs as a measure for the number of parcels, rationalizing that each CCO represents a land parcel.

- d) The most useful measure using land as the unit of analysis compares the land area owned by women, men, and jointly by men and women as a percentage of the total owned land area. The equivalent of this indicator using variables in the administrative data is:

$$\frac{\text{Total land area of CCO applications by women only}}{\text{Total land area of all CCO applications.}}; \frac{\text{Total land area of CCO applications by men only}}{\text{Total land area of all CCO applications.}}; \frac{\text{Total land area of joint CCO applications (by both men and women)}}{\text{Total land area of all CCO applications.}}$$

In addition to the above four indicators, the study suggests a new indicator: “the land area per capita.” Computed as:

$$\frac{\text{Total land area of CCO applications with women only}}{\text{Total number women on CCO applications with women only}}; \frac{\text{Total land area of CCO applications with men only.}}{\text{Total number men on CCO applications with men only}}; \frac{\text{Total land area of CCO applications with both men and women}}{\text{Total number of applicants on CCOs with both male and female applicants}}$$

### 3.1 ADMINISTRATIVE DATA RESULTS

For the first indicator, a count of all the applicants on the 1142 CCO applications revealed a total of 4241 applicants irrespective of gender. Of these registered applicants, 1660 (39.14%) were female.

For the second indicator, a total count of 1142 CCOs revealed 225 (22.33%) with only male applicants, 842 (73.73%) had at least one female applicant, while 45 (3.94%) had only female applicants.

For the third indicator, the ratio of the total land area of CCOs with the specified attributes (mean land area) revealed that the average area per CCO with only female applicants was less than one-fourth of the average area per CCO for only male applicants, and less than one-sixth of the area per CCO with both women and men as applicants.

For the fourth indicator, the combined area of all CCO applications was 36320.19 acres. Of these, applications for 253.14 acres (0.70%) showed female-only applicants, 29907.15 acres (82.34%) showed both female and male applicants, and 6159.89 acres (16.96%) showed male-only applicants.

	CCO holding form		
	Only females on the CCO	Both males and females on the CCO	Only males on the CCO
Number of CCOs	45 (3.94%)	842 (73.73%)	225 (22.33%)
Average land area per CCO by form of holding (acres)	5.63	35.52	24.16
Total land area of CCOs (acres)	253.14 (0.70%)	29907.15 (82.34%)	6159.89 (16.96%)
Land area per capita (acres)	3.89	8.31	10.68

TABLE 2: INDICATOR RESULTS.

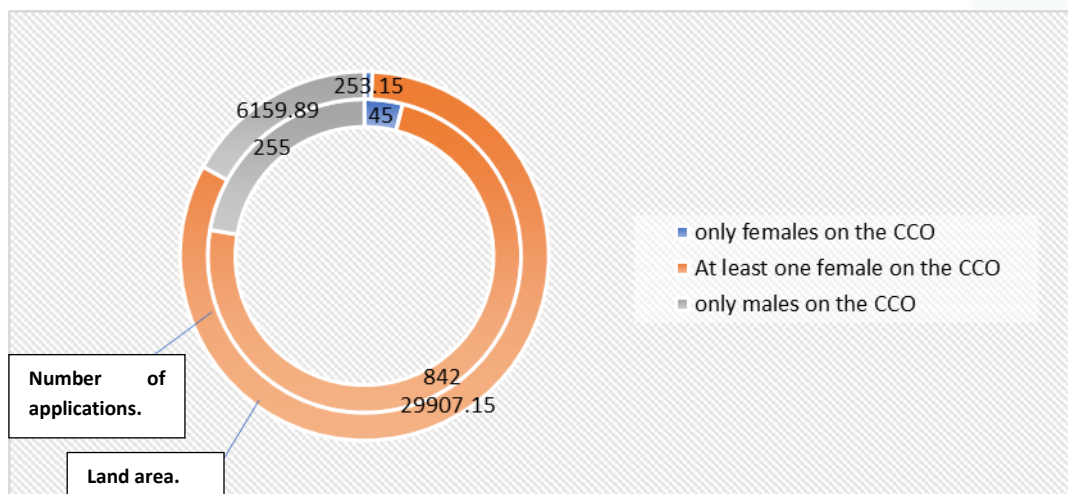


FIGURE 1: SUMMARY OF THE SECOND AND FOURTH INDICATORS.

For the suggested fifth indicator, the CCO applications had a total area of 36320.19 acres. CCO applications with only male applicants had the highest land area per capita while CCO applications with only female applicants had the lowest land area per capita.

### 3.2 ADMINISTRATIVE RESULTS INTERPRETATION

- Results suggest that the CCO application process is largely inclusive to women (although these results do not answer the question as to whether the women are actually more tenure secure). The majority of land area for which CCOs were applied (82%) does include women among the applicants. The proportion of women in this community (Nwoya district) is 49.4%<sup>18</sup> and the proportion of women with names on CCOs is 39.14%.
- Women applied for CCOs almost entirely as joint applicants with men. Approximately 95% of the CCOs with female applicants were jointly with male applicants.
- Women are disadvantaged in the per capita land area results, where the land area exclusively held by men is almost three times that held exclusively by women.

## 4. SURVEY DATA ANALYSIS APPROACH

Analysis of the survey data strives to determine whether CCOs had an empowering effect. According to the Conceptual Framework, there are five types of rights in the "bundle of rights" of tenure security—usus, abusus, fructus, transfer, and future interests—and the security of a holder's bundle of rights can be assessed through four attributes: completeness of the bundle, its duration, its robustness, and whether the rights are individual or shared.<sup>19</sup> This analysis

<sup>18</sup> Uganda Bureau of Statistics, *The National Population and Housing Census 2014 – Area Specific Profile Series* (2017).

<sup>19</sup> Completeness of the bundle of rights refers to how many rights of the total possible bundles one holds.

focuses on completeness of the bundles of rights because questions in the household survey did not generate data that would allow for measuring the other components.

Completeness of the bundle of rights describes how many rights in a given tenure system's "bundle" an individual or group holds. As one holds more of the rights in that bundle, those specific rights are more complete and their tenure in that regard is more secure. For each bundle of rights, we set forth "ideal" metrics relevant in all contexts and "ideal" variables for those metrics specific to the Nwoya context. We then identified variables within the household survey data set that could either directly assess or be a proxy for the "ideal" Nwoya variables. Annex 1 shows the ideal and available metrics as well as the gaps between them for each of the usus, abusus, fructus, transfer, and future interest bundles. Several of the Nwoya-specific metrics were motivated by the qualitative data. Because the survey data set did not include several of the ideal metrics, the measures of completeness depends heavily on a set of approximately six questions common across the bundles.

On reviewing the survey data set, it was established that 10 general variables (not necessarily the same) were required to assess the completeness of abusus, future interest, and transfer rights. For usus and fructus, eight and twelve general variables were required respectively. For each bundle, a score from 0 to 1 was created based on the aggregation conditions: Zero (0) being the worst-case scenario (least complete bundle of rights) and one (1) being the best-case scenario (most complete bundle rights). Then, an incremental score per aggregation condition met for abusus, future interest, and transfer bundles of rights would be 0.1 or ( $\frac{1}{10}$ ), while for usus and fructus it is 0.125 or ( $\frac{1}{8}$ ) and 0.08 or ( $\frac{1}{12}$ ), respectively. Within a bundle, aggregation conditions are accorded an equal score value since they are not weighted either on account of influencing power or on order of importance. In the results sub-sections the first table demonstrates the process of relating the general metrics to the aggregation conditions and the assigned score. It should be noted, however, that on account of missing appropriate variables in the survey data set there were no scores of 1, which would have represented the ideal condition of the most complete bundle of rights.

#### **4.1 COMPLETENESS OF THE USUS BUNDLE OF RIGHTS**

The rights conceptual framework defines the usus as the right to use land, including the rights of access and withdrawal. Although eight general metrics were identified, only six are assessed on account of unavailable data. The table below shows how the general metrics are linked to aggregation conditions and the scores.

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Duration refers to how long these rights are held. Robustness refers to how enforceable the rights held are. Individual or shared rights refers to the extent to which rights are held individually or jointly and the form(s) of relationships among the rights holders.

Ideal general metrics irrespective of context for usus.	Variables used in this context.	Aggregation conditions.	Incremental completeness score.
① Do you have access to land?	How many parcels does your household have access to?	If the respondent has access to at least one land parcel.	0.125
② Can you use this land?	What do you use the household's primary land parcel for?	If, in addition to the above, the respondent could access the parcel to cultivate/ care for livestock.	0.250
③ Do you have an easement to that land?	Who do you view as the owner of this parcel?	If, in addition to the above, the respondent included themselves in who they viewed as owners of the parcel.	0.375
④ Can you harvest/gather from that land?	Who provided the labor to cultivate these crops?	If, in addition to the above, the respondent included themselves in who provided labor to cultivate the land.	0.500
⑤ Can you make decisions that restrict or permit others doing the above?	<i>[Metric not assessed on account of absence of appropriate variable]</i>		
⑥ Can you exercise the above over the long term?	<i>[Metric not assessed on account of absence of appropriate variable]</i>		
⑦ Is there a document that serves as proof/permission of your ability to do the above?	Do you have a document for this parcel?	If, in addition to the above, there existed a document verifying ownership.	0.625
⑧ Does that document specifically make reference to you?	Are your names on this document?	If, in addition to the above, the document had the respondent's names?	0.75

TABLE 3: AGGREGATION CONDITIONS FOR THE COMPLETENESS OF USUS RIGHTS.

A total of 276 respondents were assessed for the completeness of their usus bundle of rights. CCO beneficiaries attested to more complete usus rights than those who were not beneficiaries. Among those who were beneficiaries (188), most (89) scored 0.250, followed by those scoring 0.750 (56). While among those who were not beneficiaries (89), most (47) scored 0.250, followed by those scoring 0.500 (25). However, since 0.250 is the most common score for both categories of persons, the result shows generally incomplete usus rights.

It is important to note that respondents from beneficiary households had a slightly higher completeness of usus rights median score (0.375) than their counterparts from non-beneficiary households (0.25) irrespective of gender.

Score	Beneficiaries						Non-beneficiaries					
	Male		Female		Total		Male		Female		Total	
	Freq	Percent	Freq	Percent	Freq.	Percent	Freq	Percent	Freq	Percent	Freq.	Percent
0.125	2	1.94	2	2.38	4	2.13	3	6.67	1	2.27	4	4.49
0.250	33	32.04	55	65.48	89	47.34	15	33.33	32	72.73	47	52.81
0.375	12	11.65	3	3.57	15	7.98	5	11.11	4	9.09	9	10.11
0.500	9	8.74	5	5.95	14	7.45	18	40.00	7	15.91	25	28.09
0.625	7	6.80	3	3.57	10	5.32	1	2.22	0	0.00	1	1.12
0.750	40	38.83	16	19.05	56	29.79	3	6.67	0	0.00	3	3.37
Total	103	100.00	84	100.00	188	100.00	45	100.00	44	100.00	89	100.00

TABLE 4: COMPLETENESS OF USUS RIGHTS SCORE BY RESPONDENT CATEGORY.

Among the female beneficiaries, most (55) scored 0.250. The same score was most common (32) among women who were not CCO beneficiaries. It should be noted, however, that when considering median scores for completeness of usus rights, female respondents had a lower score (0.25) than males (0.5) irrespective of whether or not they were a CCO beneficiary. For



male beneficiaries, most (40) scored 0.750, while among those who were not beneficiaries, most (18) scored 0.500. This difference between men and women is shown in the figure below.

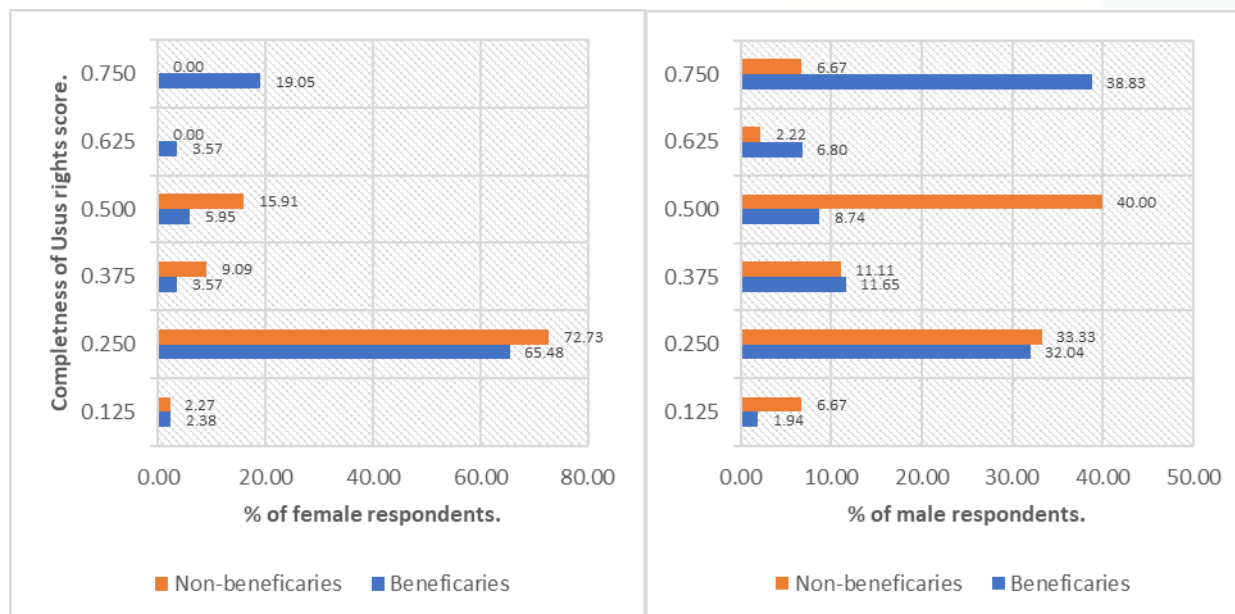


FIGURE 2: COMPLETENESS OF USUS RIGHTS SCORE BY GENDER AND CATEGORY OF RESPONDENT.

The result above shows that out of the six conditions assessed to determine completeness of the usus bundle of rights, most women only met two (they had access to land and they could use that land). The other indicators used to assess usus were rarely attained by women regardless of whether or not women were CCO beneficiaries.



PICTURE 1: A COUPLE WEEDING A SUNFLOWER GARDEN (THE TYPE OF HOE USED IS ONLY TYPICAL TO NORTHERN UGANDA)

## 4.2 COMPLETENESS OF THE ABUSUS BUNDLE OF RIGHTS

Abusus rights are defined as the rights to change land, including both management and transformation rights. In assessing the completeness of this bundle of rights, ten ideal general metrics are suggested but only seven had the requisite data in the survey to enable assessment of this bundle of rights as shown in the table below.

Ideal general metrics irrespective of context for abus.	Variables used in this context.	Aggregation conditions.	Incremental completeness score.
① Do you have access to land?	How many parcels does your household have access to?	If the respondent has access to at least one land parcel.	0.1
② Can you use that land?	What do you use the household's primary land parcel for?	If, in addition to the above, the respondent could access the parcel to cultivate/ care for livestock.	0.2
③ Do you have an easement to that land?	Who do you view as the owner of this parcel?	If, in addition to the above, the respondent included themselves in who they viewed as owners of the parcel.	0.3
④ Can you harvest/gather from that land?	Who provided the labor to cultivate these crops?	If, in addition to the above, the respondent included themselves in who provided labor to cultivate the land.	0.4
⑤ Can you make investments on that land?	Who can make long term investments on the land?	If, in addition to the above, the respondent included themselves in who could make long term investments on the land.	0.5
⑥ Can you change the land use of that plot?	<i>[Metric not assessed on account of absence of appropriate variable]</i>		
⑦ Can you fragment, divide or add the plot to another plot?	<i>[Metric not assessed on account of absence of appropriate variable]</i>		
⑧ Can your rights to do the above rights over the long term?	<i>[Metric not assessed on account of absence of appropriate variable]</i>		
⑨ Is there a document that serves as proof/permission of that access?	Do you have a document for this parcel?	If, in addition to the above, there existed a document verifying ownership.	0.6
⑩ Does that document specifically make reference to you?	Are your names on this document?	If, in addition to the above, the document had the respondent's names?	0.7

TABLE 5: AGGREGATION CONDITIONS FOR THE COMPLETENESS OF ABUSUS RIGHTS.

Among the CCO beneficiaries (187), most (88) scored 0.2, followed by those scoring 0.4 (74). Among the non-beneficiaries (89), most (47) scored 0.2, followed by those scoring 0.4 (28). From this result, the abusius set of rights is also generally less complete; most commonly with satisfaction of only two conditions (using land and harvesting from the land) out of the seven that were assessed. It is, however, important to note that most male respondents met four of the seven ideal conditions, while most females met only two of the required seven ideals. The other parameters important to exercise abusius rights are hardly reported, as shown in the Table below.

Score	Beneficiaries						Non-beneficiaries					
	Male		Female		Total		Male		Female		Total	
	Freq	Percent	Freq	Percent	Freq.	Percent	Freq	Percent	Freq	Percent	Freq.	Percent
0.1	2	1.94	2	2.38	4	2.14	3	6.67	1	2.27	4	4.49
0.2	33	32.04	55	65.48	88	47.06	15	33.33	32	72.73	47	52.81
0.3	12	11.65	3	3.57	15	8.02	5	11.11	4	9.09	9	10.11
0.4	52	50.49	22	26.19	74	39.57	21	46.67	7	15.91	28	31.46
0.5	0	0.00	0	0.00	0	0.00	1	2.22	0	0.00	1	1.12
0.7	4	3.88	2	2.38	6	3.21	0	0.00	0	0.00	0	0.00
Total	103	100.00	84	100.00	187	100.00	45	100.00	44	100.00	89	100.00

TABLE 6: COMPLETENESS OF ABUSUS RIGHTS SCORE BY RESPONDENT CATEGORY.



Among female beneficiaries, most (65.48%) scored 0.2. The same score was most common (72.73%) among women who were non-beneficiaries. For the male beneficiaries, most (50.49%) scored 0.4 while among men who were non-beneficiaries, most (46.67%) scored 0.4. Importantly, among beneficiaries, the proportion of men scoring 0.4 is almost twice that of women while the reverse is true on the 0.2 score shown in the Figure below.

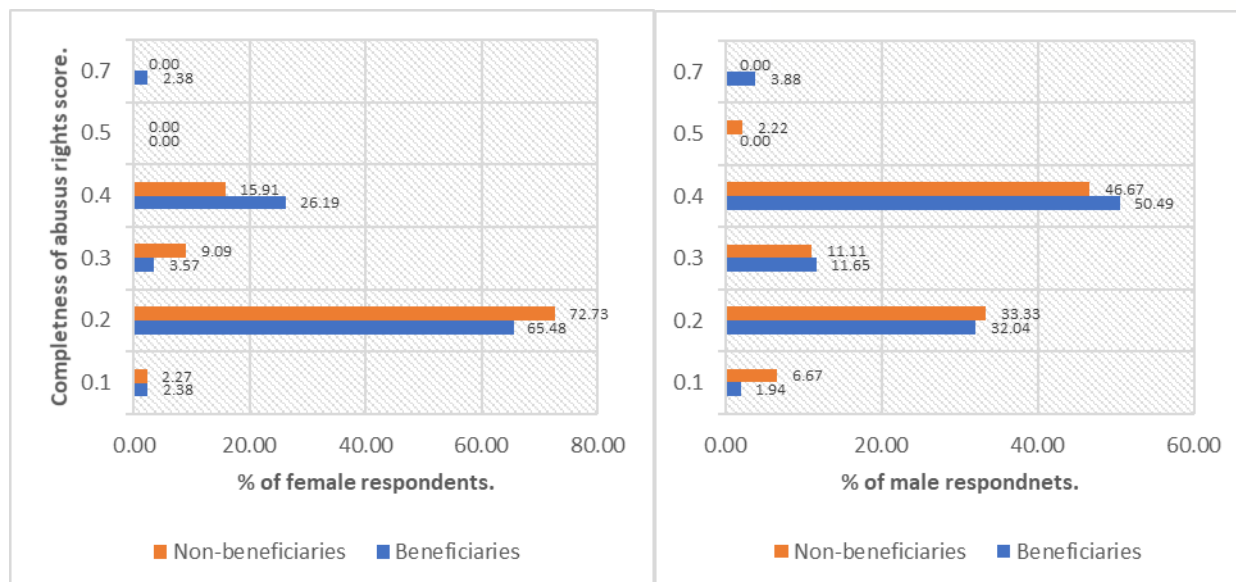


FIGURE 3: COMPLETENESS OF ABUSUS RIGHTS SCORE BY GENDER AND CATEGORY OF RESPONDENT.



PICTURE 2: SUN DRYING OF SUNFLOWER SEEDS IN NWOYA.

### 4.3 COMPLETENESS OF THE FRUCTUS BUNDLE OF RIGHTS

The rights to make profit and/ or loss and be an economic owner are referred to as fructus rights. Out of the twelve identified key metrics, only eight could be assessed on account of data availability as shown below.

Ideal general metrics irrespective of context for fructus.	Variables used in this context, to investigate each of the metrics.	Aggregation conditions.	Incremental completeness score.
① Do you have access to land?	How many parcels does your household have access to?	If the respondent has access to at least one land parcel.	0.08
② Can you use that land?	What do you use the household's primary land parcel for?	If, in addition to the above, the respondent could access the parcel to cultivate crops/care for livestock.	0.17
③ Do you have easement to that land?	Who do you view as the owner of this parcel?	If, in addition to the above, the respondent included themselves in who they viewed as owners of the parcel.	0.25
④ Can you harvest/gather from that land?	Who provided the labor to cultivate these crops?	If, in addition to the above, the respondent included themselves in who provided labor to cultivate the land.	0.33
⑤ Can you make investments on that land?	Who can make long term investments on the land? Or: What do you use this parcel for?	If, in addition to the above, the respondent included themselves in who could make long term investments on the land.  or they state long term investments (planting trees, buildings, perennial crops) in what they used the land parcel in question for.	0.42
⑥ Can you make decisions that restrict or permit others from doing the above?	[Metric not assessed on account of absence of appropriate variable]		
⑦ Can you change the land use of that plot?	[Metric not assessed on account of absence of appropriate variable]		
⑧ Can you fragment, divide or add the plot to another plot?	[Metric not assessed on account of absence of appropriate variable]		
⑨ Can you exercise the above rights over the long term?	[Metric not assessed on account of absence of appropriate variable]		
⑩ Is there a document that serves as proof/permission of that access?	Do you have a document for this parcel?	If, in addition to the above, there existed a document verifying ownership.	0.48
⑪ Does that document specifically make reference to you?	Are your names on this document?	If, in addition to the above, the document had the respondent's names?	0.56
⑫ Can you earn from this land?	In the last agricultural season, what was the reason you planted the crops you chose to plant?  Who can sell this parcel?  Who can rent out this parcel?	If, in addition to the above, the respondent sold the output from the land. <sup>20</sup>  OR: If in addition to the above conditions, the respondent included themselves in who could sell this parcel.  OR: If in addition to the above conditions, the respondent included themselves in who could rent this parcel.	0.67

TABLE 7: AGGREGATION CONDITIONS FOR THE COMPLETENESS OF FRUCTUS RIGHTS.

Beneficiaries were more likely to have scores of 0.33 and above, which suggests that, irrespective of gender, they perceived more complete fructus rights.

Score	Beneficiaries						Non-beneficiaries					
	Male		Female		Total		Male		Female		Total	
	Freq	Percent	Freq	Percent	Freq.	Percent	Freq	Percent	Freq	Percent	Freq.	Percent
0.08	2	1.94	2	2.38	4	2.14	3	6.67	1	2.27	4	4.49
0.17	33	32.04	55	65.48	88	47.06	15	33.33	32	72.73	47	52.81
0.25	12	11.65	3	3.57	15	8.02	5	11.11	4	9.09	9	10.11
0.33	40	38.83	14	16.67	54	28.88	17	37.78	7	15.91	24	26.97
0.42	13	12.62	8	9.52	21	11.23	5	11.11	0	0.00	5	5.62
0.67	3	2.91	2	2.38	5	2.67	0	0.00	0	0.00	0	0.00
Total	103	100.00	84	100.00	187	100.00	45	100.00	44	100.00	89	100.00

TABLE 8: COMPLETENESS OF FRUCTUS RIGHTS SCORE BY RESPONDENT CATEGORY.

<sup>20</sup> The respondent needed to have at least one of the stated three conditions to qualify for an increase in completeness of fructus rights score.



Regardless of beneficiary status, the proportion of women attaining the score 0.33, which specifically includes rights over harvest or produce from the land, was half that of men attaining the same score.

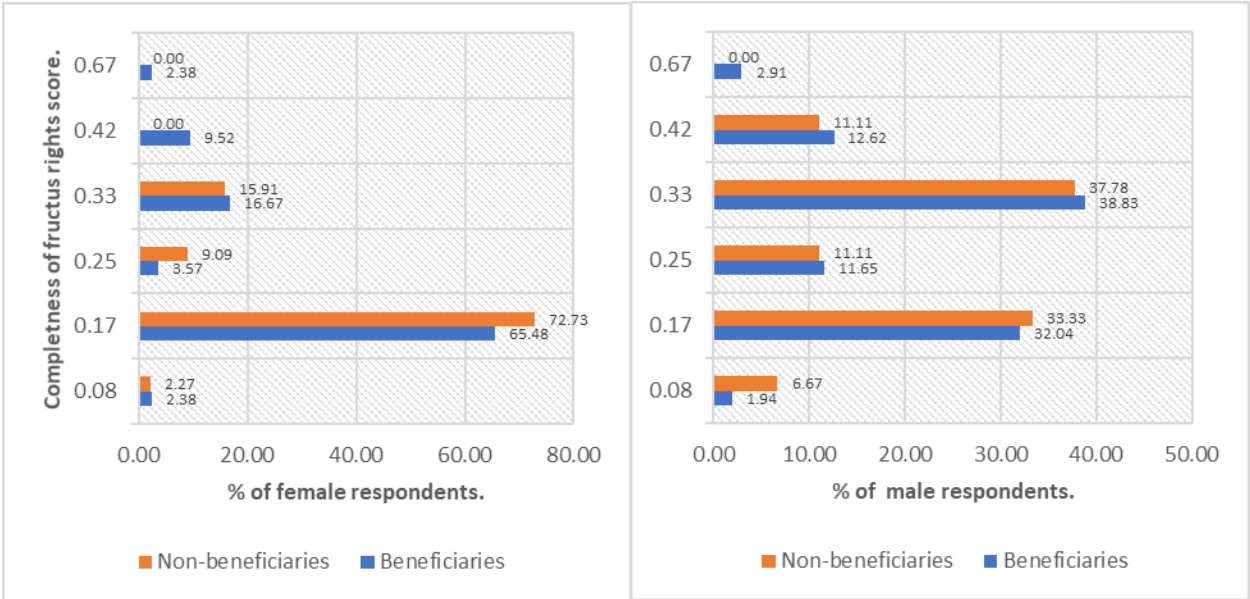


FIGURE 4: COMPLETENESS OF FRUCTUS RIGHTS SCORE BY GENDER AND CATEGORY OF RESPONDENT.



PICTURE 3: THRESHING DRY SOYBEANS IN NWOYA.

#### 4.4 COMPLETENESS OF THE TRANSFER BUNDLE OF RIGHTS

The ability to transfer land either temporarily or permanently is considered a separate bundle of rights in the conceptual framework. Ten metrics are considered to assess the completeness of these rights with data available for nine as shown below.

Ideal general metrics irrespective of context for transfer rights.	Variables used in this context, to investigate each of the metrics.	Aggregation conditions.	Incremental completeness score.
① Do you have access to land?	How many parcels does your household have access to?	If the respondent has access to at least one land parcel.	0.1
② Can you use that land?	What do you use the household's primary land parcel for?	If, in addition to the above, the respondent could access the parcel to cultivate/ care for livestock.	0.2
③ Do you have easement to that land?	Who do you view as the owner of this parcel?	If, in addition to the above, the respondent included themselves in who they viewed as owners of the parcel.	0.3
④ Can you harvest/gather from that land?	Who provided the labor to cultivate these crops?	If, in addition to the above, the respondent included themselves in who provided labor to cultivate the land.	0.4
⑤ Can you earn from that land?	In the last agricultural season, what was the reason you planted the crops you chose to plant?	If, in addition to the above, the respondent sold the output from the land.	0.5
⑥ Can you make decisions that restrict or permit others from doing the above?	[Metric not assessed on account of absence of appropriate variable]		
⑦ Can you make temporary transfers of the above rights?	Who can rent out this land?	If, in addition to the above, the respondent included themselves in who could rent this parcel out.	0.6
⑧ Can you make permanent transfers of the above rights?	Who can sell this land?	If, in addition to the above, the respondent included themselves in who could sell this parcel.	0.7
⑨ Is there a document that serves as proof/permission of that access?	Do you have a document for this parcel?	If, in addition to the above, there existed a document verifying ownership.	0.8
⑩ Does that document specifically make reference to you?	Are your names on this document?	If, in addition to the above, the document had the respondent's names.	0.9

TABLE 9: AGGREGATION CONDITIONS FOR THE COMPLETENESS OF TRANSFER RIGHTS.

For all respondents assessed with respect to the transfer bundle of rights, the most common score was 0.2; 47.06% among beneficiaries and 52.81% among non-beneficiaries. The result also shows that more than half of all the respondents scored 0.3 or less, which shows that irrespective of whether or not the respondent was a beneficiary, their transfer rights were less complete as shown in the Table below.

Score	Beneficiaries						Non-beneficiaries					
	Male		Female		Total		Male		Female		Total	
	Freq	Percent	Freq	Percent	Freq.	Percent	Freq	Percent	Freq	Percent	Freq.	Percent
0.1	2	1.94	2	2.38	4	2.14	3	6.67	1	2.27	4	4.49
0.2	33	32.04	55	65.48	88	47.06	15	33.33	32	72.73	47	52.81
0.3	12	11.65	3	3.57	15	8.02	5	11.11	4	9.09	9	10.11
0.4	4	3.88	5	5.95	9	4.81	1	2.22	2	4.55	3	3.37
0.6	0	0.00	0	0.00	0	0.00	1	2.22	0	0.00	1	1.12
0.7	8	7.77	4	4.76	12	6.42	16	35.56	5	11.36	21	23.60
0.8	5	4.85	1	1.19	6	3.21	1	2.22	0	0.00	1	1.12
0.9	39	37.86	14	16.67	53	28.34	3	6.67	0	0.00	3	3.37
Total	103	100.00	84	100.00	187	100.00	45	100.00	44	100.00	89	100.00

TABLE 10: COMPLETENESS OF TRANSFER RIGHTS SCORE BY RESPONDENT CATEGORY.

Out of 103 male respondents who were CCO beneficiaries, the majority (39 or 37.86%) scored 0.9; closely followed by 33 (32.04%) who scored 0.2. For the 45 male respondents who were non-beneficiaries of CCOs, the majority (16 or 35.56%) scored 0.7; closely followed by 15



(35.56%) who scored 0.2. Out of 84 female respondents who were CCO beneficiaries, the majority (55 or 65.48%) scored 0.2. Of the 44 female respondents who were non-beneficiaries of CCOs the majority (32 or 72.73%) also scored 0.2.

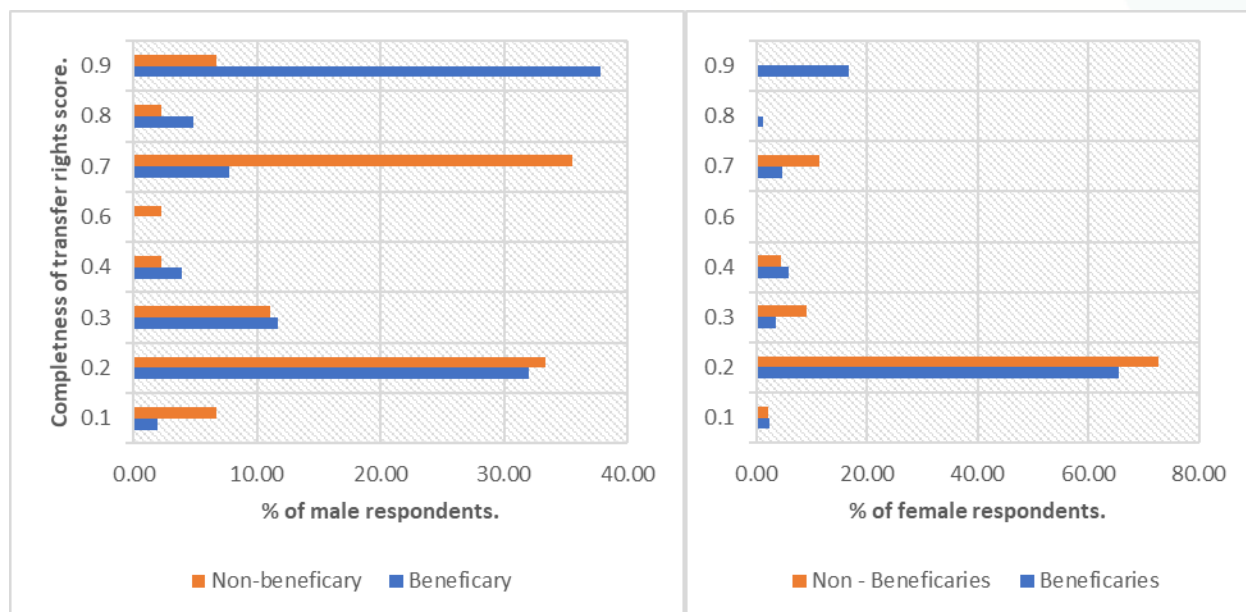


FIGURE 5: COMPLETENESS OF TRANSFER RIGHTS SCORE BY GENDER AND RESPONDENT CATEGORY.



PICTURE 4: AN ACHOLI GRANARY IN NWOYA (NOTICE HOW IT IS SUPPORTED BY STONES OFF THE GROUND).

## 4.5 COMPLETENESS OF THE FUTURE INTERESTS BUNDLE OF RIGHTS

The future interests bundle of rights as stated in the Conceptual Framework includes the right to inherit or rights that can be realized at some future point. The analysis here also had ten ideal metrics, although only eight were analyzed due to unavailable data.

Ideal general metrics irrespective of context for future interest rights.	Variables used in this context, to investigate each of the metrics.	Aggregation conditions.	Incremental completeness score.
① Do you have access to land?	How many parcels does your household have access to?	If the respondent has access to at least one land parcel.	0.1
② Can you use that land?	What do you use the household's primary land parcel for?	If, in addition to the above, the respondent could access the parcel to cultivate/ care for livestock.	0.2
③ Do you have an easement to that land?	Who do you view as the owner of this parcel?	If, in addition to the above, the respondent included themselves in who they viewed as owners of the parcel.	0.3
④ Can you harvest/gather from that land?	Who provided the labor to cultivate these crops?	If, in addition to the above, the respondent included themselves in who provided labor to cultivate the land.	0.4
⑤ Can you make investments on that land?	Who can make long term investment on this parcel?	If, in addition to the above, the respondent included themselves in who could make long term investments on the parcel.	0.5
⑥ Can you change the land use of that plot?	<i>[Metric not assessed on account of absence of appropriate variable]</i>		
⑦ Can you exercise the above rights be exercised over the long term?	<i>[Metric not assessed on account of absence of appropriate variable]</i>		
⑧ Can you determine who will inherit that parcel?	Who can make decisions about who will inherit this parcel?	If, in addition to the above, the respondent included themselves in who they stated could inherit the parcel.	0.6
⑨ Do you have a document that serves as proof/permission of that access?	Do you have a document for this parcel?	If, in addition to the above, the document had the respondent's names.	0.7
⑩ Does that document specifically make reference to you?	Are your names on this document?	If, in addition to the above, the document had the respondent's names.	0.8

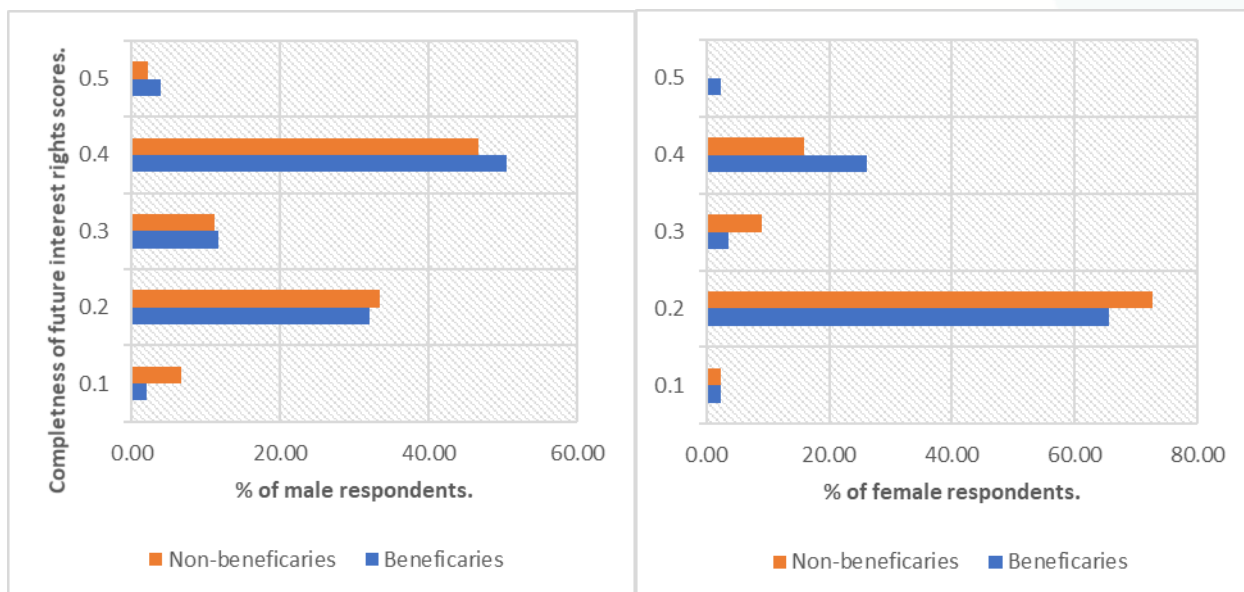
TABLE 11: AGGREGATION CONDITIONS FOR THE COMPLETENESS OF FUTURE INTERESTS RIGHTS.

Among CCO beneficiaries (187), most (47.06%) scored 0.2 followed by those scoring 0.33 (74). While among non-beneficiaries (89), most (47) scored 0.17 followed by those scoring 0.33 (28).

Score	Beneficiaries						Non-beneficiaries					
	Male		Female		Total		Male		Female		Total	
	Freq	Percent	Freq	Percent	Freq.	Percent	Freq	Percent	Freq	Percent	Freq.	Percent
0.1	2	1.94	2	2.38	4	2.14	3	6.67	1	2.27	4	4.49
0.2	33	32.04	55	65.48	88	47.06	15	33.33	32	72.73	47	52.81
0.3	12	11.65	3	3.57	15	8.02	5	11.11	4	9.09	9	10.11
0.4	52	50.49	22	26.19	74	39.57	21	46.67	7	15.91	28	31.46
0.5	4	3.88	2	2.38	6	3.21	1	2.22	0	0.00	1	1.12
Total	103	100.00	84	100.00	187	100.00	45	100.00	44	100.00	89	100.00

TABLE 12: COMPLETENESS OF FUTURE INTEREST RIGHTS SCORE BY RESPONDENT CATEGORY.

Out of 103 male respondents who were CCO beneficiaries, the majority (52 or 50.49%) scored 0.4. Of the 45 male respondents who were non-beneficiaries, the majority (21 or 46.67%) also scored 0.4. Out of 84 female respondents who were beneficiaries, 55 (65.48%) scored 0.2; similarly, the 44 female non-beneficiaries showed a majority scoring 0.2.



**FIGURE 6: COMPLETENESS OF FUTURE INTEREST RIGHTS SCORE BY GENDER AND RESPONDENT CATEGORY.**



**PICTURE 5: TYPICAL LAND BOUNDARY PLANTS AS USED IN NORTHERN UGANDA.**



## 4.6 SURVEY RESULTS INTERPRETATION AND DISCUSSION

In summary, the key survey results are as follows:

- a) The usus rights: Women who were CCO beneficiaries had the same completeness score (0.250) as those who were not beneficiaries. However, most male beneficiaries scored 0.750 while most non-beneficiaries scored 0.500. The highest possible score was 0.75. This means men's usus rights appear to have improved with the CCO issuance as compared to other men who were non-beneficiaries, and as compared to women who were beneficiaries.
- b) The abusus rights: Irrespective of gender and beneficiary status, the most common score was 0.2. Although, among beneficiaries the proportion of men with a completeness score of 0.4 was almost twice that of women and the reverse held for the completeness score of 0.2. The highest attainable score was 0.7. This shows that men have more complete abusus rights than women, but this is not necessarily related to the CCO issuance.
- c) The fructus rights: Irrespective of gender and beneficiary status, the most common score was 0.17. Completeness scores of 0.33 and above were attained more by beneficiaries than non-beneficiaries of CCOs. The proportion of women attaining scores of 0.33 and above was half that of men attaining the same score. Thus, when comparing women and men who were beneficiaries, men have more complete fructus rights than women.
- d) The transfer rights: Irrespective of gender and beneficiary status, the most common completeness score was 0.17. Among women, irrespective of beneficiary status, a majority scored 0.2. For beneficiary men, a majority scored 0.9 while a majority of non-beneficiary men scored 0.7. The highest score reachable was 0.9. This means that male beneficiaries have more complete transfer rights than both female beneficiaries and male non-beneficiaries.
- e) Future interest rights: Irrespective of beneficiary status, most men scored 0.4 and most women scored 0.2. Among CCO beneficiaries, the most common completeness score was 0.2. While among non-beneficiaries most also scored 0.2. The highest attainable score was 0.8. Men have a more complete future interest rights than women.

Overall, women's rights tend to be less complete than men's as shown in these results. Among women, being a CCO beneficiary was associated with very slightly higher measures of completeness of rights.

In Nwoya, the CCO intervention has not created, or is yet to create, more secure tenure for women as measured by the completeness of rights. Despite the high percentage of applications with at least one female applicant, the completeness of land rights for women on those applications does not seem to be substantially higher with a CCO. It is possible that there may



be more substantial gains for completeness of women's rights associated with CCOs with women-only applications, but this study did not explore that question, and the number of women-only applications were small. Areas of future analysis could focus on the process for CCO issuance and whether it has, or could have, an effect on completeness of rights for women.

It is difficult to understand the results without understanding the land tenure system more broadly. This can help shed light on why only a small fraction of the aggregation conditions were satisfied, especially among women. Although there are hardly any quantitative studies with which to compare these results; other scholars have established the following key features about land and people in Acholi land, where Nwoya District sits. In the Acholi customary tenure setting, the distinction between *usus*, *abusus* and *fructus* bundles of rights is blurred, a fact alluded to but not dealt with in great detail in the Conceptual Framework. For Acholi people, livelihoods are structured around smallholder farming activities that depend strongly on use rights, which under Acholi culture vary according to socially assigned roles.<sup>21</sup> As traditional heads of household, Acholi men were not intended to be sole proprietors but rather primary custodians<sup>22</sup> and managers.<sup>23</sup> That is, neither individual men nor individual women “own” rural customary land in Acholi.<sup>24</sup> Indeed, there is no direct or precise way to translate “ownership” or “to own” into the Acholi Luo language. The term “owner,” translates as “father,” “founder,” or “person responsible for.”<sup>25</sup> In other earlier studies,<sup>26</sup> women did not define or view the “right to own” land in the legal perspective, that is, as defined in the registered tenure regimes; to them, notions of ownership were more closely related to access, since customary land is not individual property. Property ownership is primarily understood as a way to consolidate livelihoods and to differentiate land rights of those in the group from those from other groups.<sup>27</sup> This explains why in the general metrics the aggregation conditions concerning access

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<sup>21</sup> United Nations Peace Building Programme & Uganda by Human Rights Focus, *Land Conflict Monitoring and Mapping Tool for the Acholi Sub-region Final Report* (March 2013).

<sup>22</sup> *Id.*

<sup>23</sup> Land and Equity Movement in Uganda (LEMU), *Why is Customary Protection Failing to Prevent Land Grabbing?* (Policy Brief, August 2009). See also UN Peace Building Programme, *supra*, n 21.

<sup>24</sup> Atkinson, R., *Piloting the Protection of Customary Land Rights in Acholi Land* : A Research Project of the Joint Acholi Sub Regional Leaders Forum (JASLF) and Trocaire, (a paper prepared for presentation at the “2017 World Bank Conference on Land and Poverty”).

<sup>25</sup> Crazzolaro, J., *A study of the Acholi Language: Grammar and Vocabulary* (International African Institute/Oxford University Press, 1938).

<sup>26</sup> Pottier, J., *Customary Land Tenure in sub-Saharan Africa Today: Meanings and Contexts* (2006). in, Cotulla, L., African Centre for Technology Studies and the African Security Analysis Programme of the Institute for Security Studies, *From the Ground Up: Land Rights, Conflict and Peace in Sub-Saharan Africa*, (Huggins, C. & Clover, J. eds., 2007) p. 67; Alden Wily, L, *Legal Empowerment for Local Resource Control: Securing Local Resource Rights within Foreign Investment Projects in Africa*. (2005); *The Commons and Customary Law in Modern Times: Rethinking the Orthodoxies (draft)* (UNDP-ILC Workshop: Land Rights for African Development: From Knowledge to Action, Nairobi, Kenya 31 October to 3 November (Proceedings)).

<sup>27</sup> Amplifying the Voices of Women across the Customary Land System of Acholi Sub-region, Northern Uganda (Commissioned by Trócaire, JASLF & DGF).

to and using land were readily scored by both men and women, yet questions related that might get to establishing “who is the owner” might not be understood or answered easily by respondents.

In addition, the results on transfer and future interest rights cannot be understood without recognizing the role of marriage in defining them in the Acholi context.<sup>28</sup> Rights for women are related to whether the land is in their “maiden” or “matrimonial” clans. Additionally, and the health and nature of relationships count.<sup>29</sup> The more complete transfer and future interest rights for men than women are consistent with customs that are based on women moving to her husband's clan when married, where they are seen as outsiders, and when customary rites of marriage have been observed and bride price paid to her family.

## 5. EXPERIENCES USING THE CONCEPTUAL FRAMEWORK FOR ANALYSIS

Our experience gives insight into the usability of the conceptual framework as a practical analysis tool. In conducting this study, our overall scholarly task was to use an existing secondary dataset to investigate whether a provided intervention (CCOs) aimed at securing men and women’s rights to land in Northern Uganda had achieved its desired objective. The Conceptual Framework served as the basis of investigation. The following are our pioneer experiences using the Conceptual Framework and we think are of value to others that will attempt to apply this framework as a basis of analysis on secondary quantitative data:

- a) The conceptual framework defines the bundles of rights in very broad terms. Whereas this is good to bring on board the wide spectrum of scholars and practitioners contributing to the discourse on women’s land rights, it is problematic when it comes to constructing analytic specifications, particularly for quantitative data. Stating universal specifics of elements that constitute each of the bundles of rights while allowing flexibility in the construction of questions or variables relevant to the context would allow for more standard or comparable definitions of the rights and their components while being able to adapt their measurements to different contexts. This will also be useful in assessing suitable secondary datasets for further analysis without guessing units of inquiry or variables. As in our process, it may be that some variables are included in assessments for multiple bundles.
- b) The full conceptual framework needs to be fully tested and tested across multiple data sets. We have tried to test this framework using secondary data but could only test completeness. The other dimensions of tenure security could not be tested on account of absence of relevant variables. Primary data collection may be needed to

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<sup>28</sup> Landesa Rural Development Institute: Center for Women’s Land Rights, *Securing Land Rights for Women and Girls in Northern Uganda: Women’s Land Rights Framework*.

<sup>29</sup> Amplifying the Voices of Women, *supra*, n 27.

tease out the most relevant specifications required for all bundles and their respective components within the conceptual framework as existing secondary data sets may be similarly incomplete.

- c) Related to the prior two points, the variables this paper used to assess the completeness of usus, abusus, fructus, transfer and future interest rights had high overlap across the bundles. Six of the seven variables used to measure completeness of usus rights are also used in other bundles. The overlap is partially a result of overlap in our proposed ideal metrics for each bundle and the interconnectedness of the bundles. The overlap is also partially a result of the variables that were available in the secondary survey dataset. It would be useful to identify metrics that are foundational across the bundles. For each of the bundles of the conceptual framework, it would be useful to identify core metrics or combinations of metrics specific to that bundle and identify or suggest variables to be included in datasets to capture them.
- d) It is inevitable to work with aggregation conditions on account of the fact that secure tenure is not defined by a single variable but by multiple variables to account for context. Even the rights bundles' themselves have nuanced definitions. If the conceptual framework is to be used by ordinary practitioners as they go about designing case studies, some level of guidance or reference resource is necessary.
- e) Although not much is written about a consolidated index on women's land rights, from the experience of using incremental scores, it is possible to construct such an index that would allow for the comparison of women in different contexts, bundles of rights, or conditions within each bundle of rights.

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## ANNEX 1: DISAGGREGATION OF THE BUNDLES OF RIGHTS TO INVESTIGATE COMPLETENESS

Bundles of rights. <sup>30</sup>	Description of bundles.	Ideal metrics of this bundle of rights. (general metrics irrespective of context).	Suggested variables to investigate the ideal metrics. (specific to the Nwoya context)	Variables to investigate the ideal metrics directly present in household survey Dataset.	Variables to investigate the ideal metrics present in household survey dataset as proxies.
Usus	Rights to use, including the rights of access and withdrawal.	Do you have access to land?	Do you have access to any land parcels at all?	How many parcels does your household have access to?	Who provided the labor to cultivate these crops?
			How many land parcels do you have access to?		How did you acquire this parcel?
			Can you rent land in your community?		
			Can you lease land in your community for your own use?		
			Can you buy land in your community for your own use?		
			From whom do you access land?		
			Can you inherit land in your community?		
		Can you use that land?	If you have access to a land parcel, can you use it for any activity of your choice?		Who do you view as the owner of this parcel?
		Do you have an easement to that land?	How do you gain access to land in your community? <sup>31</sup>		What do you use the household's primary land parcel for?
			Can you physically access the land?		
			Can you use the land to access a water source? <sup>32</sup>		
		Can you harvest/gather from that land?	Can you use the land for grazing animals? <sup>33</sup>		
			Can you use the land for growing crops?		
			Can you use the land to access another parcel where you have interests?		

<sup>30</sup> As stated in "women's land tenure security: a conceptual framework" by Cheryl Doss and Ruth Meinzen-Dick. Page 3-4.

<sup>31</sup> "Securing land and property rights in sub-Saharan Africa: the role of local institutions" by Camilla Toulmin. Page 30-32

<sup>32</sup> From various aspects of land use in Nwoya district in northern Uganda from focus group discussion (Qualitative dataset.)

<sup>33</sup> "Securing land and property rights in sub-Saharan Africa: the role of local institutions" by Camilla Toulmin. Page 30-32

			Can you gather natural plant resources like firewood, herbs, roots, and fruits from the land? <sup>34</sup>	
		<b>Can you make decisions that restrict or permit others from doing the above?</b>	Can you reclaim a parcel you own after you rent it out or lease it?	
			Can you decide who can access your household's land parcel? <sup>35</sup>	
			Can you decide who can use the parcel to grow crops?	
			Can you limit who can cultivate or use the parcel to rear / graze livestock?	
			Can you limit who can move through the land to access resources on other parcels?	
		<b>Can you exercise the above rights be exercised over the long term?</b>	Are certain of your rights to do the above over the long term on this parcel?	
		<b>Is there a document that serves as proof/permission of that access?</b>	Do you have a document that serves as proof of ownership of this parcel?	Do you have a document for this parcel?
		<b>Does that document specifically make reference to you?</b>	Is your name listed on this document?	Are your names on this document?
Abusus	Rights to change, including both management and transformation rights.	<b>Do you have access to land?</b>	[As stated in the Usus section]	[As stated in the Usus section]
		<b>Can you use that land?</b>	[As stated in the Usus section]	[As stated in the Usus section]
		<b>Do you have an easement to that land?</b>	[As stated in the Usus section]	[As stated in the Usus section]
		<b>Can you harvest/gather from that land?</b>	[As stated in the Usus section]	[As stated in the Usus section]
		<b>Can you make investments on that land?</b>	Can you make short term investments on the land?	
			Can you make long term investments on the land?	Can you make long term investments on the land?
		<b>Can you change the land use of that plot?</b>	Can you use the land as collateral?	Can you use the land as collateral? Who do you consider to be the owner of this parcel?
		<b>Can you fragment, divide, or add the plot to another plot?</b>	Can you divide the land into smaller parcels?	

<sup>34</sup> From various aspects of land use in Nwoya district in northern Uganda from focus group discussion (Qualitative dataset.)

<sup>35</sup> Jagger. P et al (2014) "Bundles, Duties, and Rights: A Revised Framework for Analysis of Natural Resource Property Rights Regimes"

		Can you add this parcel to another one?				
<b>Can your rights to do the above rights be exercised over the long term?</b>		Who do you view as the owner of this parcel?	Who do your children view as the land owner? <sup>36</sup>			
		Can you exercise these rights over the long term?				
<b>Is there a document that serves as proof/permission of that access?</b>		<i>[As stated in the Usus section]</i>	<i>[As stated in the Usus section]</i>	<i>[As stated in the Usus section]</i>		
<b>Does that document specifically make reference to you?</b>		<i>[As stated in the Usus section]</i>	<i>[As stated in the Usus section]</i>	<i>[As stated in the Usus section]</i>		
Fructus	Rights to make profit and loss; other economic rights.	<b>Do you have access to land?</b>	<i>[As stated in the Usus section]</i>	<i>[As stated in the Usus section]</i>	<i>[As stated in the Usus section]</i>	
		<b>Can you use that land?</b>	<i>[As stated in the Usus section]</i>	<i>[As stated in the Usus section]</i>	<i>[As stated in the Usus section]</i>	
		<b>Do you have an easement to that land?</b>	<i>[As stated in the Usus section]</i>	<i>[As stated in the Usus section]</i>	<i>[As stated in the Usus section]</i>	
		<b>Can you harvest/gather from that land?</b>	<i>[As stated in the Usus section]</i>	<i>[As stated in the Usus section]</i>	<i>[As stated in the Usus section]</i>	
		<b>Can you make investments on that land?</b>	<i>[As stated in the abus section]</i>	<i>[As stated in the abus section]</i>	<i>[As stated in the abus section]</i>	
		<b>Can you harvest of gather from this land?</b>	<i>[As stated in the abus section]</i>			
		<b>Can you change the land use of that plot?</b>	<i>[As stated in the abus section]</i>			
		<b>Can you fragment, divide, or add the plot to another plot?</b>	<i>[As stated in the abus section]</i>			
		<b>Can your rights to do the above rights be exercised over the long term?</b>	<i>[As stated in the abus section]</i>			
		<b>Is there a document that serves as proof/permission of that access?</b>	<i>[As stated in the Usus section]</i>			
		<b>Does that document specifically make reference to you?</b>	<i>[As stated in the Usus section]</i>			
		<b>Can you earn from this land?</b>	Do you have control over the output produced from the land?	In the last agricultural season, what was the reason for which you planted the crops you chose to plant?	What do you use the households primary land parcel for?	
			Do you make decisions about whether or not to sell the output?	Who has the right to use this parcel as collateral for credit?	What do you use this parcel for?	

<sup>36</sup> Rugadya M. et al (2008) "analysis of post conflict land policy and land administration: a survey of IDP return and resettlement issues and lesson: Acholi and Lango regions"

			Can you claim compensation in the event of state takeover of your land? <sup>37</sup>	In the last agricultural season, what was the reason for which you planted the crops you chose to plant?	Who do you consider to be the owner of this parcel?
			Can you make decisions regarding what the land is to be used for?	Who decided how the money for the sale of the crops was spent?	
			Can you rear animals on the land parcel?		
<b>Transfer</b>	rights to transfer the land, whether temporarily or permanently.	<b>Do you have access to land?</b>	<i>[As stated in the Usus section]</i>		
		<b>Can you use that land?</b>	<i>[As stated in the Usus section]</i>		
		<b>Do you have an easement to that land?</b>	<i>[As stated in the Usus section]</i>		
		<b>Can you harvest/gather from that land?</b>	<i>[As stated in the Usus section]</i>		
		<b>Can you make investments on that land?</b>	<i>[As stated in the abus section]</i>		
		<b>Can you make permanent transfers of the above rights?</b>	Can you give this parcel out as a gift?	Who has the right to give this land as a gift?	
			Can you sell this parcel?	Who has the right to sell this parcel?	
			Are you consulted on who can bequeath land? <sup>38</sup>	At this point in time, do you know who will inherit this parcel?	
			Can you donate this parcel?		
			Can you bequeath land? <sup>39</sup>	Who will be making decisions about the inheritance of this parcel?	
		<b>Can you make temporary transfers of the above rights?</b>	Can you rent out this parcel?	Who has the right to rent out this parcel?	
			Can you lease out this parcel?		
		<b>Is there a document that serves as proof/permission of that access?</b>	<i>[As stated in the Usus section]</i>		
		<b>Does that document specifically make reference to you?</b>	<i>[As stated in the Usus section]</i>		
<b>Future interests</b>	Could include the right to	<b>Do you have access to land?</b>	<i>[As stated in the Usus section]</i>		

<sup>37</sup> "Securing land and property rights in sub-Saharan Africa: the role of local institutions" by Camilla Toulmin. Page 30-32

<sup>38</sup> "Securing land and property rights in sub-Saharan Africa: the role of local institutions" by Camilla Toulmin. Page 30-32

<sup>39</sup> Schlager and Ostrom (1992) Property-Rights Regimes and Natural Resources: A Conceptual Analysis



inherit or may cover rights that can be realized at some future point.	Can you use that land?	<i>[As stated in the Usus section]</i>
	Do you have an easement to that land?	<i>[As stated in the Usus section]</i>
	Can you harvest/gather from that land?	<i>[As stated in the Usus section]</i>
	Can you make investments on that land?	<i>[As stated in the Usus section]</i>
	Can you harvest or gather from that land?	<i>[As stated in the Usus section]</i>
	Can you change the land use of that plot?	<i>[As stated in the Usus section]</i>
	Can you exercise the above rights over the long term?	<i>[As stated in the Usus section]</i>
	Can you determine who will inherit this parcel?	At this point in time, do you know who will inherit this parcel?
	Do you have a document that serves as proof/permission of that access?	<i>[As stated in the Usus section]</i>
	Does that document specifically make reference to you?	<i>[As stated in the Usus section]</i>

## ANNEX 2: DESCRIPTIVE STATISTICS OF VARIABLES USED TO CONSTRUCT AGGREGATION CONDITIONS

Metric of the abusus bundle of rights present in dataset.	Beneficiaries.						Non-Beneficiaries					
	Male	Percent	Female	Percent	Total	Percent	Male	Percent	Female	Percent	Total	Percent
<b>How many parcels does your household have access to?</b>												
1	76	73.79	69	84.15	148	78.72	37	80.43	39	88.64	77	84.62
2	24	23.3	13	100	37	19.68	7	15.22	5	11.36	12	13.19
3	3	2.91	82	0	3	1.6	2	4.35	0	0	2	2.2
<b>Total</b>	<b>103</b>	<b>100</b>	<b>164</b>	<b>100</b>	<b>188</b>	<b>100</b>	<b>46</b>	<b>100</b>	<b>44</b>	<b>100</b>	<b>91</b>	<b>100</b>
<b>Who provided the labor to cultivate these crops?</b>												
My husband/spouse	7	7.37	17	22.67	24	14.12	0	0.00	5	12.82	5	6.17
Myself	62	65.26	45	60	107	62.94	35	83.33	21	53.85	56	69.14
My husband, wife, and the children	9	9.47	3	4	12	7.06	2	4.76	1	2.56	3	3.7
Other	17	17.89	10	13.33	27	15.88	5	11.90	12	30.77	17	20.99
<b>Total</b>	<b>95</b>	<b>100</b>	<b>75</b>	<b>100</b>	<b>170</b>	<b>100</b>	<b>42</b>	<b>100.00</b>	<b>39</b>	<b>100</b>	<b>81</b>	<b>100</b>
<b>How did you acquire this parcel?</b>												
Bought	10	9.8	7	8.54	17	9.24	4	8.7	2	4.55	6	6.67
Inherited	87	85.29	70	85.37	157	85.33	37	80.43	40	90.91	77	85.56
Given	4	3.92	4	4.88	8	4.35	5	10.87	2	4.55	7	7.78
Other	1	0.98	1	1.22	2	1.09		0	0	0	0	0
<b>Total</b>	<b>102</b>	<b>100</b>	<b>82</b>	<b>100</b>	<b>184</b>	<b>100</b>	<b>46</b>	<b>100</b>	<b>44</b>	<b>100</b>	<b>90</b>	<b>100</b>
<b>Who do you view as the owner of this parcel?</b>												
My Husband	3	2.91	34	41.46	37	20	0	0	14	32.56	14	15.73
Myself	59	57.28	9	10.98	68	36.76	26	56.52	7	16.28	33	37.08
Husbands' clan	20	19.42	11	13.41	31	16.76	11	23.91	8	18.6	19	21.35
Other	21	20.39	28	34.15	49	26.49	9	19.57	14	32.56	23	25.84
<b>Total</b>	<b>103</b>	<b>100</b>	<b>82</b>	<b>100</b>	<b>185</b>	<b>100</b>	<b>46</b>	<b>100</b>	<b>43</b>	<b>100</b>	<b>89</b>	<b>100</b>

<b>What do you use the household's primary land parcel for?</b>												
Cultivation only	15	14.56	3	3.66	18	9.73	9	20	4	9.09	13	14.61
Plant trees	1	0.97		0	1	0.54	1	2.22		0	1	1.12
Residence and cultivation	25	24.27	22	26.83	47	25.41	6	13.33	3	6.82	9	10.11
Commercial building and residence	1	0.97	1	1.22	2	1.08	0	0	1	2.27	1	1.12
Grazing animals	0	0	0	0	0	0		0	35	79.55	35	39.33
Residence, rearing animals, and cultivation	61	59.22	56	68.29	117	63.24	28	62.22		0	28	31.46
Residence only		0		0	0	0	1	2.22	1	2.27	2	2.25
<b>Total</b>	<b>103</b>	<b>100</b>	<b>82</b>	<b>100</b>	<b>185</b>	<b>100</b>	<b>45</b>	<b>100</b>	<b>44</b>	<b>100</b>	<b>89</b>	<b>100</b>
<b>Who has the right to carry out long term investments on this parcel?</b>												
My husband/spouse	4	3.88	26	30.95	30	16.04	0	0.00	12	27.27	12	13.79
Myself	43	41.75	8	9.52	51	27.27	21	48.84	7	15.91	28	32.18
Myself and husband	16	15.53	19	22.62	35	18.72	4	9.30	2	4.55	6	6.90
Wife's family	2	1.94	1	1.19	3	1.60	0	0.00	1	2.27	1	1.15
The heir	7	6.80	7	8.33	14	7.49	3	6.98	6	13.64	9	10.34
Husband, wife, and the children	13	12.62	2	2.38	15	8.02	1	2.33	0	0.00	1	1.15
Husband's clan	13	12.62	13	15.48	26	13.90	14	32.56	11	25.00	25	28.74
Myself and the children	1	0.97	3	3.57	4	2.14	0	0.00	1	2.27	1	1.15
Other	4	3.88	5	5.95	9	4.81	0	0.00	4	9.09	4	4.60
<b>Total</b>	<b>103</b>	<b>100.00</b>	<b>84</b>	<b>100.00</b>	<b>187</b>	<b>100.00</b>	<b>43</b>	<b>100.00</b>	<b>44</b>	<b>100.00</b>	<b>87</b>	<b>100.00</b>
<b>Do you have a document for this parcel?</b>												
Yes	83	81.37	70	85.37	153	83.15	11	23.91	11	25	22	24.44
No	19	18.63	10	12.2	29	15.76	35	76.09	26	59.09	61	67.78
Don't Know	0	0	3	3.66	3	1.63	0	0	7	15.91	7	7.78
<b>Total</b>	<b>102</b>	<b>100</b>	<b>82</b>	<b>100</b>	<b>184</b>	<b>100</b>	<b>46</b>	<b>100</b>	<b>44</b>	<b>100</b>	<b>90</b>	<b>100</b>
<b>Are your names on this document?</b>												
Yes	62	73.81	35	47.95	97	61.01	9	75	2	16.67	11	45.83
No	24	28.57	38	52.05	62	38.99	3	25	10	83.33	13	54.17
<b>Total</b>	<b>86</b>	<b>102.38</b>	<b>73</b>	<b>100</b>	<b>159</b>	<b>100</b>	<b>12</b>	<b>100</b>	<b>12</b>	<b>100</b>	<b>24</b>	<b>100</b>
<b>If the crops were sold from to the market, who took the crops to the market?</b>												
My husband/spouse	4	6.35	4	9.09	8	7.48	2	8.70	7	33.33	9	20.45
Myself	30	47.62	32	72.73	62	57.94	5	21.74	9	42.86	14	31.82
Myself and husband	24	38.10	6	13.64	30	28.04	15	65.22	4	19.05	19	43.18
Wife's family	0	0.00	1	2.27	1	0.93	0	0.00		0.00		0.00
Husband, wife, and the children	0	0.00	1	2.27	1	0.93	0	0.00		0.00		0.00
Myself and the children	2	3.17	0	0.00	2	1.87	1	4.35	1	4.76	2	4.55
Other	3	4.76	0	0.00	3	2.80	0	0.00	0	0.00	0	0.00
<b>Total</b>	<b>63</b>	<b>100.00</b>	<b>44</b>	<b>100.00</b>	<b>107</b>	<b>100.00</b>	<b>23</b>	<b>100.00</b>	<b>21</b>	<b>100.00</b>	<b>44</b>	<b>100.00</b>
<b>Who has the right to sell this parcel?</b>												
My husband/spouse	4	3.88	29	34.94	33	17.74	0	0.00	11	25.00	11	12.64
Myself	44	42.72	9	10.84	53	28.49	23	53.49	7	15.91	30	34.48
Myself and husband	13	12.62	14	16.87	27	14.52	3	6.98	1	2.27	4	4.60
Wife's family	2	1.94	1	1.20	3	1.61	0	0.00	1	2.27	1	1.15
The heir	6	5.83	7	8.43	13	6.99	3	6.98	6	13.64	9	10.34
Husband, wife, and the children	14	13.59	3	3.61	17	9.14	1	2.33	0	0.00	1	1.15
Myself and the children	3	2.91	2	2.41	5	2.69	0	0.00	1	2.27	1	1.15
Husband's clan	12	11.65	14	16.87	26	13.98	13	30.23	12	27.27	25	28.74
Other	5	4.85	4	4.82	9	4.84	0	0.00	5	11.36	5	5.75
<b>Total</b>	<b>103</b>	<b>100.00</b>	<b>83</b>	<b>100.00</b>	<b>186</b>	<b>100.00</b>	<b>43</b>	<b>100.00</b>	<b>44</b>	<b>100.00</b>	<b>87</b>	<b>100.00</b>
<b>Who has the right to rent out this parcel to others?</b>												
My husband/spouse	4	3.88	24	28.92	28	15.05	0	0.00	9	20.45	9	10.34
Myself	45	43.69	9	10.84	54	29.03	20	46.51	7	15.91	27	31.03
Myself and husband	17	16.50	20	24.10	37	19.89	6	13.95	4	9.09	10	11.49
The heir	7	6.80	7	8.43	14	7.53	3	6.98	6	13.64	9	10.34

Husband's clan	12	11.65	13	15.66	25	13.44		0.00		0.00		0.00
Husband, wife, and the children	11	10.68	2	2.41	13	6.99	0	0.00	1	2.27	1	1.15
Other	7	6.80	8	9.64	15	8.06	14	32.56	17	38.64	31	35.63
<b>Total</b>	<b>103</b>	<b>100.00</b>	<b>83</b>	<b>100.00</b>	<b>186</b>	<b>100.00</b>	<b>43</b>	<b>100.00</b>	<b>44</b>	<b>100.00</b>	<b>87</b>	<b>100.00</b>
<b>Who will be making decisions about the inheritance of this parcel?</b>												
My husband/spouse	6	5.94	19	22.62	25	13.51	1	2.33	12	27.27	13	14.94
Myself	43	42.57	10	11.90	53	28.65	19	44.19	8	18.18	27	31.03
Myself and husband	14	13.86	23	27.38	37	20.00	7	16.28	2	4.55	9	10.34
Husband, wife, and the children	10	9.90	3	3.57	13	7.03		0.00		0.00		0.00
Husband's clan	14	13.86	15	17.86	29	15.68	13	30.23	10	22.73	23	26.44
Other	14	13.86	14	16.67	28	15.14	3	6.98	12	27.27	15	17.24
<b>Total</b>	<b>101</b>	<b>100.00</b>	<b>84</b>	<b>100.00</b>	<b>185</b>	<b>100.00</b>	<b>43</b>	<b>100.00</b>	<b>44</b>	<b>100</b>	<b>87</b>	<b>100.00</b>