

Journal of Peace and Security Studies

Volume 1, December 2013



Special Issue

Unfolding Land Conflicts in Northern Uganda

Guest Editors:

Michael Whyte, Quentin Gausset & Peter Henriques

Journal for Peace and Security Studies

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ABOUT THE JOURNAL

The Journal of Peace and Strategic Studies is a new electronic journal, published by the Institute of Peace and Strategic Studies. This Institute has the status of a faculty under Gulu University in Uganda and shares the university focus on community service as well as on academic research, specialising in the fields of law, peace studies, political science and anthropology. Research is focused on – but not limited to – post-conflict northern Uganda.

The Journal reflects the multi-disciplinary focus of the Institute and publishes articles in the social sciences and humanities, broadly defined to include anthropology, sociology, political science, history, law, conflict and peace studies, religious studies and environmental studies. Articles that cut across disciplinary boundaries are particularly welcomed.

Northern Uganda is a key regional focus for the Journal, but contributions from the broader East African region and beyond are actively encouraged. The Journal actively seeks to publish comparative studies and work that can help to develop a broader comparative perspective on post-conflict issues, peace and reconstruction in Eastern Africa and beyond.

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Editorial Note

Lioba Lenhart

JPSS Editor and Chairperson of IPSS Research and Publication Committee
Institute of Peace and Strategic Studies, Gulu University, Uganda

The Journal of Peace and Security Studies (JPSS) is a new peer-reviewed electronic and print journal, published by the Institute of Peace and Strategic Studies (IPSS) of Gulu University, Uganda. IPSS is a multi-disciplinary academic institution that was founded in 2003 in the war-ravaged region of northern Uganda as the Centre for Conflict Transformation and Peace Studies, and elevated to an Institute at Gulu University in 2007. The Institute engages in academic teaching and research, dissemination of knowledge and community service.

The Journal reflects the multi-disciplinary focus of the Institute. It publishes articles in the social sciences and humanities, broadly defined to include anthropology, sociology, political science, history, law, conflict and peace studies, religious studies and environmental studies. Articles that cut across disciplinary boundaries are particularly welcomed. Uganda is a key regional focus for the Journal, but contributions from the whole East African region and beyond are encouraged as well. The Journal actively seeks to disseminate theoretical, methodological and empirical knowledge and insights with regard to political violence, human rights, human security, governance, democratisation, social justice, welfare and development, with a focus on culture as a source of conflict and a resource for conflict transformation and peace building. It is expected that these studies can help to develop a broader comparative perspective on issues related to conflict, peace building and post-war reconstruction in Eastern Africa and beyond – in accordance with the University's motto "For Community Transformation".

Starting in 2013, JPSS intends to publish one volume of one to two numbers each year; each number will be devoted to a specific topic and edited by specially invited guests.

This first volume of JPSS on unfolding land conflicts in northern Uganda is edited by Michael Whyte, Quentin Gausset and Peter Henriques from the University of Copenhagen, Denmark. The contributors from Uganda and Denmark presented earlier versions of their work at the conference "Nordic Africa Days 2012: Unplugging Africa," held at the University of Iceland, Reykjavík, October 18-19, 2012. Their research has been supported by the project "Changing Human Security: Recovery from Armed Conflict in Northern Uganda," funded by the Danish Research Council for Development Research. In addition, two articles by researchers who were not involved in this project but have also been working on land conflicts in northern Uganda are included.

The volume broaches the issue of land disputes in northern Uganda that have become rampant in the aftermath of more than two decades of civil war between the Lord's Resistance Army and the Government of Uganda. This conflict was accompanied by the full panoply of human rights violations: killings, rape, mutilations, lootings, abductions and forcible recruitment of children and youth. Ultimately, some 90 per cent of the Acholi population were forced to live in camps for Internally Displaced People; camp life, while providing marginally increased security, itself was responsible for severe disruptions of social life. Since the formerly displaced peoples' return to their ancestral homes, conflicts

over land have become a daily reality. Individuals, families and clans dispute boundaries, ownership and inheritance, as well as the attempts of public bodies such as Area Land Committees and District Land Boards to hold and allocate land for private sector investments. Underlying these conflicts are the social, political and cultural legacies of the last twenty seven years: high population growth, disappearance of marks for demarcating the land and death or loss of authority of knowledgeable elders during displacement, the existence of contradictory customary and state land tenure systems, weak land governance and political pressure favouring private investors.

The contributions to the volume explore how differently positioned people manage, mitigate and engage in conflicts in a setting of co-existing formal and parallel legal authorities. Debated issues include claims to land and descent, women's rights to land and security, individual and communal rights in relation to commercial interests in land, and discourses of traditional versus universal civil and human rights in relation to property.

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The Institute of Peace and Strategic Studies, Gulu University, would like to thank the guest editors of this first JPSS volume for their efforts. In addition, the Institute and Gulu University recognise and appreciate support from the Danish Research Council for Development Research both for the launch of the Journal of Peace and Security Studies and for funding a new research project on land and governance ("Governing Transition in Northern Uganda: Trust and Land"), to be jointly implemented by the Institute of Peace and Strategic Studies of Gulu University, the Department of Culture and Society of Århus University and the Institute of Anthropology of the University of Copenhagen from 2013-2016.

Unfolding Land Conflicts in Northern Uganda: Introduction

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After two decades of war and seven years of peace, the Acholi region in the north of Uganda is still struggling to regain levels of prosperity and security that existed in 1986. Family and community capital, in the form of cattle and livestock, tools, seed varieties, personal possessions and rural infrastructure, was looted or destroyed during the years of conflict and much has yet to be replenished. The land conflicts that we explore in this issue have many roots, but certainly one major cause is continuing impoverishment.

Land politics have long been a fraught issue in Uganda. At the very beginning of the colonial era, British authorities introduced in the Buganda Kingdom the land grants that became the tenure form known as *mailo* (the grants were initially in square miles). This was land politics pure and simple, a plan to restrain the power of the king of politically crucial Buganda by establishing an independent landed aristocracy indebted, or at least more responsive, to British rule. Politics, land policy and governance, born in 1900 in one part of Uganda, have persisted – and the links are certainly no less contested today, a century on.

Over the past seven years of relative peace, some 1.8 million Acholi have returned to their land, but the scars of conflict and the social and psychological effects of enforced displacement remain. Today land rights and land conflicts – actual and potential – form a pervasive discourse north of the Nile. Brothers quarrel over portions; widows and orphans seek land access and recognition; neighbours suspect each other, bearing silent grudges for current and past encroachments; clans make competing claims to territory. And it often seems everyone suspects the wealthy and the politically powerful of grabbing land – or enabling “investors” to do so. But the conflicts that typically find expression through claims to land, our contributors argue, are not *simply* about plots and boundaries. They are multi-level conflicts, embedded in history, social identity, economy and politics. Land cases conflicts must be unfolded and explored in order to be understood.

This first number of the Journal of Peace and Security presents six studies drawn from current research in land and governance in post-war northern Uganda, focusing on studies from Amuru and Gulu Districts. A core group of authors are from Gulu University, Uganda, and from the University of Copenhagen and Århus University, in Denmark, who have worked together as part of an Enhancement of Research Capacity (ENRECA) Project on Human Security (2008-13) based at Gulu University and supported by Danida. Four of the articles in this first issue were presented in the panel ‘Unfolding Land Conflicts in Northern Uganda’ at the biannual Nordic Africa Days conference in Reykjavik in October

2012; they appear here in revised form. The special number has been supplement with contributions by Atkinson, Owor and Göttsches, who have been working independently on land issues in Acholiland.

Land and Relationships

The studies in this collection cover a range of social situations where conflict is expressed through claims to land. At one end of the scale are cases involving families and neighbours. Often people tell us that such disputes – or at least the frequency of such disputes – are a sign of post-conflict times, a legacy of war and internment. We learn that these cases are not simply about boundaries but also and often about rights, and thus about the social identities of the parties involved. Is the “brother” who is claiming a share of clan land, really a clansman, or simply the son of a clansman’s wife whose true father came from outside? Is the woman claiming access to farmland in fact a widow? Or, perhaps equally realistically, who will speak for her if her claim is denied? Cases that appear to be about individual property rights transform into disputes about gender, affinity and appropriate descent and kinship identity. They also turn on feelings, the legacy of twenty years of violence and unforgiven injury.

Obika and Mogensen (*Speaking Forgiveness in Northern Uganda: From Armed Conflicts to Land Conflicts*) take up the legacy of post-war conflict through the optic of forgiveness – and the unwillingness to forgive. Their cases deal with close relationships, with kin and neighbours, and they focus on conflicts between people who are bound to a common place. Any conflict within such a small social space becomes, at least in part, a conflict over rights to land. Forgiveness accounts, they argue, are less about past injury and far more about future possibilities.

After 2006, when peace negotiations started, the process of “decongesting” camps for internally displaced persons (IDPs) began. Over 1.5 million people were sent back to their land – but not to life as it was before 1986. A generation of armed conflict and decades in the IDP camps has meant that the practice of traditional social life had not been possible. Today most Acholi are home, but the legacy of the experience of war and camp remains. Elders, who once might have been adjudicators, have died, with no opportunity to transmit their knowledge about genealogical connections and land boundaries.

Drawing on data collected in one Acholi sub-county from 2009-12, Whyte and her colleagues (*From Encampment to ‘Emplotment’: Land Matters in Former IDP Camps*) explore an attempt to transform the site of a former IDP camp into a Town Board. They give particular attention to what they call the ‘remainders,’ women and children “overstaying” in the remains of the camp without recognised access to land, and the dead, buried on camp land away from their homes and thus also stranded in what should now be town.

The transformation from camp to town is a government initiative and it introduces a new, and individualised, form of landholding (plots). Town plots are generally accepted as commodity land, to be bought and sold, but community members see attempts to extend this tenure concept to other land relationships in the countryside as more problematic, a practice that appears to challenge ideas about clan and family rights to land.

Whyte *et al.* present the stories of “remainders”; Megan Smith Göttsches focuses on widows who have managed to make the return from an IDP camp to their country homes (*Access to Land, Securing a Livelihood and Gender Role Renegotiation: a Case Study of Widows in Northern Uganda*). These women, defined as vulnerable by camp authorities because of their status as widows, are now thrust into a social world in which

this status is no longer an entitlement. In contrast to many of the “overstayers” in Whyte *et al.*’s study, Göttches’ women at one time were recognised wives, with a home and access to land in their husbands’ clan communities. Their widowhood is recognised by their deceased husband’s kinsmen and this provides some security of tenure. In contrast, many “marriages,” during the IDP period were not traditionally formalised; such “wives” were not “known” by their husband’s kin and usually have neither the customary right nor the social links needed to access land.

Combining qualitative interviews and survey data, Göttches explores the ways in which her sample make use of their positions as accepted widows, and how their livelihood strategies aim to promote integration in the patrilineal space of their husbands’ kin.

Land Grabs, Ethnicity and Tenure Reform

At the other end of a scale of land conflict are struggles, perceived locally (and perhaps nationally) as land grabs, involving powerful outsiders, including government.

One example is the much-discussed Lakang case, where the High Court, in 2012, awarded 40,000 ha in Amuru District to the Amuru Sugar Works Limited, owned by the Madhvani Group of companies, one of Uganda’s oldest and largest agro-industrial enterprises. At this end of the scale the involved parties include national government actors, as well as local administrations and councils, traditional authorities and NGOs promoting human rights agendas. There is national media attention; and violence, threatened or actual, is not uncommon. Conflict here can easily take a form that resembles classic segmentary opposition. When land is seen or claimed to be ‘grabbed’ by an ‘external’ party, the case has the potential to escalate rapidly and become a call for communities to unite to defend a political category identified by the structural position of the enemy. Should the land grabbers be outsiders, non-Acholi for example, confrontation risks calling forth a very broad opposition defined by clan and by ethnicity. Ethnic politics can come to dominate, over-determining legal issues.

Atkinson and Owor (*‘Land Grabbing’: The Ugandan Government, Madhvani, and Others versus the Community of Lakang, Amuru District*) provide us with a close historical and social reading of the recent High Court judgement in the Lakang case. They are particularly concerned with the very incomplete evidence for long-term customary tenure, which was gathered and presented to the court. Drawing on archival research and oral history studies carried out in the early 1970’s, supplemented by recent oral history investigation, they identify different sources of evidence both for traditional land use in the portions of Lakang in dispute and for official recognition of customary tenure claims in the area. Atkinson and Owor demonstrate that a better and more effective collaboration between social and historical researchers and lawyers can mobilise evidence for customary tenure both here and in other parts of Acholiland.

Lenhart (*Alleged Land Grabs and Governance: Exploring Mistrust and Trust in Northern Uganda*) contributes a detailed examination of the other great Acholi land case to emerge after 2006: the Apaa land conflict. The issues at stake here are, if anything, more complex than in Amuru, and certainly more opaque. Ostensibly the conflict is over a large portion of land that the Uganda Wildlife Authority (UWA) claims as a wildlife reserve; local Acholi claim that this land has always been theirs; after 2006 they attempted to resettle on their land and some settlements have been violently cleared. But, as Lenhart shows, this is only the beginning of the unpacking process that is necessary in order to understand – and address – the issues involved. The legal status of the Apaa block of land is one such issue: is it part of Adjumani District with its predominantly Madi population or

Amuru District, which is predominantly Acholi? What began as a localised conflict, pitting communities of resettlers (Acholi and Madi) against the UWA, has escalated – perhaps “been escalated” is the better phrase. By pitting Adjumani District against Amuru District a state of ethnic structural opposition – Acholi vs. Madi – threatens to sow further discord between groups who have lived peacefully together in ethnically integrated communities for many generations.

Lenhart concludes her review of the case by drawing attention to a disturbing development in Ugandan ethnic politics: the growing tendency towards “culturalisation” of conflicts that have roots in political and economic issues distinct from culture and ethnicity. Culturalisation clearly also plays a role in the Madhvani-Amuru Sugar Works case, where ethnic mobilisation has arguably served to disguise underlying political and financial manipulation. And the phenomenon is also readily identified in land conflicts south of the Nile.

This brings us to a final point: in order to understand events in the north it is necessary *both* to accept that the Acholi region has been transformed socially, economically, politically and culturally, by a generation of conflict and internment *and* to recognise that, on many dimensions, the region’s problems are also Uganda’s problems. Rural poverty, land insecurity, the transformation of marriage and its effects on women’s access to land, increasing conflicts over individual rights to land – all these issues are also found south of the Nile.

However, compelling regional differences, rooted both in history and tradition, do exist. Ravnborg and her colleagues (*Land and Property Rights and Economic Behaviour in Uganda*) explore this variation using a population-based questionnaire study. Their material shows an association linking tenure insecurity with the coexistence of multiple forms of land tenure in a region. They compare Masaka, in central Uganda, with Pallisa in the east and Amuru in the north. Masaka reports both the greatest diversity of tenure forms and the highest degree of reported tenure insecurity. Amuru respondents, who report over 93 per cent customary tenure, also report the greatest degree of tenure security. At first sight this finding seems to contradict ethnographic accounts of tenure insecurity in the north. However, it is important to note that Ravnborg *et al.* are asking a sample of householders about the land they hold; our other studies draw on case methodology to unfold positioned narrative accounts of conflict. The difference is crucial when it comes to interpreting findings.

A final site of land conflict issues seems rooted in institutions and practices of governance, broadly speaking. The complex and highly pluralistic legal situation that has evolved since independence to deal with land issues now seems to challenge even judicial experts. In this complex field, transactions often appear opaque and competences are unclear. From their comparative perspective Ravnborg *et al.* suggest that the very existence of co-existing tenure forms in a region may contribute to a sense of tenure insecurity. For this reason, policy that promotes “partial interventions” by government in the existing land tenure systems in Uganda may actually increase felt insecurity.

Speaking Forgiveness in Northern Uganda: From Armed Conflicts to Land Conflicts

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Introduction

After twenty-two years of war in Northern Uganda, internally displaced people are in the process of moving back to their rural homes. This paper draws on an experimental programme promoting forgiveness in the Sub-county of Awach where our research group has been working for four years. Here, villagers come and listen to anonymised and taped ‘forgiveness accounts’ volunteered by other people. They are encouraged to record their own experiences that become part of a corpus of forgiveness accounts. Selections from the corpus itself have also been broadcasted over local radio, and listeners from a wide area have called in to comment.

Discussions of conflict and forgiveness take place in a context of close social relationships. Rarely are the ‘big’ wrongs of the war directly addressed; instead we see how more intimate conflicts can become a way to articulate the experience – and consequences – of these ‘big’ wrongs. In this paper we draw on cases and observations from our Forgiveness Project to explore how the experience of armed conflict, insecurity and mistrust is carried over into conflicts over land, and also what it may mean not to forgive particular wrongs incurred during land conflicts.

1. Background

The people of northern Uganda have, since 2008, finally begun to experience relative peace. The armed conflict has ended and people have started returning to their ancestral homes. A lot of literature has documented the war in Northern Uganda – its causes and the actors (see Allen 2006; Allen & Vlassenroot 2010; Atkinson 2009; Finnstrom 2008), as well as the untold suffering experienced by unarmed civilians, men, women and children (see de Temmerman 2001; Dolan 2009; Eichsraedt 2009; Green 2008). After twenty-two years of war between the Lord’s Resistance Army (LRA), led by Joseph Kony, and the Uganda People’s Defence Forces (UPDF), the Ugandan national army, former abductees, rebels and Internally Displaced People (IDPs) have returned home from the various camps in which they were forced to live during the insurgency.

It has often been said that this was a war of the LRA against its own people. Or alternatively, it has been presented as a two-party conflict between the LRA and the Ugandan government. As with many wars, the reality is more complicated. The so-called ‘LRA-war’ followed on from the violence of the Amin and Obote years of insurgency and the civil war that Uganda went through in the 1970s and 1980s. The takeover by Museveni

and his National Resistance Army (NRA) in 1986 marked a dramatic shift in power, and the Acholi in the North reverted to a position of relative weakness and a sense that their social and cultural cohesion as well as their material security were severely threatened (Dolan 2009: 40). Numerous rebel groups came and went in the North, but the LRA survived for two decades. At first many of these rebel groups enjoyed some support from the surrounding Acholi population, which has largely opposed President Museveni and the Ugandan government ever since the 1986 takeover of power. It would, however, be more adequate to say that many people in northern Uganda are neither pro-government, nor pro-rebel, but have lived for two decades in what Dolan has termed a situation of extreme vulnerability and social torture (Dolan 2009). The perpetrators include the government and the LRA, but also less visible actors such as donor governments, multilateral organisations, and NGOs whose ostensible aim was to ease the suffering of victims, but in reality helped prolong their vulnerability by indirectly contributing to a prolonging of the conflict (Dolan 2009: 2).

By late 1996, the government had begun a strategy of placing people in ‘protected villages’ (later referred to as IDP camps). These militarised camps were supposed to protect people from the LRA; but the government also used them to prevent the population from interacting with the rebels. By 2006, 90% of the population of Acholiland lived in IDP camps or in exile (about 1.5 million people). Thousands of others had been killed by government forces or the LRA, or been forcibly abducted by the LRA. Life in the camps was characterized by appalling health and social conditions, with mortality and morbidity rates well above emergency levels (Dolan 2009).

In 1999, President Museveni amnestied all rebels in Uganda and many have since returned. In 2004, however, a decision was made to exclude the leadership of the LRA from the amnesty and refer them to the International Criminal Court (ICC) (Allen 2006). Reactions to the ICC’s inquiries in Uganda have been ambivalent. While people want the LRA to be held responsible, they also fear that these inquiries may prevent LRA combatants from returning home. They are painfully aware that the LRA is composed of their own close relatives who willingly or unwillingly became part of it at a very young age and who may or may not yet have returned to live with them. Another painful reality is the knowledge that, though the Ugandan army committed many crimes against the population, soldiers will never be prosecuted. The questions of who should forgive whom – and what forgiveness and punishment actually mean – remain highly complex and the answers thoroughly ambiguous.

In this paper, we draw on forgiveness accounts and our experiences over the course of the four-year project to discuss how forgiveness is perceived and constituted among the Acholi in northern Uganda. Discussions of conflict and forgiveness take place in a context of close social relationships. The war is rarely addressed directly. Instead day to day and intimate conflicts are used to articulate the experience – and consequences of – the ‘big’ wrongs of the war. The excerpt below is an example of a conflict over land that we use as a case study to explore how the experience of armed conflict, insecurity and mistrust has spilled over into conflicts over land, which are rampant in Northern Uganda today.

2. Account: Disputes with the Neighbours

“I forgave my neighbour in the year 2008. One day we noticed that our neighbours had uprooted a tree, a gum tree that we planted at the boundary of our land that our father left us when he died. When those people came back from their garden and found the tree we had planted, they started calling us while quarrelling, that

why had we planted those trees there? Then we said that that tree we planted at the boundary of our land. Then they said that our boundary was not there. 'You do not have a boundary here so you uproot this tree'. So we said that we were not going to uproot it. So they started uprooting the tree we planted at the boundary of the land of our father. And also they started insulting and cursing us seriously so I became angry. I ran to our home and picked an axe to go and cut their tree which they also planted at the boundary without consulting us. But my brothers went and stopped me from cutting their tree, so I had to leave them. 'As they are uprooting our tree let them do it one sided', my brothers said. Then I came back home, with the curse of those people that death will be seen in it. Then really not even after a long time, one of my brothers came home to Bungatira. Then when he was going back, a snake bit him in accordance to those people's curse. When the snake bit him, that's where we became angry. We started taking steps on those people because we knew that if they have said something, they meant it. Their curse had started to work.

We were angry and my brother was admitted in the hospital and he was released. Again after a short while, another brother was badly injured in a car accident. When he got injured, we at home started saying these are all in accordance with the curse of those people where they said that the land issue shall cause death. Even before my brother was healed, one of them from their home was sent to bring the money that one time they borrowed from that brother of mine that they had to give it back. They first waited until he was injured and the land issue rose then they started saying they are giving back the money. Why did they have to wait until all those issues were there, the accident and the land, yet they did not want to pay that money before all those? They waited until we had quarrels and conflicts, then they wanted to pay the money. Really we were very angry with them. We stayed for a long time without talking to them. I stayed for five years without talking to any of them even when I would meet them.

Then for me one time, the Holy Spirit came into me so I went and got saved. When I got saved, I got one guy from their home was also saved. So immediately I started praying with him, he got up and started introducing himself. So I also got up and introduced myself and released him from my heart and even went up to his home. Not after a long time again I release about two people from that home. So they started telling me that the step I took was the good thing indeed; that if someone has sinned, he/she has to repent and forgive each other, it is very good. So I have now forgiven them all. It was also in their heart that they came to ask me for forgiveness even though it was hard for them. I had to forgive them and I also said if it were all our problem, then they had to forgive us as well so that we resume living as before.

Forgiveness is important because, that person you used not to talk to and the act that you turn your eyes away whenever you meet them shall not be there because you will help that person and they may help you too... it makes all of you free without any bad heart or feeling. As someone who was involved in land issues...the advice that I can give to the people who are having tension on land is that someone who has wronged you, you should make a good living together. You talk to each other and be calm to each other. I want say that if you have your neighbour...you have to make sure that you forgive that person so that you have one heart. This is because the person you have done wrong to is the one who will help you or you will be the one to help."

Thomas' (pseudonym) forgiveness account captured above is one of about forty accounts we recorded in Gulu, northern Uganda as part of an unconventional collaboration between art and anthropology in the aftermath of twenty-two years of brutal conflict. The project started in 2010, inspired by an artist who had collected accounts in other parts of the world and made artistic installations where the audience could listen to edited forgiveness accounts.

The researchers identified adults, both male and female of various ages, who were willing to share a personal experience of forgiveness. A prerequisite for participating in this study was that the participants felt confident that they had moved on from the wrongdoing and the hurt and forgave the offender. The objectives of the study were: 1) to explore individual processes of forgiveness and the creation of a space within which people can forgive and be forgiven; 2) to determine how individuals cope with or manage wrongs/offences in their daily lives and which wrongs can or cannot be forgiven; and 3) to describe the impact of coping successfully with those wrongs and hurtful experiences.

Ten of the audio recordings, in both Luo and English, were carefully edited into clips of three to six minutes each, with chronological narrations of the situation, the wrong committed, the decision, process and impact of forgiveness. The ten edited accounts were made available to the public in Awach Sub-county, Gulu District, through a sound installation in a hut dating from the time when Awach was an IDP camp. We hoped that people who listened to an account and were 'moved by it', might be inspired to reflect upon processes of forgiveness, and possibly forgive others and ask for forgiveness where they had wronged others. Listeners were also encouraged to record their own accounts and a separate hut was made available for this purpose.

In early 2012, the Forgiveness Project launched the 'mobile unit', which visited eight parishes in Awach Sub-county once every two weeks to share the accounts and record further forgiveness accounts. Researchers have also had the opportunity to discuss some of their findings on radio talk shows (Mega FM and Radio King) and listeners have called into these shows to give their views on forgiveness.

3. The War Remembered Through Conflicts in Close Social Relations

Initially we expected that the accounts of forgiveness collected this way would be about the atrocities of the war, the killing, the abductions, the appalling conditions in the camps, etc. People were not allowed to cultivate their land and so became dependent on supplies of emergency aid. Rebels frequently attacked IDP camps without the national army providing much protection, and many were widely exploited by both the national army and others in positions of power (Dolan 2009: 68). In 2007, the UN Under-Secretary-General for Humanitarian Affairs, Jan Egeland, said that the conflict in northern Uganda was the biggest forgotten humanitarian crisis in the world at the time.

However, the forgiveness accounts we recorded were not only about these atrocities. They were also about the 'little' wrongs of everyday life: conflicts and fights with co-wives, neighbours, parents, uncles, stepmothers, etc. Even when the 'bigger' wrongs of the war were part of the story, they were woven into conflicts in close social relations. Thomas, whose account is featured above, is an example of this. Thomas did not choose to talk about the government or Joseph Kony, the leader of the LRA; instead he talked about the land dispute between his family and their neighbours after they left the IDP camps. Not all of the accounts had land conflicts at the core of the story like Thomas' account did. But practically, all had an element of land conflict in them: disagreements

over ownership, failed attempts to get access to land, dreams of obtaining access, and so on.

Paul, now in his forties, talked about forgiving his sister-in-law (the wife of his elder brother) for refusing to sell the rice grown on his late father's land to pay his school fees. This left him stranded at home rather than in school and as a result – as he sees it – he was abducted by the LRA and spent many years in the bush with them. Paul was clearly a broken man, but he did not connect his present situation to the trauma of abduction and his years in the bush with the LRA. When during a long hot afternoon in early 2012 he talked at length with the researchers about his sense of failure in life, he described in detail that it was his lack of access to his late father's land which had led him to interrupt his schooling and so had prevented him from moving on in life.

Denis told us that he and his brothers had been locked in a land dispute with his paternal uncle's family for more than five years. His father and his uncle had been given adjacent plots of land by their father (Denis' grandfather). Unfortunately, during the war, Denis' father died before he could complete the process of acquiring a land title, though there were some papers showing that the land was his. The uncle, according to Denis, took advantage of his brother's death and built houses on the land that was supposed to have gone to Denis and his siblings, and Denis was now ready to forgive his uncle.

Robert, another man who gave us his forgiveness account, told us how he had forgiven his maternal uncle for denying him access to family land and hence preventing him from growing crops that could be used to pay for his school fees. His situation was slightly different from that of Paul and Denis since Robert was not a 'real' son in that home. He was a sister's son (i.e. a nephew) and so a potential threat to his uncle's family, competing with them for a share of the family land for himself and his children. The problem of nephews is also central to Jenipher's account of her first-born son whom she returned with from 'the bush', i.e. the father was one of the LRA commanders whom she was made to marry after being abducted as a teenager. Her son, now a teenager himself, is still in school. She sent him to go and see her brothers, i.e. her son's maternal uncles, to ask them for permission to cultivate a small piece of land. They chased him with clubs, accusing him of being a 'child from the bush' with no rights over their father's land. But Jenipher forgave her brothers for treating her son in such a manner. Because he is a nephew (son of a sister) and not a 'son' of that home, Jenipher's son was perceived as a threat. He was a threat, because he belonged to another clan, i.e. the clan of his father, and was not entitled to land in his maternal grandfather's home. His father, and hence his own clan, however, were unknown – and since he was conceived in the bush during wartime his father is likely to have been a high-ranking LRA official.

Aparo grew up in Gulu town, where her parents had moved to prevent her and her siblings from being abducted from the rural areas of Amuru where her father's family comes from. While still studying she gave birth to a son. Her boyfriend mistreated her and wanted to stop her from studying. After they separated, she completed her studies with the help of her parents and got a job. The family of her boyfriend, i.e. her son's father, had also left their land during the war and moved to town. They had failed to claim back their land after the war and were now involved in a complicated land dispute with their relatives. She thus had no hope that her son would ever get access to the land of his father's family. When talking about her many plans for the future, the recurring theme of her story was how to get a job, open her own business so as to save up enough money to buy at least a small plot of land for her son. Aparo's hopes for marriage and a future with her son's father had been dashed when he started abusing her and eventually threw her out of the house, threatening not only her security but also that of her son. She forgave her boyfriend

however, because she knew that their relationship was over and holding on to the hurt was too heavy a burden for her to carry.

4. From Armed Conflicts to Land Conflicts: The Challenges of Displacement and Replacement

What we see in the preceding examples of forgiveness accounts is that people usually choose to focus on forgiveness in close social relations. We also see that many of the accounts had some element of land in them. What does this tell us?

First, we might argue that the ‘hut’ in which people could come and listen to the accounts is a kind of memorial, reminding people of years of suffering while also encouraging them to reflect on possible paths forward. The function of memorials is not so much to preserve the memory of the past, but rather to facilitate the preservation of particular *interpretations* of the past (Becker 2011: 521). The ‘forgiveness hut’ is identical to the other rural huts in which social life played out in IDP camps during the war and continues to play out today. It is a physical structure shaping remembrance in a certain way and facilitating the preservation of a particular interpretation of past and present suffering: an interpretation which locates the years of insurgency and insecurity within the home, in *domestic life* and in *close social relations*.

Second, what we asked people to give us were accounts of forgiveness. And this is what we got. We did not get accounts of the violence of the national army or of the LRA, or of the government or big corporations buying up or seizing people’s land. We got those accounts where some kind of relationship had been re-established through forgiveness and where reconciliation had also taken place. If we listen to Hannah Arendt’s thoughts about forgiveness in ‘The Human Condition’ (Arendt 1958) it is not surprising that the vast majority of accounts from northern Uganda took their starting point in the ‘smaller’ evils of everyday life while also being woven into – or, in more anthropological terms, ‘being contextualized by’ - the ‘bigger’ evils of the war.’ Forgiving, Arendt says, and the relationship it establishes is always an eminently personal affair in which what was done is forgiven for the sake of *who* did it (Arendt 1958: 241). We got accounts of that which could be forgiven, because they were about relationships that could be (re-)established.

Drawing on Thomas’ account again, we see how he described neighbours’ uprooting his father’s trees and planting their own whilst extending their land into that of his late father. He also describes how holding on to anger was not an option for him. He believed that his neighbours had cursed his family and the proof was that one of his brothers had been bitten by a snake and the other involved in a car accident. The reality for them was that ‘the land issue shall cause death.’ Later, however, Thomas was influenced by the teachings of his pastor in the church where he had found salvation. In addition he discovered that one of his neighbours prayed in the same church. As he then said, the land will always be there, so why make enemies because of it?

Forgiveness researchers do not claim there exists one universal definition of forgiveness, rather, there is broad agreement that forgiveness involves the relinquishing of negative affects and the exhibiting of more positive affects and behaviour towards the wrongdoer (Orcutt *et al.* 2005; Staub *et al.* 2005; Toussaint *et al.* 2001; Wade & Worthington 2005:165; Witvliet *et al.* 2001). In the forgiveness accounts in our study, people described forgiving as a process of ‘letting go’. They would talk about ‘letting go of that which one keeps in the heart’ and thereby letting the relationship with this person ‘flow’ again instead of being ‘stuck’ in the heart. One person told us about the fight he had

with his brother over the use of a hut he had built on their father's land. He described the long process of forgiving, which started with shaking hands, though without any real warmth. Then through the intervention of parents and other relatives, they slowly started sitting next to each other outside the hut, speaking to each other, and then finally sharing food and drinks.

Thus forgiveness, in our corpus of accounts, is not described as an act of 'deciding to let go' but as a long process of sharing and exchanging more and more words and things until finally you can even drink and eat from the same pot. Forgiving means re-establishing a relationship with a person – or in other words: re-establishing the flow between people that constitutes a relationship. Taylor (1992: 9-11) has described how in Rwanda a flow/blockage dialectic serves as an organizing metaphor for human relations as it does in many other parts of Africa. Ideally, persons and things are exchanged in relatively continuous patterns and as Taylor reminds us, Marcel Mauss long ago demonstrated that people united by gift relations embody aspects of each other. To give something is to give a part of oneself, to receive something is to incorporate aspects of the other within the self (Mauss 1925: 19). From the forgiveness accounts, we see that the Acholi also seem to think in terms of re-establishing relationships through continuous exchanges between people of words, things and food/substances. The re-establishment of the flow between people requires that both parties are able to let go. For reconciliation to occur, both parties must acknowledge that a wrong was committed and then, they must both agree to let it go, whether they were the offender or the perpetrator (or both), and to (re)establish a relationship through various kinds of exchanges. None of the accounts we recorded are concerned with forgiveness in relation to the Ugandan government or the LRA. This is perhaps because the government and the LRA are large and abstract entities with whom one cannot re-establish a flow, and they are thus not discussed in terms of forgiveness. Instead people focus on the problems – and problematic relationships – that one can do something about.

Our focus upon 'forgiveness' and our use of the 'hut' as a memorial site of forgiveness worked together to direct people's accounts towards conflicts and forgiveness in close social relations – or rather towards flows and blockages in social life. And what these accounts also showed us was that the flow of social life involves not only flows between people, but also between people and land.

5. People and Land

When a displaced population that has lived for two decades in a state of 'social torture' (cf. Dolan 2009) is told to return to the land 'where the war found them', as it was formulated by the Ugandan government, it swiftly becomes clear just how complex the relationship between people and land is, and how difficult it is to re-place people, i.e. to re-establish previous relationships between people and between people and land.

Land in northern Uganda is inextricably linked to those who dwell on it. The vast majority of the population lives from the land, meaning that most people are involved in agriculture, horticulture and farming, the returns of which feed their families or are exchanged for money to purchase items that they cannot produce, or pay their children's school fees. Because poverty levels, illiteracy and unemployment rates are high, land becomes the most secure and valuable commodity and one on which people depend for their survival.

In addition, land is something that identifies people; something passed down from generation to generation; a precious possession that people guard jealously. Being

recognized and respected as a person includes being remembered as somebody who belongs to some piece of land and thus an important aspect of ‘forgiving’ is to re-establish links and thereby become recognized as somebody who belongs, which includes belonging to the land. More generally, we can say that social relations with the living as well as the dead are anchored in land. People’s identity and sense of belonging is closely tied to land, and access to land is mediated through social relations. There is continuity between land and people, and through the land a continuity is established between the living and the dead (Meinert and Whyte 2013).

As Whyte et. al. (in press) emphasize elsewhere, the waves of violent death and disappearance, which struck so frequently during the years of war and insurgency, had devastating effects upon social relations fundamental to people’s lives and upon their sense of belonging. Missing links are, however, not only due to death. During the years of war, social connections were often not properly established according to what many considered Acholi tradition (e.g. bride wealth went unpaid, children were born from the ‘bush’ without knowing their father’s family, widows were abandoned by the husband’s patriline, children born out of wedlock went unrecognized by fathers and maternal uncles etc.) (Whyte et. al. in press). These missing links are the kind of connections on which people used to rely for access to land and a sense of belonging. Therefore many people continue to suffer from the absence of connections or from having their connections being subjected to negotiation and contestation, or from having to re-establish connections to people separated from them by war or violence. When they succeed in re-establishing broken connections, then they have a story to tell about the experience of forgiveness.

During the conflict people were displaced both socially and geographically – and these two kinds of displacement are intimately linked. People’s attempts to return to ‘where the war found them’ is complicated by the disruption of social ties that took place during the years of armed conflict, and subsequent scrambles for land further complicate the reestablishment of social ties.

6. Conclusion

We might argue that many of the forgiveness accounts had elements of land conflicts in them for the following reasons: People were encouraged by researchers to tell their stories about forgiveness inside a ‘hut’ from an IDP camp that had been made into a kind of memorial of the years of suffering. The hut facilitated a particular *interpretation* of the past and encouraged people to reflect on the possible paths forward. The forgiveness accounts that people told us show that forgiveness is a process of re-establishing close social relations; and that such accounts are not primarily about the past but about possible paths forward. For the geographically and socially displaced population of northern Uganda, paths forward go through the re-establishment of social relations and the re-acquisition of land – which again are often two sides of the same coin. The forgiveness accounts show how the experience of armed conflict is carried into conflicts over land in the sense that they are about possible paths of replacement, both socially and geographically. The ‘bigger’ evils of the war provide the overall context of the accounts, but the accounts themselves are mostly about present day conflicts, many of which arise from or become part of wrangling over land.

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From Encampment to ‘Emplotment’: Land Matters in Former IDP Camps

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Introduction

The small rural trading centres that hosted thousands of people in camps for Internally Displaced Persons are being transformed once again in the period since the closure of the camps. Some are pursuing futures as Town Boards or even Town Councils envisioned in fine technical drawings by professional urban planners. In planners’ views, development seems to require the exodus of displaced people and also the removal of the dead who were interred in the camp during the conflict. They must be exhumed and reburied on their own land in rural homes. Both sub-county land and the property of landowners within these small urban centres are being divided into plots to be leased, sold and developed. The commodification of land in the former IDP camps is proceeding apace. Traditional Leaders warn against the sale of rural ‘ancestral land,’ noting that it is better to buy and sell plots in trading centres.

This paper is primarily based on fieldwork in Awach, a former IDP camp now pursuing the status of Town Board. In analysing material from interviews with landowners, ‘remainders’ who stayed behind after the camp closed, local leaders and officials, we emphasize the tensions and conflicts that are emerging around plots and their development.

1. Background

Since the closure of the camps for Internally Displaced Persons (IDPs) in northern Uganda, and the return of people to their rural homes, there has been concern about claims to ‘ancestral land’ (*ngom kwaro*) and the explosion of land conflicts in rural areas. Yet the former IDP camps, many of which are developing into small urban centres, are also sites of land problems that reflect the far-reaching changes that occurred during the time of displacement. In this paper we explore the processes by which land is taking on new significance in the centres that hosted IDP camps. We argue that the displacement and replacement of thousands of people prepared the way for the commodification, privatization, and judicialization of land in small urban centres.

Problems surrounding rights in rural land are connected to land issues in small urban centres. On the one hand, some people remained in the former IDP camps because of unresolved land wrangles in their rural homes, or denial of access on the grounds of weak patrilineal or marital connections. On the other hand, efforts to maintain customary tenure of rural land were accompanied by encouragements to invest in urban plots. On the radio, and in local meetings, traditional leaders advised people not to buy and sell ancestral land, but only plots in urban areas. These are seen as locations where individual freehold is the dominant form of tenure and land transactions are less problematic, an assumption that is not entirely accurate in the case of the former IDP camps, as we shall see. Urbanization is not just about the growth of major municipalities and cities; trading centres that hosted IDP camps are also seeking recognition as small urban centres by applying for the status of Town Board. This involves technical planning, administrative autonomy, and a vote (budget allocation) for development from central government. Such small urban centres contain family as well as institutional land; agriculture may even be pursued within the limits of a projected Town Board. The contrast between urban plots and rural ‘ancestral land’ is not so sharp.

Our material on land issues derives from a study of the development of IDP camp localities after the camps were closed. We focused on efforts to urbanize and dreams of development (to be presented in another publication entitled ‘Urbanization by Subtraction’) and on the situations of the displaced people who remained behind (Whyte *et al.* 2012). We made a case study of Awach Sub-county headquarters, once a trading centre, then an IDP camp, now in the process of becoming a Town Board. We first visited Awach in early 2009, when it was still home to thousands of displaced people, and have continued to visit as it struggles to develop as a small urban centre. Over the period from September 2010 to January 2012 we interviewed about one hundred residents and former residents of Awach, as well as 28 local leaders, government officials, and NGO officers. In addition we made study visits to two other former camps, where we interviewed ten residents and officials: Opit, likewise slated to become a Town Board, and Pabbo, which has applied for elevation from Town Board to Town Council status. We also had interviews with four District officials in Gulu Town.¹

2. Displacement Changes Land Practices

Displacement in Acholiland started unevenly. After 1986 people fled as insecurity increased and affected their area; some sought safety elsewhere and then returned home for a while. But as the war with the Lord’s Resistance Army intensified, the national army began a strategy of forcibly constraining the population in IDP camps. By the year 2001, 90% of people in Acholiland were crowded into IDP settlements,² allegedly under the protection of the Uganda People’s Defence Force. They ranged in size from 10,000 to 65,000 inhabitants living in round mud-brick houses so close together that their thatched roofs almost touched. In the camps people lived under difficult conditions, dependent on humanitarian aid, which helped just enough to allow the camp regime to continue (Dolan 2009, Finnström 2008, Muyinda 2009, Nibbe 2010). Displacement abrogated previous assumptions about land rights and tenure. Landowners within the camp perimeter had to

¹ The study took place under the auspices of the Gulu ENRECA project entitled ‘Changing Human Security: Recovery from Armed Conflict in Northern Uganda’ for which permission was obtained from the Gulu University Institutional Review Committee and the Uganda National Council of Science and Technology.

² UNHCR reports that 1.84 million people were displaced into 251 camps across 11 districts (UNHCR 2012).

allow displaced households to settle on their land, whether they knew them or not. The camps had sharp, not always visible, boundaries and no one was allowed outside from early evening until morning. Even during the day, movements were restricted to a perimeter area of three to six kilometres around the camp, where they could plant crops and collect firewood.

The camps were mostly established in small trading centres, where there was a barracks, a health centre, a school, or a mission. The area delineated for settlement comprised government, institutional, and family or clan land. In many cases, the residents of an area were forced to move into the camps at very short notice, sometimes as little as 24 to 48 hours, giving no time for proper planning. Within a brief time, the rural area of a whole sub-county was depopulated and a modest trading centre of a few thousand people multiplied by a factor of ten or more to become a semi-urban concentration. At the time they were forced to move, no one knew how long they would have to stay. In the event many were displaced for ten years, some even longer.

Awach was part of the last wave of 'gazetted', that is officially established, camps. It had been a small trading centre and a sub-county headquarters with a Health Centre IV, a Catholic mission church, a mosque, a Protestant church, two primary schools, and a secondary school. About two thousand people lived there, mostly on family land, and there were shops and small businesses on plots along the road. Situated 45 km northeast of Gulu town, it was not on the main road from Gulu to Kitgum, had no bus or taxi service to Gulu, and no electricity. The surrounding area was heavily infiltrated by the Lord's Resistance Army and people spontaneously began to flee to the trading centre in the early 1990s, hoping for protection from the soldiers (the 'detach') posted there. By 1995, the newly assigned Catholic priest found many displaced people squatting on church land, while others had taken refuge at the health centre or moved in with relatives who had land near the trading centre. With his catechists he registered 9,000 people for food rations from the World Food Programme. Yet it was not until 2001 that Awach IDP camp was officially established and soldiers of the 47th Battalion forced everyone to leave their rural homes and settle within its boundaries. What had once been a modest congeries of little shops and rural institutions grew exponentially to contain 20,000 internally displaced people.

Awach IDP camp consisted of an area corresponding to a few square kilometres at a road junction. Within the boundaries of the camp were the sub-county headquarters, the government health centre, a primary school, and an Anglican church; each of these institutions had land upon which displaced people put up houses. The Catholic mission land was not within the delineated boundaries, and the squatters there, together with the priest, had to build huts within the camp in which to stay after curfew. In addition to this institutional land, family land lay within the gazetted area. Much of this was 'clan land' in the sense that owners did not have individual title, but held it under customary tenure. Rights were transferred from father to sons, but other members of a patrilineage or clan had residual rights and people spoke of clans owning land in and around Awach trading centre. When people first began to flee insecurity in the rural areas, some built shelters on the land of relatives in Awach. But when the displacement became a flood, landowners within the camp area received settlers of all kinds. The authorities urged them to allow those fleeing to put up huts on their land, and they could not refuse. Some evacuees asked the landowners' permission to settle, others just moved in. The landowners seem to have responded generously to the situation. As several told us, it was a terrible time. 'People volunteered to give land because they saw that their fellow Acholi were dying' (Frances Okot LC1). A businessman, Ladit Ocol, had six families staying on his land in the trading centre: 'Those fleeing got permission from the sub-county to build wherever they could

find space. No one could block the refugees. You could come back from the garden and find someone building on your land. But I had sympathy for them.’

In a few cases, people who were displaced before 2000 purchased plots within the perimeter of the camps. In Awach, some plots along the Paicho road, owned by the sub-county, were surveyed and sold in 1998 as displaced people were beginning to move into the trading centre. We visited two brothers from Pawel who bought pieces of land when they had to move to Pabbo camp in 1996-7. One of them, Okumu, explained that the land was expensive, but he did not know when the war would end and did not want to be at the mercy of landowners. As other members of the extended family arrived at the camp they settled on the land these two men had managed to buy and buried their dead—28 in all—on those two pieces of land. However, it was exceptional for displaced people to buy land in the camps. Most settled on land owned by another, whether the sub-county, an institution, or a family.

In Awach as in other camps, the army did not allow people to move back to their rural homes during the day, unless they were very close to the camp. In order to grow crops to supplement the World Food Program rations (which did not cover a household’s food needs), camp residents had to use land within a designated perimeter. In Awach this was first set at 6 km around the camp, but later reduced to 3 km (Nibbe 2010: 167). The restriction created an artificial land shortage and increased the value of land within the peripheral perimeter. Displaced people rented fields for cultivation within the perimeter from local landowners. Thus, even though landowners were not given compensation for settlers, the rental of land for farming provided some income. Perhaps it can be seen as a first step toward the commodification of land.

There was another consequence of the strict control on movement. Settlers were not allowed to bury their dead on their ‘ancestral land’ as is the practice throughout Acholiland and most of Uganda. Common cemeteries are hardly used in northern Uganda except in towns and religious establishments, and no camp burial ground was demarcated. Although a few people buried their relatives in the consecrated ground of the Protestant and Catholic churches,³ most preferred to dig graves near their camp houses, even though the houses were supposed to be only temporary and the space between houses was limited. As years went by, the dead as well as the living multiplied in the camp. The dead were also ‘internally displaced’ in that they were interred ‘out of place’—on other people’s land instead of in their ancestral homes where they should mark the connection between families and land (Meinert & Whyte 2013).

3. Remainders: Squatters and Renters

Re-placement, like displacement, happened in steps and unevenly. After the Cessation of Hostilities Agreement was signed in 2006, satellite or transit camps were established all over Acholiland. The idea was to decongest the IDP camps by moving people to smaller sites closer to their villages, where they could begin to cultivate their own land again. Some moved directly to their rural homes, but many remained in the main camps or in the satellite camps, waiting to see if the peace would hold. Some people said they were ‘still studying the peace’ (Meinert, in press) They hesitated to go back for many reasons: dysfunctional water sources, schools, and health centres; the difficulties of clearing the bush and constructing houses; and the fear of land mines, unexploded ordnance, and

³ In Pabbo, the oldest and largest camp in northern Uganda, an elderly catechist told us that only ‘some 30 bodies’ were buried in the cemetery of the large Catholic church during encampment from 1997-2006.

vengeful spirits (*cen*). As we have discussed elsewhere (Whyte *et al.* 2012), some people were excluded from rural homes on the grounds of missing links through marriage or patriliney. For women, the advice to return to their 'ancestral home' did not quite fit, since married women should go to their husband's ancestral home, and their marital status was not always clear, especially where their partners and partners' parents had died before leaving IDP camps. In general, women's rights to land, even user rights, were more fragile than men's.

Over the three years from 2006 to 2009, the displaced people of Acholiland were encouraged to return to their homes, or as some authorities put it, 'to where the war found you' (perhaps in recognition of the fact that not everyone was on 'ancestral land' when fighting intensified). Distribution of rations by World Food Program was gradually phased out, at different paces in different areas, as agricultural land was again brought into production. One by one, the IDP camps were formally decommissioned at events sometimes marked by the ceremonial demolition of a hut. The camp at Awach closed officially in August 2008; WFP supplies continued only to the elderly and vulnerable people, until July 2010 when they too were finally halted.

The process of re-placement was not without tension. UNHCR and its NGO partners, which had helped to manage the camps, were bound by the principle of Durable Solutions for IDPs (Brookings Institution 2007). They held that displaced people had the right to return to their places of origin in safety and without duress, to move to another place, or to remain at the site to which they had been displaced. While the Government of Uganda had subscribed to this principle, in practice the authorities wanted the displaced people to return to their rural homes in a bid to restore normality and self-sufficiency. The landowners, both institutions and families, were pressing to remove the settlers in order to resume full use of their land. They even hoped for compensation for having 'hosted' displaced people. Arguing against deadlines for eviction and undue pressure, UNHCR and its partners continually urged patience and protection for displaced people.

In Awach the camp phase-out committee repeatedly 'sensitized' settlers about why they should leave. The sub-county chief, who chaired the committee, realized that some wanted to stay on for various reasons. But land conflicts were flaring up in the villages, and he urged everyone to go back where they came from, claim their land, and put up a house. Then they could return to Awach later if need be. 'You go and build where you were to avoid conflict.' He emphasized that this should apply to all displaced people without exception: 'We never wanted people to come with excuses like "for me, my cousin has allowed me [to stay on his land in Awach]" or "this is the land of our church."' It is noteworthy that this message conformed to others being broadcast on local radio by clan authorities, calling on people to go and claim their clan land before others did. Fears about land-grabbing, which has become a kind of paranoia, were thus reinforced from several sides.

However, there was another land issue at play as well. Landowners in the former camp wanted the settlers gone so they could use their land. The Protestant church gave notice that they planned to plough and develop their land for agriculture. The Health Centre wanted everyone gone so they could fence their area as is proper for health facilities. Families mostly planned to cultivate their land in and around the former camp and wanted to avoid any future claims by those who had used it during the conflict. With the re-establishment of security of life and land-tenure, landowners began to assert their rights over the property that had been shared by force of circumstance.

During encampment, landowners could not demand payment from displaced people staying on their land; the only land with commodity value was that used for cultivation just

outside the camp. But once the camp was officially closed, landowners were allowed to charge rent to those who remained living on their land. Displaced people were told that they would have to negotiate conditions with the landowners if they wished to stay. A market for rental of houses and land thus emerged in the shadow of the camp. Some settlers stayed where they were and paid rent; others looked for places to rent in other parts of the former camp. A few were allowed to stay for free by kind-hearted, or related, landowners.

There was a procedure for demolishing huts once they had been vacated. They were numbered and identified for destruction. The former occupants were notified and were allowed to remove any building materials they wanted, such as poles, doors and window shutters. Their ownership of the hut they had built was thus acknowledged. The rights of the landowners were also recognized in that they could ask to keep any structure on their land once the occupants had taken what they wanted. Huts that were in good condition were retained and rented to those who remained, and to others who wished to live in Awach. When the secondary school, which had moved to Gulu town during the war, re-opened in Awach, students from distant villages rented former IDP huts from landowners. So did traders who needed to be near the market and people waiting for land wrangles to be settled in their rural homes. Women who could not (or did not want to) go to their patrilateral or marital homes also rented the former IDP huts and tried to eke out a living doing day labour, trading, petty trade, and borrowing or renting agricultural land.

The IDP camp landowners had requested compensation from the government for the use of their land during the time of encampment, and this was discussed, providing more recognition of the commercial value of land. However, in the event, compensation was never paid. UNHCR and its partners had a plan of assisting landowners to re-establish cultivation on the tramped down soil and piles of mouldering mud brick. They were to send a tractor for ploughing and provide planting materials such as pine trees, groundnuts and sesame. But there was only one tractor for two whole districts; no one in Awach benefited from ploughing, and only a few received seeds. Surprisingly, however, the sites where huts had stood proved remarkably fertile. The broken up mud bricks dissolved in the rain and vegetables flourished between the remaining huts.

The barracks, with its detachment of soldiers, was a central feature of the IDP camp. It had been established on clan land, and had existed for years even before the IDP camp was formally gazetted. The number of soldiers fluctuated over time. After the camp closed about 100 soldiers remained with their wives and children, until the barracks was removed in 2011. Their square mud brick and thatch houses went the way of the round ones that had sheltered the internally displaced people they were supposed to have guarded.

Landowners wanted the displaced dead to be removed as well. They said that it was disrespectful to cultivate on a grave, and some feared that the spirits of those buried 'out of place' might disturb them. Mama Alice had six graves remaining on her land in Awach centre, and had gone round to the grave owners in the villages where they had returned to ask them to come back and take the dead home as well. Developing the land was considered incompatible with graves, especially the graves of non-relatives. The new commodity possibilities of land made displaced graves an even greater problem: buyers do not want to purchase land with graves. Whether they plan to cultivate or build, graves are a hindrance. While this would be the case in many parts of the world, the connection between the living, the dead, and family land is particularly strong in Acholiland. As among the Luo of western Kenya (Shipton 2009), graves in Acholiland are markers of

customary tenure (Meinert & Whyte, in press) but they sit uneasily with commoditised land that can be bought, sold, and rented.

In the case of the two brothers from Pawel who bought land in Pabbo IDP camp, the principle of graves as evidence of land ownership came into contradiction with the fact that graves stand in the way of urban land development. One of the brothers who had managed to buy land within the IDP camp had buried his mother there during the war. The extended family organized a mass exhumation of the 28 graves on two pieces of land in the former camp, in order that the two brothers could develop their urban land. Okumu hesitated to rebury his mother alongside the others. His claim to the land in the camp was being challenged and he reckoned that her grave would be evidence that the land belonged to him. In the end her remains were also exhumed, but only after calling local leaders to witness the grave, and taking a photo, which would serve as evidence of his ownership.

4. Plans and Plots

In November 2009 the sub-county authorities received District approval of their application to upgrade Awach trading centre to the status of Town Board. Becoming a Town Board meant recognition as an urban centre, autonomy from the sub-county and a direct budget vote from central government. By early 2013 final approval had still not come from the relevant national ministry, but many Awachis seemed to consider that they were well on their way to urban status. Part of the process had already started in that plans had been drawn up and plots had been marked.

When we first visited the sub-county offices in October 2010, the walls were hung with colourful and sophisticated drawings of the future Awach Town Board. They showed neat streets lined with plots, and new buildings in several stories, a far cry from the reality outside the door, with its modest mud-walled shops and hundreds of deserted IDP huts. The plans had been drawn up by a team from the Faculty of Technology, Makerere University, apparently financed by the Northern Uganda Transition Initiative, as support to the District plan. The basic thrust of the plan was to bring development by surveying plots that could be sold and developed for commercial and residential use. 'Emplotment' was to start on sub-county land. Two new streets were to be laid out and the land along them divided into plots. These were to be sold as freehold at one million shillings (about 300€) each to buyers who could afford to develop them. Awach was fortunate in that the sub-county had land that could be used for the new streets and divided into plots. The lack of local government land in some places meant the authorities had to find other land to kick-start development in these small urban centres.⁴

The next step was to encourage landowners adjoining the streets, and others in the Town Board, to survey plots on their own land. The message was given to them that they should develop their land by putting up good structures, preferably 'storied' buildings. If they could not afford to do so, they should sell or lease to others who could. This was worrying for some landowners to whom we spoke, who feared they might lose their land because they could not afford to develop it. The chairman of the sub-county council, the LCIII, did not think lack of capital should present a problem. He explained to us that a person with land in the Town Board could survey ten plots and sell eight in order to

⁴ By contrast, the former camp of Opit, also slated for Town Board status, has no public land that can be used to kick-start development. It is not a sub-county headquarters, lying on the boundary of two sub-counties each with administrative centres elsewhere. Land for development would have to be bought, as in fact it was for the construction of the new market and plots to be sold for lockups there.

develop the remaining two. The landowners need not have worried according to the District Lands Officer in Gulu; no one can be forced to sell land, except in special circumstances of compulsory state acquisition.

The streets were duly surveyed and laid out parallel to one another, near the new market funded by USAID. People living on that land, claimed by the sub-county, were warned that houses and graves in the roadway would be destroyed by the road grader. The local authorities claimed that notice had been given in good time when the grader arrived in May 2010, but some residents we spoke to contradicted this. The problem was not so much the houses—they could be vacated—but the bones that had to be exhumed and reburied elsewhere. Exhumation and reburial require a goat for slaughter, and men to open the grave and dig another on the ancestral land where the dead should lie, as well as to transport the bones to the new grave. Many could not exhume their dead quickly enough and marked the burial place with a stick so the grader could pass around it. In all 86 graves (another source put the number at 45) were moved to make way for the new streets with their promise of plots and development. Although money for reburial had been promised, most have yet to receive any because the funds were insufficient.

Nearly two years after the new streets were graded, development was still proceeding slowly. The 25 plots surveyed on sub-county land had all been spoken for, but most of the potential buyers had not completed payment. In April 2012 the LCIII chairman explained that they had been given deadlines to pay and those who did not meet it would be charged a higher price: 1.5 million shillings. The buyers knew their plot numbers, but they would not be shown their actual plots until they paid. He acknowledged that those forced to move graves along the new streets had still received no compensation; there were plans to pay them from the money realized by the sale of the plots. By February, 2013 when we went back, we saw that the streets so dramatically and suddenly graded were now overgrown with grass. The road to the market was reduced to a mere footpath . These ‘Town Board’ plots were by no means the first in the trading centre. People from different clans had gained rights to plots near the old market, proving, as the former sub-county chief said, that it had not been considered clan land for a long time. In the 1960s, the administration gave out an area as plots to be developed by small business people. But the situation was different by 2010 when the 25 Town Board plots were drawn. Money was scarce and land had become a contentious commodity.

5. Land Claims and Conflicts

Displacement facilitated the commercialization of land in that it promoted the paying of rent, both for agricultural land on the camp periphery, and for the empty houses left behind by those returning to their rural land. It strengthened the notion that land was a commodity and served to heighten awareness of the value of land. But there was another pattern that supported this tendency, perhaps even more problematically. This was the growth of claims made against institutions in the trading centre by individuals and families.

‘In those days our parents gave land for development,’ said the former LC III chairman of Awach wistfully. He was referring to the gifts of land by clans and families to churches, for the building of schools and health centres, and to the local administration for offices and community halls. Now descendants of the original donors are demanding that the land, or portions of it, be returned. In rural areas, the descendants of ‘previously welcomed people’ of other clans, who were given land generations back, are being pushed out. In the small urban centres, the equivalent is the pressure being put on institutions and the local administration. This happens all over the country, but the circumstances in

northern Uganda make it especially pronounced. Land has new value as people return from displacement and this includes people who are returning to the small urban centres where their families once gave land to institutions. During encampment that institutional land was overrun by displaced people and is still seeded with their graves. Perhaps this use by other people served to make people rethink the old gift. Perhaps it is simply that people are jostling for land everywhere and the property in the former IDP camps has added value, especially where humanitarian relief organizations erected buildings during the time of the camps.

In Awach, NUSAF (Northern Uganda Social Action Fund) erected a building on land belonging to the Church of Uganda where World Vision ran a skills training school during encampment. Now the Church would like to establish a vocational school there, but someone else is claiming the land and has put his padlock on the door. Judgement was passed by the High Court in favour of the church, but as of early May 2012 the padlock remained.

The most troublesome land case of this kind involves land given to the sub-county and has come to hinder the plans and plots of the prospective Town Board. A man of the Paduny clan, who had grown up in another district after his father was killed, returned in 2008. During encampment, two large buildings had been put up on his father's land as nursery schools, which fortunately fell to him. There were still many IDP huts as well, but what bothered him was the development planned in connection with the Town Board. He claimed that the sub-county had gone ahead with the construction of a new market, the grading of a street, and the designation of plots on land that was his – all without consulting him. The sub-county asserted that his father had given the land, including a community hall, to the local administration, and that other members of the family had agreed. The disgruntled man hired a lawyer in Gulu Town and initiated a lawsuit against the sub-county. This included an injunction to stop development of the 25 plots, since sections of three of them were claimed by the plaintiff. As a local leader explained, everything is at a standstill. Those who bought the plots are complaining that they cannot go ahead and develop them and may even sue the sub-county. 'It is delaying development. The contemporary Paduny clan should remember that their parents gave the land for development!'

Members of this section of the Paduny clan had been generous in giving land to the local administration. Another woman of the extended family explained that her father had been a big man with plenty of land, who donated some to the *jago*, the sub-chief. 'People were living freely until the time of the rebels and displacement,' she said. '[in] Those days people did not talk about land.' But the descendants of those who had been generous were seeing the land of their fathers graded for roads and marked out for plots, and were beginning to reinterpret the old transactions as land-grabbing.

In another case, four families who had stayed in the camp during the war, occupied 10 acres of primary school land in 2009, when others were going back to their rural land. The families claimed that it was their grandfather's land, while others said it had been donated to the Church of Uganda in 1952 for starting the school. This case too progressed all the way up to district council level. The school won the case, but the claimants have refused to vacate the land.

Sensitivity about land has given rise to litigation, in what we might call the judicialisation of land. That is, land has become a matter of contention to be settled by bureaucratic and judicial means. This is clear in the example of the barracks that had stood on clan land for at least two decades. But whose clan land? A demand was lodged for compensation, and the army has agreed, but on the condition that the claimants produce

certificates of customary tenure. In January 2013 when we were in Awach, the sub-county land committee had assembled to view the land, preliminary to issuing the certificates. The former LCIII chairman smoothed out the dust and drew for us the conflicting claims of the Bura and Paromo clans. This too was a legacy of the war and encampment; land that had been alienated, and that had new value because it was within the planned Town Board, had become a judicial matter.

6. Land Matters

The 'land phobia', or perhaps more accurately, 'land paranoia' that has gripped Acholiland since 2006 has taken its own form in the former IDP camps. Landowners who had been obliged to allow their land to be settled by displaced people, or used by the army, are concerned about any further infringement. Suspicion met a World Bank plan put forward in 2005-6 to develop large former IDP camps into urban centres. Five million USD were to be allocated for buying land to ensure water supplies and add electricity. Landowners in the former camps rejected the plan as land-grabbing.

Landowners see commercial value in their property because they are now able to collect rents. This contributes to individualizing perceptions of land in that rent is paid to one individual even when people speak of a particular area as 'clan land.' The idea that land should be an object of investment and development has been promoted by the plans for upgrading former IDP camps to Town Boards or Town Councils. The increased importance of land in small urban centres is unmistakable. As the LCIII chairman of Awach put it, 'Development cannot stand on air, it stands on the land.'

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Access to Land, Securing a Livelihood and Gender Role Renegotiation: A Case Study of Widows in Northern Uganda¹

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Introduction

Over two decades of violent conflict has taken its toll on northern Uganda. As the people of the region attempt to resettle in this post-conflict landscape, changes in attitude and activities have become apparent. Women who lost their husbands during the conflict returned home to find a new host of problems such as loss of land and social support which they must overcome in order to generate livelihoods and pursue a life which they deem respectable.

This paper focuses on a group of widows situated in villages around a disbanded internal displacement camp in northern Uganda and how their actions and attitudes towards their subsuming traditionally male roles while intensifying their own gender's roles has been helpful in their ability to participate in livelihood activities. The women at the heart of this study were married prior to the conflict's escalation and lost their husbands during the conflict and internal displacement period (1986-2006). Through loosely applying the capability approach and theoretical concepts surrounding it, a clearer picture is created explaining how the relationship between the actions and choices of these women helps them achieve a form of well-being which they deem relevant and important. According to Doss *et al.* (2012: 598), "land is the most important asset in rural Uganda. Land rights and ownership are embedded deeply in social norms and customary law, including those related to marriage and inheritance". Consequentially, the systems which dictate land rights and ownership fell under immense pressure as the conflict ruptured both cultural practices and family units. This puts women, along with children, the disabled and the elderly at risk as they find themselves in vulnerable and insecure positions within society. For women, this is especially precarious as "women's land rights' vulnerability under custom is exacerbated by the inherent fact of women's transience: women move from their maiden families to their marital homes (or cohabiting homes) and sometimes back again to their maiden homes. ... Should her husband or in-laws become unsupportive, she will lack the protection she needs to claim her property rights" (Adoko *et al.* 2011: 3). Widows tend to find themselves in this position when social systems become challenged in the aftermath of conflict, and understanding the dynamics of women and land access in a post conflict setting is crucial not only to interpreting potential role renegotiation and livelihood activities which lead to perceived successes, it is also pertinent for the understanding of the land and livelihood insecurities of the region on a larger scale.

¹ This paper is based on the forthcoming publication: Göttches, Megan (2014): *Livelihood Access and Gender Role Renegotiation. A Case Study of Widows in Northern Uganda*. Culture and Environment in Africa Series, Issue 4: The University of Cologne, MA Culture and Environment in Africa Programme.

1. Background and Theoretical Framework

Conflict is a mainstay in humanity. History has been marred by it and the future will continue to experience both it and its catalytic effects on change in society. More often than not, groups who may outnumber those perpetrating the violence but are deemed ‘vulnerable’ (Carpenter 2005; GoU/PRDP 2006), such as women, children, orphans, the disabled and the elderly, find themselves irreversibly changed by conflict. Whether it is due to physical injury, emotional trauma, the loss of family or the loss of livelihoods, these groups feel these side effects of war more acutely than those of other actors perpetrating and fighting in the conflict. Ironically, the reshuffling of society during conflict creates an opportunity where the gender balance can be addressed (Afshar & Eade 2004; Klein & Wallner 2004; Moser & Clark 2001; Sweetman 2005; Turshen *et al.* 2002).

On no other continent in the world is this more true than in Africa. The patriarchal societies so common in countries across the continent experience a shift during conflict in which women are paradoxically empowered by the violence. However, this shift tends to be short-lived as, during the post-conflict period, the attempt to shift back to the status quo present prior to conflict is deeply felt.

“Though Africa has had more than its fair share of conflicts, especially the intrastate conflicts that followed the end of the Cold War, conflicts offer an opportunity, especially in the post conflict period, to redress the gender bias. Periods of post conflict peace building offer a fresh start for ensuring that a more gender sensitive world is created. Evidences show that in the main, though women make substantial gains during conflicts/crisis periods by acquiring new roles and behaviours, these are largely reversed in the post conflict period.” (Meintjes *et al.* 2001).

Despite the economic advantages and incentives created by women who are caught in this reconstruction of gender roles during conflict, the tendency of the patriarchal society still persists to rescind the conflict induced independence from women even if the woman’s overtures were productive.

In northern Uganda during the conflict between the Lord’s Resistance Army and the Government of Uganda (1986-2006), the people of Acholiland experienced internal displacement on a massive scale which left issues surrounding land in limbo and devastated cultural and traditional practices. With the return of ‘relative peace’ and resettlement (since 2007/08), widows tend to find themselves in a particularly precarious situation because, as in many African patriarchal societies, their access to land and securing a livelihood in the rural setting is contingent upon the marital relationship (Dolan 2009; Finnström 2003; Otiso 2006; Potash 1986; Tripp 2004) In Acholi culture, a widow, especially if she is a mother to the deceased husband’s children, is granted protection and secured land from her in-laws. This system was put under severe duress during the conflict (as were other cultural institutions such as informal education, traditional arbitration, etc.), and in most cases since the conflict has ended, land-grabbing and disputes have compounded the marginalization of widows. When possible, remarrying or participating in a levirate relationship (see Potash 1986) would seem like the most logical (and culturally less abrasive) way to secure access to land and livelihood.

However, even notions of being married and the cultural backing in its legitimization experienced pressure as well. A widow who was married prior to the conflict, with a negotiated bride-wealth and physical exchange of person from the natal to the husband’s household in observance by and up to the standard of the communities’

expectations, has a distinct level of security when it comes to land. This security is made greater if she has children. This isn't to say that in the pre-conflict setting there were no land security issues; however, the fabric of society was stronger in the pre-conflict setting and specific cultural institutions regarding widows and their rights to land were upheld by a structured society. During the conflict and internment in the camps, this structure became non-existent. Institutions which dictated social norms suffered greatly because of the physical nature of the camps; communities were divided and living situations did not reflect the orderly socio-cultural norms of life prior to the conflict. Being interned doesn't preclude the ability to get married; but it does make the enforcement of social institutions which should have been secured through bride-wealth and the physical transfer of a person from one homestead to another, difficult. Crowded camps did not have plots of land to farm. Oftentimes, people would trek during the day (when conditions permitted) to farm their lands, but they were not *present* on their land all the time. Return during the end of the conflict proved chaotic as land grabbing prevailed; but, threads of that strong social fabric still existed and widows who had been married prior to the war, though their space was more contested than ever during the return, still held rights to their husband's land. In contrast, it could be assumed that those women who had married during their internment found it more difficult, if not simply impossible, to exercise their rights to land as widows because of the ineffectual nature of social institutions during internment.²

Women with dependents who were married prior to the war, widowed by the war and did not remarry, are the women that this case study followed. The study looks at the actions of these women from the perspective of capabilities. This is important because formulating a better understanding of the actions of vulnerable demographics experiencing post-conflict can lead to more appropriately calibrated policies which can protect and encourage their development.

Using the Capability Approach (CA), an originally economics driven framework (see Sen 1984, 1995, 1999) which has been reworked and adapted to take on a more universalist (albeit still heavily rooted in economics) perspective (Nussbaum 1995, 2000), the conscientious decisions of these women cease to appear to be driven out of desperation. Contrarily, once these women are able to access land through either customary tenure, complex tenure³ or through renegotiating access with their natal homes, they engage in livelihood activities with clear goals, expectations and methods through which they judge the success and failures of their endeavours. And they do this having made the decision not to have a male figurehead in their households. Using this as a starting point for other decisions these women make, examining how their livelihoods lead to subjective successes and whether or not their successes lead to a kind of confidence that would encourage these new roles over generations, is under consideration. Sen (1992) explains that "the well-being of a person can be seen in terms of the quality (the 'well-ness', as it were) of the person's being. Living may be seen as consisting of a set of interrelated 'functionings' consisting of 'beings' and 'doings'. A person's achievements in this respect can be seen as the vector of his or her functionings. The relevant functionings can vary from such elementary things as being adequately nourished, being in a good health, avoiding escapable morbidity and premature mortality," (Sen 1992: 39) – to being able to provide

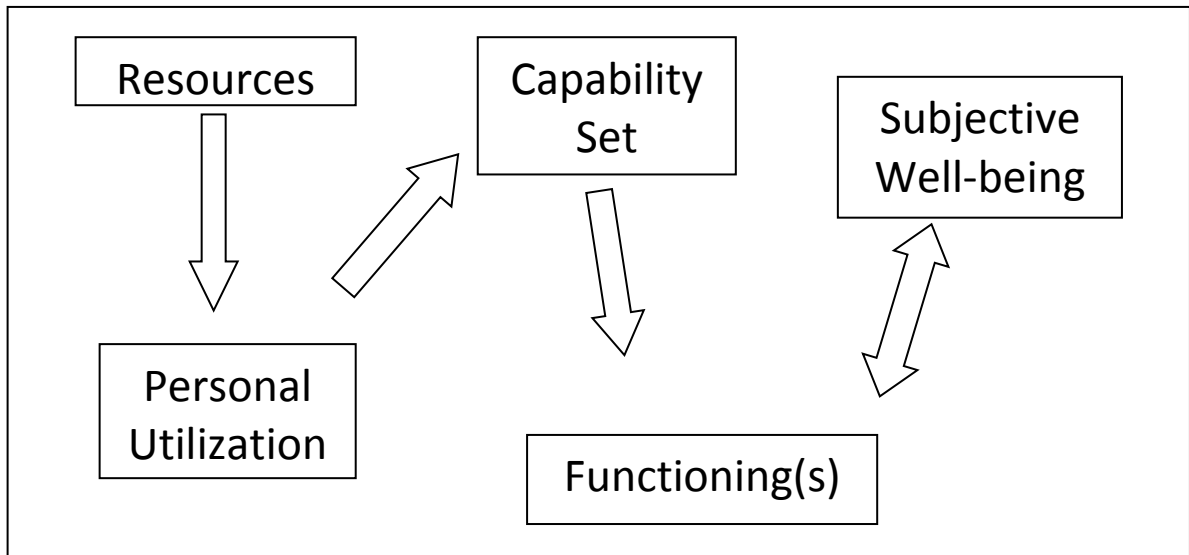
² 'assumed' is used here because this study did look at these women's specific situation; however, this would be an important focus of research with regard to land tenure and marriage systems in the conflict and post-conflict settings.

³ The term 'complex tenure' is a coinage of the author for reference to convoluted processes of land access; this involves land access that does not include customary tenure, leasing land, returning to natal lands, or any other type of traditionally appropriate method of access.

children with education or maintain a sound household. The research participants in question are able to engage in activities which lead to functionings that fulfill their own subjective intentions (see Box 1).

This case study seeks to elaborate on these women's autonomous actions and intentions through the CA and compiled field data as well as explore their implications for the future.

Box 1: Basic Illustration of Elements and Interactions of the CA



Source: Adopted by author from Sen (1984, 1992, 1999) and Nussbaum (1995, 1999, 2000)

2. Research Questions

The situation explained above has specific consequences for women with dependents who were widowed by the war. This study, which seeks to examine their situation against a post-conflict backdrop through a CA lens, was conducted with the following questions in mind:

How do these women access land⁴ in a post-conflict setting? It was assumed during the conflict that the breakdown of customary tenure would result in vulnerable demographics becoming landless and marginalized (see Adoko & Levine 2004). The scope and extent of this statement can be ascertained once it is understood if and how exactly these widows are able to access land.

Is there a link between gender role renegotiation and livelihood access? Discerning departures from or incorporated gender roles for the widows in question and how they utilize these roles to access livelihoods exemplifies the fruits of female agency. Their actions have specific intentions, that is, generating benefits from livelihood activities. Examining the relationship between the two entities over time will reveal how stated livelihood activities correlate with the women's autonomous actions and assumption of

⁴ It is important before proceeding to distinguish between access, ownership and user rights; the scope of this paper is dedicated to simple land access as the research had neither the capacity nor time to explore the existence and connections between these three characteristics which can be applied to land. However, this relationship is worthy of further scrutiny.

gender roles. Another important factor is the extent to which the widows in question see their actions as a renegotiation where gender roles are concerned.

Is the utilization of land for livelihood activities successful and how do these women measure their success? Understanding how these women measure their successes and failures and the mechanisms which they utilize in order to achieve their goals ultimately reveals shifts in their perceptions and capabilities. Here, specific choices will be explored as their impact on the ability of these women to successfully participate in livelihood activities with their personal goals in mind has significant implications not simply for the family unit, but for their culture as well.

What are the social consequences of their renegotiation? Each of the previous questions has answers which will challenge notions of culture within the Acholi; women being able to hold on to their autonomy and be responsible for their own actions. Their capabilities and willingness to engage makes cultural shifts and changes palpable. The social consequences of their actions have an affect not only on their identities within the constructs of culture, but the way in which they teach younger generations as well.

Examining the correlation between renegotiating gender roles in a post conflict setting and how this negotiation leads to livelihood access which is both sustainable and secure can help scholars and policy makers alike understand the decisions made by women, their intentions and their expectations for the future. Employing the CA, which seeks to not only establish what an individual can do within the context of a set of circumstances but also to broaden the number and types of criteria examined to ascertain well-being, to the station and autonomous actions of these women will perhaps shed light and understanding on how and why they make certain choices.

3. Methodology

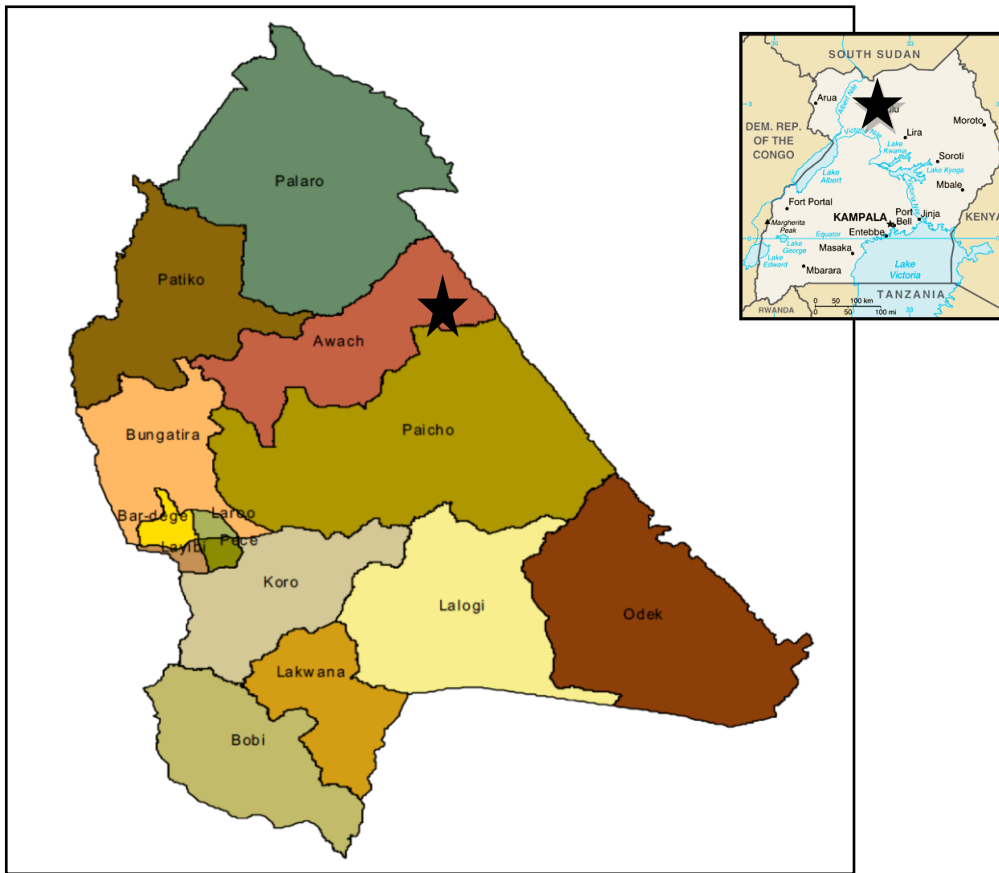
3.1 Study Area and Study Population

Patiko sub-county, located about 30km north of Gulu Municipality in northern Uganda provided a platform through which the research objectives could be explored as a case study where informants and information would be centralized as opposed to gathering data from throughout Gulu District at random.⁵

Patiko Sub-County lies at 3° 0' 11" North, 32° 20' 39" East and is part of Aswa County within Gulu District.

⁵ Though obtaining data from all over the district may have provided a broad overview for the research, within the given time frame for gathering empirical data, this would not have been feasible.

Map 1: Gulu District with Sub-counties (Study Area Starred)



Sources: UCC 2010 and CIA World Factbook 2012

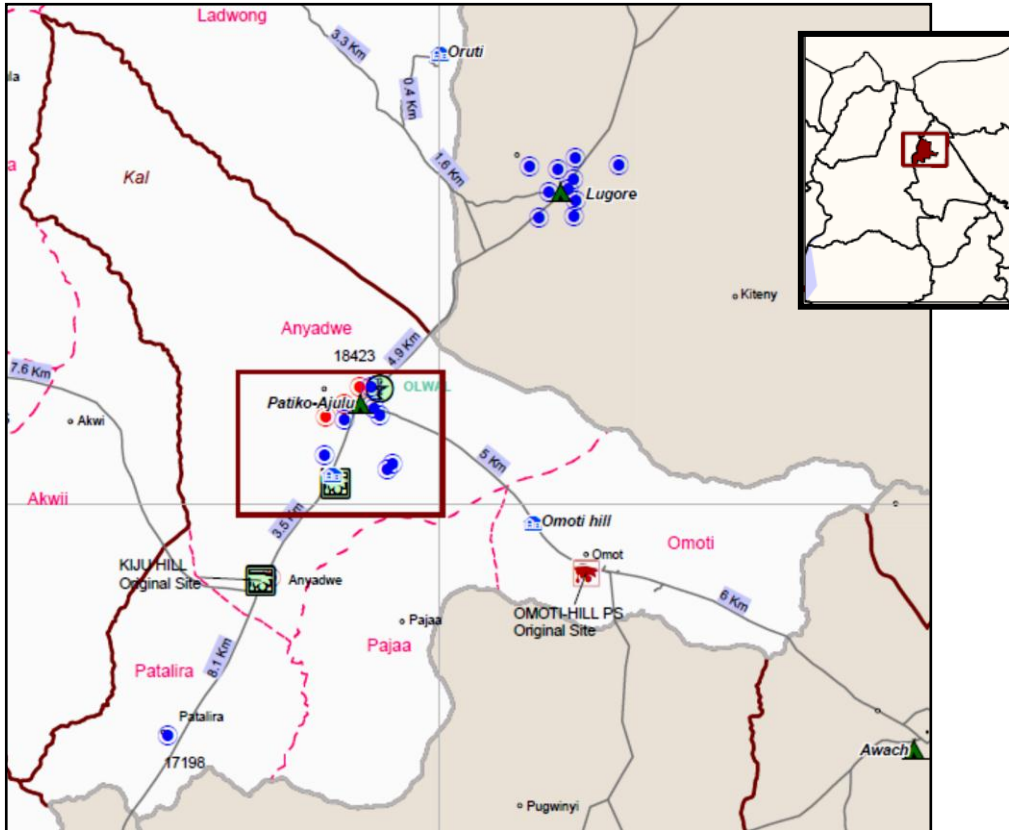
At the end of 2005, the Patiko-Ajulu IDP camp was home to roughly 13,300 displaced individuals (GoU/Ministry of Health 2005: 44). As relative peace returned to northern Uganda and people began the return to their lands, many people chose to stay behind in IDP camps such as Patiko-Ajulu or they moved out towards the trading posts and less congested ‘satellite camps’, which were created to facilitate the resettlement process.

Patiko-Ajulu IDP camp was located in Kal Parish of Patiko Sub-county (see Map 2). The trading post south of the camp still serves as a central place of commerce for the surrounding villages. As of 2010, according to the District Camp Phase-out Committee, created by the Government of Uganda to facilitate the closure of remaining IDP camps throughout northern Uganda, only 910 inhabitants of the former Patiko-Ajulu Camp have remained in the same location (GoU 2010). The map below is an excerpt from an American Refugee Committee International survey which mapped the IDP camps in northern Uganda with the aid of data from major humanitarian organizations in 2007. The return process, even up until this point, has reimaged the landscape; the villages chosen to study are all part of Kal Parish. Omoti, Anyadwe, and Pajaa appear on the map but Pawel does not despite participants insisting its inclusion in Kal Parish. As such, Pawel was included in the study because of its proximity to the other villages while Patalira was excluded because of its remoteness⁶. However, the proximity of the four villages in

⁶ Patalira is located some distance from the trading centre at Patiko-Ajulu. Thus it was decided, due to time constraints, that it be unengaged by the research.

question to the disbanded Patiko Ajulu IDP Camp provided a unique spatial and temporal unit which could be managed in a case study fashion.

Map 2: Kal Parish in Patiko Sub-county



Source: UNHCR 2007

The implementation of this research was completed within a two month period of time between February and April 2012. Several methodologies were employed to obtain both qualitative and quantitative data. As with any anthropological research, these methods and the way they were implemented were adjusted as circumstances demanded. Both the snowball sampling and random sampling methods were used to gather participants and informants who filled the criteria of the target population of the study and various forms of interviewing techniques and activities were carried out to gather data. Due to the potential sensitive nature of the discussions which would transpire with participants, it was necessary for the entire research team to be female; it was felt that having interviews and focus group discussions between women without men present would encourage them to be more 'open'. Because of the characteristics of the data, the majority being qualitative in nature, the number of informants for that part of the study was limited to thirty, whereas with the quantitative side of the study, 97 informants participated in a short quantitative survey designed to give a substantial backdrop to the qualitative data. In addition to these methods, statistical data concerning populations and micro-finance access figures were gathered separately to provide a backdrop for the research.

3.2 Sample and Sampling Method

The participants needed for the qualitative interviews had to fit a specific parameter within society; that is, being widowed by the conflict. It was important for the study that the participants be able to offer a temporal perspective from the point of being a widow; therefore, only those women who were married prior to the beginning of the war and who lost their spouses *during* the conflict, and did not remarry, were considered. Narrowing the focus to a specific area in a case study fashion allowed for the use of snowball sampling for finding informants for the qualitative aspects of the study and the use of random sampling to interview informants for the quantitative aspects.

The target population, being single women above the age of thirty-five years with dependants who lost their spouses during the conflict, is defined by unique demographic constraints and was capped at thirty participants. In order to access these women, it was necessary to consult local council (LC) leaders who could identify the particular target population and, because of the relatively small populace of the case study area (4,300 inhabitants) whereby the informants would most likely be in contact with one another (Bernard 1994:97), it was only necessary for the LC to identify two or three targeted participants. Thus, by implementing snowball sampling with these women, they not only became mobilizers for the research, but they also helped populate the participant pool with others who fit the research criterion. It was also felt that, since the nature of the questions being asked during the study were specific, but not sensitive in nature, these women would not feel apprehension at identifying the next potential participant. The target population criteria were very important as these women would be able to give a temporal perspective to the research at hand. Therefore, relying on them to identify other participants who fit the demographic constraints was the best way to gather participants.

Systematic random sampling, in the loosest sense of the term, was utilized during the gathering of quantitative data; with a population of roughly 4,300 inhabitants spanning all age groups clustered together in four villages, the research team visited various homesteads within the villages. Systematic random sampling requires a sampling interval be designated and utilized to ensure uniformity (Bernard 1994: 82); however, the four villages in the case study area are significantly spread out and the villages themselves are not uniform in the manner which would be ideal for systematic random sampling. Care was taken to randomly choose homesteads to interview and ascertain relationships to previously interviewed households as to not duplicate surveys; the quantitative surveys were administered to one adult per homestead without regard to gender.

3.3 Data Collection Methods

The data collection methods included free listing, semi-structured interviews, quantitative surveys and focus group discussions.

The question at hand involving the sustainability of livelihood access through gender role renegotiation required several methodological approaches to gather the specific type of data needed to enrich the study. Gender role renegotiation in a conflict and post conflict setting is not a new phenomenon and can be physically seen in most cases (See Moser & Clark 2001; Sweetman 2005; Turshen 2002).

For the purpose of this study, a free-listing activity was employed during the interviews to see how women perceived and stated their gender roles and the roles of men over a temporal period spanning prior to the conflict up to the present. This activity was also duplicated to conceptualize the types of livelihoods these women accessed along the

same temporal scale. Free-listing, according to DeMunck (2009), is helpful in identifying the cultural domain of a group of people; cultural domain being all things, at the same level of abstraction, that members of a culture or group say belong together. It is an emic category rather than etic because these things are shared and constructed by members of the group as opposed to outside societies (DeMunck 2009:47). By having the target population participate in free-listing activities concerning gender roles and livelihoods, it was intended that a correlation between the two categories would emerge over the temporal scale; that this activity might reveal a connection between the renegotiation which takes places and the types of livelihoods one accesses during a specific time period. Four time periods were specified for these free-listing activities; prior to conflict, during conflict, directly after conflict, and present.⁷

Semi-structured interviews were also initiated with all participants involved in the qualitative aspect of the study. These interviews were directed by an interview guide and conducted by an exclusively female research team to make the female participants more comfortable. The questions were intended to garner a more in-depth view of characteristics surrounding renegotiation and sustainable livelihood access. Participants were posed with direct questions regarding land access, income generating activities (IGAs) and livelihoods, social organizations and networks as well as gender role renegotiation, but also encouraged to expound upon issues they felt were important to them. Some were direct with their answers while others elaborated with life histories and anecdotal evidences; probing was used to encourage dialog and aid participants in “opening up” (Bernard 1994: 220).

The quantitative survey was completed to provide a backdrop for the qualitative data. The participants were chosen through systematic random sampling throughout the four villages in the research area. In total, 97 surveys were completed and compiled to provide a quantitative base for the qualitative data.⁸ The questionnaires themselves comprised ten basic close-ended questions which corresponded with ideas developed during the semi-structured interview phase.

Two focus group discussions (FGDs) were conducted during the course of the study with participants from the qualitative interviews based on their attitudes and answers to certain questions during the semi-structured interview process. The purpose of the discussions was to ascertain how these women perceive themselves as widows engaging in both gender roles and how they measure their success. Understanding whether or not engagement in these roles made them feel more secure and confident, thereby attributing to their livelihood access, were the main goals of these discussions.

⁷ The thirty participants of the target population participated in the free-listing exercises. Each participant was asked to generate an exhaustive list of key terms which came to mind when asked the questions “what did men/women do before/during/after the war and now?” This question was repeated for each gender category over the four defined time periods. Concerning livelihoods, the question of “what types of work do YOU do?” was posed. Again, this question was posed over the four defined time periods. Each participant created nine free-lists, which equated to over 3,000 pieces of data during the analysis period. Section 4.2 presents this data in its most distilled form through the use of visually weighted lists as opposed to tables and numbers.

⁸ Time constraints, road conditions and weather limited the number of questionnaires for the quantitative survey that could be administered. The target was set for a minimum of 100 questionnaires.

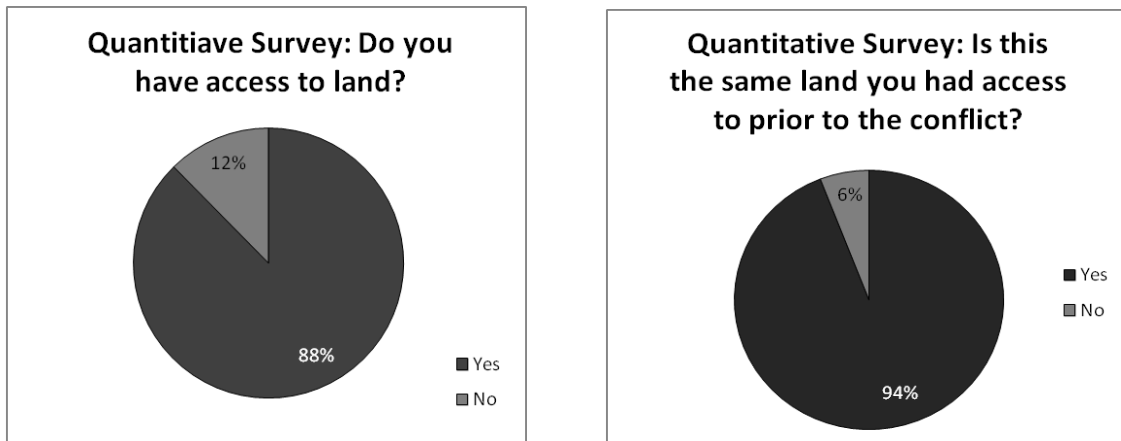
4. Findings

In the following, the four research questions posed at the beginning of this study will be recapitulated and scrutinized by combining the processed data with the theoretical concepts inherent in the CA. This combination will be especially fruitful where autonomous actions which contradict cultural expectations and restrictions are concerned.

4.1 Accessing Land in a Post-Conflict Setting as a Widow

The breakdown of customary land tenure constructs is evident in the case study, though its degree is not as severe as one might have assumed it would be given the length of displacement (Benjamin & Fancy 1998). The quantitative survey revealed that 88 per cent of those interviewed have access to land and of that percentage, 94 per cent confirmed that it is in fact the same land they had access to prior to the war.

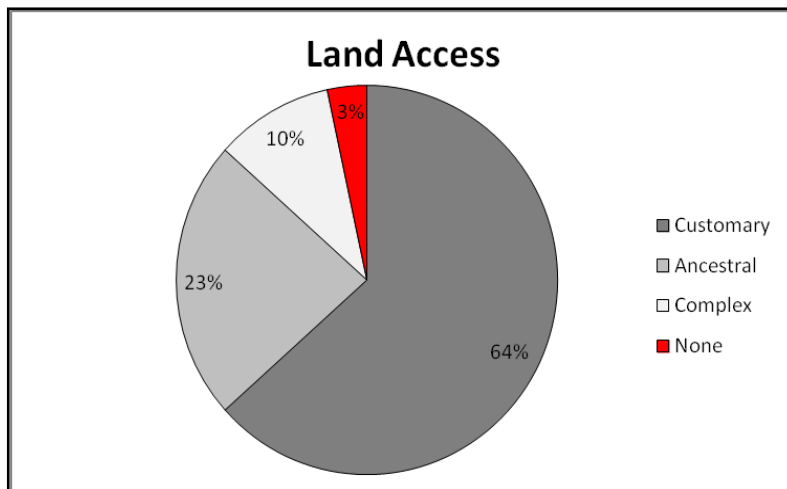
Graph 1 and Graph 2: Land Access and Tenure from Quantitative Interviews



Source: Goettsches Data Compilation (May 2012)

In the qualitative interviews, it was discerned that 64 per cent of the women questioned cited customary tenure (i.e. their deceased husband's land) as their method of access, while 23 per cent cited ancestral tenure which entailed returning to their natal land. The 10 per cent citing complex tenure have been able to secure access via distant relatives; one participant claiming complex tenure explained that she was able to negotiate and utilize her deceased husband's cousin's mother's land. This type of access may be more common than previously thought within the post-conflict context as families attempt to rebuild their lives. However the scope of this research could not afford a specialized examination of this phenomenon. As mentioned above, the distinction between access, ownership and user rights is beyond the parameters of this paper and so emphasis will be placed upon the ability of these women to access land more so than questions of security.

Graph 3: Negotiated Tenure Systems: Results from Qualitative Interviews



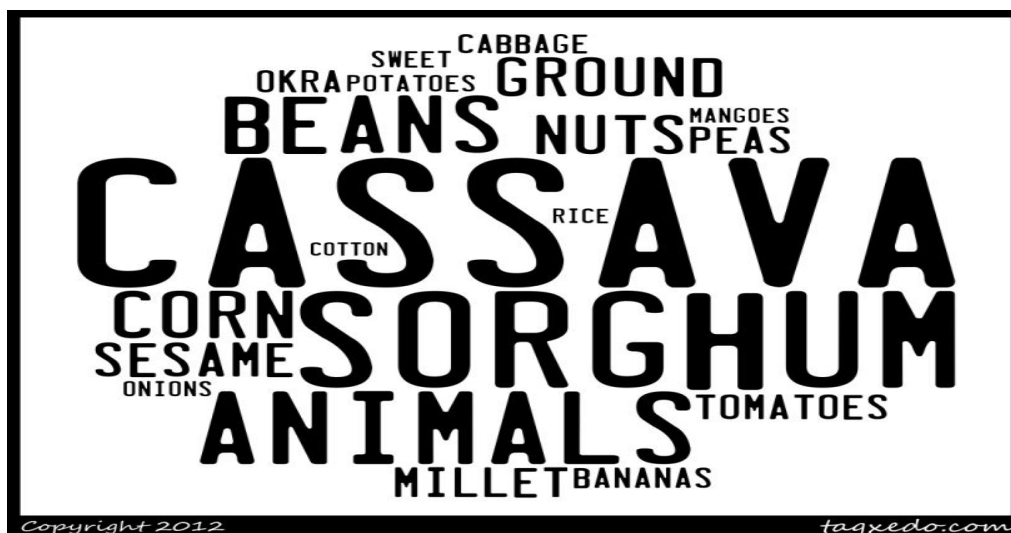
Source: Goettsches Data Compilation (May 2012)

Exercising the ability to negotiate methods of access which in the past had been underutilized (i.e. returning to the natal land) as well as navigate long established customary tenure practices despite land disputes is paramount to the livelihoods of these women. Aside from shifting gender roles to compensate for the lack of a male presence in a patriarch-dominant society, access to land in northern Uganda (and it could be said for the whole of rural Africa), is essential to achieving livelihoods and aspirations which they deem as relevant.

“... after the war, I lost my husband’s land to his brothers. They would not let me dig there. Now I beg land off my neighbours ... Some space here and some there. I always lose and gain space ... But it is not enough ... I work hard here because children must go to school.” (Interview with participant 5, March 2012).

From a functionality perspective, the land which these women are able to farm is utilized for sustenance and, when in surplus, selling in the markets. However, their access to land is more complicated than providing consumable goods; they connect their utilization of land with their ability to send their children to school. The above quoted interview reveals one of many variations of the same idea which was elicited by enquiring about their ability to access and for what do they use the ‘fruits of their labour’. The consensus regarding accessing land and being able to provide the possibility for a better life for the next generation was overwhelming, both in the interviews and the focus group discussions.

Image 1: A Visually Weighted List of Things Grown on the Land



Source: Goettsches Data Compilation (May 2012)

The visually weighted list above is the result of a free-listing exercise with the thirty participants of the qualitative interviews when asked to list how they utilize the land they access; cassava, sorghum and animals (husbandry) were most frequently mentioned while, for example, rice and cotton were less frequent. This makes sense as cotton isn't consumable from a subsistence standpoint and rice is rather labour intensive. The commerce of these commodities in local markets exemplifies how important land access is in providing the basis for achieving their goals.

From a CA perspective, the components and relationships between land and widows can be broken down into manageable, albeit simplified, constructs. Land constitutes a resource which, because of human interaction and culturally placed significance, is invaluable. The manner in which widows are able to access this resource, whether it be via customary, ancestral or complex tenure avenues, and how they utilize the land (unanimously for farming and raising animals), comprises their personal utilization. The combination of these two factors leads to a specific capability set whereby questions of what they are actually able to do are emphasized. Here is where specific intentions and the actions leading to their realization can be observed; for example, forming *aleya* groups⁹ to provide labour for farming. This then leads to the fulfillment of functionings which, as Sen explains, are “modes of being and doing” (Sen 1995:39). For these women, the functionings they wish to achieve concern being nourished, having a stable homestead and educating their children. These things cannot be achieved without farming as its provisions of both food and income are an integral part to achieving functionings they deem worthy of achieving. Accomplishing and sustaining these functionings leads to their perceived subjective well-being which is the sum of their functionings and the path taken to achieve them. The connection between accessing and utilizing land, and the functionings that can be achieved became apparent after extensive semi-structured interviews with participants:

⁹ The Luo term for ‘group farming’ or ‘working together’. There are many forms of *aleya* and in the past, where farming was concerned, it was often done just with men. However, women (both married and widowed) have come together to create *aleya* groups of between 10-30 people which operate on a sub-village level and rotate days spending time on the farms of members. Its foundation is rooted in a shared labour philosophy which benefits all involved.

“I do not have my own land, but I am allowed to dig my father’s land ... what I plant, I sell and my home consumes. I am in an aleya group and a savings group. The aleya group helps me farm ... the small profit I make, I put in the savings group. School fees are very high ... when the children need school fees, I can use the money I save but sometimes it is not enough, so I rely on the savings group as well.” (Interview with participant 8, March 2012).

The above quote exemplifies an example of the actions of access and utilization and how they contribute to a functioning (in this case, sending children to school); it also exemplifies apparent shortcomings and methods to make up for them (in this case, not having enough profit for paying school fees, thus the need to rely on a borrowing system arises).

In the qualitative examination, 97 per cent of the women interviewed claimed they have access to land; meaning that they access, utilize and reap the benefits of accessing land. Despite this being a small case study, this number is significant given that previous research in conflict and post-conflict areas suggest that widows would be marginalized and hard pressed to find land access (see Berhane-Selassie 2008; Campbell 2005; Kamungi *et al.* 2005; Turshen *et al.* 2002).

4.2 Linking Gender Role Renegotiation and Livelihood Access

The relationship between gender roles and livelihood access is evidenced through the free listing exercises which took place with the participants as well as their explanations given during the qualitative component of the research. It is important to reiterate here that when the free listing exercise was being administered, we asked the participants to not just talk about their actions, but their actions along with the actions of those around them. The actions they listed for men varied between them referring to their own deceased husbands (usually noted by the participants when they focused on the ‘before’ and ‘during’ categories) and other men within their community. However, the free list concerning livelihood access was specifically meant for them to expound upon their personal actions. There are several factors about the visually weighted lists that render the data accurate from a historic perspective: firstly, the evidence of farming being a major component of everyday actions and livelihood access for all time periods *except* during the conflict where, despite their actions and small farming ventures around the camps and back home, the vast majority of people relied upon NGO aid as a livelihood access; and secondly, during their time in the camp, all participants claimed to have witnessed the disenfranchisement of men through alcohol and abuse which they reported in the exercise thus providing a relevant and realistic revelation of camp life which is both correlated and pervasive in literature pertaining to internal displacement and gender relations within conflict.

Table 1: Free Listing Frequencies Exemplified with Visually Weighted Lists¹⁰



¹⁰ Each graphic prominently displays actions which were repeated in each category; larger actions denote higher repetition as smaller actions exemplify lower repetition – compiled from free-listing data by the author after the fieldwork period.

The frequency with which each piece of information repeated itself was catalogued and then utilized to generate graphics which visually exemplified these frequencies in relation to each other through size. It is important to note that in freelistings exercises, the repetition of a theme or idea represents a type of collective knowledge; for this study in general, and this exercise in particular, the collective knowledge is important because it can reinforce or bolster historical evidences, or, when done temporally, it can show a shift in attitudes, perceptions and actions over time.

The appearances of *aleya*, small scale business ventures (SSBVs) and savings groups as practices women have partaken in since the conflict ended are significant and correlated with the types of livelihoods they access and if examined from a CA perspective, it is a distinct example of how actions have translated into functionings and contribute to subjective well-beings. However, these actions rarely appeared in the categories where we spoke of men's actions; if they did appear, their frequencies were too insignificant to note. This begs the question of whether or not an actual *renegotiation* is happening or is the shift attributed to a general increase in responsibility and creative activities undertaken by these women to meet these responsibilities. There is a relationship between the actions of these women and their livelihoods, but other than their insistence that their farming activities have increased significantly to include tasks traditionally done by men (which in itself is incredibly significant and important to the female agency of these women and their food security) and the responsibility of school fees for children has shifted, their conviction that gender roles are in the process of changing was mixed. Some felt and expressed the opinion that things are not changing while others were adamant that the roles are changing because their perceptions of themselves within their current space and context suggests a type of empowerment and felt-independence, and others branded the change in roles as merely circumstantial as they noted that they must do the things men do because if they do not then no one will do it for them.

"These roles have not changed because respect and submission a woman gives to a man is the same. It will not change." (Interview with participant 3, February 2012).

"Roles have changed. When people were home, they lived differently but now the war changed the attitudes of people making them act in another way. It has empowered women. In the past, women would leave the heavy work and money issues to the men but now you see women, married and without husbands, have become more active in heavy work and savings." (Interview with participant 28, March 2012).

"What do we think since women can now climb roofs, we are the same as men? I put on trousers. We climb just because there are no men. If there was a man we wouldn't climb. We climb because of problems. So now, we are doing things done by men, but we are not doing it out of our own will, we are doing it because we have no option." (FGD 1: participant 1, March 2012).

4.3 Measuring Success

Understanding how these women measure their successes and failures and the mechanisms which they utilize in order to achieve their goals ultimately reveals shifts in their perceptions and capabilities. As was revealed in the FGDs, the women in question have specific functionings which they themselves view as important to them and they strive to achieve these functionings and ultimately their subjective well-being. Their participation in

activities such as farming, selling in markets, *aleya* and savings groups culminates in their ability to transform these activities into successful livelihood endeavours and ultimately use the fruits of their labour towards activities they perceive as worthy and relevant.

The concept of the strength of the homestead was frequently cited as the ultimate reason why specific livelihood activities are pursued. However, the strength of the homestead is far more complex than this physical description reveals. These women considered the strength of their homesteads to be dependent upon two factors: the ability of their children to receive as much education as possible, both in the general sense of formal schooling and in learning traditional practices and culture; as well as the physical stability of the homestead which includes both infrastructure, successes in livelihood pursuits and familial ‘intactness’.

“If a woman dies and leaves the man with kids, the man is going to disperse the kids. He disperses them because he does not have the ability to take care of them. But if it is a woman’s husband who has died, the woman will take care of the kids. When it comes to education, even though it isn’t easy, we struggle to send these children to school because it is important.” (FGD 2: participant 3, March 2012).

The number of women who felt their homesteads were strong, despite acknowledging their poverty, exuded a confidence which they further expounded upon by explaining that despite knowing they could remarry if they wanted to, they choose not to because they see the presence of a male figure as a danger to the stability of their homestead. From their perspective, the war has damaged men badly and created a perpetual cycle of alcoholism, truancy and abuse; they specifically make a choice not to enter into a marriage because they do not want their children, especially their sons, to grow up and assume that the mannerisms of men affected by the war is how a proper man should act.

“Men today are not honest anymore; you go to a man’s house nowadays and you find his children rebellious; you must force them to go to school. The life in the house is really bad and you find that people like widows are living in much better conditions than the women who are married. We manage our households very well and the children are living a good life.” (FGD 2: participant 1, March 2012).

“Men are men. We have not refused that men are physically strong and have energy. But if you go to a home that is run by men, you will come back disappointed. In case a child having to abstain from school because of no school fees, then you tell this to a man, the man gets so angry. He will tell you there is absolutely no money ... then later he will get up and go to the trading centre only to come home very drunk. Married women are facing as many problems as widows. At least for a widow, she knows she has no husband so she must do everything on her own ... she will struggle, but she will also manage. Women with husbands are suffering much more, because the man cannot take care of the home. Widows do everything and they spend all their energy to see that their homes and their children are really fine. Earlier it was different. Our men used to work hard, they used to take care of the homes ... but now it is different.” (FGD 2: participant 4, March 2012).

This conscientious choice of remaining without a husband is significant because it signifies the capability to make a decision either employ or ignore a cultural construct at the peril of personal and social consequence; however, this choice only exists if they have

access to land. From their point of view, as far as an economic standpoint is concerned, the need for a husband is irrelevant because they are not only confident enough to pursue their livelihoods, albeit with the help and encouragement of other women sharing their situation, they are also physically capable and have physical evidence of their successes.

4.4 Social Consequences of Renegotiation

Each of the previous questions has answers which will challenge notions of culture within the Acholi. Women being able to hold on to their autonomy and be responsible for their own actions and their ability to create a stable homestead for themselves and their children is noteworthy in a society where being part of a marriage is supposed to generate this stability, which is not possible without access to land. As noted before, the notion that renegotiation is taking place, in the strictest sense of the word, is debatable; rather, the increase in responsibility is an exercise in female agency and has the capability to challenge notions of culture within the Acholi. The education and examples they provide for their children, in their eyes, will impact the way their children approach things such as notions of stratified gender roles and marriage. The personal choice of the majority of the women interviewed not to remarry, despite the opportunity, is at odds with cultural constructs in the area and is significant in terms of capabilities because this particular capability they conscientiously choose not to utilize has an impact on their ability to secure a livelihood as well as their station within Acholi culture.

“We women have given up looking for men and have decided that instead of getting a man, let us struggle and go it alone. We are also in a women’s group and when you hear that one of us has a problem, you go to her and you encourage her. All of us have decided that we cannot stay with men anymore and as we all decided that if this is the way that it is, then I can live on my own.” (FGD 1: participant 3, March 2013).

Quite possibly the most apparent action these women take which will have implications on the future is the roles they pass on to their children. As explained during the FGDs, passing traditional knowledge to their children, some of which for some time were only exposed to life in the camps, is of the utmost importance. However, equally important to these women is the notion of equipping their children with modern knowledge, especially regarding gender roles, because they see the exchange of these roles as a variable that counters inequality between men and women. Teaching both boy and girl children both sets of roles fosters a sense of independence from their perspectives; in doing so, they feel they adequately prepare their children for whatever the future holds for them. It is in this light and in undertaking the responsibility to break the cycle of male disenfranchisement that they teach their children in this manner. While the accomplishments of these widows are formidable, their legacy will manifest in the actions and subjective well-beings of their children.

“I grew up in the traditional way and now that things have changed, I want to teach my children the way my parents taught me. I will never allow my children (boys) to grow up and be like their fathers because if they do that, they will perpetuate the cycle. I feel that I should train a child to do everything ... not just what a man or a woman does ... regardless of its sex. Also, if it is a boy and he grows up and he brings a wife, I want to make sure they do everything together.”

There should be no difference in roles according to a man or a woman.” (FGD 2: participant 1, March 2012).

“Our children should be taught according to the old traditions. They should not grow up looking at the men around them and think that that is the way that things should be done. They should learn to respect tradition. But for the girls, we are teaching them to do different things because you never know what the future holds for them. She might end up with a bad man, but if she knows how to take care of herself (light and heavy farming), she will not be in any trouble.” (FGD 2: participant 2, March 2013).

As Acholi culture is predominately patriarchal, where women are not afforded as much social latitude as men with respect to domestic and social lives as well as land access and livelihood accomplishments, educating children in both tradition and in modern changes could potentially cause a more significant and permanent renegotiation in the future.

The choice to remarry and whether or not this decision would be in their best interests is a quandary that has not escaped these women’s attention. In the FGDs, they reiterated time and time again how they felt about men; sentiments such as “men are not honest”, “men are not useful anymore”, “women with husbands are suffering much more”, “men drink too much, steal from their families and abuse their families”, “inviting a man into your home puts you at risk for disease” and “men used to work hard and take care of their families, but now things are different”, were pervasive throughout the discussions. Possibly the most poignant assertions were directed at the fact that the actions of men in the community have changed in the time since the war began, ended and return was made possible. These women are fully aware that the conflict has had a significant impact on men and that the disenfranchisement they experienced during the war and internment has followed them home.

“Living in the camps spoiled and disorganized everything. If the men hadn’t lived in the camps, they wouldn’t be doing the bad things they do now ... like drinking. Before, men used to take care of their homes much better than they do today.” (FGD 2: participant 9, March 2012).

That being said, cultural constructs which dictate marriage, land access and overall stature within the community are also being taken into account when they make their decision. “Marriage is traditionally one of the most important social customs in Uganda ... marriage confers on both men and women a high social status ... because Uganda is a patriarchal society, women do not inherit property, especially land (except in Buganda). Thus women have traditionally been expected to marry, even to polygamous men, if only to secure land and livestock, which are important sources of livelihood in Uganda’s agrarian society” (Otiso 2006: 82). For the Acholi people, these characteristics hold true and therefore construct a difficult situation for these widows. They have the capability to remarry, which would satisfy cultural requisites but expose them to the scenarios and characteristics they described in the FGD *or* they choose to not to exercise their capability to remarry which, despite being culturally abrasive, keeps their other capabilities and functionalities intact.

The education provided to their children concerning the roles of men and women with special consideration given to ensuring that the cycle of disenfranchisement does not continue to future generations as well as the conscientious choice not to exercise the capability of remarrying both have important implications for future generations. One

action seeks to re-establish cultural norms with the addition of attempting to equalize the roles of men and women to make them more prepared for an uncertain future; the other action is initiated to protect the subjective well-being of the family at this juncture in time. However, as time passes and the education of children begins to manifest in action, there exist the potential for attitudes towards gender roles and marriage to shift with a profound impact on cultural norms.

5. Conclusion

The case study sought to establish how a vulnerable demographic such as widows, in the face of cultural and societal constrictions regarding land access and security convoluted by conflict, is able to utilize the resources they can access and generate livelihoods they deem relevant. The return process has not been easy as, despite the relative peace which has returned to the area, conflict still abounds within villages and clans where land rights and cultural attitudes are a matter of concern. While significant *renegotiation* with regard to gender roles, in the strictest sense of the word, hasn't taken place with any distinct significance, there has been a distinct change in the actions of these women and how they perceive their actions; their activities would more appropriately be described as an increase in responsibility and increase in workload. However, this is just as important as a renegotiation where livelihood access is concerned. There is a connection between the activities these women claim responsibility for, their successes while engaged in these activities, and how they apply the results towards the future. Instead of exercising the capability of remarrying and securing tenure and livelihoods in this manner, as long as they have access to land and feel confident the customary tenure system will provide for them, they conscientiously choose widowhood over marriage because they feel their activities are successful and don't warrant the need of a husband. They also acknowledge the fractures within their own culture which the conflict caused and are actively pursuing solutions through the way they educate their children and their unwillingness to expose their families to a potentially abusive, truant, diseased and alcohol dependent male figure. However, despite these notions, access to land is paramount as it is the only resource which can encourage agency and growth. In this respect, within the small confines of the study area, these women are leading agents of change in the sense that their activities are progressive and their desires lie in a return of culture and stability; their capabilities and willingness to engage in actions which will ensure cultural shifts and changes is palpable.

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‘Land Grabbing’: The Ugandan Government, Madhvani, and Others Versus The Community of Lakang, Amuru District¹

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Introduction

This study explores the conflict over Lakang land in westernmost Amuru District, northern Uganda, between the Ugandan Government, the Madhvani Amuru Sugar Works, and others versus the Lakang community. This conflict has been one of the most publicised – while also among the most atypical – of the vast number of land disputes marking the Acholi Sub-region over the past half-decade or so, as people have returned to the land following a twenty-year northern Uganda war (1986-2006) and up to a decade of forced displacement.

Based on a close reading of the *judicial* argument in the February 2012 High Court Judgment concerning Lakang land, the study explores the evidence and argument for the legal decision that the land in question is not “customary” land. Turning then to the historical record, the article introduces documentary and oral evidence supporting Lakang as customary land, material which failed to reach the High Court. The study concludes with a brief note on developments since the 2012 Judgment and equally brief closing remarks.

1. War, displacement, and threats to lakang land

The twenty-year war that plagued northern Uganda – and beyond – began in 1986 and was devastating for the region, nowhere more so than in Acholiland, the epicentre of conflict. In addition to the overt violence of war, the Ugandan Government’s policy of forced displacement in Acholiland, beginning in 1996, eventually forced some 90% of the population – about one million people – into squalid, disease-ridden internally displaced persons’ (IDP) camps.²

It was inevitable that such conditions would seriously impact return and resettlement, which began in Acholi in mid-2006 with the ending of overt conflict there, and accelerated over 2007-8. Given the poverty and deprivation of camp life, the only

¹ We would like to acknowledge and thank the organizers of the ‘Legal Pluralism and the Anthropology of Law’ Workshop, Institute of Peace and Strategic Studies, Gulu University, for inviting us to present the original iteration of this chapter (Atkinson & Owor 2013); the Makerere Institute of Social Research at Makerere University in Kampala and Human Rights Focus in Gulu for logistical and other support; and most of all the elders and many others in the Lakang community, and elsewhere, who shared their time, information, and perspectives.

² For recent broad syntheses of the war, with a variety of perspectives, see Finnström 2008; Dolan 2009; Atkinson 2010: 275-335; Allen & Vlassenroot 2010; and Branch 2011.

productive asset most “owned” when they left the camps was the customary, communal land to which they had rights. But regaining secure access to such land has not always come easily, and has all too often been thwarted or interrupted by numerous land-related problems, which have in turn provided fertile ground for land disputes.

This article focuses on a specific dispute, the on-going conflict over Lakang land³ in westernmost Amuru District, northern Uganda. Parties include the Ugandan Government, the Madhvani Amuru Sugar Works, and the Lakang community, among others. The conflict here has become one of the most publicized of the vast number of land disputes marking the Acholi Sub-region over the past half-decade or so.⁴

While the Lakang conflict is in some ways a special case, it is important to recognise that many of the issues at stake are common to other land disputes in Acholi, including:

- confusion associated with displacement and lack of continuity of occupation;
- lack of paper records and blurring of collective memories or oral records of land occupation;
- land grabbing in the wake of the uncertainties just noted, often associated with stark asymmetry in the socio-economic status of the people or parties involved;
- the existence of two parallel legal and judicial systems dealing with land issues – customary and state land administration – that are not integrated and that can be contradictory or inconsistent;
- different perspectives concerning rights and ownership between local communities and the state;
- investment and business interests that contribute to increasing the value attaching to land, especially land associated with oil and mineral exploration or discoveries; it is not without interest that the Lakang land sought by Amuru Sugar Works is prime real estate for oil exploration;⁵ and
- the disruption and distortion – sometimes exaggerated as destruction – of Acholi socio-cultural norms, procedures and practices.⁶

Moreover, both during the war and since, threats to Acholi customary land (imagined as well as real) have been a major concern both to the Acholi leadership and to many in the general populace.

Such threats are often associated with claims that abundant (sometimes characterised as “empty”) land is available in Acholi, which should be opened up for investors, large-scale commercial farming, and other forms of “development.” Other voices of course speak for the protection of Acholi land from what they consider exploitation by such interests.⁷

With respect specifically to Lakang, such concerns were fuelled from early 2007 by highly public pressure from central government (including the President personally) for the allocation of vast tracts of land in Lakang to the Madhvani group for a sugar cane

³ “Lakang” and “Lakang land” will be used in this chapter as shorthand to refer not only to the specific area of Lakang but to the wider area around it that was the subject of the High Court Judgment.

⁴ For a detailed report on land disputes (and other land matters) in Acholi, see Hopwood & Atkinson 2013.

⁵ See, for example, the suggestive title given their general Situation Report on Lakang in Refugee Law Project 2012.

⁶ This list is based upon Hopwood & Atkinson 2013: 18-19.

⁷ See three overviews published over the past decade that focus on the often heated debate between proponents of these two positions: Adoko & Levine 2004, Atkinson 2008, and (focusing especially on Madhvani efforts to obtain Amuru land) Sjögren 2013. See also Nakayi 2012.

plantation.⁸ This was opposed – as have been other perceived threats to Acholi land – by most Acholi parliamentarians, local government officials, and others in the region who argued, reasonably and persuasively, that people needed to be back home, on their land, and consulted/negotiated with, before any such alienation occurred.

As the High Court Judgment discussed below makes clear, the proponents of land for development – and the advocates for Madhvani and other respondents in the case – won an important legal victory. As we shall see in the final brief section of the article, however, this is not the last word.

2. The High Court Judgment

On 2 February 2012, the High Court sitting in Gulu, Justice Wilson Masalu Musene presiding, rendered a 45-page Judgment against five individual Applicants – Ocula Michael, Aciro Concy, Penyto David, Uma Zakeo, and Obalim Jack Weleya – and in favour of four Respondents, two institutional – the Amuru District Land Board and Amuru Sugar Works Ltd – and two individuals, Major-General Oketa Julius and Christine Atimango (Republic of Uganda 2012).

Essentially, the Applicants were seeking two things: (i) a declaration that the allocation of Lakang land to the Respondents by the Amuru District Land Board (also the first respondent in the case) “is null and void and should be cancelled and/or stopped”; and (ii) “that the said allocation violated the Constitutional Rights of Customary Owners of the land as they were not given a hearing and that it amounted to deprivation of their rights to own property and also amounted to trespass” (Republic of Uganda 2012: 3).

The Respondents in turn presented affidavits and argument “that the land in question is not customary land but public land,” available for allocation by the Amuru District Land Board, and, moreover, that the allocations made by the Board to the other Respondents “were proper and did not deprive the Applicants or anybody of their Constitutional Rights” (Republic of Uganda 2012: 4).

Fundamentally, then, the key issue before the Court was whether or not the disputed land was customary or public land.

After dealing with three basically procedural/technical issues, Justice Musene turned to this crucial question, briefly describing customary land (identifying additional characteristics later):

“Customary Land Tenure refers to the terms and conditions on which land is held, used and transacted in accordance with the ethos and customs of a given community. The local customs govern ownership, use and occupation and transactions in land. They provide for communal ownership and use of land, in which parcels of land may be recognized as sub-divisions belonging to a single person, family or a traditional institution. Land under customary tenure is owned in perpetuity. The land is not Registered under the registration of Titles Act or vested in the Local Government or Central Government of Uganda.” (Republic of Uganda 2012: 10).⁹

Following two pages of testimony by the Applicants asserting their rights to land that they claim is customary, counter arguments by the Respondents contend that the

⁸ The first public indication of Madhvani’s interest in a sugar cane plantation in the “north’s central part” of Uganda – that is, Acholi – came in a New Year’s Day Business section article in the Government-backed English-language daily, *The New Vision*, ‘Madhvani to set up second sugar factory,’ 1 January 2007.

⁹ It is worth noting that this depiction includes recognition of *communal* customary land.

disputed land “was and is” public land (Republic of Uganda 2012: 10-13). Additional evidence and arguments to the same effect appear throughout the document, cumulatively playing a decisive role in the final Judgment against the Applicants

Justice Musene then summarised Ugandan and Kenyan legal decisions addressing factors important for successfully establishing that disputed land is indeed customary land. The examples presented indicated that this was not a simple or straight-forward issue, and one case cited emphasised that a fairly high evidentiary bar had to be cleared: “As a matter of necessity, the customary law must be accurately and definitely established.” A second case indicated one way to clear that bar: “The opinion of experts is relevant in establishing the existence of a custom or customary law.” (Republic of Uganda 2012: 14).

It turned out, as indicated in considerable detail in the Judgment, that the Applicants fell short on both these points. Both in court and in the field where the disputed land was located, all gave vague or contradictory evidence about the particular tracts of land that they were claiming and the specific justifications for their customary rights to such land. And at least as damaging, as pointed out a number of times by Justice Musene, none of the Applicants provided supporting evidence from elders or chiefs, thus failing to avail themselves of the crucial “opinion of experts” in establishing the legitimacy of their claims, or indeed, “in establishing the existence of [relevant] custom or customary law” at all. (Republic of Uganda 2012: 15-21).

When the Judge turned to the case presented by and for the Respondents, he references – and accepts – frequent claims that the disputed land was not customary land. At one point he endorses “**as wholly uncontested**” [emphasis in original], the deposition by the Amuru District Chairman that the land allocated to the Respondents has “never been” customary land. The main basis for the Justice’s position, returned to again and again, was that the allocated land was part of a game reserve inherited by independent Uganda from the colonial period, then degazetted in 1972 and made available for commercial farming, thus making it public land. (Republic of Uganda 2012: 21-25, 27-31).¹⁰

In the midst of the recurring arguments that Lakang land was public – not customary – land, Justice Musene introduced into the record a 6 August 2008 letter by the Secretary of the Uganda Land Commission, the country’s highest authority on land matters. Reluctantly introducing the letter – as it was addressed to someone who attempted without success to be included among the Applicants – the Judge quotes Counsel for the Applicants (tongue-in-cheek as will be clear below) stating that the Secretary is “a very competent person on the subject, proving that the disputed land is customary land of the people.”

The letter reads as follows (with spelling as in the Judgment):

“As you may be aware Gazettement or otherwise is done by Parliament ultimately not by Uganda Land Commission. Secondly, it is not true that Parliament in the last forty years has gazetted any land for a particular use. It is therefore false to say that Uganda Land Commission gazette[ed] the land in Amuru or degazetted the same for commercial farming. I am of the view that whoever is claiming that degazettement took place is doing so for his or her own claims. If the population were living on the land before moving to IDP camps, then when did gazettement and degazettement take place? This is a game of disowning the population of their land. The Commission should not be made a scapegoat.” (Republic of Uganda 2012: 25).

¹⁰ The quotation from the Amuru District Chairman and the Judge’s questionable assertion that it was uncontested are on p. 23.

Justice Musene immediately proceeded to make a three-point rebuttal. The first two were procedural: (i) the letter was addressed to a person ultimately not part of the case and thus not cross-examined; and (ii) rather than this letter, the Secretary should have been called by the Applicants as a witness or submitted an affidavit on their behalf. The third point is a brutal – and, it seems to us, disingenuous – dismissal of the Secretary’s submission. It reads:

“When Mr. Mubbala, the Secretary to Uganda Land Commission writes that there has been no gazettelement of the land in dispute for the last 40 years that was not true because the case for the Respondents was that the degazettelement by the Government of Uganda was in 1972 [citing the law]. So when the Secretary to Uganda Land Commission was writing in 2008, degazettelement had taken place in 1972, which was 36 years ago. It is therefore a total open lie to write that no degazettelement had taken place for the last 40 years when it took place in 1972, 36 years earlier as from 2008. So the Secretary to the Uganda Land Commission, Mr K.S.B Mubbala, whom Counsel for the Applicants praised as a very competent person on the subject has turned out to be a liar or ignorant or uninformed, as degazettelement took place in 1972, 36 years before 2008 when he wrote.” (Republic of Uganda 2012: 26-27).

In order, the Judge states, to “clarify this issue once and for all,” he then presented a highly favourable summary of the Amuru District Chairman’s affidavit also contradicting the Secretary’s letter, before declaring that “this Court agrees with all the Advocates for the Respondents that the Land in question was public land after being degazetted from its former status as a hunting area” (Republic of Uganda 2012: 27-28).

Next, Justice Musene cited three instances from Ugandan court cases that included important criteria for assessing customary land and customary tenure claims: (1) a “paramount consideration” for successfully asserting customary tenure rights, which was “to be in occupation of the land and actively utilizing it”; (2) “customary tenure was found to exist as the appellants had enjoyed usufructuary rights over the land by cultivating seasonal crops or grazing cattle ...”; (3) the existence of customary tenure was demonstrated by “the abundant evidence that the Plaintiffs had occupied and utilized the suit land over a long period of time for grazing cattle ... had numerous homesteads on the suit land [and] before them, their parents and grandparents had utilized the same land.” Justice Musene then concluded that none of these criteria were met with respect to the disputed Lakang land, further strengthening his conclusion that this land was not customary, but rather public, land. (Republic of Uganda 2012: 28-31).

Given the above, the Judge’s answer to the final substantive question addressed in the Judgment – on the Applicants’ contention that the Respondents infringed on their rights – was entirely predictable: “no.” (Republic of Uganda 2012: 38-40).

The Judgment then notes that on the same day that the Amuru District Land Board approved granting Lakang land to Amuru Sugar Works (a 49-years’ lease), more than 60 other applicants had land requests approved as well, some far outside Lakang. Thus the Judgment had consequences far beyond Madhvani and the other Respondents. A partial list of successful applicants was included, containing many prominent and powerful individuals, among them Major-General Oketta, the late Walter Ochora, Brigadier Charles Otema, and the Acholi Paramount Chief Rwot David Ocana. (Republic of Uganda 2012: 40-42).

The Judgment’s penultimate section would appear to bring us back to the issue of development versus custom:

“Before I take leave of these matters, I take this opportunity to applaud Amuru District Land Board for considering the affirmative policy and for being development oriented. It is one of the most enlightened District Land Boards this Court has come across. What it has done can not be faulted or undone. ... Otherwise this Court finds and holds that whatever the District Land Board did in the circumstances was in the interests of development, not only for Amuru District, but for Uganda as a whole.” (Republic of Uganda 2012: 43-44).¹¹

The Judgment concludes with Justice Musene lifting a temporary injunction against Respondents’ activities on the land issued on 19 January 2009 (Republic of Uganda 2012: 44).

3. Brief Overview of Acholi Customary Land

Abundant evidence makes clear that Acholi customary land tenure is, and has long been, overwhelmingly communal, not individual, with tenure rights vested in localized patrilineal clans (or sub-sections of clans). Beginning in the late seventeenth century, varying numbers of such clans, often the core groups of fenced villages, were incorporated into a system of mostly small, independent chiefdoms, each headed by a recognised chief (*rwot*) and royal clan (*kal*). Importantly, though, land rights continued to be vested in the chiefdom’s constituent clans.¹²

Individual clan members who are also household heads have usufructuary (user) rights to particular tracts of clan land that he and his wife (or wives) have under cultivation, or that had been cultivated but was lying fallow, and such rights pass from father to son. Similar user rights also exist for widows and orphans of clan members who remain on the land. But ultimate rights to the land are vested in clans or sub-sections of clans. However, not all who live, farm, and (in the past) hunted on kin-based communal land are clan members. Friends, in-laws, and others can be given access to use – but not own – clan land. And once accepted, such outsiders, and their descendants, should have the right to live on and use the land allocated as long as they remained in good standing with their hosts – but they could not add to such land without permission.

Acholi customary communal land is used, most importantly, for habitation, subsistence agriculture, grazing domestic animals, and as hunting reserves. The boundaries of such land have typically been known and widely accepted by neighbours. Importantly, communal land and customary communal land rights have not been restricted to land currently under occupation and farming, but extended to unoccupied grazing and hunting land. Such rights included, for example, the right for clans to organize and control hunting on their recognised communal land. In the past, this was important both economically and symbolically, and was thus a crucial, recognised component of customary land rights.¹³

¹¹ Contrast with the *Daily Monitor* article ‘10,000 facing eviction as [Amuru District] land board claims 85,000 ha,’ 3 September 2008.

¹² The standard colonial ethnography of Acholi is Girling 1960, with information on land throughout; see also Bere 1955, 1960b. Atkinson 2010, esp. 54-55, 58-61 75-77, describes land tenure and use during the precolonial period. And Hopwood & Atkinson 2013 has as its first key finding: “Over 90% of rural land is understood by the people who live there as under communal control/ownership” (i); see also 55-58.

¹³ For discussions of Acholi hunting, see Bere 1960a., n.d.; also Atkinson 2010, esp. 57-58.

4. Historical Evidence for Lakang as Customary Land (i): Acholi Historical Tradition

In 1970-71, one of the authors as part of Makerere University's History of Uganda Project collected historical traditions throughout western Acholi – designated Acholi Historical Texts (A.H.T.), numbers 201-310.¹⁴

Shortly after the British established their colonial administrative centre at Gulu in 1911, sleeping sickness spread up the Nile River valley and into Lakang and neighbouring areas. In 1913-14, the British quarantined the area, removing the population nearer to Gulu town and along the main road being built between Gulu and Nimule in southern Sudan. While sleeping sickness was perhaps the precipitating factor here, moving people from more remote areas served to facilitate both trade and political control.

Among the historical texts collected, those with information on settlement in and near Lakang prior to being forcibly relocated by the British are A.H.T. 211-17, 224, and 226, from interviews with elders from various clans in Pagak, Toro, and Pawel chiefdoms. Relevant portions of these texts are discussed in turn.

4.1 A.H.T. 211 (7 July 1970)

In an interview with Lot Alii from Pagak *kal* (born c. 1900-02), at Amuru Trading Centre (current Amuru District Headquarters), he indicated that after moving in the 19th century from their original home in Bunyoro south of Acholi, the royal clan (Pagak *kal*) and eight others that made up the chiefdom eventually settled near the Ome and Apaa Rivers, near Bana Hill, c. 50 km west of Amuru District Headquarters and in or near Lakang. He also stated that Pagak had close ties with the smaller Toro and Parabongo chiefdoms before all were moved in 1913-14 to Keyo hill, c. 10 km northwest of Gulu town.

4.2 A.H.T. 212 (8 July 1970)

The interview at Amuru Trading Centre with Lot Alii, Rafile Otto (born c. 1911; son of the last traditional Pagak *rwot*), and 3 other Pagak elders focused on an earlier Pagak history (probably mid-18th to mid-19th centuries), when it was located northeast of Lakang. At the end of this period, internal secession disputes and external attacks caused the chiefdom to break up and scatter, before re-establishing itself in the area identified in A.H.T. 211, where it remained until removed by the British in 1913-14. Otto also told of two Pagak elders then living some 15 miles (25-30 km) west of Amuru Trading Centre towards the Pagak settlement site noted in A.H.T. 211.

4.3 A.H.T. 213 (16 July 1970)

Again, the group interview with Rafile Otto, along with 3 new Pagak elders, at Lamogi Sub-county Headquarters mostly reiterated the information in A.H.T. 212, including the earlier, more northerly settlement site of Pagak. Towards the end of the interview, the group was joined by Dominico Obwona, the successor to the last *Rwot Moo* of Toro

¹⁴ Copies of these texts were deposited in the early 1970s at the Makerere University Library, MISR, and the Makerere Department of History. All have disappeared. Both hard copy and electronic versions are being prepared to replace the missing collections. Copies are still available in the Africana Collection, Northwestern University Library, Evanston, Illinois, USA.

Pagoro – a second, small Toro chiefdom with a separate royal clan, or *kal*. He stated that the small chiefdom was settled at Bana Hill near Lakang in the late 19th and early 20th centuries (a site identified above in A.H.T. 211 and also often mentioned below).

4.4 A.H.T. 214 (2 June 1971)

Again, the interview with Lot Alii, plus two new Pagak elders, at Amuru Trading Centre, contains numerous general references to Pagak settlement and ritual performances in or near Lakang.

4.5 A.H.T. 215 (2 June 1971)

The interview with Raffle Otto, at his home in Pagoro Parish near Lamogi Sub-county H.Q., provided information on Pagak chiefdom ritual, including their rainstones (*kidi kot*) for “making” rain, which were kept in a pot in River Ome in or near Lakang.

4.6 A.H.T. 216 (10 July 1970)

In an interview with three elders from Toro (oldest born c. 1900-2), at Amuru Trading Centre, they claimed that a large group from the royal clan of Toro in Bunyoro to the south broke away after a succession dispute in the early 19th century and settled as a small independent chiefdom to the north of Lakang. After further moves, the small chiefdom settled near Pagak in or near Lakang as described in A.H.T. 211, where they remained until forced to leave by the British in 1913-14.

4.7 A.H.T. 217 (obtained 17 July 1970)

A one-page written manuscript from Toro Pagoro briefly describes the relationship between the Toro chiefdom and the separate chiefdom of Toro Pagoro. More importantly for present purposes, the document identifies the place where the two became affiliated as “Mbana,” almost certainly Bana Hill.

4.8 A.H.T. 224 (28 July 1970)

The interview with Peter Lulya (born probably early 1880s), the last traditional *Rwot* of Pawel, recounted Pawel’s many movements, often associated with fragmentation. When the British arrived, Lulya explained that one portion of Pawel was settled on then-restricted (and currently contested) land “at *Got Mbana* [Bana Hill] near the Nile. That was the best place. Even now [1970] Pawel are not pleased because [the colonial] Government has moved them. If the [Ugandan] Government said, even now they would move back there.”

4.9 A.H.T. 226 (22 September 1970)

In an interview with Jakeri Gunya, Potwongo sub-clan of Pawel *kal*, Gunya described a split of the small Pawel chiefdom in the late 19th century, with the two parts then brought together again under one *rwot* at “Mbana.” Not long after, the group was forcibly removed

(in 1913-14) to northwest of Gulu, near Gulu-Nimule road, where, like Pagak and others, they were placed under the Lamogi *rwot* (who was also a colonial chief).

5. Historcal Evidence for Lakang as Customary Land (ii): Written Sources

This section presents a selection of extracts from six written sources indicating Acholi settlement in the Lakang area before their removal by the British. Each source is listed as it appears in the References; page references are in the text.

5.1 Colonial Memo (extract) 1939

The following extract makes clear that the land from which people had been removed by the British (including Lakang) continued to be seen by those affected as their customary land, especially for hunting:

“2. This area was finally [completely] evacuated in 1921. Since then the game in it has increased considerably and sleeping sickness appears to have been stamped out. ... In short the temptations to illegal entry have multiplied while the causes responsible for complete prohibition of entry have greatly decreased.

3. A certain amount of hunting already takes place sub rosa, but the position is not a satisfactory one. The people who, when the area was evacuated, took their enforced change of domicile with docility, now regard the prohibition of hunting [which they evidently saw as their customary right] as an unnecessary restriction. The chiefs sympathies are naturally with their people and they undoubtedly wink at the hunting which takes place, but they cannot allow extensive hunting without its becoming apparent that the Governments’ instructions are being disobeyed.

4. Unless there are strong medical reasons to the contrary, and I do not see how there can be, I suggest that the inhabitants ... be permitted to resume tribal hunting in the restricted area.”

This “suggestion,” as indicated in the following source, was accepted a few years later, at least in part.

5.2 Bere 1947

After presenting a brief, somewhat confused history of precolonial Acholi, Bere deals briefly with the early colonial period. He writes that 1913 was marked by the widespread disarmament of the Acholi, and “depopulation of the Sleeping Sickness Area, which resulted in a great movement of the western clans [*sic.*, chiefdoms]. In 1938 part of this area was re-opened and a slow, controlled migration back towards the old lands began” (7) – indicting at least partial acceptance of the suggestion in the previous text.

5.3 Malandra 1947

In his chapter on Pagak (trans. version, 21-29), Malandra locates the chiefdom during much of its precolonial history in the more northerly location indicated by A.H.T. 212 and

213. He then details internal secession disputes and external attacks that caused the chiefdom to break up and scatter, before re-establishing itself in the mid-19th century further south near the River Ome in or near Lakang. He ends with a description of Pagak's forced move near to Gulu by the colonial government, and the ending of an independent Pagak chiefdom.

5.4 Okech 1953

Lacito Okech was one of the earliest Acholi to serve in the colonial administration (and to publish a history text on Acholi). He was appointed a clerk in 1914, an interpreter in 1916, a colonial chief in Lamogi from 1923-35, and served finally in various positions back in Gulu until 1946 (trans. version, 24).

In 1913-14, just as Okech was beginning his first job in the local colonial administration, the British began to collect taxes from western Acholi chiefs, and to relocate chiefdoms affected by sleeping sickness in Lakang and nearby areas. He mentions specifically the Pagak, Toro, and Pawel chiefdoms noted above, plus Parabongo and Lamogi (25-27), and later in the book presents a brief history of each.

The Lamogi chiefdom, he asserts, had always stayed just west and southwest of Mt. Kilak (well northeast of Lakang). They had close ties with the Pagak, Toro, and Parabongo, the first two of which, as we have seen, were eventually settled in and near Lakang (52-53).

In his brief history of Pagak he writes that the chiefdom settled near the River Ome in or near Lakang, some two or three generations before 1900, where it remained "a long time" (54).

Okech then briefly discusses Toro as a small chiefdom from Bunyoro that settled near the River Ome in the same area, and timeframe, as Pagak. He concludes with: "Sleeping sickness decreased their number while they were still at Ome stream and at Keyo [after being moved by the British]. ... But now they are increasing quite well" (54).

Finally, Okech's entry on Pawel reiterates some of the detail from A.H.T. 224 and 226, including parts of the chiefdom's settlement at various points in their precolonial history at and near Bana Hill near Lakang (69-71).

5.5 Crazzolara 1954

Vols. 2 and 3 of J.P. Crazzolara's classic work includes renditions of historical traditions of numerous Acholi chiefdoms, including, in vol. 3, Lamogi (459-73).

The most relevant details on Lamogi for present purposes is the brief assertion (459) that while Lamogi *kal* was "always" settled west and southwest of Mt. Kilak, the chiefdom as a whole "at one time extended further [west] towards the *Naam* (Nile)." This would have almost certainly included land in or near Lakang. Crazzolara does not identify which Lamogi clans lived further west, but after identifying Lamogi clans living near *kal* and Mt. Kilak, this leaves the Pailyec, Paingor, and/or Pokure as likely candidates (460).¹⁵

¹⁵ Pailyec is one of the relatively few clan names that appear frequently in the Lakang Judgment, showing up eleven times, sometimes as a group name, others as a place name. Pailyec also showed up in an unexpected way when Major-General Julius Oketta brought Pailyec into his case for ownership of some 10,000 acres of disputed land. In essence, Oketta claims that Pailyec elders "gave" him the land. While this claim seems highly dubious (Oketta is even from another Lamogi clan), the wider context of Oketta's story clearly indicates that he is describing Pailyec customary communal land – in contradiction to a final Judgment based primarily on the argument that the disputed land was *not* customary land. See the article 'Atimango squeezed over 40,000 acres of land,' *Red Pepper*, 11 November 2011.

Crazzolara then has a brief account of Pagak, Toro, and Parabongo, closely linking the three as do other sources. He locates Pagak from the early to mid-19th century in the same River Ome area in or near Lakang as do many others, then adds that Toro, as an independent chiefdom, was also living in the same area until both were removed by the British to Keyo Hill in 1913 (473-74).

5.6 Dwyer 1972

In his chapter on the famous Lamogi rebellion against the British in 1912, Dwyer echoes Crazzolara when he writes: “The area in which the Lamogi live lies west and slightly north of Gulu, and at one time their domain probably extended all the way to the Nile.” He adds that when he was doing research during the 1960s, however, much land west of Lamogi was a restricted government game reserve (131).

6. Historcal Evidence for Lakang as Customary Land (iii): Misr Research

In July 2012, the two authors, two Research Fellows from the Makerere Institute of Social Research (MISR) in Kampala, and a staff member from Human Rights Focus (HURIFO) in Gulu, conducted eight interviews with elders in and near Lakang. These interviews were part of an informal, preliminary enquiry related to one of MISR’s six designated research themes, “Land: Access and Conflict.”

6.1 Elder 1 from Pojok clan, Pagak chiefdom (at Bana Hill)

He was born in 1949 at present-day Pagak Sub-county headquarters, and came to Bana Hill from Amuru Camp in 2006. Among other details, he stated that the Pagak, Pawel, and Toro Pagoro were living in the Bana Hill area before it was quarantined by the British. He recounted hunting in the area as a young man with his father and other clan members, and indicted that before such hunts took place, Pawel *kal* was responsible for appeasing the spirits (*jogi*; singular, *jok*) of Bana Hill (to bless and sanction the hunt), while Toro Pagoro had a similar responsibility for the *jok* at nearby Mt. Ojigu.

6.2 Elder 2 from Toro Pagoro (at Lakang trading centre)

He was born probably in the late 1920s at Keyo, and came to his present home in 2006 from Pagak Camp, Lamogi Sub-county. He established his homestead where he did, he explained, because his father had lived at this very site, and married his mother here, before sleeping sickness came and the British moved the people away. His father was also the local *won tiim* (“owner of the bush”), the person in charge of the large multi-clan, and usually multi-chiefdom hunts in this area on behalf of his Toro Pagoro clan. He remembered, as did Elder 1, hunting in this area, and reiterated that Toro Pagoro was in charge of appeasing the *jok* at Mt. Ojigo. He also remembered that among other clans who hunted in the area were Lamogi *kal* and Lamogi Pailyec, as well as the Pagak clans of Ogoropii and Pacunge.

6.3 Elder 3 from Toro Pagoro *kal* (at Lakang trading centre)

He was born in the late 1930s/early 1940s. He provided a brief *rwodi* list of the Toro Pagoro chiefdom from the mid-19th century into the early 20th, with accompanying details. These details included identifying Ajung as the *rwot* forced by the British to lead people away from this area (in 1913-14), and his successor, Nekemiya Loka, as *rwot* when Toro Pagoro and other chiefdoms began to be amalgamated under Lamogi and “then under Lacito Okech” (in the 1920s). He not only reiterated that Toro Pagoro was responsible for appeasing the “big” *jok* at Mt. Ojigu, but added that they also helped appease *jogi* at smaller hills in the area.

6.4 Elder 4 from Pagak *kal* (at Lakang trading centre)

He was born in Gulu town, probably during the 1930s, and returned to the area in 2006 when, as he put it, “the government announced that people can return to their places of origin.” He is the traditional *lawing rwot* (spokesman of the *rwot*). He explained that the British quarantined this whole area c. 1914, with people beginning gradually to return after independence in 1962. He also noted that there is still evidence of earlier habitation such as graves, grinding stones and broken pots, adding that the graves are mainly those of people who died of sleeping sickness.

6.5 Second interview, Elder 2

He began by repeating that he was born and grew up in Keyo, that he returned to his present home in 2006, and that his father was the *won tim* responsible for organising group hunts in the area. He corroborated Elder No. 4 when he stated that by the time of independence in 1962, people started returning to the area, and even built houses. They remained into the Amin era (the 1970s), but left during the LRA insurgency and only started returning in 2006. Many of those who have returned are, like him, from Keyo and surrounding areas, and many still have family members and homes there.

6.6 Elder 5 from Toro Pucet (at Lakang trading centre)

He was born in 1945 in Keyo. He described both large dry season hunts called *arum*, with many clans participating, as well as smaller rainy season hunts and hunting with nets – all of which he joined in as a younger man. Honey was also harvested, both from natural hives and those set by local people. He left Keyo in the early 1970s to begin gradually returning to Lakang near where his grandfather had been buried; his father died and was buried en route. They were displaced after 1986, and after returning temporarily, again in the 1990s when they went to camps. Evidence supporting previous settlement in the area comes from the presence of early graves and of large fig (*kituba*) trees planted by earlier inhabitants.

6.7 Elder 6, also from Toro Pucet (at Lakang trading centre)

He was born in Keyo in the 1940s. He provided many details of life in Lakang before removal by the British: for example, living in fenced villages for protection from enemies; farming (including communal labour); tending livestock; and tribute due the *rwot* (*tyer*). He also noted the hardships and great distances involved when men, women, old people, and children were forced to move. Like the others interviewed, he had participated in hunts

in Lakang as a younger man, which he briefly described, and then added some details on fishing. As with Elder 6, he also began returning to Lakang in the 1970s, moving in phases from Keyo to Olwal (c. 15 km), then to Amuru (approximately another 25 km), then to the Apaa River (c. 25 km again), and finally to Lakang (c. 20 km).

6.8 Elder 7, also from Toro Pagoro (at Lakang trading centre)

He was born in Keyo, in the early to mid-1920s. His father had been born in Lakang, and before he died in the early 1930s had told his son about his ancestral land. He noted various details of life in Lakang before removal, similar to those provided by Elder 6, including hunting and fishing expeditions in Lakang in which he participated that could involve several nights away from home. His father, who was married in Keyo, was a skilled hunter who lived much of the time in Lakang. Elder 7 also began gradually returning to Lakang before war in the 1990s “meddled up their return.” He finally came back in 2006. Evidence of earlier settlement in Lakang come from the presence of planted trees marking gravesites and homesteads, and sometimes by physical traces of old homesteads.

7. Sketch of Developments since High Court Judgment and Closing Remarks

As noted above, the High Court Judgment decided the Lakang case in favour of the Respondents – and more generally in support of the proponents of land for development. The decision was, of course, based on evidence submitted to the Court by the plaintiffs. We provide examples of evidence that, in terms of the criteria set out in the judgement, might have had a bearing on the case. But evidence of this kind was not brought before the Court.

The Ugandan Court of Appeal on 28 September 2012 issued an injunction that still stands, barring Madhvani (and others) from carrying out activity on the disputed land. Three of the original Applicants have appealed the original Judgement, challenging the leasing out of the contested land. Meanwhile, a host of disparate actors – some involved previously and some new, some supporting and some opposing the Judgment – are jockeying for position on multiple fronts and using multiple tactics.

The following list of actors – and it is only a partial one – perhaps begins to convey, on its own, a sense of the extent and complexity of the yet unresolved struggle over Lakang land:

- Lamogi “Clan” government, eventually branded illegal with its “Interim Chairperson” briefly held by Police;
- Acholi Land Forum, a group started after the 2011 elections and comprised mainly of losing opposition party candidates;
- Land Protection Committees in Lakang, whose membership includes village chiefs and elders, Local Councilors, community leaders, and reporters;
- Local communities in and nearby Lakang;
- Central government, often in the person of President Museveni personally;
- Various “Interim” or ad hoc committees and delegations, typically comprised of a mix of prominent Acholi on both sides of the Lakang debate; these groups have frequently met – or alternatively refused to meet – President Museveni in his frequent instances of direct involvement;

- Acholi Parliamentary Group;
- Acholi cultural leaders from the Acholi cultural organisation, Ker Kwaro Acholi;
- Amuru Resident District Commissioner and Amuru District Government;
- Ugandan police and military, in particular those currently posted in Lakang;
- Various Civil Society Organisations and the UN whose assistance has been requested by Lakang residents, including Refugee Law Project, Acholi Religious Leaders Peace Initiative, and Human Rights Focus;
- News media;
- Lawyers and law firms representing interests across the spectrum of those involved.

In closing, we would like to emphasise that there is historical evidence – documentary and oral – bearing on customary tenure in Lakang that would be relevant in terms of the legal arguments presented in the High Court Judgment. This evidence – and there is more waiting to be found – was not presented.

Clearly, this is a particular, even narrow, view of the Lakang case. Clearly, there are many kinds of actors and many interests – political and ideological – involved, ranging from the powerful both within and outside Acholi to ordinary Acholi men and women. The Lakang case provides a stage for larger debates of significance in and beyond Uganda.

But it is also a case in law, and it is important not to lose sight of this specific context. And we would argue that a fundamental issue in this context hinges on the strength of evidence for customary tenure claims, and the task for any legal challenge to the February 2012 High Court Judgment will be to collect and present such evidence.

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Alleged Land Grabs and Governance: Exploring Mistrust and Trust in Northern Uganda – The Case of the Apaa Land Conflict

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Introduction

Rumours of land grabs by wealthy investors, well-connected political and military figures and government actors have been rife in northern Uganda since the late 1980s. The displacement of more than 90% of the Acholi population in camps for internally displaced people (IDP) between the mid-1990s and 2008, during the war between the Lord's Resistance Army (LRA) and the Government of Uganda, is still seen by many as the beginning of an attempted land grab. Allocations of large areas of land in the post-war period, justified in the name of economic development, feed into a local paradigm of mistrust based on perceived oppression and exploitation by outsiders.

This paper examines the case of Apaa, a remote village on the fringes of the Acholi sub-region, and the scene of one of the innumerable land disputes afflicting northern Uganda since the return of the population from the camps. It looks at the recent evictions of people from Apaa by the Uganda Wildlife Authority (UWA) to explore how trust and mistrust interplay in the governance of conflicts over large-scale land acquisitions.

The Apaa conflict involves the local people, the UWA, security forces, national government, local councils, investors, politicians and powerful individuals. In the view of the local people, the area around Apaa is customary land and part of Amuru District, whereas the UWA argues that it is gazetted (state-owned) land that belongs to East Madi Wildlife Reserve in Adjumani District. The parties to the conflict have tried to solve the problem by providing maps to establish the exact boundary between the two districts, and thus to ascertain whether Apaa village is located within East Madi Wildlife Reserve or outside the conservation area.

However, this paper argues that the demarcation of the boundary can only be a first step in resolving the conflict, which is equally about issues of social belonging and identity associated with the land, and about landownership, livelihood security, wildlife protection, and investment for the development of northern Uganda. The conflict challenges institutional capability, and the greed of – and trust or mistrust in – individual, politically connected actors who claim to speak in the name of the community of Apaa and who have brought ethnic differences between Madi and Acholi into play, after decades of harmonious relations, and who have been widening the extent of the disagreement. The paper points to historical and recent political, economic and social divisions in the north of Uganda and across the whole country which underlie the conflict, and it questions whether or not large-scale land cases may also be promoting new alliances based on newly appreciated common interests.

The paper is based on a review of the literature on land conflicts in northern Uganda, daily newspapers reporting the Apaa issue and some interviews. Part 1 looks at the meaning of land for the Acholi people and different types of conflict over land in post-war northern Uganda. Part 2 describes the Apaa land conflict by highlighting the multiple

and overlapping points of conflict raised by a range of different actors, the chronology of the conflict and attempts at conflict resolution. It further outlines the visible core problem of the disputed boundary and the underlying issues, i.e. whether to prioritise human livelihood security or protection of wildlife and investment for development, from the point of view of those involved, and looks at the growing ethnicisation of the conflict. Part 3 focuses on mistrust in the governance of the conflict by listening to local voices expressing perceived threats to their livelihood security and social belonging, which are discussed with reference to the concepts of risk, uncertainty and vulnerability and against the background of the political and economic framework conditions. Part 4 considers approaches and challenges to conflict resolution by reviewing the visible core problem, underlying causes and the effects of the conflict. In the conclusion the question is raised: Who benefits?

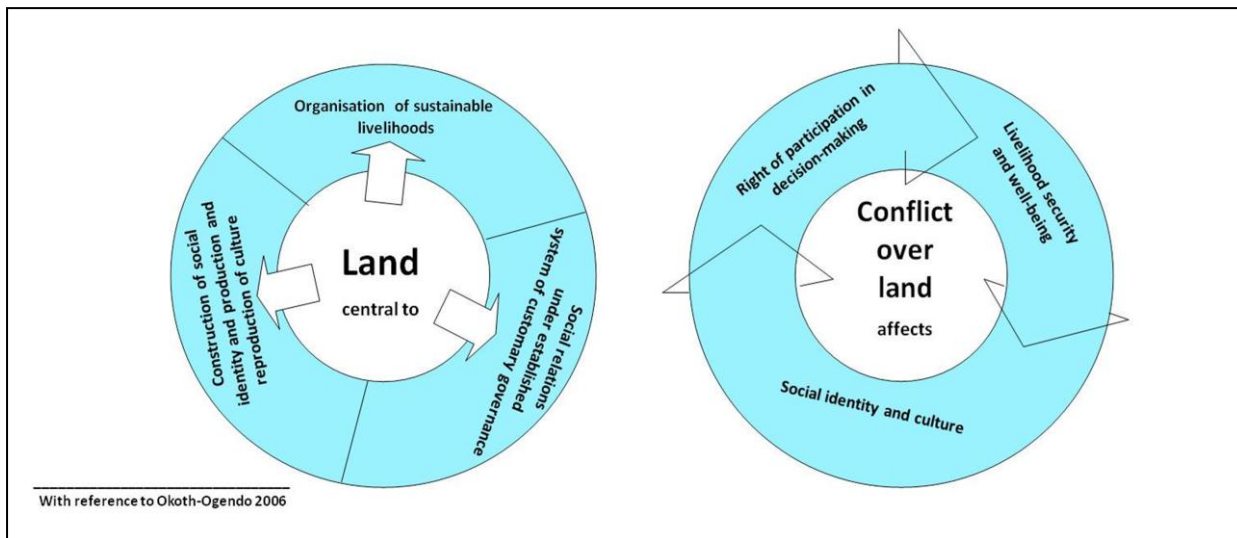
1. The Meaning of Land for the Acholi and Conflict Over Land in Post-War Northern Uganda

Northern Uganda experienced more than two decades of violent conflict between the LRA and the Government of Uganda, during which almost the entire Acholi population was displaced and forced to live in IDP camps. Since the LRA and the government entered into peace negotiations (2006-2008), the people of northern Uganda have benefited from what they call “relative peace”, and an estimated 1.8 million people or 92% of the IDPs have returned to their areas of origin while a minority has resettled elsewhere (Burke & Omiat Egaru 2011; IDMC 2012a; IRIN 2012; RLP 2007).

The return, however, has not been an easy process. It has been accompanied by numerous land conflicts that have not only put the major productive resource of the returning people at risk, but also challenged notions of social identity and cultural belonging associated with the land and the right to participate in decision-making.

For the Acholi and other people in Africa, land is “not simply a factor of production, but a multiplex social, cultural and political phenomenon” on which the production of social relations under an established system of customary governance and the construction of social identity and (re-)production of culture depend (Okoth-Ogendo, quoted in IFAD 2006: 5); or in the words of the Catholic Archbishop of Gulu Archdiocese, John Baptist Odama: “Land is our mother where we all get milk, food and other benefits. God gave the Acholi people the land which they must enjoy for productivity.” (Odama, quoted in Okumu 2012).

Figure 1: The Meaning of Land for the Acholi and Conflict Risks

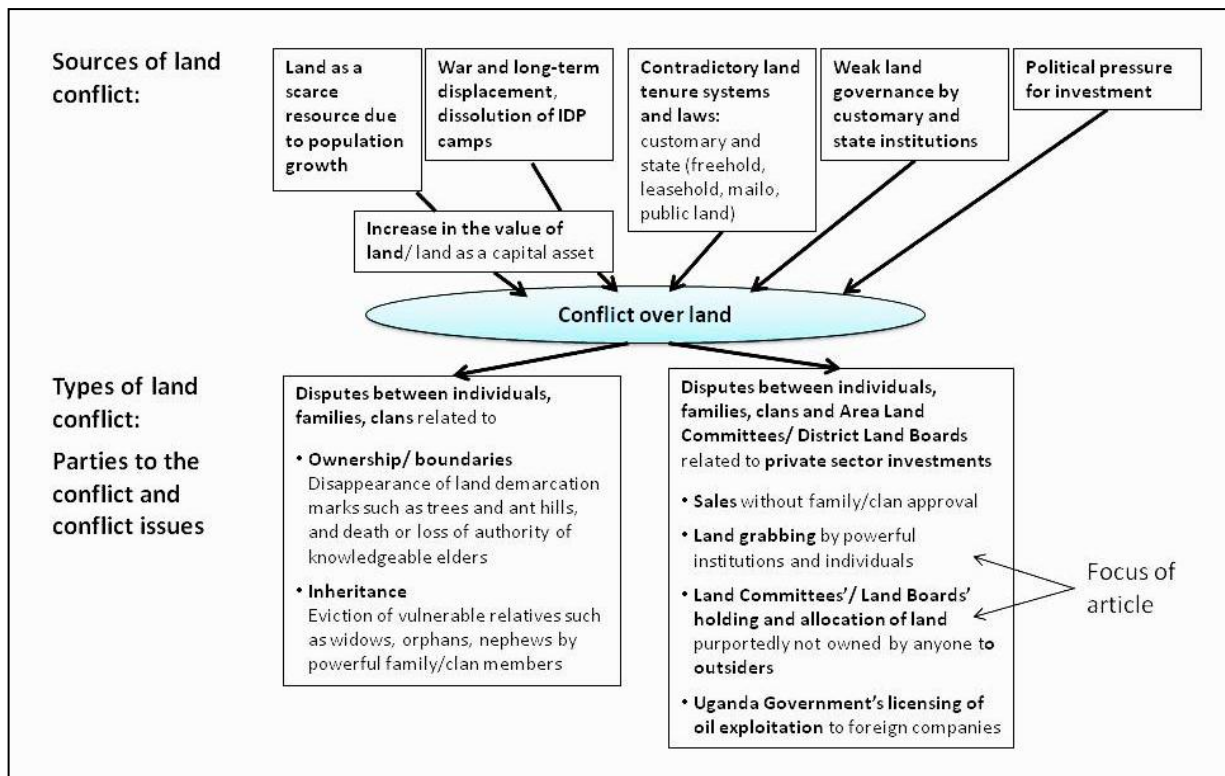


Conflicts over land in post-war northern Uganda are a consequence of people's long-term displacement in camps, during which boundary markers (such as ant hills, trees and stones) disappeared and knowledgeable elders either died or lost their authority. They are also caused by a significant increase in population over the last twenty years, which has made land a scarce resource, as well as political pressure for investment. The conflicts are rooted in contradictory customary and state land tenure systems and weak land governance.

Land in northern Uganda is held under customary tenure, which allows people to own pieces of land but not to sell them without clan or family approval. Customary tenure is, however, challenged by the state legal and judicial system of land administration that promotes freehold and leasehold tenure, but also recognises customary tenure. Statutory and customary land laws contain ambiguities. For instance, earlier laws gave people who occupied a piece of land for twelve or more years ownership rights over the land. During the LRA insurgency, this allowed some powerful individuals to gain rights over communal land. People also fear losing their land since most of them lack official land ownership documents. The government recently started to issue Certificates of Title of Customary Ownership, giving rights equal to freehold tenure, but a law confirming these rights has not yet been passed. (cf. IRIN 2012).

Different parties to land conflicts clash over different issues. Individuals, families and clans dispute boundaries, ownership and inheritance, and these disputes have greatly affected vulnerable people who are in a disadvantaged position in the Acholi patrilineal descent system such as widows, orphans and sisters' children. Other disputes over intended private sector investments involve individuals, families, clans, but also Area Land Committees and District Land Boards. Sources of conflict include sales taking place without family or clan approval, land grabbing by powerful individuals, and the holding and allocation of land by Area Land Committees and District Land Boards. Conflicts are also bound to arise in relation to the licensing of oil exploitation to foreign companies without a clear stance on the question of who owns underground resources. (cf. ARLPI 2009, 2010; Burke & Omiat Egaru 2011; Chelimo 2011; IFAD 2006; IRIN 2012; Mabikke 2011; McKibben & Bean 2010; Mugambwa 2007; Olanya n.d.; Rugadya 2008; Rugadya *et al.* 2008; Serwajja 2012; UN Habitat 2007).

Figure 2: Conflicts over Land in the Acholi Sub-region



Conflicts relating to large-scale land acquisition for investment have been particularly evident in Amuru District, which is located in the western part of the Acholi sub-region. The massive displacement of the local population into IDP camps from the mid-1990s until 2008 is still seen by many as part of a long-running attempt to grab the people's land – an attempt that is both deceitful and illegal, as spelled out in Samuel Mabikke's definition of land grabbing:

"... [t]he acquisition of land by a public, private enterprise, or individual in a manner that is illegal, fraudulent, or unfair taking advantage of existing power differences, corruption, and breakdown of law and order in the society." (Mabikke 2011: 15).

A case in point is the conflict between the people of Apaa and the UWA, the former claiming that the area around Apaa is customary land and part of Amuru District, while the latter argue that it is part of the East Madi Wildlife Reserve in Adjumani District. The reserve is presently managed by the UWA, Adjumani District and Lake Albert Safaris – a private-public partnership arrangement intended to enhance revenue generation. The UWA accuses the local people of encroaching on the reserve, poaching and destroying the natural habitat (Wacha 2011a, 2012a). Since 2010, people have been forcefully evicted from Apaa. These evictions are regarded as necessary by the authorities in order to protect the natural environment in the reserve and boost tourism in the area, thus driving forward development (Wacha 2012a, 2012b). The evictions have been met with fierce resistance by the local people and Acholi politicians who have accused the UWA and investors of attempting to grab their ancestral land (Okumu 2012; Wacha 2011a, 2012a). They have, however, emphasised that they are not opposed to investment and development, but want to be consulted by investors who they think should talk directly to the local people rather than going through state officials and the courts (Makumbi 2012a; Okumu 2012).

2. The Apaa Land Conflict

The conflict in Apaa is characterised by multiple and overlapping conflict patterns involving a range of different actors. It remained latent until 2010. In 2011 and 2012, however, positions became more and more confrontational, and the conflict has progressively been dealt with by use of violent means. Several attempts to resolve the conflict have failed to date.

The following section first provides an overview of the issues and stakeholders involved in the conflict, the chronology of the conflict and attempts at conflict resolution. Subsequently, light is shed on the visible core problem, its underlying causes and its effects in the form of new disputes involving different parties to the conflict, including local people, politicians who claim to speak for them, and representatives of national government, local administration and investors.

2.1 Conflict Issues, Stakeholders, Chronology of the Conflict and Attempts at Conflict Resolution

The Apaa conflict is a border dispute between Adjumani and Amuru districts and a conflict over the administrative affiliation of Apaa to one or another of these districts. It is also a conflict over land ownership and human livelihood security versus protection of wildlife combined with investment for the development of post-war northern Uganda. Finally, it is a conflict over land as a productive resource and a social/cultural identity marker.

Stakeholders involved in the conflict comprise the community of Apaa; Acholi and Madi people; Adjumani and Amuru districts; Acholi and Madi parliamentarians and local politicians; the UWA and the Government of Uganda, particularly the Ministry of Land, Housing and Urban Development and the Ministry of Trade, Tourism and Industry; security forces, namely UWA rangers, police (UPF) and army (UPDF) personnel; powerful individual actors; and investors.

The conflict started with the improving security situation and the first closures of IDP camps during the Juba Peace Talks in 2006-2008 (cf. IDMC 2012b; UNHCR 2007), when the people of northern Uganda began to return to their homes.

The progression from latent conflict to open confrontation and the progressive use of violent means as well as attempts to solve the conflict up until the end of September 2012 are summarised in the following table.

Table 1: Chronology of the Conflict and Attempts at Conflict Resolution

Latent conflict	2006 and early 2007	People from Parabongo, Pabbo, Atiak and Amuru IDP camps begin to settle in Apaa.
	May 2007	Adjumani and Amuru district leaders claim Apaa is part of East Madi Wildlife Reserve managed by the UWA in collaboration with Adjumani District, and order over 2,000 former IDPs “who illegally settle in the reserve” to leave. Residents refuse and insist that they have returned to their original land.
Confrontation and progressive use of violent means	2010	Game rangers from the UWA burn down over 170 huts in order to force people to leave Apaa.
	2011 – 2012	Forceful eviction exercises in Apaa by the UPDF, UPF and UWA, accompanied by arrests, destruction of huts, property and crops. Several thousand people are evicted (estimated numbers: 4,000-4,500 in May 2011; 6,000 in February/March 2012).
	August 2012	Start of the demarcation of the disputed border by surveyors of the Ministry of Land, Housing and Urban Development results in violent clashes between residents and security forces.
	2012	Increased tensions and violent clashes between individual Acholi and Madi in the border area of Adjumani and Amuru districts.
Conflict resolution efforts	2012	Unsuccessful attempts are made to resolve the conflict in 2012 through: the formation of a Cabinet sub-committee to look into the matter; a court ruling that puts an injunction on Apaa land and restrains the UWA from evicting residents; and dialogue.
	September 2012	During a community meeting in Pabbo sub-county, residents resolve that that they want to see President Museveni over the Apaa land conflict, since only his intervention could halt evictions and the claims of ownership by the government.
<p><u>Sources:</u> Acholi Times 2012; Ali 2012; CEFORD 2012; Eriku 2007; Lawino 2012b; Lokwiya 2011; Makumbi 2011, 2012b, 2012c; Naturinda 2012; Ojok 2012; Parliament of Uganda 2012a; RLP 2012: 3; Wacha 2011a, 2011c, 2012a, 2012b; and interview with Habib Abubakar, 8 March 2012.</p>		

2.2 The Visible Core Problem: Disputed District Border and Administrative Affiliation

The visible core problem of the Apaa conflict is the unclear boundary between Adjumani and Amuru districts. As a consequence, the administrative affiliation of Apaa to either Adjumani District or Amuru District is another debated issue.

Views of People from Apaa, Representatives of Amuru District Local Council and Acholi Parliamentarians

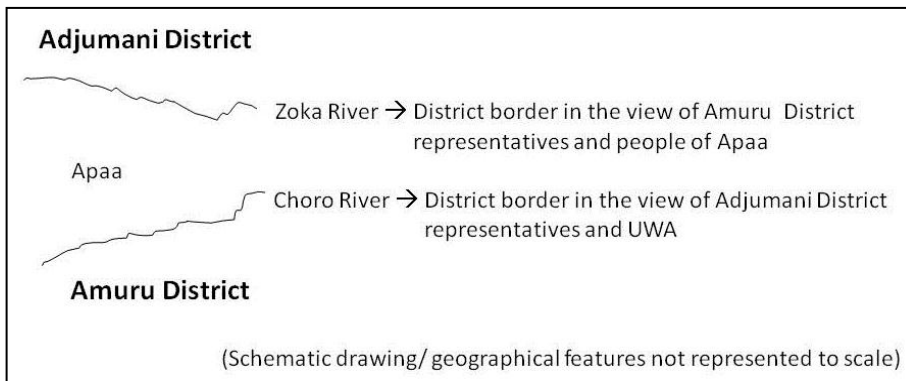
According to statements by people from Apaa, the MP for Kilak County in Amuru District, Gilbert Olanya, other Acholi MPs and some officials from Amuru District, the Zoka River marks the border between the two districts. In their view, the border was established in colonial times and stretches more than 15 miles away from Apaa (Lawino 2012b). Thus, in their view, Apaa is administratively affiliated to Amuru District. In support of their argument they say that the people of Apaa were counted during the last census as people of Amuru (then Gulu District) and voted for candidates of Amuru District, not Adjumani District in the 2011 elections (Amone 2011).

Views of Representatives of the National Government and Adjumani District Local Council

In the view of the Deputy Prime Minister and MP for Moyo Constituency, General Moses Ali (who is also Leader of Government Business in Parliament) and of the Assistant CAO of Adjumani District, Habib Abubakar, the border between the two districts – which is also the border of East Madi Wildlife Reserve, with Apaa being part of the reserve – has not changed since independence. Both emphasise that the border was drawn during colonial times. After independence, the government decided that the border should remain unchanged. This decision was adopted in Parliament in 1962 and confirmed by the 1995 Constitution. However, representatives of Amuru District would not accept the map from the Entebbe archives, claiming instead that the Zoka River marks the border. If this were the case, they argue, Apaa would be located in Amuru District, which is not correct. In their view, the Choro River marks the border. (Ali 2012; Interview with Habib Abubakar, 8 March 2012). General Ali accuses Gilbert Olanya, MP for Kilak County, and Christopher Ojera, LCIII Chairperson Pabbo, of having “redrawn (in their minds) the border between Amuru and Adjumani to be River Zoka” in order to claim Apaa as part of Amuru District (Ali 2012).

In the opinion of the Assistant CAO of Adjumani District, the view that Apaa is administratively affiliated to Amuru District is based on a misinterpretation that is rooted in the times of the LRA insurgency and the displacement camps. According to him, at that time Acholi people lived in IDP camps on the Adjumani side of the border, including a camp in Zoka Game Reserve, which is located inside East Madi Wildlife Reserve. After the camps were phased out, some people – mainly Acholi, but also a few Madi – remained in the reserve. Their claim that “this is our land” and that Apaa is part of Amuru District originates from services (health, schools, etc.) delivered by Amuru District during the time of the camps. Adjumani District had difficulties reaching Apaa owing to impenetrable forests, rivers and streams, and lack of bridges. Also, the insurgency stopped Adjumani District from opening a road to the border. (Interview with Habib Abubakar, 8 March 2012).

Figure 3: Different Views on the Demarcation of the Disputed Segment of the Amuru-Adjumani Districts Border



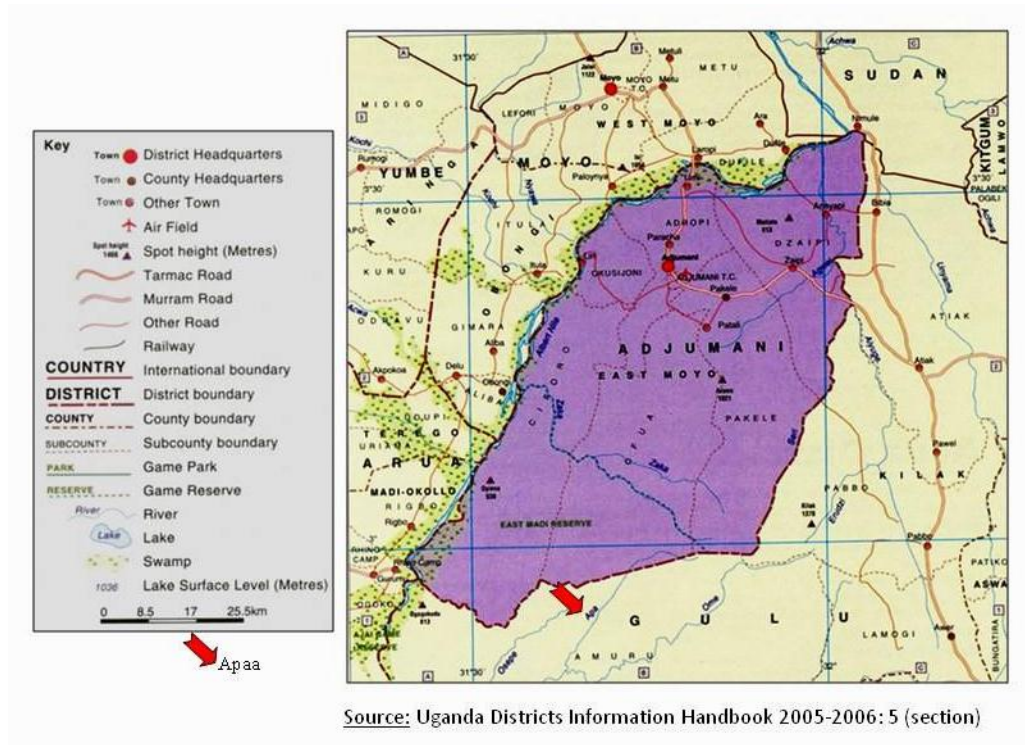
Maps Indicating the Location of Apaa

Apaa village consists of numerous homesteads spread along a river of the same name.

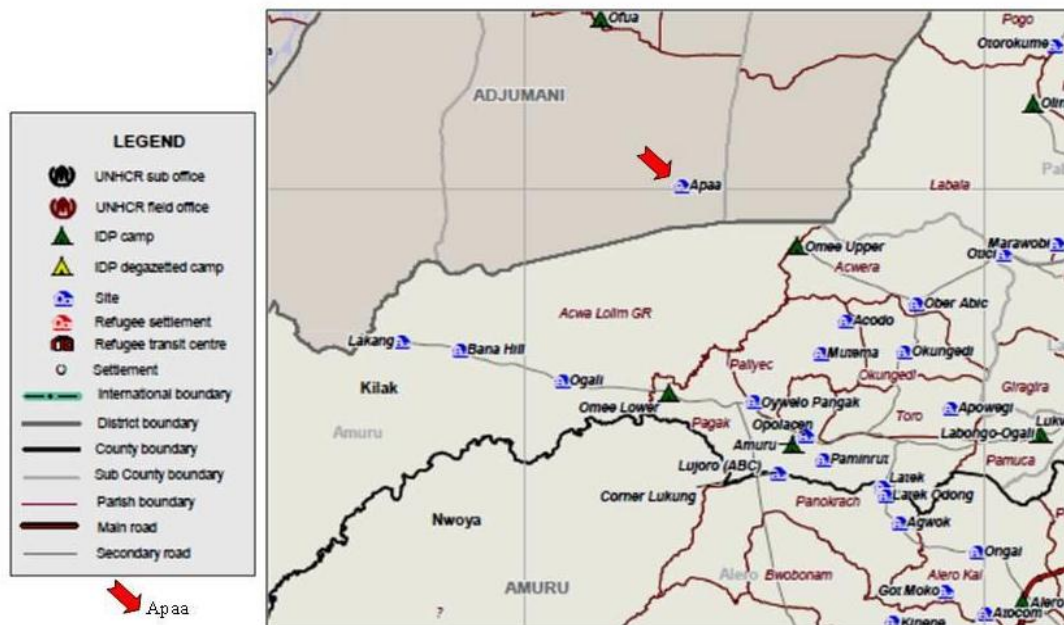
Maps indicating the location of Apaa are unclear, as demonstrated by two examples. In 2005/06, the Ugandan government located the main section of Apaa River in Amuru sub-county, Kilak County, at that time still part of Gulu District, and a small section of the river in Adjumani District (Uganda Districts Information Handbook 2005-2006: 5), whereas, in 2007, the UN Refugee Agency located the 'site' Apaa (a food distribution point) well inside Adjumani District and quite far from the district boundary shown on the map (UNHCR 2007).

A resident of Apaa who was asked about these inconsistencies explained that "our boundaries have always followed natural features; therefore it is Apaa River that demarcates the border [of the contested segment], and consequently Apaa is part of Amuru District" (Interview with resident of Apaa, 15 February 2013). The Deputy Prime Minister General Moses Ali, who confirms that the boundary "is characterized by natural features", however emphasises that the section of the border in question does not follow a river, but "goes on land for 28-kms" until it reaches Seri River (Ali 2012).

Map 1: Location of Apaa River According to Uganda District Information Handbook Map 2005



Map 2: Location of Apaa Site According to UNHCR IDP Distribution Map 2007



2.3 Underlying Causes: Contested Land Ownership, and Prioritisation of Human Livelihood Security versus Protection of Wildlife combined with Investment for the Development of Post-War Northern Uganda

Both people from Apaa and the UWA claim ownership over the area. The people of Apaa put emphasis on the need to access land as the key to securing their livelihoods, which in the rural areas of the Acholi sub-region largely depend on subsistence agriculture. In contrast, representatives of the UWA and Adjumani District focus on the protection of wildlife and investment in tourism as a major catalyst for the development of the region.

Land Ownership

Views of People from Apaa, the LCI of Apaa and the MP for Kilak County, Amuru District

In the view of people from Apaa, the land is customary land, which has always belonged to them and their ancestors (Lawino 2012b; Makumbi 2012c; and interviews with residents of Apaa, 2 November 2012 and 15 February 2013).

According to the LCI of Apaa, Justine Okot, local people were relocated from the area in the colonial period because of tsetse fly infestation, and returned in the 1970s during Idi Amin's regime, before gradually leaving again in the course of the LRA insurgency, when the Ugandan government forced them into IDP camps (Wacha 2012b). He emphasises that the recently evicted people are able to trace their residency in the area back to 1973 (Lokwiya 2011). The MP for Kilak County, Gilbert Olanya, explains that a previously existing game reserve was de-gazetted several years ago, allowing for the people to return (Wacha 2012a, 2012b).

Some local people said that in 2002 they began to hear rumours that their land would be claimed by the UWA. When the camps were dissolved and people were told to return to their homes, they came back to Apaa. At first, they did not hear complaints from the UWA, but were later puzzled by the evictions (Lokwiya 2011; Makumbi 2012c; Wacha 2012b).

Views of Representatives of the National Government, UWA and Adjumani District and Amuru District Local Councils

The Deputy Prime Minister, General Moses Ali, objects to the view that a previously existing game reserve – which was de-gazetted, thus allowing the people to return – included the area of Apaa. According to him, this reserve – the Kilak Hunting Area and Aswa/Lorim Game Reserve degazetted in 1972 by the Amin government (cf. Serwajja 2012: 16f.) – was located in the area of present-day Amuru District, not Adjumani District (Ali 2012).

According to General Moses Ali and representatives of the UWA, Apaa belongs to East Madi Wildlife Reserve, which covers 825 square kilometers and is entirely located in Adjumani District (Ali 2012; Lawino 2012b; Makumbi 2011, 2012c). This opinion is shared by Milton Odongo, the former RDC of Amuru District, who during the first large-scale eviction of more than 4,000 people by the UPDF and UWA in 2011 insisted that the area is “part of a reserve that is not even in Amuru but Adjumani District”, but “during the war people moved to areas (such as Apaa) that were demarcated as IDP camps” (Milton Odongo, quoted in Makumbi 2011).

According to the Deputy Prime Minister, General Moses Ali, the Assistant CAO of Adjumani District, Habib Abubakar, and UWA representatives, the area was designated a wildlife reserve in 2002 by the Seventh Parliament of Uganda and gazetted by the Ministry

of Trade, Tourism and Industry in the same year – after consultations with Madi elders that began a long time before the LRA insurgency. It thus ceased to be land where people could settle (Ali 2012; Makumbi 2011, 2012c; Wacha 2012b; and interview with Habib Abubakar, 8 March 2012). In the General’s view, encroachment and the dispute over the East Madi Wildlife Reserve boundary started in 2006 when IDPs were supposed to go back to their respective areas, but instead moved to the reserve. First attempts to survey and demarcate the border were met with resistance from local communities and political leaders from Amuru and “workers were chased and threatened with death” (Ali 2012).

Prioritisation of Human Livelihood Security versus Protection of Wildlife Combined with Investment for Development of Post-war Northern Uganda

Views of People from Apaa, Acholi Politicians and Religious and Cultural Leaders

According to statements by people from Apaa, the residents are not willing to leave because they have no alternative land to move to where they can cultivate crops (Wacha 2011b, 2012b; and interviews with residents of Apaa, 2 November 2012). They stress that the continuing eviction has already seriously affected food production and threatened livelihood security (RLP 2012: 2).

They further argue that the people of Apaa think that the UWA and investors are using the government to grab their ancestral land; and that the evictions are being carried out because the UWA has already sold the area to an investor (Okumu 2012; Wacha 2011a, 2012a; and interviews with Apaa residents, 2 November 2012).

Acholi politicians, religious and cultural leaders and local people emphasise that they are not against investment and development of the area. However, investors should talk directly to them instead of using their connections to government or resorting to the courts (Makumbi 2012a; Okumu 2012).

Views of Representatives of Adjumani District Local Council, the UWA, UPF and the South African Investor

The Assistant CAO of Adjumani District emphasises that the East Madi Wildlife Reserve and Zoka Forest Reserve inside it are gazetted land, “which means government land for specific purposes – in this case: to preserve natural habitats, not human habitation. This is based on laws.” (Interview with Habib Abubakar, 8 March 2012).

UWA representatives accuse the local people of encroaching on East Madi Wildlife Reserve, poaching and destroying the natural habitat (Wacha 2011a, 2012a): “UWA is only working under the law in protecting the integrity of the wildlife reserve from encroachers as provided in the Uganda Wildlife Act 2000” (UWA Conservation Area Manager Mr. Tom Okello, quoted in Makumbi 2011).

According to Grace Turyagumanawe, Assistant Inspector of Police, the eviction is part of a national plan to protect wildlife and wildlife reserves, to boost the tourism sector and an influx of foreign exchange, thus driving forward development (Wacha 2012a, 2012b). UWA representatives highlight the fact that the reserve is presently managed under a tripartite arrangement by the UWA, Adjumani District and Lake Albert Safaris – a private-public partnership arrangement intended to enhance revenue generation (Wacha 2011a, 2012a). Bruce Martin from Lake Albert Safaris received a concession for sports hunting as early as 2005 (Lawino 2012b). His activities were advertised as follows in 2010 by the Hunting Report, a web journal for big game hunters and trophy collectors:

“In Uganda Bruce Martin of Lake Albert Safaris has finally been awarded the East Madi Wildlife Reserve. This concession encompasses 900-square-kilometers of unspoiled bush along the Nile River. As a reserve, there are no villages in the concession. Martin is offering hunts for Nile buffalo and plains game, including East African defassa waterbuck and Jackson's hartebeest. Agent Steve Kobrine says they will have the quota by the Safari Club convention.” (Hunting Report 2010).

2.4 Effects of the Conflict causing New Conflicts over the Productive Resource Land and Social and Cultural Identity Related to Land

During the time of encampment, Acholi and Madi people had settled together peacefully in the disputed area and afterwards united in resisting the evictions (Interview with Habib Abubakar, 8 March 2012; and interview with resident of Apaa, 15 February 2013). However, during 2012, the Apaa conflict became increasingly ethnicised, which resulted in violent clashes between individual Acholi and Madi.

During a parliamentary debate on 8 February 2012, the MP for Kilak County in Amuru District accused the Madi community of “crossing the boundary coming to Amuru” and referred to an incident on 27 January 2012, when Madi from Adjumani District armed with spears, arrows, bows and pangas came to Apaa and told the Acholi “to leave our land”. This incident was confirmed by the Minister of Security (Parliament of Uganda 2012a). Three days later, armed Acholi from Amuru District injured five Madi residents and destroyed property in Zoka Parish, Itirikwa sub-county, Adjumani District. The Acholi intruders said that the Madi were settling on Acholi land, insisting that Zoka parish was part of Amuru District, not Adjumani District, with the Zoka River as the district boundary, not Choro River as the Madi claimed (CEFORD 2012; Interview with Habib Abubakar, 8 March 2012).

According to members of the Acholi Parliamentary Group, General Moses Ali, Deputy Prime Minister and MP for Moyo Constituency, was inciting “tribal wars” by mobilising Madi from Adjumani District and sending them to Amuru District with spears, arrows, and bows to grab land. The General denied the accusation. (Ali 2012; Naturinda 2012; Parliament of Uganda 2012a, 2012b). The cabinet discussed the matter and delegated the General to form a Cabinet sub-committee to investigate the matter. He called a meeting and invited the Acholi MPs. However, they did not attend, arguing that the head of the committee was a party to the conflict and thus could not act as an arbitrator (Naturinda 2012).

Following the beginning of demarcation of the disputed Adjumani-Amuru border in August 2012 by government surveyors, who were accompanied by officials from Adjumani District, ethnic tensions spread across the border into the adjacent Nwoya District (Acholi sub-region), where over 2,000 Madi and Jonam residents from West-Nile had settled in the sub-counties of Pungo, Anaka and Alero. Representatives of the Madi and Jonam settlers asked the officials to halt the evictions, because they were afraid of being chased away by Acholi who accused them of having settled on Acholi-owned land illegally since 2006, when the government had announced the voluntary return and resettlement of displaced people in the war-affected areas. Some of them were also suspected of having been brought to the area by NRM politicians to vote for them in the 2011 general elections (Makumbi 2012b).

3. Mistrust in the Governance of the Conflict

The people of Apaa deeply mistrust the governance of the conflict over large-scale land acquisition by outsiders which, in their view, threatens their livelihoods and the source of their sense of belonging and identity. Uncertainty, fear, suspicion and bitter grievances related to the past underpin their evaluation of actual dangers and perceived risks, and their strategies for counteracting the current developments.

In the following section, we hear the voices of people from Apaa and the positions of individuals who claim to speak for them, including those who represent the people's interests and others who mainly use the conflict to win political support. It also scrutinises unsafe political and economic frameworks that make the people of Apaa extremely vulnerable and allow the exploitation of their economic and social distress for political purposes, including lack of transparency on the part of government concerning the development of the region and an information deficit concerning people's rights.

3.1 Perceptions of the Threat to Livelihood Security and Social Belonging

Land as a Source of Well-being Related to the Fulfilment of Basic and Culture-specific Needs

The following scenario demonstrates the meaning of land for the people of Apaa – who depend on the land for livelihood security, the construction of social identity and reproduction of culture – and their fear of losing their land due to large-scale land acquisition by outsiders.

In August 2012, after residents of Apaa attacked and frightened away government surveyors from the Ministry of Land, Housing and Urban Development who had started to demarcate what they claimed to be the border between Adjumani and Amuru districts, they reportedly chanted a song that recalled the Acholi's quest for protection of their land by responsible leaders during the NRA's attack on Acholiland in 1986:

“Okello iweko ngom ki anga ... bedo awobe tek, iweko ngom ki anga? Wii-yeee!” (Lawino 2012b) [Literary meaning ‘to whom will you abandon this land’.] (Literal translation: ‘Okello, to whom have you left the land ... being a (male) youth is difficult, to whom have you left (the right to) the land?’].

Uncertainty, Fear and Worrying

Loss of large tracts of land to outsiders poses a severe threat to the well-being of the people of Apaa in relation to their livelihood security and social and cultural needs.

An essential component of well-being is feeling secure. The anticipation of losses leads to uncertainty – “a lack of assurance or conviction”, fear – “a feeling of agitation and anxiety caused by the presence or imminence of danger”, and worrying about the future (cf. Casimir 2008: 26ff.; definition of terms: The Free Dictionary 2012).

The following statements by people from Apaa after the 2011 evictions, as quoted by Wacha (2011a, 2011b), reflect their feelings of uncertainty, fear and worrying:

“Wilson Acuma ... explains that a team of soldiers stormed their village ... and ordered them to demolish their own houses and flee from the area. ... He ... is afraid that his family will starve after the soldiers destroyed his harvest and the food supplies ...” (Wacha 2011a).

“Norak Acayo, a mother of four says that they were excited to use the present rains to cultivate crops and overturn the dependency life they once had in the camp but fears that their dreams may be dashed with the interference by UWA.” (Wacha 2011b).

Mistrust and Suspicion

Expressions of uncertainty, fear and worrying by the people of Apaa are deeply rooted in mistrust – the “lack of trust or confidence, as in a person's motives, arising from suspicion” (The Free Dictionary 2012) – over the governance of conflicts about large-scale land acquisition. This mistrust is expressed in various ways, as demonstrated by the following extracts from Acholi newspaper commentaries. There is a suspicion that the government is behind land conflicts in the Acholi sub-region in order to grab land for investors, and there are accusations of bad governance, selfish interests and a hidden agenda.

“Legislators ... have condemned the Ugandan government of inciting and fuelling land conflicts ... as part of a long-term strategy to grab land for investment, citing the most recent clashes in ... Apaa and Lakang in Amuru district in northern Uganda.” (Okumu 2012).

“... the government’s desire to see thousands of hectares of land given to investors ... is completely ignorant of any human feeling and is determined to reduce hundreds of thousands of families into landless communities. ... [A] court order restraining occupation or haphazard re-drawing of boundaries is completely being ignored ...” (Acholi Times, 27 August 2012).

“By using Adjumani District and East Madi Game Reserve (Uganda Wildlife Authority), the government’s contentious claims to bits of Amuru back the view that something sinister is happening. It is also curious that the government is not responding sensibly to appeals and pleas from residents and their leaders that the issue of land is sensitive and needs to be taken slowly and cautiously. ... Clearly those in government are excited about something. We don’t believe it is only for ‘investment opportunities’ or for Madhvani’s sake, or for tourism; could it be because of what lies beneath Amuru’s land? Because in Amuru sits one of the largest oil deposits in the region.” (Acholi Times, 27 August 2012).

Risk Evaluation

Risk evaluation – a precondition for strategies to counteract threatening situations that is determined by uncertainty, fear and worrying – is based on an appraisal of the current situation, past experience, specific emotions, culture-specific values, norms and wants, and is often shaped by mistrust and suspicion (Casimir 2008: 27f., 31) In the context of the Apaa land conflict, risk evaluation is embedded in a widespread paradigm of oppression and exploitation of the people of northern Uganda.

The corresponding discourse evokes distressing past experiences that call for lessons to be learnt in order to prevent further marginalisation. This discourse includes, most notably, the notion of the north-south divide, which is rooted in the colonial past, when the people of the central regions were made the beneficiaries of economic and educational opportunities and were integrated into the colonial administration, whereas the northerners were regarded as a fierce people and were largely recruited into the uniformed services or used as unskilled labour. This divide is seen to have solidified after

independence, resulting in politics based on ethnicity and insufficient national integration (Kasozi 1999) and further disadvantaging the people of the north during the LRA insurgency. The politics of encampment undermined their subsistence base, led to severe poverty and provided the opportunity for land grabbing (cf. CSOPNU 2004; HURIPPEC 2003; Lenhart 2005, 2006, 2012; Lucima Okello 2002; RLP 2004).

On the basis of these perceptions, a negative future scenario is imagined, as shown by the following statements by Acholi politicians and an Acholi newspaper commentator.

“The government has always undermined Acholi customary land law since it has an ulterior motive to cause chaos in the region.” (Betty Aol Ocan, Women MP for Gulu, quoted in Okumu 2012).

“Hon. Ronald Reagan Okumu ... called the communities to guard their land jealously or else become landless slaves employed to work on what used to be their land”. (Okumu 2012, with reference to a statement by the MP for Aswa County, Gulu District).

“Without a unified Acholi voice on land, the government will never respect the people’s views, the court injunctions issued and other attempts at finding a resolution to the land conflicts. Acholi will one day wake up slaves labouring for ‘new masters’ upon their own land.” (Acholi Times, 27 August 2012).

Coping Strategies

Uncertainty and fear determine the coping strategies adopted in the face of actual dangers and perceived risks (Casimir 2008: 28). In the case of Apaa, strategies proposed by Acholi religious and political leaders and newspaper commentators to counteract the threat of large-scale land acquisition by outsiders include appeals to government not to ignore the local people’s voices, protection of the people by Acholi leaders, and the threat of resorting to violent means:

“If somebody from outside Acholi region wants land, they should sit down with the stakeholders [local people] and agree on the terms.” (Catholic Archbishop for Gulu Diocese, John Baptist Odama, quoted in Okumu 2012).

“The Uganda government is taking this opportunity [talking to investors]; our people are so poor that if we do not protect them, government will take their land.” (Betty Aol Ocan, Women MP for Gulu, quoted in Okumu 2012).

“The people in Acholi are struggling to prevent a volatile situation from exploding into a new episode of civil strife. Because since the beginning of the return to former villages from internment camps, the evidence does not show government goodwill.” (Acholi Times, 27 August 2012).

“... that (ignorance of a court ruling) is forcing local leaders to resort to physical means to defend their land and heritage.” (Acholi Times, 27 August 2012).

“The controversy and lack of interest by the government is threatening to pose insecurity in the area. Already, the local leaders have warned of bloodshed. Justin Okot, the chairman of Apaa village warned that he would mobilize the villagers against the gunmen destroying their homes and property.” (Wacha 2011b).

"We shall mobilize our people to fight for our land. Land is the only asset remaining for us, the Acholi. We shall guard it jealously." (Gilbert Olanya, MP for Kilak, Amuru District, quoted in IRIN 2012).

3.2 Political and Economic Framework Conditions and Vulnerability

Since the people of Apaa have been confronted with development propositions by government, the UWA, economists and powerful individuals, the dangers and risks have become hard for them to assess, making them extremely vulnerable.

Vulnerability depends on political, social and economic environments that structure safe or unsafe conditions, including the political use of the assumption that being exposed to dangers and risks is inevitable. With declining information about threatening situations, uncertainty and insecurity grow; people are not in a position to understand the functioning of new systems to which they are exposed or to develop adequate coping strategies. (Casimir 2008: 30, 33f.).

Lack of clarity and transparency on the part of government regarding its intentions towards land in the Acholi sub-region and local people's lack of information about land rights and land law have contributed to increased vulnerability and tensions (Rugadya *et al.* 2008, iii).

Rugadya *et al.* already noted during the early period of IDP camp phase-out that

"... a high level of distrust of the Central Government's intentions toward Acholi land exists and has persisted, giving rise to a substantial level of tension that has a high chance of erupting into violence ..., the situation is further fuelled by politics driven by feelings and emotions that have shaped and defined the articulation between Government and Acholi people's views over land and natural resources tenure. It is felt that the government, the army and rich people have taken a lot of interest in land without clearly elaborating their motives or intentions ... Government, especially the Executive is openly and vigorously backing the pursuit of land by investors for large-scale commercial interests, an opportunity that speculators and grabbers are manipulating for individual gains and benefits." (Rugadya *et al.* 2008, vi).

Similarly, Okoth-Ogendo questions the role of the state in land relations in Africa:

"First, there is abundant evidence that the state has proved to be not only a poor trustee of public land resources but also a very bad manager. The widespread complaints about the 'grabbing' of public land throughout the region are a serious indictment of the ability of the state to protect public trust over land. Further, the widespread neglect of land and environmental management regulations is a clear indication either of lack of capacity and resources or sheer unwillingness to take effective enforcement measures." (Okoth-Ogendo, quoted in IFAD 2006: 8).

Thus, the official claim that the development of northern Uganda is a matter of urgency and wildlife protection in the area of Apaa is an opportunity for investment in the growing tourism sector – with reference to formal institutional definitions of development and environmental protection – rather seeks to legitimise the interests of the politically and economically powerful than to find a solution that recognises the needs of all parties involved. Even the claim of protecting endangered species is debatable given the South African investor's interest in big game hunting.

Preparatory decisions were made without consulting the community of land users or integrating them into the planning process. Thus, the responsible institutions and individuals appear at least implicitly opposed to all those who are concerned with the well-being of present and future generations. Yet it is clear that: “Conservation is about people as much as it is about species or ecosystems.” (Casimir 2008: 42).

Such a situation can be found in many states in which tourism has become a focus of development activities and major source of revenue.

“So more often than not we have the preposterous situation in which communities ... are shunted out of their homes and habitats, while state agencies, conservationists (and sometimes scientists) gain access to these and invite tourists to come and visit for a fee. Occasionally nominal monetary compensation or resettlement outside the park may be offered in return for such an expulsion. But usually, park planning does not include access to viable resources, let alone employment opportunities for the evicted – not even as forest rangers or guides. ... Finally, despite lip-service being paid to the crucial importance of local environmental knowledge regarding flora and fauna – which could be very fruitfully incorporated into conservation measures – few steps are taken to tap this specialised knowledge through these communities. Instead, ‘specialists’ are brought in to study the problems and make recommendations ... that often end up in the complete negation, if not criminalisation, of local communities.” (Casimir 2008: 20f.).

4. Approaches and Challenges to Conflict Resolution

The Apaa land conflict continues to date. The exact position of the border between Adjumani and Amuru districts and the administrative affiliation of Apaa are still not clear. Land ownership and prioritisation of human livelihood security or wildlife protection and investment for the development of post-war northern Uganda remain a matter of debate. And, more recently, the issue of social and cultural identity related to land has further fuelled the conflict. The consequences of the conflict – fear, suspicion, killings, human rights violations and unfair representation of the local people in matters concerning their present and future – are apparent, whereas the underlying causes are less tangible and appear to be driven to some extent by the hidden motives of particular actors.

The visible core problem of the conflict – the unclear boundary demarcation between Adjumani and Amuru districts – could be resolved if an exact definition of the boundary were agreed upon. This is a precondition for conflict resolution and could be its starting point insofar as it would make clear which district Apaa is located in and whether it falls under the administrative responsibility of Adjumani District or Amuru District. This would further confirm that it is either part of East Madi Wildlife Reserve or that it lies outside the reserve in the area of Kilak Hunting Area and Aswa/Lorim Game Reserve, degazetted in 1972 by the Amin government (cf. Serwajja 2012: 16f.). It would also shed light on whether the evictions of the people of Apaa were lawful or not.

However, the underlying causes of the conflict need to be addressed as well. The first issue is that of landownership and calls for a comprehensive framework for land use under customary, freehold and leasehold tenure and in national development. Although a National Land Policy Working Group was set up in 2011 to develop such a framework, its endeavours have not yet resulted in any legislation (cf. IRIN 2012). This is urgently needed.

Secondly, there is the allocation of large tracts of land to the UWA and a South African investor. This has increased the fear of land grabbing among the people of Apaa whose livelihood security depends on the land and who seem to have lost all faith in the institutions of the state. Their fear has further been fuelled and to some extent exploited by local politicians for their own interests. The sincerity of the responsible authorities' claim that the designated wildlife reserve will contribute to improving wildlife protection in the contested area can be questioned, given the concession for big game hunting that has been awarded to the South African investor. The assertion that the private-public partnership arrangement will drive forward development in the region by investment in the growing tourism sector leaves unanswered the question of whether the envisioned development will benefit the local people or the politically and economically powerful, since the residents of Apaa were neither consulted nor targeted as potential beneficiaries. Thus, the supposedly conflicting goals of secure access to productive land by the local people, economic growth and preservation of nature need to be reconciled.

Finally, the increasing ethnicisation of the conflict in Apaa, i.e. dividing the people of the area into categories of "us" and "them" (Acholi versus Madi), and its culturalisation, i.e. reducing economic and political matters and concerns to social and cultural affiliation, are alarming trends. This local development underpins and reinforces general patterns of Ugandan politics and enforcement of economic interests, which have been features of the political landscape of the country since colonial times. As a result, conflicts between different parts of the population have usually been portrayed as unbridgeable "culture conflicts" determined by supposed fixed ethnic and cultural attributes (cf. Goethe-Institut 2012). Failure to act against this development, which ignores the social, political and economic causes of the conflict, reveals insufficient national integration as a result of weak institutions of governance.

5. **Résumé: Who Benefits?**

The first of the UN's Millennium Development Goals is the eradication of poverty and hunger. However, the questions arise: what opportunities are given to poor people to take part in development, and what kind of development is envisioned?

IFAD (2008) highlights the importance of access to land and tenure security for enabling poor rural people to overcome poverty:

"Secure access to productive land is critical to the millions of poor people living in rural areas and depending on agriculture, livestock or forests for their livelihood. It reduces their vulnerability to hunger and poverty; influences their capacity to invest in their productive activities and in the sustainable management of their resources; enhances their prospects for better livelihoods; and helps them develop more equitable relations with the rest of their society, thus contributing to justice, peace and sustainable development." (IFAD 2008: 4).

Examples from various countries of the South have demonstrated how large-scale land allocations to transnational corporations have thrown local subsistence producers – who could previously meet the needs of their families – off the land, resulting in their impoverishment (Thomas 2005: 665). This can be attributed to the currently dominant neo-liberal economic policies that focus on development defined as economic growth within a free global market place and the restructuring of national economies to provide an enabling environment for investment, which have contributed to the increasing wealth of the West

and Southern elites, whereas the poor majority has become even poorer. (Thomas 2005: 646, 651-656).

An alternative approach to development would allow people to provide for their material needs by subsistence production and/or cash transactions in an environment conducive to human well-being conceived both in material as well as non-material and community terms. This kind of development takes into consideration basic and cultural needs, comes from within a society, is self-reliant in terms of natural and cultural resources, ecologically sound and based on structural transformations of economy, society, gender and power relations. (Thomas 2005: 648, 657). At the heart of this alternative conception of development are democracy, human rights and local control and empowerment.

Abbreviations

CAO	Chief Administration Officer
IDP	Internally Displaced People
LC	Local Chairman/Chairperson
LRA	Lord's Resistance Army
MP	Member of Parliament
NRA	National Resistance Army
NRM	National Resistance Movement
UPDF	Uganda People's Defence Force
UPF	Uganda Police Force
UWA	Uganda Wildlife Authority

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Land and Property Rights and Economic Behaviour in Uganda: Results from a Questionnaire Survey Conducted in Amuru, Masaka and Pallisa

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Introduction

This article on the results of a questionnaire survey conducted in the areas of Amuru (comprising Amuru and Nwoya districts), Masaka (comprising Bukomansimbi, Lwengo, Kalungu and Masaka districts) and Pallisa (Butebo and Pallisa districts) in mid-2012 forms part of a study of the linkages between land and property rights and economic behaviour in Uganda. The study was commissioned by the Royal Danish Embassy in Kampala and carried out by a team of researchers from the Danish Institute for International Studies, Copenhagen (DIIS) and Makerere University, Kampala (MUK).

The questionnaire survey was completed by a total of 1,174 respondents in the three areas. Only respondents currently holding access to land were sampled. The questionnaire was prepared on the basis of exploratory, qualitative interviews conducted in the three areas into issues related to land tenure, security of tenure and economic behaviour; and on the basis of a review of the literature on these issues, primarily in Uganda (Pedersen *et al.*, 2012). In addition to collecting information on land tenure and economic activities, the questionnaire was designed to provide the data necessary to develop a poverty profile of the households to which the respondents belonged, distinguishing between non-poor households, less poor households and the poorest households. For more detail, see Ravnborg *et al.* (2013).

1. Results

Tenure security is widespread – and mostly so in Amuru

Contrary to the picture often given (e.g. Rugadya 2008), the majority of people¹ who currently have access to land in the Amuru area in northern Uganda feel confident that they will continue to be able to access the land they are currently using. Specifically, security of tenure is more widely perceived among respondents in Amuru than among respondents in Masaka and Pallisa. As part of the questionnaire survey a total of 1,174 respondents in the three areas were asked to assess ‘how secure they feel in their land tenure’ with respect to a total of up to three parcels of land that they currently access. As a result, this assessment was made with respect to a total of 2,163 land parcels.

In the Amuru area, respondents perceive themselves to be ‘very secure’ in their land tenure with respect to 40 per cent of the parcels and ‘secure’ with respect to a further 52 per cent of the parcels (Table 1). Although land tenure is widely perceived to be secure in Pallisa, almost a quarter of all respondents in Pallisa (22 per cent) consider their tenure to be ‘not that secure’ (Table 1), meaning that tenure is perceived to be insecure significantly more widely in Pallisa than in Amuru and Masaka.

Table 1: Perceived Security of Tenure, Amuru, Masaka and Pallisa Areas (N=2,163 parcels)^a
Percentage of parcels by access holders’ overall perceived level of security of tenure

Area	Tenure security level					All security levels	
	Very secure	Secure	Somewhat secure	Not that secure	Insecure		
Amuru (n=882 parcels)		39.5	51.8	4.1	4.3	0.3	100.0
Masaka (n=610 parcels)		25.7	46.7	20.2	5.2	2.1	100.0
Pallisa (n=671 parcels)		23.0	39.8	13.9	22.1	1.3	100.0
All areas (N=2,163 parcels)		30.9	45.8	11.4	10.0	1.2	100.0

^a Significant correlation between distribution of parcels according to perceived security of tenure and area at 0.001 level (Pearson Chi-Square).

Tenure security may mean different things to different people living in different cultural and economic settings. Informed by the literature, we explored the extent to which the following three points were considered by respondents when assessing their tenure security:

¹ As part of the questionnaire survey, 399 respondents were interviewed in the Amuru area (Amuru and Nwoya districts) of whom 45 per cent were women. Virtually all of the respondents (95 per cent) had been displaced from the area during the past decades, the majority (62 per cent) for a period of more than 10 years. By only sampling and interviewing people who currently hold access to land, people who have not yet managed to return to their place of origin, some of whom are still living in refugee camps, and have not yet been allocated land, are not included in the survey.

- the ability to uphold rights of continued use of the land;
- the ability to reap benefits of invested labour and capital by bequeathing land to children or close relatives;
- the ability to reap benefits of invested labour and capital by selling the land.

Respondents were asked to assess their security of tenure on these three points for each of the land parcels covered by the survey. For all three areas – Amuru, Masaka and Pallisa – the results show a close positive correlation between the perceived level of tenure security (shown in Table 1 above) and the perceived level of security with respect to points 1 and 2 (continued use of the land and the ability to bequeath it to children or close relatives), whereas such a positive correlation does not exist with respect to point 3 (their ability to sell the land). First of all, respondents expect to be able to sell less than three per cent of the land parcels. For the vast majority of the parcels (90 per cent), respondents are unsure of their ability to sell; and for the remaining eight per cent of parcels, respondents expect to be able to sell, but only with the approval of others and without knowing exactly who those others might be.

As well showing that the ability to sell land is not seen as an integral and fundamental part of land tenure security in the three areas, these findings also provide a more general indication of the current state of the land market in Amuru, Masaka and Pallisa. We shall return to this point.

Tenure insecurity is associated with the co-existence of tenure forms rather than with any specific tenure form

In the literature, it is common to associate perceived tenure security with, on the one hand, the particular form of tenure under which land is held, and, on the other hand, with the level of documentation and registration of land rights, e.g. formally registered land titles (e.g. Deininger 2003; Feder & Feeny 1991; de Soto 2000). In Uganda, five forms of land tenure are recognised, namely (i) customary tenure; (ii) *mailo* tenure and the related (iii) *kibanja* tenancy²; (iv) freehold tenure; and (v) leasehold. In the context of this survey, *mailo* and the associated *kibanja* tenure are only found in the Masaka area (Table 2), while customary tenure is the most widespread tenure form in Amuru and Pallisa. In the Amuru area, hardly any land is held under other tenure forms, including freehold, whereas around 15 per cent of the parcels in Masaka and Pallisa are held under freehold tenure.

² The *mailo* system was introduced by the colonial authorities in mutual agreement with the Buganda Kingdom in 1900. It gave the King and the feudal landlords freehold rights over large tracts of land, often inhabited by poorer subjects, who then became tenants of *kibanja*. This type of tenure system is prevalent in some regions of Uganda, for example Buganda, Bunyoro, Toro, Ankole and Bugisu. The *mailo* landowners and the Baganda leaders have opposed the national government's efforts to gain control over land administration. (Ravnborg *et al.* 2013: 4).

Table 2: Forms of Land Tenure, Amuru, Masaka and Pallisa Areas (N=1,172 respondents; information missing for 2 respondents; N=2,218 parcels; information is missing for 53 parcels)^a
Percentage of respondents^b and percentage of parcels per area by tenure form

Area							All tenure forms
	Customary	Kibanja tenancy	Freehold	Mailo	Leasehold	Unknown	
Amuru (n=398 respondents)	95.7	–	2.8	–	–	6.6	– ^b
Masaka (n=384 respondents)	14.6	62.2	16.9	8.1	2.3	9.9	– ^b
Pallisa (n=390 respondents)	89.7	–	23.6	–	4.9	7.0	– ^b
All areas (N=1,172 respondents)	67.2	20.4	14.3	2.6	2.4	7.8	– ^b
Amuru (n=895 parcels)	93.7	–	1.8	–	–	4.5	100.0
Masaka (n=623 parcels)	10.8	56.3	14.6	7.2	1.8	9.3	100.0
Pallisa (n=100 parcels)	75.1	–	16.3	–	3.6	5.0	100.0
All areas (N=2,218 parcels)	64.6	15.8	10.0	2.0	1.6	6.0	100.0

^a Significant correlation between each of the tenure forms and area both for respondents and parcels at 0.001 level (Pearson Chi-Square).

^b Respondents who have provided information about more than one parcel may hold their parcels under different tenure forms. Therefore respondent percentages add up to more than 100.0.

In Masaka, parcels held under freehold and *mailo* tenure are associated with a higher level of perceived tenure security than parcels held under *kibanja* tenancy. Thus, while rights-holders to 70 per cent of the parcels held under *mailo* tenure and to 60 per cent of the parcels held under freehold tenure assess their land tenure to be ‘secure’, this is only true for the rights-holders to 46 per cent of the parcels held under *kibanja* tenure. In Pallisa, respondents holding parcels under freehold tenure are more likely to assess their land tenure as ‘secure’ than respondents holding land under customary and particularly under leasehold tenure. In Amuru, however, where the assessment of land tenure as ‘secure’ is most widespread, applying to 62 per cent of the parcels, and where virtually all land is held under customary tenure, no correlation is found between the form of land tenure and the level of tenure security.

This suggests that rather than being associated with the tenure form itself, perceived tenure security – or rather *insecurity* – may be associated with the co-existence of different forms of tenure. This stems from the fact that the co-existence of different forms of tenure

often implies ambiguities over the values and standards according to which claims are made, the co-existence of – and often competition between – different authorities through which claims are made, and, more profoundly, that the co-existence of different forms of land tenure may result from more profound societal transformation, in the course of which supremacy may eventually be assigned to one tenure form and the institutions associated with it.

Mode of land acquisition constitutes an important additional aspect of land tenure and acquiring land through rental agreements is associated with tenure insecurity

Both during the exploratory interviews conducted in the three areas prior to the questionnaire survey and during the questionnaire survey itself, many respondents mentioned the mode of acquisition of a particular parcel in the same breath as naming the tenure form under which the parcel was held, thereby adding an additional dimension to the tenure form.

The three areas vary significantly with respect to the prominence of different land acquisition forms (Table 3). In Amuru, virtually all parcels (88 per cent) were inherited, whereas in Masaka the majority (66 per cent) of the parcels were purchased and only a quarter (25 per cent) was inherited. Pallisa falls between the two other areas in this respect. Although the majority of the parcels were inherited, 17 per cent were purchased and an additional eight per cent accessed through rental agreements.

Table 3: Land Acquisition Mode, Amuru, Masaka and Pallisa Areas (N=2,255; information is missing for 16 parcels)^a
Percentage of parcels per area by land acquisition mode

Area	Land acquisition mode						All acquisition modes
	Inherited	Purchased	Received in donation from relative	Allocated from the clan	Rented	Other	
Amuru (n=910 parcels)	87.9	1.8	3.3	1.3	3.7	2.0	100.0
Masaka (n=638 parcels)	25.4	63.6	6.7	1.7	1.3	1.3	100.0
Pallisa (n=707 parcels)	69.6	17.1	3.0	1.1	8.1	1.1	100.0
All areas (N=2,255 parcels)	64.5	24.1	4.2	1.4	4.4	1.5	100.0

^a Significant correlation between land acquisition mode and area at 0.001 level (Pearson Chi-Square).

In all three areas, the level of perceived tenure security is correlated with the way in which land was acquired. In Masaka and Pallisa, where buying of land is most common, respondents are more likely to assess their tenure to be ‘secure’ for parcels that have been purchased than for parcels acquired in other ways. At the other end of the security scale, parcels that are rented are the most likely to give rise to the perception of tenure insecurity.

Respondents perceive their tenure to be ‘not that secure’ in the case of 69 per cent of the parcels that are rented compared to six per cent of all parcels acquired in other ways.

There is no empirical justification for equating tenure security with holding formal land titles. Although having precise written documentation of land tenure reduces tenure insecurity, having no written documentation of land tenure by no means excludes tenure security

In the land tenure literature, holding a formal land title is often equated with tenure security (e.g. Deninger 2003; Feder & Feeny 1991). The widespread perception of tenure security in Amuru, Masaka and Pallisa combined with the limited proportion of parcels of land for which formal titles are held clearly shows that this equation is not empirically justified. Formal titles are held for less than one fifth of the parcels (Table 4); yet the respondents assess their land tenure to be ‘secure’ in the case of more than half of the parcels.

Table 4: Land Title held, Amuru, Masaka and Pallisa Areas (N=2,264 parcels; information missing for 7 parcels)
Percentage of parcels per area by title held

Area	Type of title held			
	Certificate of customary tenure	Freehold title	Mailo title	Leasehold title
Amuru (n=917 parcels)	1.4	0.4	–	–
Masaka (n=638 parcels)	1.3	6.1	3.4	1.4
Pallisa (n=709 parcels)	27.9	8.6	–	0.6
All areas (N=2,264 parcels)	9.7	4.6	1.0	0.6

However, in addition to formal titles a range of other written documents exists; these serve in different ways to document land tenure. They include what may be labelled (i) private documentation, i.e. documentation between private individuals such as a will, rental agreement, sketch map, purchase agreement, etc.; (ii) partial formal documentation, i.e. documentation involving or relying upon third party authorities such as receipts of paid property tax, proof of application for certificate of customary tenure, freehold tenure, etc.; and (iii) complete formal documentation such as certificate of customary tenure, freehold, leasehold or *mailo* title. In addition to the type of written documentation, a number of other characteristics of such documentation are also important in assessing its strength as tenure documentation for the respondent. These characteristics include whether the document is written in the name of the respondent or somebody else, whether it is registered with a third party or relevant authority (customary or statutory), and whether it describes the location and extension of the parcel.

Based on the type of written documentation and the above characteristics, a tenure documentation index was developed. According to the existence of written tenure documentation, its type and other characteristics, the parcels were divided into three categories, namely (i) those for which no written tenure documentation exists; (ii) those for which only partial or imprecise written documentation exists, e.g. a tax receipt or a will in the name of a relative; and (iii) those for which more complete and more precise written documentation exists. Table 5 shows the distribution of parcels according to these tenure documentation categories for the three areas.

The extent to which tenure is documented varies significantly between the three areas. Hardly anybody in Amuru has written documentation of their land tenure – written

documentation only exists for five per cent of the parcels in Amuru – while written documentation exists for more than 80 per cent of the parcels in Masaka, with only private documentation for nearly 60 per cent of the parcels. In Pallisa, no written documentation exists for 40 per cent of the parcels. However, for the rest of the parcels, fairly complete documentation exists for the majority.

In all three areas, having written and precise tenure documentation is associated with a reduced likelihood of perceiving tenure to be ‘not that secure’. But the evidence is mixed with respect to having written and precise tenure documentation being associated with a higher likelihood of perceiving tenure to be ‘secure’. This is the case in Masaka but not in Pallisa.

Although respondents in Masaka who do not hold any written tenure documentation are less likely to perceive their land tenure to be ‘secure’ than respondents who hold some or more precise documentation, no such correlation is found in Pallisa.

As already mentioned, in Amuru written tenure documentation only exists for five per cent of the parcels. Nevertheless, respondents assess their tenure as ‘secure’ with respect to 59 per cent of the parcels. Put differently, having no written documentation to support their claims to a right to access a particular piece of land by no means excludes respondents from perceiving their land tenure to be ‘secure’.

As an additional indication of the different importance assigned to written tenure documentation in the three areas, respondents have plans to improve the documentation of their tenure in the case of half (51 per cent) of the parcels in Masaka while this was the case for only 15 per cent of parcels in Pallisa and just 6 per cent in Amuru. In the overwhelming majority of cases in Masaka as well as in Pallisa and Amuru, the improvement wished for was to obtain land titles.

Land investments do not depend on land security

A large proportion of respondents in Masaka and Pallisa make agricultural investments in their land. The majority of this investment is primarily labour intensive whereas capital intensive investment, such as the establishment of irrigation, is less common. Following the peace agreement making it possible for people in northern Uganda to return to their land, people in Amuru have been in the process of ‘settling in’, i.e. rebuilding their houses and opening up their land. This probably helps to explain why, over the last five years, agricultural investment (apart from opening up land) has been sparse in Amuru.

Investment is equally likely in parcels for which tenure is perceived as ‘secure’ as in parcels for which tenure is perceived as ‘somewhat secure’ or ‘not that secure’ (Table 5) as well as in parcels held under different tenure forms (Table 6).

Table 5: Agricultural Investment by Level of Perceived Tenure Security, Amuru, Masaka and Pallisa Areas (N=2,123 parcels; information missing for 148 respondents)^a

Percent of parcels where agricultural investment has been undertaken per tenure security level, by area

Area	Level of perceived tenure security			All tenure security levels
	Secure	Somewhat secure	Not that secure	
Amuru parcels) (n=869)	1.7	0.3	0.0	1.2
Masaka parcels) (n=622)	50.6	55.0	48.6	52.4
Pallisa parcels) ^b (n=632)	57.9	60.6	44.0	57.9
All areas (N=2,123 parcels)	30.3	37.0	32.5	33.1

^a *Parcels that are rented and thus from the outset associated with restrictions on investment are omitted from this cross-tabulation.*

^b *p=0.093; Pearson Chi-Square test.*

Table 6: Agricultural Investment by Tenure Form, Amuru, Masaka and Pallisa Areas (N=2,032 parcels; information missing for 239 respondents)^a

Percentage of parcels where agricultural investment has been undertaken per tenure form, by area

Area	Tenure form					All tenure forms
	Customary	Kibanja tenancy	Freehold	Mailo	Leasehold	
Amuru parcels) (n=849)	1.2	–	–	–	–	1.2
Masaka parcels) (n=557)	42.4	54.4	53.8	57.8	36.4	52.8
Pallisa parcels) ^b (n=651)	59.7	–	51.4	–	12.0	56.5
All areas (N=2,057 parcels)	24.5	54.4	48.6	57.8	19.4	32.7

^a *Parcels that are rented through private land rental agreements are omitted from this cross-tabulation.*

^b *Significant correlation between tenure form and having undertaken agricultural investments at 0.001 level (Pearson Chi-Square).*

Absence of land titles is not a main factor limiting demand for formal credit among respondents who currently have access to land

Despite concerted efforts during the past decade or two to increase the supply of agricultural credit e.g. by providing subsidized capital funds to credit institutions, demand has not increased in practice as anticipated. Overall, only around a quarter of respondents had taken out a loan and the vast majority of those who had taken loans during the past five years had done so to finance non-productive investments, such as education for children, meeting health expenditures, repairing their houses, etc. (Table 7).

Table 7: Taking Loans to Finance Productive and Non-productive Investments, Amuru, Masaka and Pallisa Areas^a (N=1,174 respondents)
Percentage of respondents taking loans by type of investment financed, by area

Area	No loan taken	Type of investment financed through loan ^a				All types of investments financed through loan
		Agricultural investments, only	Non-agricultural productive investments, only	Non-productive investments, only	Productive & non-productive investments	
Amuru (n=399 respondents)	94.5	0.3	0.3	4.5	0.5	5.5
Masaka (n=384 respondents)	72.1	1.3	0.3	20.8	5.5	27.9
Pallisa (n=391 respondents)	68.0	0.8	0.0	29.4	1.8	32.0
All areas respondents (N=1,174)	78.4	0.8	0.2	18.1	2.6	21.6

^a Significant correlation between area and taking loans to finance productive and non-productive investments at 0.001 level (Pearson Chi-Square).

Of those who do take loans, rather less than half take formal credit, sometimes combined with informal loans, whereas the rest only take informal credit (Table 8).

Table 8: Loan Taking, Amuru, Masaka and Pallisa Areas^a (N=1,174 respondents)
Percentage of respondents by loan taken, by area

	No loans taken	Loan taken through formal ^b credit	Loan taken through informal ^c credit	All respondent
Amuru (n=399 respondents)	94.2	2.5	3.3	100.0
Masaka (n=384 respondents)	71.9	15.4	12.8	100.0
Pallisa (n=391 respondents)	67.8	10.0	22.3	100.0
All areas (N=1,174 respondents)	78.1	9.2	12.7	100.0

^a Significant correlation between area and type of loan taken at 0.001 level (Pearson Chi-Square).

^b SACCOs (Savings and Credit Cooperative Societies) and banks.

^c Saving groups, private individuals, etc.

Only around one third of respondents taking formal credit had used land as collateral (Table 9).

Table 9: Collateral Used for Formal Loan Taking, Amuru, Masaka and Pallisa Areas^a (N=107 respondents)
Percentage of respondents by type of collateral used, by area

	No collateral used	Land used as collateral	Other type of collateral used	All respondents taking formal credit
Amuru (n=10 respondents)	20.0	40.0	40.0	100.0
Masaka (n=58 respondents)	22.4	44.8	32.8	100.0
Pallisa (n=39 respondents)	17.9	17.9	64.1	100.0
All areas (N=107 respondents)	20.6	34.6	44.9	100.0

^a *Significant correlation between area and type of collateral used at 0.05 level (Pearson Chi-Square).*

A bigger share of those who hold land titles use their land as collateral for their loans than of those who do not hold titles (34 per cent as compared to 18 per cent). However, the majority – also of respondents holding titles in support of their land tenure – use assets other than land as collateral for their loans or take loans that do not require collateral. Thus, while the absence of a formal title by no means excludes respondents from taking loans, respondents who hold land titles are more likely to present collateral – both land and other assets – when taking loans than respondents who do not hold land titles. This indicates that holding land titles may also correlate with other factors, such as having non-agricultural sources of income which facilitate access to credit requiring the use of collateral.

2. Discussion

Tenure insecurity is associated with the co-existence of different tenure forms rather than with any tenure form in particular

No particular tenure form has the monopoly on providing tenure security. In Amuru, almost all land is held under customary tenure and at the same time, compared to both Masaka and Pallisa, it is the area where tenure is perceived as ‘secure’ with respect to the highest proportion of parcels. By contrast, in Pallisa where freehold tenure has become more widespread during recent decades, holding land under customary tenure is associated with a lower likelihood of perceiving tenure as ‘secure’ as compared to holding land under freehold tenure. Rather than being an absolute feature derived from any particular tenure form, the level of perceived tenure security is relative in the sense that it depends upon the extent to which other people’s tenure rights, of whatever form, are protected. As soon as new tenure forms and new forms of written tenure documentation emerge, this affects the perception of tenure security of land tenure holders at large, particularly if preferential treatment is given to specific forms of tenure and tenure documentation.

Written tenure documentation is appreciated, but tenure may be perceived as secure without it

As in most other places, it is hard to find anyone who, if given the choice, would opt *not* to have a title deed endorsing his or her tenure rights to a piece of land. Yet, the pattern of correlation is far from straight-forward and uniform between, on the one hand, holding a title or any other form of written tenure documentation and having it registered with relevant authorities (customary as well as statutory) and, on the other hand, the perception of tenure security. While holding no, or only incomplete, tenure documentation at least in Masaka and Pallisa is associated with tenure *insecurity*, it is only in Masaka that holding more complete written tenure documentation convincingly translates into an increased likelihood of tenure being perceived as ‘secure’.

Context and the resource endowments of the individual are important constituents of tenure security

Rather than suggesting that written tenure documentation does not bolster the perception of tenure security, these findings indicate that titles and other written tenure documentation are only one among several elements that together create the perception of tenure security. Among these additional elements are both context- or area-specific and respondent-specific features. The area-specific features include the rules and norms guiding the institutions backing different forms of land tenure and the relative strength of these institutions, while the respondent-specific features include the location of residence, household poverty level, ethnicity and sex of the respondent, as these characteristics contribute to determine the ease with which land can be held under different tenure forms and the ease with which the institutions backing a particular land claim can be mobilised.

Socio-economic inequality translates into inequality in perceived tenure security

In Amuru, where people have only recently resettled and where the notion that ‘you can *only* claim as much land as you can dig’ may still be encountered, land distribution is still relatively equal, compared to the other two study areas. The distinction between customary and statutory institutions is blurred and often, in Amuru as elsewhere, those who are recognised as clan leaders are also likely to hold offices with parish and sub-county level statutory institutions. As virtually all land in Amuru is held under customary tenure without the support of written documentation, community and clan membership and relations are important in supporting land claims. Thus, in contrast to Masaka and Pallisa, respondents in Amuru who belong to the poorest households and reside in rural areas are equally – if not more – likely to perceive their land tenure to be ‘secure’ as their less poor or peri-urban neighbours, while the few non-Acholi respondents holding land in the area seem less likely than the Acholi respondents to perceive their tenure as ‘secure’. Although access to land under customary tenure as practised in Amuru is far from equal for men and women, female and male respondents are equally likely to perceive their tenure to be ‘secure’.

The fact that hardly anybody in Amuru holds written documentation in support of their tenure renders this point insignificant to most people in the area when assessing their tenure security. However, those who do hold fairly complete written tenure documentation are more likely to perceive their tenure as ‘secure’. This, however, may change. As more people apply for and obtain certificates of customary tenure, for example, and as new

tenure forms emerge, the role of written tenure documentation in shaping tenure security perceptions will change, even among those who do not hold such documentation.

Land disputes will always exist and broad-based access to institutions is important in preventing land disputes from translating into generalised tenure insecurity

In addition to illustrating the relative – rather than the absolute – importance of tenure form and written tenure documentation, the results from Amuru also serve to illustrate the importance of access to institutions which can mediate directly in cases of land disputes and, in cases where disputes and other tenure-related issues cannot be resolved locally, can facilitate access to higher-level institutions. Due to the massive resettlement which has taken place since 2006, Amuru is the area with the highest incidence of land disputes among the respondents, while at the same time being the area where the perception of tenure security is most widespread. The strong engagement by non-governmental organisations in informing people about land laws and land rights and facilitating the establishment and training of local-level dispute settlement mechanisms may have contributed to this. Combined with testimonies from interviewees, this points to the importance of institutions that are accessible to the broad majority rather than only to a small segment of the population.

Leaving aside other problems, this situation, at least from the perspective of tenure security, appears both ideal and inclusive. But it may be temporary – like the silence both before and after the storm. So, action is called for, just as it is in other parts of Uganda. If the aim is to maintain and deepen current high levels of perceived tenure security, while at the same time unlocking the land market, important lessons for policy and administrative interventions may be drawn from observing the situation in Masaka and Pallisa.

Land markets as a double-edged sword, reducing land access for some while facilitating land access for others

Masaka, where the majority of land transactions, irrespective of tenure form, are mediated through the market and where customary tenure, whether labelled as such or as *kibanja* tenancy, is undergoing profound transformation, is also the area where belonging to a non-poor household and residing in an urban or peri-urban area most clearly translate into increased security of tenure. Compared to both Amuru and Pallisa, Masaka is also the area where customary institutions are least solicited and where respondents holding land under customary tenure appear to have the most limited choice of institutions from which to seek support if their land rights are challenged, whereas respondents holding their land under freehold tenure in such cases appear to have a much more diverse set of institutions to call upon in their defence.

In Pallisa, there is a correlation between, on the one hand, household poverty level and residence and, on the other hand, tenure security, but it is strongly confounded by the correlation between the sex of the respondent and tenure security. The norms embedded in customary institutions in Pallisa first of all limit women's access to land and, secondly, imply that women who do succeed in gaining access to land are much more likely to perceive their tenure as less secure than men in the area. Such differences between male and female respondents are not found in Amuru and Masaka. Although the majority of the female respondents who access land in Pallisa do so under customary tenure, a significantly higher proportion of female than male respondents have recourse to land rentals, which under current conditions are perceived to be insecure and associated with

significant limitations in terms of investment. A similar tendency is observed for non-Acholi respondents in Amuru who, presumably because they are not able to obtain access to land through customary institutions, are also more likely than their Acholi neighbours to rent land. Thus, land markets, including rental markets, have the potential to provide access to land for those who due to non-economic factors, such as gender or ethnicity, are otherwise excluded from gaining access, while at the same time tending to favour the economically resourceful.

Credit in its present forms does not limit productive investment

There is only limited evidence that productive agricultural and non-agricultural investment is hampered by low levels of tenure security, absence of formally registered tenure documentation and lack of access to credit in its present forms. The absence of the often assumed relationship between perceived tenure security and investment suggests that the inverse relationship also exists, namely that investment is undertaken as part of a strategy of strengthening land claims and thus tenure security, adopted by *kibanja* tenants in Masaka, for example.

Although nearly all the respondents interviewed in Amuru since 2006 have returned to their place of origin and have spent the past five to six years (re)building their homes and opening up their land, very few of them reported having made any investments in the last five years. By contrast, in Pallisa and Masaka, the majority of respondents (two-thirds and three-quarters, respectively) have made some form of productive investment in the past five years. However, the vast majority of these investments were financed through their own labour and savings, rather than through credit.

Credit is used to finance non-productive rather than productive investments

Nevertheless, credit is used – in Masaka by around a quarter of respondents and in Pallisa by a bit less than a third of respondents. Rather than being used to finance productive investments, it is used to finance non-productive investments like education for children, health expenditure, etc. While by no means being exclusively taken by non-poor people, respondents belonging to non-poor households are more likely to take loans than those belonging to poorer households.

Land is neither the preferred collateral nor is it required as collateral

Land was only used as collateral for around one-third of the loans taken with formal credit institutions such as Savings and Credit Cooperatives (SACCOs) and banks and only in one fifth of these cases (n=7) was land tenure supported by a formal land title. Credit institutions appear to accommodate a certain degree of flexibility with respect to land tenure documentation to the extent that local institutions – statutory as well as customary – are approached to provide their endorsement of the tenure rights of the loan applicant and their consent to the loan agreement. Rather than indicating restrictions imposed by credit institutions, the limited use of land as collateral appears to reflect a widespread hesitation by the population in this regard. Beyond the low level of trust in credit institutions and the legal system, this may be due to the widespread desire not to put at risk something (land) which is regarded as not only belonging to the individual but to the family, the clan or the community at large (the perception of not having the right to sell land). Instead of land,

other and more individual assets are used as collateral, such as salary accounts, and this tends to favour the access to credit of non-poor individuals.

3. Conclusion

Tenure security is currently widespread among land holders in the three study areas. Overall, tenure is perceived to be 'secure' with respect to half of the parcels included in the survey while being perceived as 'not that secure' with respect to less than 10 per cent, leaving the tenure of the remaining 40 per cent (approximately) of the parcels perceived to be 'somewhat secure'. However, the fact that tenure is currently perceived to be secure does not preclude the possibility that land tenure may be lost, for example to outside investors. The numerous press reports of land grabbing and land conflicts, not least in the northern part of Uganda, indicate that such risks may be real.

Uganda is currently in the process of reforming its National Land Policy. Although national land policies, as well as the legislative and administrative frameworks necessary for their implementation, should not be expected to be static, our results suggest that their very revision may nurture a growing perception of tenure insecurity. Tenure insecurity is found to be associated with the co-existence of different tenure forms rather than with any tenure form in particular.

Co-existing tenure forms, and the perceived level of tenure security they contribute to induce, are best seen as a series of mutually communicating vessels: If, for example, only institutions backing individual land claims are supported or if the institutions supported are accessible only to a small segment of the population, such partial efforts will contribute to generate tenure insecurity among those who wish to maintain their collective land rights or who are unable to access the institutions for receiving support.

If the aim is to maintain, deepen and widen the perception of tenure security among land holders in Uganda, and where possible, expand this perception to groups who today in some areas experience tenure insecurity, land administration interventions that are partial in scope or in coverage should be avoided as they are prone to capture by the elite and tend to induce, rather than reduce, tenure insecurity.

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Unfolding Land Conflicts in Northern Uganda

Editorial Note

Lioba Lenhart, JPSS Editor

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