



# **WOMEN'S LAND RIGHTS IN NORTHERN UGANDA**

(West Nile, Acholi, Lango, Teso and Karamoja)



**OXFAM**



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(Commissioned by Oxfam)

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## EXECUTIVE SUMMARY

Women are primary users of land and provide the bulk of “non-contractible” agricultural labour in Uganda. Despite this, men dominate the majority of decisions related to land use and management, and the security of women’s land tenure can be tenuous. Insecurity associated with women’s rights to land under customary law are grounded in assumptions that women are dependent on men and cannot own land in their own right under customary tenure and have what many term “secondary rights.” Before effective interventions to improve women’s land and property rights can be devised, there is a need for a thorough understanding of how women acquire, own, access, control and manage land that is critical to the development of policies to secure the land and property rights of women and reduce their vulnerability in relation to land. This study is based on the findings of interviews with approximately 1,200 respondents; 21 focused group discussions and interviews with over 60 key respondents across northern Uganda including Koboko, Moyo, Kitgum, Lira, Soroti, Kotido and Kaabong.

Statutory law in Uganda may generally be regarded equitable in terms of gender; however, the equitable implementation of statutory law remains an issue and the role of statutory institutions across northern is extremely small. Titled land accounts for less than 1.2 percent of the plots in northern Uganda, district land offices are poorly staffed, area land committees are barely operational, the judicial system is poorly capacitated and heavily overburdened with High Courts and Magistrates Courts involved in less than 3 percent of reported land conflicts and local council courts continue to operate in much of the region, they currently have no legitimacy in law-- their rulings cannot be enforced and are ignored by superior courts.

The general understanding of both statutory and customary land law and management systems amongst the population is very poor. The vast majority of people have little knowledge on the existence of various tenure systems in Uganda with 91 percent of respondents describing customary tenure as predominant across the region. However, the fact that 32 percent of respondents articulated a desire for statutory tenure suggests a certain level of dissatisfaction with the existing situation.

Customary land accounts for almost 99 percent of the plots across northern Uganda and the rights of women to land and property lag behind men. While there is no reliable data on the proportion of the 1.2 percent of statutory land held in northern Uganda owned by women, such small figures can be of little consequence. Given the shortcomings of statutory institutions and the poor implementation of statutory laws across northern Uganda in every other respect, comparisons with customary tenure make little sense. Statutory and customary institutions have both failed to properly protect women’s rights to land.

Development partners are preparing a substantial increase in support to address the challenges associated with land governance and administration in northern Uganda. The primary focus of these efforts is undoubtedly on improving the delivery of government services: strengthening statutory institutions and the implementation of statutory law. This will definitely increase the presence and importance of statutory law; however, it is essential to acknowledge the predominance of customary tenure across northern Uganda today. Strengthening customary institutions and practices in relation to women’s land and property rights is clearly the most effective way forward in the short to medium term. Close cooperation amongst stakeholders, including government, is most prudent to maximize sustainability, improve the coordination of efforts, and exercise meaningful influence on the development of statutory laws and mechanisms in relation to women’s land and property rights.

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Naturally, all omissions and errors of interpretation within this report remain the sole responsibility of the authors.

The views and opinions expressed in this report are those of the authors and do not necessarily reflect or represent the views and opinions held by Oxfam.

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## ACRONYMS AND ABBREVIATIONS

ARLPI	Acholi Religious Leaders' Peace Initiative
ACF	Action Against Hunger
ACODEN	Africa Community Development Network
ACORD	Association for Cooperative Operations Research and Development
ADR	Alternative Dispute Resolution
AMICAALL	Alliance of Mayors Initiative for Community Action on AIDS at the Local Level
AMREF	African Medical and Research Foundation
ARC	American Refugee Committee
AVSI	Association of Volunteers in International Service
BBC	British Broadcasting Commission
CADVIC	Campaign against domestic violence in the community
CAO	Chief Administrative Officer
CBO	Community Based Organisation
CCO	Certificate of Customary Ownership
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESVI	Cooperazione e Sviluppo
CGIAR	Consultative Group on International Agricultural Research
COOPI	Cooperazione Internazionale
CRS	Catholic Relief Services
CRR	Centre for Repatriation and Rehabilitation
CSOPNU	Civil Society Organisations for Peace in Northern Uganda
DeSILISoR	Design, Supply, Installation, Implementation of the Land Information System and Securing of Land Records
DFID	Department for International Development
DGF	Democratic Governance Facility
DTG	Donor Technical Group
DRC	Democratic Republic of Congo
EPRC	Economic Policy and Research Council
EVI	Extremely Vulnerable Individuals
FAO	Food and Agricultural Organization
FAPAD	Facilitation for Peace and Development
FOKAPAWA	Forum for Kalongo Parish Women's Association
FBO	Faith Based Organization
FIDA	Uganda Association of Women Lawyers
FUNA	Former Uganda National Army
GIZ	Gesellschaft für Internationale Zusammenarbeit
GTZ	Gesellschaft für technische Zusammenarbeit
GWEDG	Gulu Women's Economic Development and Globalization
HSM	Holy Spirit Movement
HURIFO	Human Rights Focus
IASC	Inter-Agency Standing Committee
IDLO	International Development Law Organization
IDP	Internally Displaced Person
ICU	Iteso Cultural Union
ICUg	International Contact Uganda
IFPRI	International Food Policy Research Institute
IGN - FI	Institute Géographique National - France International
ILC	International Land Coalition
ILI	International Labour Institute



IOM	International Organization for Migration
IRC	International Rescue Committee
JASLF	Joint Acholi Sub-Region Leaders' Forum
JPC	Justice and Peace Commission
JRS	Jesuit Refugee Service
KAS	Konrad Adnauer Stiftung
KKA	Ker Kwaro Acholi
LC	Local Councilor
LC I	Local Councilor I
LC II	Local Councilor II
LC III	Local Councilor III
LC V	Local Councilor V
LCF	Lango Cultural Foundation
LAPSNET	Legal Aid Service Providers Network
LEMU	Land and Equity Movement in Uganda
LIS	Land Information System
LRA	Lord's Resistance Army
LSSP	Land Sector Strategic Plan
LWF	Lutheran World Federation
MISR	Makerere Institute of Social Research
MP	Member of Parliament
MJCA	Ministry of Justice and Constitutional Affairs
MLHUD	Ministry of Lands, Housing and Urban Development
NCSC	National Center for State Courts
NEMA	National Environment Management Authority
NFA	National Forestry Authority
NGO	Non-Government Organisation
NLP	National Land Policy
NRC	Norwegian Refugee Council
NRM	National Resistance Movement
NUHP	Northern Uganda Human Rights Partnership
NULP	Northern Uganda Land Platform
OHCHR	Office of the High Commissioner for Human Rights
OXFAM	Oxford Committee for Famine Relief
PEAP	Poverty Eradication Action Plan
PMA	Plan for the Modernization of Agriculture
PPRR	Principles, Practices, Rights and Responsibilities
PRDP	Peace Recovery and Development Plan
P7	Primary Seven
RDC	Resident District Commissioner
RLP	Refugee Law Project
SAFE	Supporting Access to Justice, Fostering Equity and Peace
SORUDA	Soroti Rural Development Agency
SPSS	Statistical Package for the Social Sciences
TAO	Trust for Africa's Orphans
TERUDO	Vision Teso Rural Development Organization
UBOS	Uganda Bureau of Statistics
UJCC	Uganda Joint Christian Council

ULA	Uganda Land Alliance
UMWA	Uganda Media Women's Association
UNRF	Ugandan National Rescue Front
UNRFII	Ugandan National Rescue Front II
UPA	Uganda Peoples' Army
UPDA	Uganda Peoples' Democratic Army
UWESO	Ugandan Women's Effort to Save Orphans
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNRCO	United Nations Resident Coordinator's Office
URI	United Religions Initiative, Great Lakes
USAID	United States Agency for International Development
UWA	Uganda Wildlife Authority
WNBF	West Nile Bank Front
WORUDET	Women and Rural Development Network
YOMU	Youth Movement Uganda

## INTRODUCTION

Similar to most of Sub-Saharan Africa, Uganda is predominantly a patriarchal society and the ownership of land is dominated by men, who dominate the majority of decisions related to land use and management, and the security of women's land tenure can be tenuous.<sup>1</sup> "Land tenure" is defined in this report as the set of rules and norms that govern people's legitimate access to land.<sup>2</sup> Insecurity associated with women's rights to land under customary law is grounded in assumptions that women are dependent on men and cannot own land in their own right under customary tenure and have what many term "secondary rights" to own and access land through their maiden or matrimonial family.<sup>3</sup> It has been widely reported that the laws protecting the land and property rights of widowed, divorced and/or separated women are not properly catered for under current laws, rendering them vulnerable in land matters.<sup>4</sup> Property has no meaning except for the rights of an individual or group to exclude others from access, use and control.<sup>5</sup> Before effective interventions to improve women's land and property rights can be devised, there is a need for a thorough understanding of how women acquire, own, access, manage and control land, which is critical to the development of policies to secure the land and property rights of women, and reduce their vulnerability.<sup>6</sup>

While the research presented in this report presents new data relating to the scale of customary land ownership across northern Uganda, the majority of findings were in line with previous field studies and the anecdotal findings of practitioners implementing interventions relating to women and land ownership and administration in northern Uganda. The study provides solid quantitative and qualitative data important to the design of robust and effective interventions to secure women's land and property rights in this region. While the relationship between different forms of land tenure and agricultural productivity continues to be a matter of serious debate,<sup>7</sup> it remains beyond the scope of this research report.

### KEY FINDINGS

- Customary tenure remains strong with only 1.2% of plots held under statutory tenure.
- Approximately 63% of women reported they "own" land under customary tenure.
- Over 86% of women reported they have access to land under customary tenure.
- Tenure security is not dependent on formal documentation as proof of ownership.
- Men play a dominant role in land management.
- General knowledge of statutory and customary land law and management systems is poor.
- Approximately 50% of the population in northern Uganda have experienced land conflict.
- 72% of conflicts are within household, family or clan.
- Interventions by NGOs and faith based institutions related to land conflict are minimal.
- Dynamics of women's land and property rights in northern Uganda do not appear to be inherently different from the rest of the country.

## BACKGROUND

Of the 56 tribes and 9 “indigenous communities” formally recognized by the Constitution of the Republic of Uganda amended in 2005, over 20 are in the greater northern Uganda loosely defined as the area north of Mt. Elgon and Lakes Albert and Kyoga.<sup>8</sup> Northern Uganda has a population of almost 10 million people representing almost 30 percent of the total population of Uganda.<sup>9</sup> The region comprises a rich assortment of different ethnic groups from the pastoralists in Karamoja through the Teso, Lango, and Acholi to the Madi and Kakwa in West Nile. The qualitative interviews revealed that each of these groups have their own customary laws regulating ownership, access and management of land with significant variations amongst different ethnic groups with particular clans and sub-clans having their own norms, rules and procedures regulating land matters. Hopwood and Atkinson identified “a large variation of significant land practices within Acholi.”<sup>10</sup> Generalizations are difficult and require extreme caution.

Since independence in 1962, the north of the country has endured high levels of violence and insecurity with a long succession of insurgencies comprising the Former Uganda National Army (FUNA), Ugandan National Rescue Front (UNRF) and Ugandan National Rescue Front II (UNRFII), West Nile Bank Front (WNBF) all in the West Nile Region of north-western Uganda. To the north-east Karamoja has experienced almost constant insecurity since pre-colonial times especially pronounced with the widespread availability of weapons after local warriors raided the Moroto armory in 1979 following the fall of Idi Amin. The Uganda Peoples’ Army (UPA) in the Teso Region to the east of the country and the Acholi Region of the central north endured the Uganda Peoples’ Democratic Army (UPDA), the Holy Spirit Movement (HSM) and--most recently and certainly most well known internationally--the Lord’s Resistance Army (LRA). Peace in northern Uganda was not restored until the LRA fled into South Sudan and the Democratic Republic of Congo (DRC) in 2006.

Northern Uganda has an abundance of land that many perceive a critical resource for sustaining livelihoods and vital for the reconstruction of the region. Due to the misunderstanding of customs relating to land and/or the pervasive patriarchal system, women are regularly denied full benefits of this resource and discriminated against in land matters.<sup>11</sup> These “misunderstandings” are often opportunistic, perpetrated by individuals looking to take advantage of distressed situations and breakdowns in customary norms, rules and procedures protecting women’s rights to land. As a result, women do not enjoy complete and equal ownership of land that is usually accessed through male relatives. The access they possess is highly dependent on the good relationship that a woman has with male relatives.

The goal of this initiative is to improve the understanding of women’s land and property rights across northern Uganda: 1) identify the gaps and contradictions in existing statutory laws, 2) access to land administration systems and processes, 3) illuminate the current status and role of customary norms, rules and procedures, 4) examine how statutory and customary laws interrelate, 5) better understand the rights, responsibilities, vulnerabilities and complexities for women owning, accessing and managing land, and 6) provide an indication of the scope or number of women affected.

An improved understanding of the land rights and vulnerabilities of women in different situations will facilitate the identification and development of effective strategies to overcome these vulnerabilities. Specific objectives include: 1) Identify vulnerabilities and complexities for women accessing, controlling and owning land in northern Uganda; 2) Greater clarity and agreement amongst stakeholders engaged in improving women’s land and property rights in Uganda; 3) Identify strategies to overcome these challenges improve women rights over land and property; 4) Develop new policy and programmatic recommendations to address the vulnerabilities and complexities that women face; and 5) Inform future advocacy on land and property rights amongst all stakeholders including government.

## METHODOLOGY

The research methodology comprised a mix of qualitative and quantitative research methods (Detailed in APPENDIX 1). The quantitative component employed multi-stage cluster sampling focused on the household comprising both purposive and random sampling engaging 1,198 respondents comprising 76 percent women and 24 percent men. Fourteen (14) percent of the respondents were selected in urban environments while the remaining 86 percent were selected in rural areas to reflect the national average for levels of urbanization.

The qualitative methods comprised of over 60 guided interviews with key informants and community members with 21 focussed group discussions involving groups totalling 153 women and 17 men (APPENDIX 3). The bulk of qualitative interviews were conducted in the field through February 2013. A series of additional follow-up interviews and focused group discussions were made in June 2013 and interviews with key informants were conducted in Kampala through January-September 2013.

### DISTRICTS SELECTED

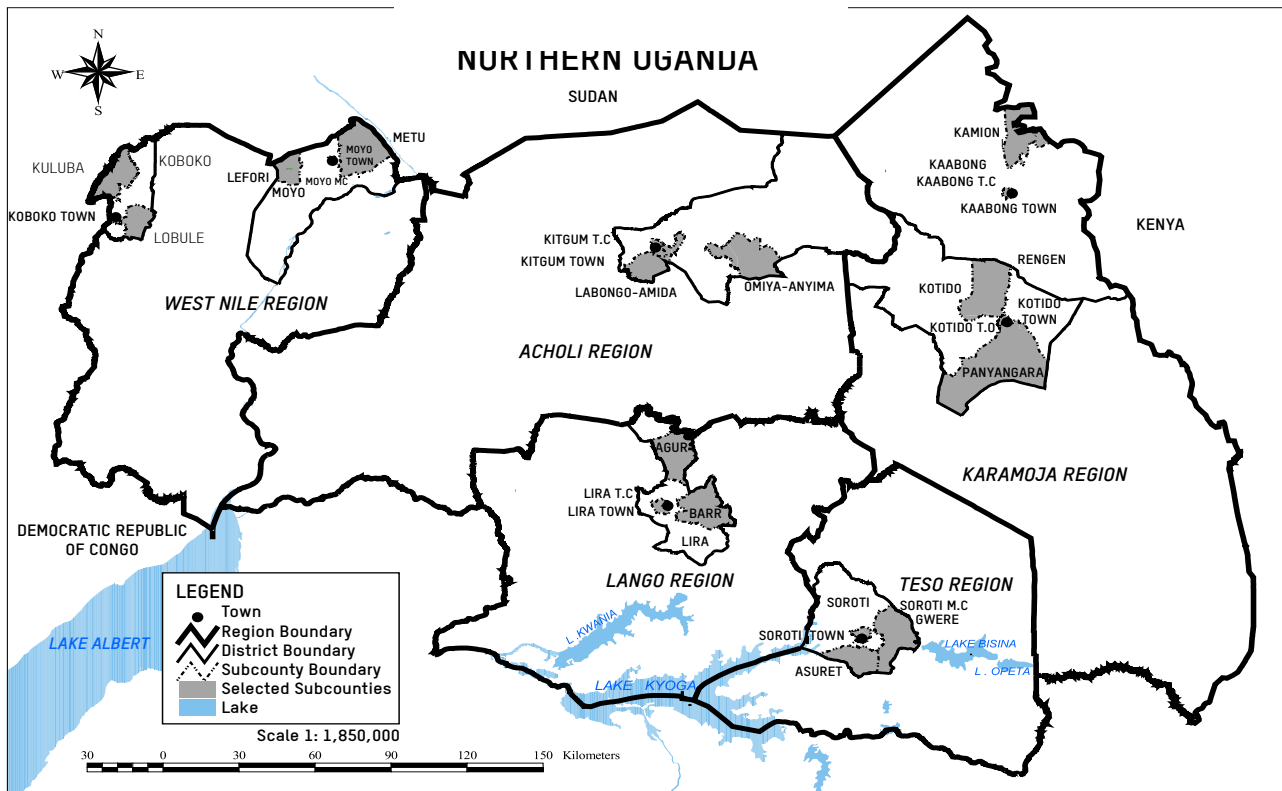
The seven districts listed below were selected purposely to capture a broad representative selection of each of the major ethnic groups in northern Uganda with the exception of the Ik community in Kaabong that represent a distinct minority.

Sub-region	District	Ethnic Group
West Nile	Koboko	Kakwa
	Moyo	Madi
Acholi	Kitgum	Acholi
Lango	Lira	Lango
Teso	Soroti	Teso
Karamoja	Kotido	Jie
	Kaabong	Ik

There was an extremely small variance between the respective districts and ethnic groups. As such, reference to the districts may be used interchangeably with the different ethnic groups targeted. The research targeted two sub-counties and one town council in each district as displayed in the map below.

While the quantitative survey results may be considered broadly representative of northern Uganda, the two sub-counties and the town ward selected in each region cannot accurately be considered representative of the respective sub-region or ethnic group. Furthermore, the sample size of the 1,198 is too small to make meaningful comparison between the different sub-regions or ethnic groups. When considering too many variables the values quickly become very small and cannot be regarded statistically relevant or representative of reality.

## NORTHERN UGANDA



Department of Surveys and Mapping, Ministry of land Housing and Urban Development (MLHUD), Government of Uganda 2013

## PROFILE OF RESPONDENTS

The mean age of the female respondents was 41 years with a standard deviation of 13.5, while the mean age of the male respondents was marginally higher at 43 years with a standard deviation of 15.

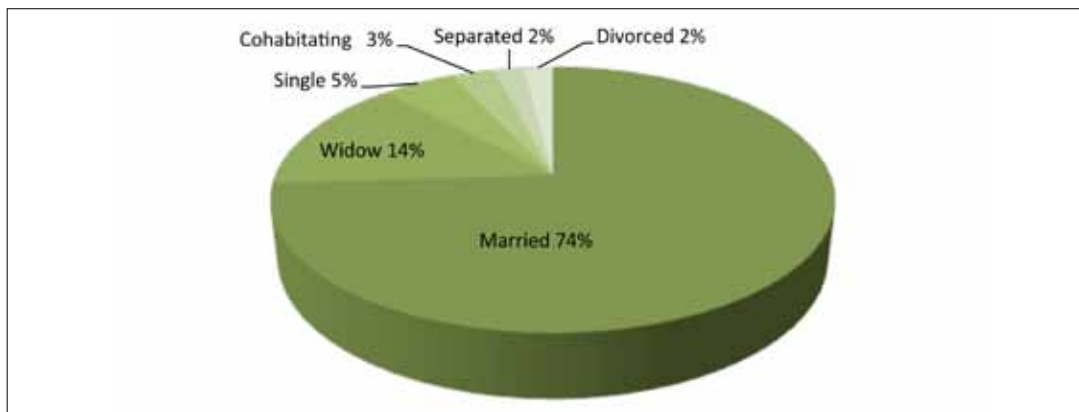
## STATUS OF RESPONDENTS

The definition of “marriage” was left open to the interpretation of the respondents, but mostly comprised of customary marriages with very few instances of religious or civil marriage. It is

Marital Status	Male	Female	Average
Single	8%	5%	6%
Married	86%	74%	77%
Widow	-	14%	10%
Widower	3%	-	1%
Divorced	0%	2%	2%
Separated	1%	2%	2%
Cohabiting	2%	3%	3%

important to note that while not necessarily constitutional, a series of precedents have been established to suggest that statutory law does not recognize customary marriage unless the dowry has been paid.<sup>12</sup> Respondents regarded themselves as married when there was some exchange of birds, animals or agricultural produce between families. The vast majority of respondents were married, with significantly more men married than women. Very few respondents reported themselves as divorced.

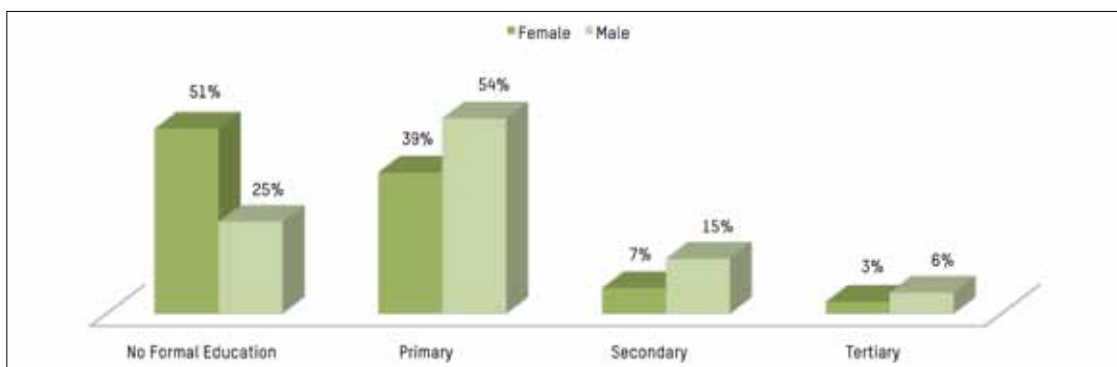
### MARITAL STATUS OF FEMALE RESPONDENTS



### EDUCATION

Over 50 percent of the women had no formal education; approximately 39 percent had only primary education; seven percent secondary education and only three percent tertiary education. The low level of education of the respondents was anticipated. While the figure for women with no formal education is significantly higher than the findings of the Uganda Bureau of Statistics (UBOS), Uganda National Household Survey 2009/2010, the rest of the findings were comparable.<sup>13</sup> The majority of men possessed at least primary education with 15 percent having secondary education and only 6 percent having tertiary education. The UBOS Ugandan National Household Survey reported literacy rates in northern Uganda for women at 52 percent and 77 percent for men;<sup>14</sup> however, functional literacy required to understand and comprehend statutory law, administration and policy - let alone exert significant influence on the development of land governance - is considerably lower.<sup>15</sup>

### EDUCATION LEVEL OF RESPONDENT



## GOVERNANCE, POLICY AND ADMINISTRATION

Land legislation and administration in Uganda is a mixture of different statutory and customary tenure systems comprising colonial legacies, elements of reforms and an assortment of experimental initiatives implemented under successive post independence governments. There are currently four different legally recognized land tenure systems operational in Uganda: customary, freehold, leasehold and mailo<sup>16</sup> as stipulated under the Constitution.<sup>17</sup>

Uganda lacked a comprehensive national land policy until its publication in September 2013. Prior to this, the Land Sector Strategic Plan (LSSP) 2001-2011 provided a framework for the implementation of land reforms and legislation including the 1995 Constitution, the 1998 Land Act and subsequent amendments in addition to the integration of relevant plans and policies including aspects of the National Development Plan, Poverty Eradication Action Plan, Plan for Modernization of Agriculture, and the National Gender Policy, among others.<sup>18</sup> Based on the assumption that secure property rights are linked to investment in land, the goal of the LSSP has been to remove barriers to increased land utilization created by unequal distribution of land access and ownership.<sup>19</sup> A new Land Sector Strategic Plan is in the final stages of development to guide government and civil society over the coming decade.

The objectives of the recently released National Land Policy (NLP) under formulation since 2001 are to harmonize the different tenure systems, facilitate equitable access to land, modify the rules of transmission of land rights under customary land tenure, guarantee gender equality and equity and ensure that the decisions of traditional land management institutions uphold constitutional rights and obligations with regard to gender equality to improve security of tenure.<sup>20</sup> Margaret Rugadya, a civil society activist and one of Uganda's leading experts on land governance, played a key role in the drafting of the NLP that addresses the vast majority of outstanding gaps in Uganda's land legislation. While the issue of mailo tenure in the central region of the country is obviously extremely sensitive, the delays in the development of the NLP were apparently more systemic than political. Approved by cabinet with the direct involvement of President Museveni in February 2013,<sup>21</sup> the final document was finally gazetted in August 2013 and made publically available the following month.<sup>22</sup>

## STATUTORY INSTITUTIONS AND LEGISLATION

The Ministry of Lands Housing and Urban Development (MLHUD) is comprised of three directorates including the Directorate of Land Management that consists of the: 1) Department of Surveys and Mapping, 2) Land Administration, and 3) Land Registration charged with the registration of land, issuing title deeds and maintaining records of land transactions. MLHUD is also responsible for development of policies, laws and regulations and the oversight of district land offices. The implementation of the Ministry's activities is severely constrained by the inadequate funds as the Minister for Lands Daudi Migereko explained before Parliament in June 2013.<sup>23</sup>

A shortage in personnel with the necessary skills, education and experience presents a serious challenge to central government, the district land offices, District Land Boards and the Area Land Committees at sub-county levels.<sup>24</sup> With limited budgets and the scarcity of qualified personnel many of the districts are seriously under-resourced with over 90 percent of technical positions vacant in some structures.<sup>25</sup> The situation has been compounded by the proliferation in the number of new districts increasing from 44 in 1997 to 112 with the number expected to rise to 132 once the 20 districts recently endorsed by Cabinet are established.<sup>26</sup>



The Ministry of Justice and Constitutional Affairs (MJCA) is responsible for reforming and safeguarding the Constitution, upholding the rule of law, and maintaining the legal and judicial system. Uganda is a signatory to numerous key international statutes and conventions supporting gender equality and basic human rights focused on legislation and governance incorporating land.<sup>27</sup> With over 40 separate acts of legislation relevant to land rights and tenure security in Uganda,<sup>28</sup> the six primary sources of land legislation are:

- 1) The Constitution of the Republic of Uganda 1995
- 2) The Land Act 1998 and subsequent 2001, 2004 and 2010 Amendments
- 3) The Registration of Titles Act, 1924. Cap 230;
- 4) The Local Council Courts Act 2006
- 5) The 1965 Land Acquisition Act 1965, Cap 226
- 6) The Uganda Wildlife Act, 1996 Cap 200.

### WOMEN UNDER STATUTORY LEGISLATION

Additional legislation relevant to women's land and property rights in Uganda include:

- 1) The Administrator General's Act Cap 157
- 2) The Customary Marriage (Registration) Act, 1973. Cap 248
- 3) The Divorce Act, 1904. Cap 249
- 4) The Domestic Violence Act, 2010
- 5) The Equal Opportunities Commission Act No. 2 of 2007
- 6) The Marriage Act, 1904. Cap 251
- 7) The Marriage and Divorce of Mohammedans Act, 1906. Cap 252
- 8) The Mortgage Act, 2009
- 9) The Succession Act, 1906. Cap 162

Uganda has been recognized as a world leader for the institutionalization of gender mainstreaming and gender sensitive policies, since the National Resistance Movement (NRM) Government came to power in 1986.<sup>29</sup> However, it is widely acknowledged that there is a significant gap between the law and the effective implementation of the law as stated in a preliminary draft of the National Land Policy.<sup>30</sup> Enforcement mechanisms are still lacking and although statutory and customary traditions and practices that discriminate against women in access, use and ownership of land have been outlawed by both the Constitution and legislation, practice does not acknowledge these changes.<sup>31</sup>

Legislation concerning property and land are intrinsically tied to family law, marriage and divorce rights. The recognition of customary land tenure by the constitution and the Land Act in the absence of a clear and robust legislation regarding joint ownership of marital property presents a serious challenge.<sup>32</sup> While the 1998 Land Act (Cap 227) caters for spouses to an extent, it does not address the land rights of widows, divorcees, women in co-habitation, and children.<sup>33</sup> Sections of the Divorce Act<sup>34</sup> and the Succession Act<sup>35</sup> that discriminated against women were determined null and void by the Constitutional Court in 2006 as result of strategic litigation due to inconsistencies with the equity provision of the Constitution.<sup>36</sup> Legislation to define matrimonial property, provide for equitable distribution of property in the event of divorce, and recognize the property rights of cohabiting partners has been stalled for the better part of the last decade.<sup>37</sup> These issues form part of the Domestic Relations Law that is split into the Marriage and Divorce Bill and the Administration of Muslim Personal Bill which are yet to be passed. The National Land Policy sets forward a number of strategies "to protect the right to inheritance and ownership of land for women and children."<sup>38</sup> To increase the participation of women in land administration, the Constitution of Uganda stipulates

“one-third of the membership of each local government council shall be reserved for women.”<sup>39</sup> In line with this the Local Governments Act states one third of the District Council at the level of lower committees including the parish or village shall be women.<sup>40</sup> These statutes are further reinforced by the Land Act that stipulates at least one-third of the members of the Land Board, the Land Committee and the sub-county land tribunals should be women.<sup>41</sup>

As noted earlier, legislation ensuring the participation of women in government in Uganda is widely hailed as progressive in the elimination of gender discrimination amongst a broad range of civil society actors and international observers.<sup>42</sup> While credited with increasing awareness and arguably bringing some improvements for women,<sup>43</sup> the marginal representation of women in local governance structures provides little protection of women’s land and property rights since their rulings can be easily overturned by the male majority.<sup>44</sup> As Tamale suggests, these women are selected by existing structures and institutions that comprise two thirds men that tend to favour socially conservative women who do not necessarily support the broader interests of women.<sup>45</sup> As Obaikol submits, gender mainstreaming in the public sector is chiefly rhetoric.<sup>46</sup>

Our research found that these statutes aimed at ensuring gender equality are mostly observed. The requisite numbers of women in the various offices is strictly upheld and the individuals selected are usually amongst the most articulate or active women in the community. However, it is important to note, as explained above, that literacy levels are extremely low in northern Uganda. There are few women in the communities examined with the necessary levels of education and/or experience to effectively participate and engage in decision making processes. The Land Act stipulates that the chairperson of the land committee should speak and write English and that one member of the committee should have knowledge and experience in matters relating to land.<sup>47</sup> Furthermore, it states that members of the sub-county land tribunal should have completed a minimum formal education of ordinary level or its equivalent.<sup>48</sup> Identifying individuals at the community level to satisfy these criteria is very often a challenge and both women and men without the necessary qualifications as stipulated by law are regularly appointed.

## CUSTOMARY TENURE

Okoth-Ogendo noted that land in pre-colonial Africa was predominantly communal: 1) considered a trans-generational asset; 2) managed at different levels of social organization; and 3) utilized in function-specific ways comprising cultivation, grazing, hunting, transit, recreation, fishing and biodiversity conservation.<sup>49</sup> Customary tenure in Uganda was radically transformed by colonial land policies.<sup>50</sup> Furthermore, with population growth, land has become increasingly recognized as a finite resource. The intensification of agriculture and discovery of oil and mineral resources have spurred the commoditization of land. As Bayart suggests, customs are constructed in the present.<sup>51</sup> Customary tenure is heavily influenced by modernity including statutory systems and the state.<sup>52</sup> As such, the use of the term “customary” may be perceived as an “inappropriately static” interpretation of the current situation.<sup>53</sup> Delville suggests “socially determined land use rules” might provide a more accurate description.<sup>54</sup> However, we will proceed with the use of customary tenure due to: 1) universal familiarity with the term in this context, and more importantly 2) the prevalence of the customary in day-to-day land administration and governance across northern Uganda presented later. Customary tenure is also sometimes referred to as “informal” which possibly derides the legitimacy of customary tenure and is erroneous in view of the fact that it is formally recognized by the Constitution.<sup>55</sup>

Considerable debate exists concerning the role and strength of tradition in northern Uganda today.<sup>56</sup> The bulk of observers concede traditional practices and customary law have been eroded, attributed in no small way to the protracted civil conflict experienced across the region.<sup>57</sup> While the paramount institutions such as the Lango Cultural Foundation (LCF), the Iteso Cultural Union (ICU) and Ker Kwaro Acholi (KKA) are largely understood as colonial constructs, mired in controversy and clearly lack the full reverence of their respective communities, the clan structures are strong and continue to play an important role across northern Uganda.

Customary tenure defines the right(s) to use or dispose of land recognized as legitimate by the community.<sup>58</sup> Individuals, both men and women, are simply custodians of the land that belongs to the clan for future generations.<sup>59</sup> The custodians of the land, usually in consensus with elder members of the extended family and/or clan determine ownership, access and regulate the use and transfer.<sup>60</sup> It is primarily intra-family relations that determine land access and tenure security, setting the parameters within which changes in individual household resource allocation can take place.<sup>61</sup> Customary tenure is "embedded" in social relationships and entitlements to land are associated with family relationships rather than a legal code to exclude people.<sup>62</sup> Laws governing customary tenure are "procedural" rather than written or codified.<sup>63</sup> They do not define the right/s of each person, but rather the procedures by which access to land resources is obtained.<sup>64</sup> Okoth-Ogendo asserts that land held under customary tenure can be regarded as private property for the group that controls it and the members who have access to it on the grounds that individual members of the group have clear rights and duties and clear decision-making structures exist for their utilization and management.<sup>65</sup>

Customary systems are often complex, with overlapping rights over the same resource held by different users (e.g. herders and farmers, men, women, parents and children).<sup>66</sup> The norms, rules and procedures governing the acquisition and transmission of these rights should be explicit and known amongst the community.<sup>67</sup> However, this is not always the situation. As this research found, community members are not aware of the norms, rules and procedures associated with customary tenure. Furthermore, families and clans are not always in "harmonious equilibrium" and are often better understood as 'social arenas seething with internal activities in which credit is accumulated and lost, reputations made and broken, factions organized and loyalties mobilized.'<sup>68</sup> Individuals with positions of power or influence amongst the custodians or elders sometimes make decisions not necessarily in the interests of every member of the extended family or clan. While women are usually represented, the elders making these decisions are predominantly male and the rights of children and extremely vulnerable individuals (EVI's) are particularly vulnerable.

There can also be questions concerning whether an individual's rights are clearly defined by their place and status within the clan or family.<sup>69</sup> Children born out of wedlock were common occurrence in the IDP camps. While such individuals are the responsibility of the mother's family, the relatives of the woman are not always entirely receptive to such situations and may look for opportunities to shirk their responsibilities. In this way, land rights can be negotiable and manipulated by the actors concerned.<sup>70</sup>

Where the family or clan is strong and organized, the rights of each member of the clan including women and future generations are generally better protected. In instances where the clan or family is weak or fragmented women's rights to land are often abused. When questioned on what they mean by the "strength" of the family or clan very few people referred to the physical size of the family. The majority of respondents referred to the financial resources at the family's disposal and levels of education while others spoke of "love," "unity" or "cohesion" within the family institution. Strong families or clans are also more likely to respect the rights of neighbouring clans, enjoy higher levels of social capital and are respected within the community.

Social cohesion and sense of community have been documented elsewhere as important factors supporting security of tenure.<sup>71</sup> However, the identification of strong or weak families proved

problematic for a variety of reasons. The challenges comprised of practical issues related to: 1) social politics and the sensitivities involved with describing a particular family in the community as weak, 2) issues of relativity concerning just how wealthy or educated a family might be, even in accordance with the local context, and 3) the fact that concepts such as love, unity and cohesion are extremely subjective and impossible to quantify. Existing research reveals an often conflicting mix of factors associated with “strong families” indicating the dynamic has a significant impact on economic structures and higher fertility rates for women who tend to play more “traditional” roles linked to lower levels of formal education and more work at home.<sup>72</sup>

Respondents in the focused group discussions characterized weak or dysfunctional families as poor, uneducated, lacking elders or severely affected by alcohol. They have less regard for public perception and are less susceptible to “shame” as an incentive to take a particular course of action. There are a disproportionate number of such families in post conflict environments such as northern Uganda that have endured a serious disruption to the social order. The disorder that has characterized much of northern Uganda in recent decades has provided unscrupulous individuals with opportunities to take advantage of the lack of knowledge and appreciation of the norms, rules and procedures associated with customary tenure to cheat others, very often women, children, youth or EVIs, of their rightful claim(s) to land.

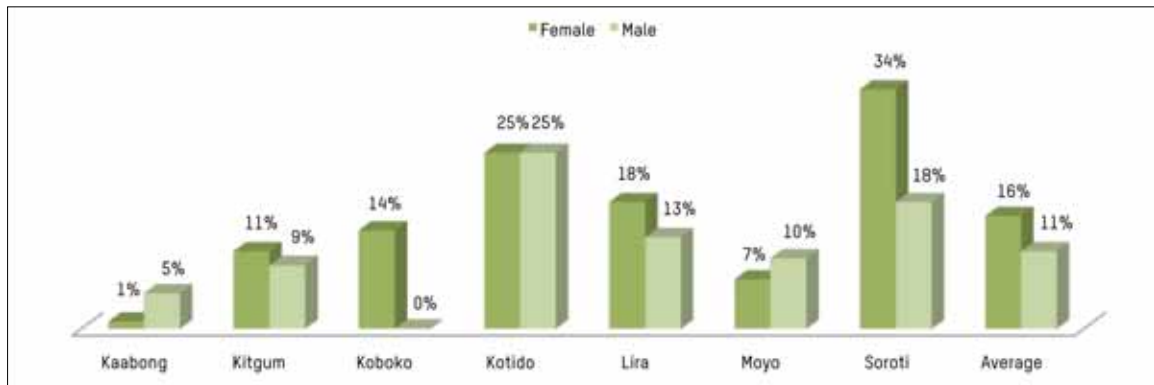
## COMMUNAL AND INDIVIDUALIZED CUSTOMARY TENURE

There are two types of customary tenure found across northern Uganda: 1) communal land comprising grazing areas, forest, hunting grounds and burial sites with the management vested in clans with guaranteed access rights to all members of the clan and no “ownership rights” conferred on users,<sup>73</sup> and 2) individual holdings by the head of family or extended family as the custodian for future generations with guaranteed user rights for all members.<sup>74</sup>

A recent study by Hopwood and Atkinson suggests that over 90 percent of land in the Acholi Region is held communally and used for hunting, grazing, gathering firewood, herbs and other natural resources. While other studies may suggest lower levels of land in the Acholi is held communally, it is interesting to note that the Luo communities of the Alur and Jonam in West Nile also report significant communal land holdings.<sup>75</sup> With these exceptions, communal land across the region has apparently all but disappeared. Communal land in the Lango Region disappeared in the early 1980s following the widespread theft of cattle by Karamojong rustlers. The majority of communal land until that point was utilized for grazing. According to the local community, the primary rationale for communal land disappeared with the cattle. People then moved in and settled in these areas.

It is important to note that customary tenure does not exclude individual rights.<sup>76</sup> In the past, the sale of land was only possible to fellow clan members in consultation with the family and sanctioned by elders; however, as customary tenure becomes more individualized, incidents of land sales have increased.<sup>77</sup> According to customary law, both men and women in the family must first consent to the disposal of land.<sup>78</sup> Such decisions also require the consent of the extended family and clan. The extended family and/or clan are obliged to ensure that all the appropriated parties have been consulted prior to the disposal of land. Buying and selling customary land amongst individuals beyond the clan is increasingly common across northern Uganda and often is done without the full consent of the extended family or clan. The elders often assume custody over these acquisitions often giving rise to some degree of tension within the family or clan. While the practice undermines customary structures, land acquired in this way provides owners with a considerably greater degree of autonomy from the clan and extended family. This is especially relevant to women who, as discussed below, are less likely to inherit land and more likely to experience constraints associated with the ownership, access and control of land under customary tenure.

## INDIVIDUALS WHO HAVE BOUGHT LAND



The precise scale of land alienated to date is subject to considerable debate amongst observers and practitioners working on land related development interventions and is clearly worthy of further investigation. While 16 percent of women and 11 percent of men across northern Uganda engaged in the quantitative component of this study reported buying land, the data collected does not provide any information on: 1) the size of the plots involved, 2) whether the plots were procured from a family member or individual within the clan, and 3) the timeframe involved. As such we have no sense of how this phenomenon is changing over time or the real quantities of land involved. The qualitative component of the research supported the quantitative findings most especially in Teso with less in Lango and Acholi and a minimal number of land transactions in Kaabong. The fact that 25 percent of both men and women in Kotido reported buying land is surprisingly high. A recent survey focused on EVIs in Moroto reported that 10 percent of respondents (6% women, 4% men) had bought land over the preceding two years.<sup>79</sup> As already explained, the quantitative survey results may be considered broadly representative of northern Uganda, but caution must be exercised when making any comparisons between the different sub-regions or ethnic groups. Nonetheless, it is notable that with the exception of the Ik in Kaabong and to a lesser degree the Madi in Moyo, the incidence of women buying land was generally higher than men, that may be interpreted as an indication of the increasing agency of women in relation to land.

The majority of agricultural land in Karamoja is held communally by pastoralist communities. A clear exception to this is within the Ik who practice sedentary agriculture. Interestingly, all of the Ik consulted for this study were adamant women do not own land. Women may only access land through men. Rugadya, Kamusiime and Nsamba-Gayiiya explain that within Karamoja:

*"...customary tenure has evolved into individualized and communal sub-tenures, each with distinct characters and resource rights embedded therein for the individuals, households and the community at large. Within communal customary, two sub-tenure types are distinguished; the grazing lands and the shrine areas, while within individualized customary sub-tenure is the arable land and land used for homesteads, where manyattas are constructed."<sup>80</sup>*

The elders manage access to grazing land. Men and women both have access rights to grazing land while men control individualized homesteads and women have access to gardens or cultivated areas allocated by patriarchs to married women.<sup>81</sup> Statutory institutions such as area land committees usually refer to elders on land related issues, most especially in relation to resolving land related conflicts.<sup>82</sup>

## WOMEN UNDER CUSTOMARY TENURE

The rights of women, men and all categories of people are clearly regarded equal under customary tenure.<sup>83</sup> In the patriarchal communities found across northern Uganda, the source and responsibility for ensuring women's land rights come from either her maiden family or marital family depending on the women's marital status presented in the table below. The source of a single woman's land rights is from within her family. It is always presumed that girl-children will eventually marry, so the allocation of land to young single women is temporal. Upon marriage, the woman leaves the clan or her father and it becomes the responsibility of her husband's clan to provide her with land.<sup>84</sup> Should a girl remain unmarried, the head of the family will allocate land for her.<sup>85</sup> In the event that the husband dies, the widow must decide whether she is to remain within her husband's clan or return to the clan of her father.

### SOURCE OF WOMEN'S LAND RIGHTS<sup>86</sup>

Category of Person	Maiden Family	Marital Family
Single woman	X	
Married woman		X
Widow (Either of the two families depending on the woman's choice after husband's death)	X	X
Unmarried woman	X	
Divorced woman	X	
Cohabiting women	X	

A widow has the right to become the head of household upon the death of the husband when she will take over the responsibility to manage the land allocated to her and to allocate land to her male children when they become adult and get married. The elders or the clan appoint an 'inheritor' to support the widow and provide protection from trespassers; however, it is important to note that the widow does not pass on her land rights to the inheritor, but to her children. The inheritor is appointed by the clan and can be dismissed for abusing his position. An heir is selected to hold the role of steward over the land, or the position of family head and usually identified from amongst the most responsible sons, not necessarily the eldest.<sup>87</sup> If the woman has children outside marriage, she is the head of the family with the responsibility to manage and be steward for the land allocated to her family - the same responsibility which a married son has for his family. According to custom, divorces are not expected. If a woman does divorce, she is expected to return to the brother who used her dowry for his marriage.<sup>88</sup>

Women have the right to appeal to the family heads or clan leaders in the event of transgressions and the family or clan regularly intervene to reverse such decisions or otherwise find a solution amicable for all parties. It was observed that despite the fact that individuals recognized as family heads or clan leaders were predominantly male, female elders exercise a significant influence both directly and indirectly. As discussed in more detail below, 75 percent and 64 percent of women articulated satisfaction with family heads and clans respectively.

## PLURAL LAND TENURE SYSTEMS

Although Bayart suggests colonialism was beneficial to women in the "ancestral struggle against social elder,"<sup>89</sup> pre-colonial customary law was arguably more amenable to women.<sup>90</sup> A number of observers suggest colonialism: 1) eroded individual rights, 2) empowered local leaders, especially

men, 3) disabled customary dispute resolution institutions, and 4) developed land tenure systems that are resistant to change.<sup>91</sup> With the deterioration of traditional social institutions, the clan system can no longer provide women with the support it once guaranteed.<sup>92</sup> Khadiagala argues “The denial of property rights to women is, in fact, a relatively recent development in Ugandan legal and social history”<sup>93</sup> Mamdani suggests that the colonial authorities played a key role in moving focus from individual to “the group, civil society and community, rights and tradition” and that during this transition, patriarchal notions of customary law mirrored colonial practices.<sup>94</sup> It is only with the implementation of statutory law and the alienation of land with title deeds under the colonial system that land ownership has commonly been documented in the names of men.<sup>95</sup>

The development of dual statutory and traditional legal systems for land administration and governance has been common across colonial Africa.<sup>96</sup> Herbst provides a detailed analysis of how the power of traditional authorities is negotiated, and negated, by state governments around the issue of land tenure as a critical resource across Africa.<sup>97</sup> Even where customary tenure is not explicitly recognized by the state, traditional leaders maintain significant influence.<sup>98</sup>

The work of de Soto who posited informal or “defective” registration of land ownership is responsible for locking up potential capital and a chief cause of underdevelopment,<sup>99</sup> revived the interest of key international development agencies including the World Bank, the Department for International Development (DfID), Gesellschaft für technische Zusammenarbeit (GTZ)<sup>100</sup> and the United States Agency for International Development (USAID) in the registration of land tenure.<sup>101</sup> An influential report by the World Bank in 2003 acknowledged the importance of recognizing and building on customary tenure in the absence of functional “formalized structures.”<sup>102</sup>

Customary tenure is formally recognized under statutory law in Uganda so long as it is not to the detriment of equal rights for women. The 1995 Constitution of Uganda states:

*“Women shall be accorded full and equal dignity of the person with men. Women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities. Laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status are prohibited.”<sup>103</sup>*

The Land Act 1998 underscores this by specifically overruling any provision of customary rule or practice that denies women, children or disabled persons access to ownership or use of land.<sup>104</sup>

The existence of plural legal systems facilitates “contradictions, ambiguities or ignorance over statutory and customary rules and legal norms” in which “individuals can make use of more than one law to rationalize and legitimize their decisions or behaviour.”<sup>105</sup> This situation has facilitated forum shopping as discussed in more detail below in relation to land conflict.<sup>106</sup> Opportunists take advantage of the confusion and use the different systems available to back up their land claims.<sup>107</sup> As noted by Fitzpatrick, there is a clear need to “define the jurisdiction and hierarchy of legally competent arbitration authorities.”<sup>108</sup> The National Land Policy suggests, there is an urgent need to clearly define and sensitize the public on the roles of statutory and customary institutions and the relationship between these institutions on land governance.<sup>109</sup>

### CERTIFICATES OF CUSTOMARY OWNERSHIP

The 1998 Land Act provides for Certificates of Customary Ownership (CCOs) that were intended to be an accessible and cost effective method to formally register land under customary tenure.<sup>110</sup> Following the February 2012 award by the High Court in favour of Madhvani on the land dispute in Amuru District,<sup>111</sup> the Ministry of Lands, Housing and Urban Development (MLHUD) initiated steps to

issue CCOs to recognize and protect land holdings under customary tenure.<sup>112</sup> A large number of local government and civil society actors across northern Uganda have raised concerns regarding the implementation of CCOs on a range of administrative and procedural issues including greater clarity on the status of CCOs with existing legislature.<sup>113</sup> They are urging government to address these issues before moving forward with the implementation of CCO's to avoid the potential exploitation of women and EVIs.<sup>114</sup> The recently released National Land Policy calls for the implementation of a land registry system to support the registration of land rights under customary tenure<sup>115</sup> and is apparently open to engaging civil society on the steps necessary to ensure the equitable implementation of CCOs.

## PREVALENCE OF CUSTOMARY TENURE

Analysts have suggested between 70 to 95 percent or more of land in northern Uganda is under customary tenure.<sup>116</sup> However, the source of most of these statistics remains unclear. The Design, Supply, Installation, Implementation of the Land Information System and Securing of Land Records (DeSILISoR) Project, a pilot initiative by the Ministry of Lands, Housing and Urban Development (MLHUD) in cooperation with a consortium led by the Institut Géographique National France International (IGN-FI) and funded by the World Bank has involved the digitalization of all freehold and leasehold titles across Uganda.<sup>117</sup> A total of only 14,876 freehold and leasehold titles have been issued in northern Uganda since the land registry was established in 1908 as presented in the table below.

### STATUTORY TITLES<sup>118</sup>

Cadastral Zone	Freehold	Leasehold	Total <sup>119</sup>
Soroti	634	2,677	3,311
Arua	785	2,724	3,510
Gulu	552	2,878	3,433
Moroto	153	347	504
Lira	973	3,144	4,118
		Total	14,876

As such, the approximate percentage of plots held under statutory tenure in northern Uganda may be calculated as follows:

$$S = \frac{TN}{PH} = 1.2\%$$

Where:

S = Percentage of Statutory land in northern Uganda (1.2%)

H = Percentage of households that own land in northern Uganda (68%)<sup>120</sup>

P = Population of northern Uganda (9.4m)<sup>121</sup>

N = Number of people per household in rural Uganda (5)<sup>122</sup>

T = Number of registered titles (leasehold and freehold) in northern Uganda (14,876)<sup>123</sup>

$$S = \frac{14,876 * 5}{9.4M * 0.68} = 1.2\%$$



The statistics presented for freehold and leasehold titles is current as of January 2013, and do not include current title applications. The titles listed comprise both private and public properties including schools, health centers and other civic institutions. While it is not possible to ascertain the precise number of public properties, we can assume the percentage of private households owning land is therefore significantly less than the 1.2 percent of plots held under statutory tenure. Accordingly, only a very small fraction of the land in northern Uganda is held under statutory tenure. It must be noted that this figure represents the number of separate plots, not the total percentage of land. This finding is no surprise to practitioners working on land related issues in the region and is broadly consistent with Klaus Deininger's assertion that formal tenure accounts for only 2 to 10 percent of land across Africa.<sup>124</sup>

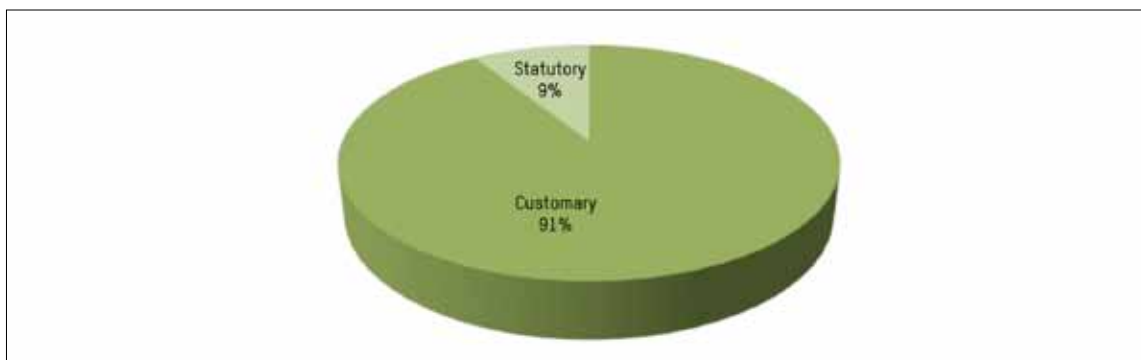
### Knowledge of land laws and administration

While most respondents had a general idea of customary tenure, it was evident from both the qualitative and quantitative components of the research that the vast majority of respondents across northern Uganda had little to no knowledge of statutory land laws and the mechanisms involved in land governance and administration; and only a basic understanding of customary tenure. A study by the World Bank in 2009 reported 90 percent of the population in northern Uganda had no knowledge of the Land Act that Bank described as the main substantive national land law.<sup>125</sup> As cited by numerous studies, the lack of knowledge resulting from issues of literacy and the dearth of appropriate information presents a serious barrier to women's land access and ownership.<sup>126</sup> Men have been able to manipulate "historical precedents of 'custom' to exercise greater control over land to the detriment of women: perpetuating the myth that customary tenure does not allow women to own land."<sup>127</sup>

The Principles, Practices, Rights and Responsibilities (PPRR) associated with customary land tenure in Acholi, Lango, Teso and Kumam have each been documented as a reference for stakeholders within the community.<sup>128</sup> While there has been some controversy relating to the participation in the development and subsequent ownership of the Acholi version,<sup>129</sup> preparations are currently underway to rewrite the document.<sup>130</sup> Other ethnic groups across northern Uganda could benefit from similar initiatives that clearly enhance awareness and make customary law a matter of fact rather than a matter of debate.<sup>131</sup>

After concepts of leasehold and freehold tenure were briefly explained to the respondents by the enumerators, 91 percent suggested customary laws were used to govern land in their community. The response of men and women were identical. This may be attributed to the fact that customary tenure dominates northern Uganda and the customs of the area dictate what happens in land matters.

## PUBLIC PERCEPTION OF LAWS GOVERNING LAND

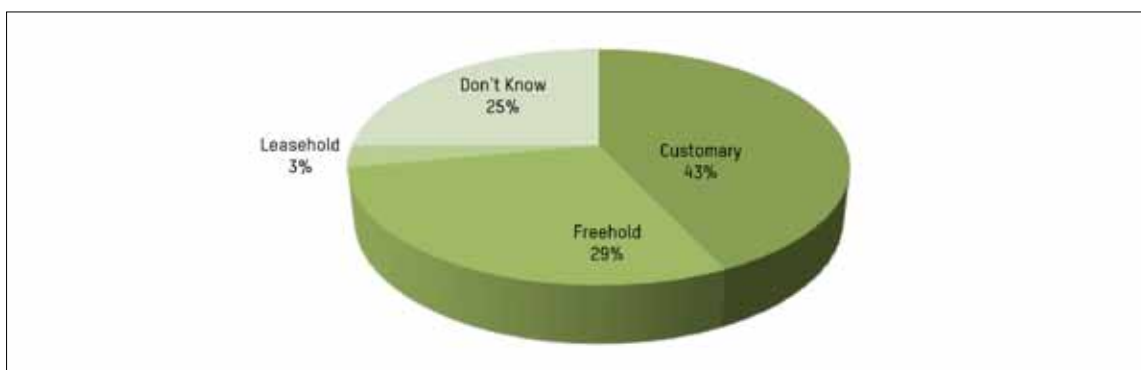


Furthermore, it was evident that many of the representatives of the statutory and customary institutions involved in land governance, administration and dispute resolution, including traditional leaders, local government officials, law enforcement officers and members of the judiciary also had a limited knowledge. As Billings, Behrman and Peterman suggested, this situation results in poor implementation and enforcement of gender-equal laws.<sup>132</sup>

## Preferred Form of Tenure

Interpretations of preferences for the different tenure systems expressed by the respondents must be approached with great caution in light of the general ignorance of both statutory and customary land laws and institutions detailed in the preceding section. While the majority (43%) of respondents expressed a preference for customary tenure, a significant proportion (29%) reported they preferred freehold and a small number (3%) preferred leasehold. With little to no knowledge of the statutory systems, 25 percent of respondents were not in a position to make comparisons with the customary system with which they were vaguely familiar and unable to express a preference. Interestingly, there was little to no disparity according to gender on tenure preference.

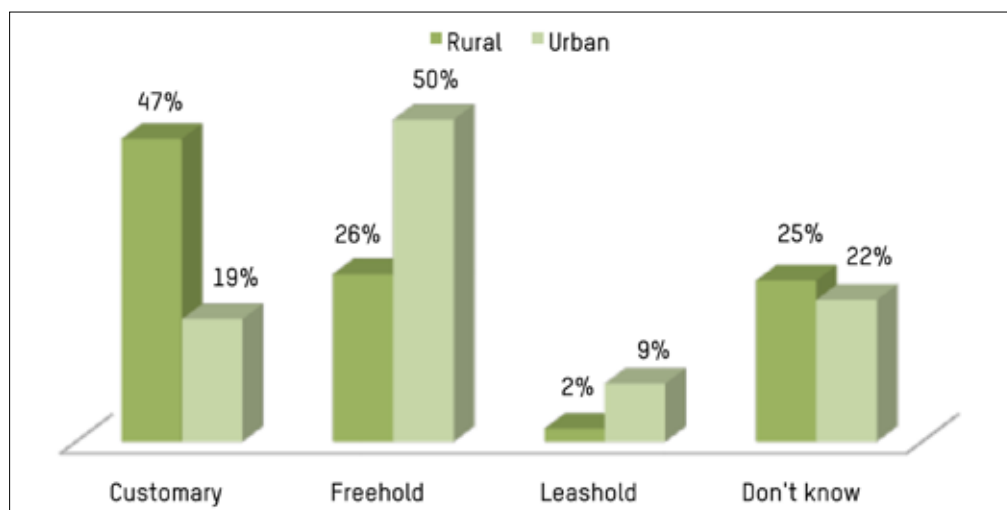
## PREFERRED TENURE SYSTEM



The overwhelming reason expressed for the preferences for both customary and freehold was security of tenure and confidence the selected form of tenure offered the best chance land could be bequeathed to children without fear of interference from external parties. The findings are not

altogether incomparable with Batungi's study on the efficacy of land reform in west, east and central Uganda that reported approximately 50 percent of respondents favored freehold title.<sup>133</sup> To gain a better understanding of why respondents selected a particular form of tenure we disaggregated the data according to whether they were in rural or urban environments.

### PREFERRED FORM OF TENURE



The 28 percent of rural based respondents that expressed a preference for freehold and leasehold land tenure suggests a considerable number of individuals are dissatisfied with the status quo, but not a surprise given the high incidence (50%) of respondents who have experienced land related conflicts discussed below. As anticipated, a significant number of rural respondents reported a preference for customary tenure while a high number of urban respondents expressed a comparable preference for titled land. Urban environments are obviously far less amenable to customary tenure.



PHOTO BY: Charles Yomoi, Fotografi senza Frontiere (FSF) photo lab, Kalongo SS, November 2009.

## OWNERSHIP, ACCESS AND CONTROL

Land in northern Uganda, as in most societies, is equated with wealth, social status and power and provides the basis for food, shelter and economic activities.<sup>134</sup> There is a strong correlation between the decision-making powers and the type, quality and quantity of land rights.<sup>135</sup> There can be multiple and simultaneous rights to the same piece of land depending on the way rights are defined and exercised.<sup>136</sup> These rights can broadly be divided into three categories: 1) ownership, 2) access, and 3) control. A fourth category sometimes referred to in the literature is management, which can be regarded a factor of control.

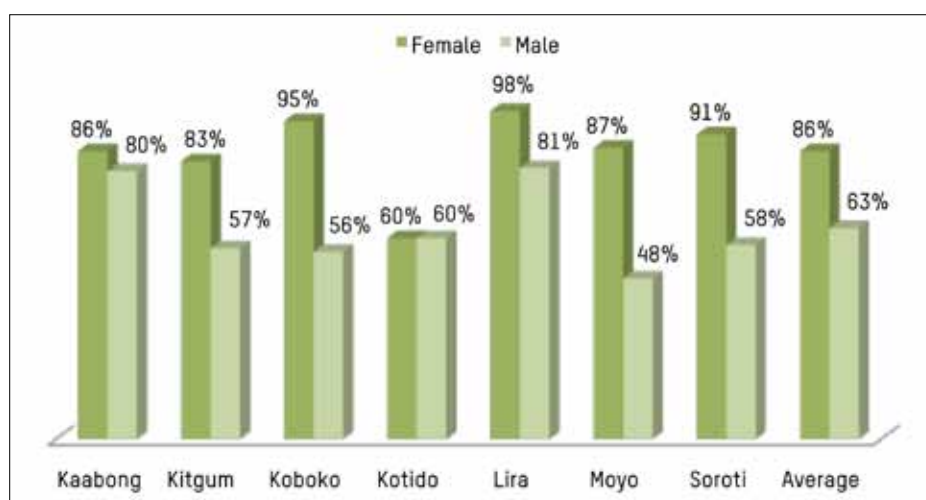
### Ownership

There is considerable debate on the definition of “ownership” in relation to land pertinent to the findings of this study. Ownership obviously refers to the act, state, or right of possession.<sup>137</sup> However, since the thirteenth century, ownership of land in the European context has implied the right to alienate: sell, mortgage or transfer land to another person or group.<sup>138</sup> This is a relatively new concept in Africa.<sup>139</sup>

As discussed above, the alienation or sale of land under customary tenure to individuals or groups outside of the clan is not permitted without the authorization of the family, extended family and clan. Such sales usually require a compelling reason such as the need for capital to pay for a burial, healthcare or education. It is widely argued that the need to obtain such authorization negates individual ownership under customary tenure. Moreover, the fact that a woman must seek authorization from her husband or father in addition to the extended family and clan completely eliminates the possibility that women may own land under customary tenure. Under such circumstances, it is argued that women can only enjoy access to land, but not ownership. Access is considerably less ambiguous and may be defined as the rights to use land for a residence and /or agricultural activities comprising cultivation and the grazing of animals in addition to the collection of minor forest products with consent.<sup>140</sup>

Care was taken in the implementation of the survey to explain these conceptual differences between ownership, access and control to the respondents. Nevertheless, as presented in the graph below, approximately 63 percent of women and 86 percent of men interviewed in the quantitative component of this research asserted they “owned” land.

## OWNERSHIP OF LAND ACCORDING TO DISTRICT



In the qualitative component, comprising interviews and focused group discussions, female respondents acknowledged the need to secure authorization from their fathers or husbands in addition to the extended family and clan; explained that they “own” the land through their connection/relationship with the household and clan; reiterated that land belonging to their husbands or clan also belongs to them. According to the respondents, a key aspect of ownership is security of tenure. Ownership was equated with absolute security of tenure in perpetuity, free from trespass and encroachment; not necessarily synonymous with western concepts of “ownership” and “private property” defined by the right to alienation.<sup>141</sup>

Tenure security comprises both ‘objective’ and ‘subjective’ aspects. Objective or de jure tenure security refers to the actual physical nature, content, duration and enforceability of land rights associated with guarantees, durability of boundary descriptions and opportunities for dealing with conflict.<sup>142</sup> The subjective or de facto aspect of tenure security refers to the land owner’s perceptions of land rights security.<sup>143</sup> Despite the fact that some respondents articulated preferences for alternative forms of tenure as discussed above and approximately half the respondents have experienced land related conflicts as detailed below, the quantitative research found that approximately 63 percent of women and 86 percent of men across northern Uganda reported owning land that may clearly be equated with perceptions of tenure security.

Several previous studies conducted by The Uganda Bureau of Standards, the International Food Policy Research Institute, and Rugadya and Kamusiime found comparable results. The Uganda Bureau of Statistics (UBOS) Uganda Demographic and Health Survey 2011 study found 61 percent of women in Acholi and Lango own land, with 43.4 percent of women in West Nile, 47.7 percent of women in Karamoja.<sup>144</sup> Furthermore, the UBOS study identified difference between urban and rural women with 44.6 percent of women in urban areas owning land against 61.9 percent of women in rural areas owning land.<sup>145</sup> The study identified age as a significant variable with 92.9 of women aged 45–49 owning land across Uganda with only 18.3 percent of women aged 15–19 owning land.<sup>146</sup>

The 2011 International Food Policy Research Institute study by Bomuhangi, Doss and Meinzen-Dick conducted in south, east and central Uganda reported 57 percent of female and 69 percent of male respondents claimed to own land.<sup>147</sup> These figures closely resemble the findings of the study

conducted by Rugadya and Kamusiime involving 3,779 interviews and reported in 2006 that 61.4 percent of the respondents across Uganda agree with co-ownership between spouses and 56.7 percent of respondents in northern Uganda agree to the same.<sup>148</sup> Disaggregated by gender they found that 66.5 percent of the female respondents and 55.5 percent of male respondents across Uganda agree with co-ownership between spouses.<sup>149</sup>

A study conducted between 1992-1993 by Sebina-Zziwa in Kabarole, Lira, Mbale and Mpigi involving a total of 563 women reported 39 percent claimed to own land in their own names.<sup>150</sup> The report suggests "in spite of the general ideology that land belongs to men, the majority of the rural folks regardless of gender hold the opinion that women should own land."<sup>151</sup>

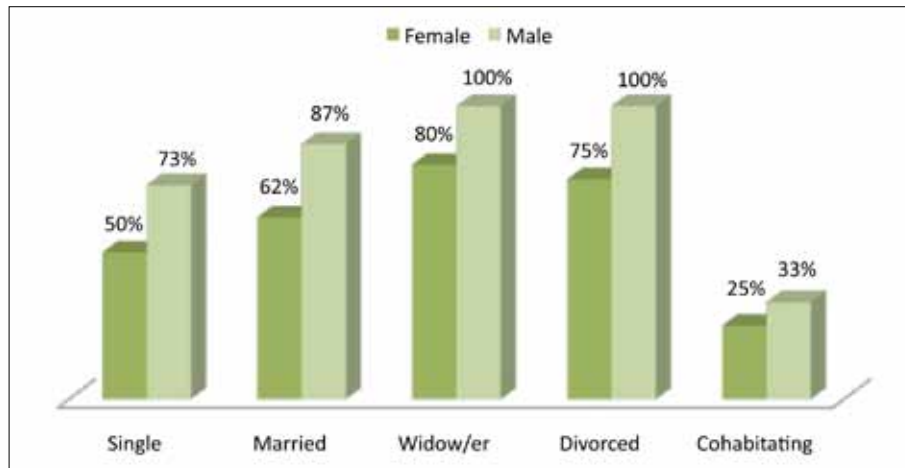
These findings are contentious and contrary to the widely held belief expressed in the recent World Bank report by Byamugisha that customary laws have locked women out of landownership.<sup>152</sup> It is widely believed that women own only 1-2 percent of all titled land worldwide. The basis for this highly contentious statistic attributed to a 1984 publication by Robin Morgan<sup>153</sup> is unclear.<sup>154</sup> Nonetheless it has been quoted ad nauseam for over two decades by some of the world's leading authorities on women's land and property rights.<sup>155</sup> Another widely quoted figure of apparently equally obscure origin is that women own 7 percent of land titles around the world.<sup>156</sup>

A prominent study published by the Makerere Institute of Social Research (MISR) in 2004 examining 93,146 Government registered mailo, leasehold and freehold titles issued between 1980 and 2002 reported that 63 percent of the titles were held by men only and 16 percent were held by women only.<sup>157</sup> The report provided a breakdown by region reporting that 78 percent of the titles in the northern region were held by men and only 7 percent of the titles were held by women.<sup>158</sup> These figures have been widely quoted by a large number of other studies focused on this issue.<sup>159</sup>

The study report disaggregated the data that number of titles held by men only decreased from 72 percent in 1980-1985 to 55 percent in 1998-2002 while the proportion of titles held by women only increased during the same period from 12 percent to 17 percent.<sup>160</sup> The report also submitted that women's involvement in statutory registered land transactions (comprising women only and joint ownership) averaged 37 percent increasing from 31 percent in 1980-1985 to 41 percent in 1998-2002.<sup>161</sup> It is interesting to note that the rise was particularly stark in northern Uganda increasing from 2 percent to 22 percent between 1980 and 2002.<sup>162</sup> The report explicitly states that these findings show that women outside of the Buganda Region clearly own land and attributes the increases observed over the period studied to "the gender empowerment drive."<sup>163</sup> According to another Government report prepared by the Ministry of Gender, Labour and Social Development, in 2009 women's ownership of registered land across all of Uganda increased to 20 percent.<sup>164</sup> These reports demonstrate a steady increase in women's ownership of registered land in Uganda: significantly higher than figures put forward for the global average.

## Marital Status and Land Acquisition

### OWNERSHIP OF LAND ACCORDING TO MARITAL STATUS

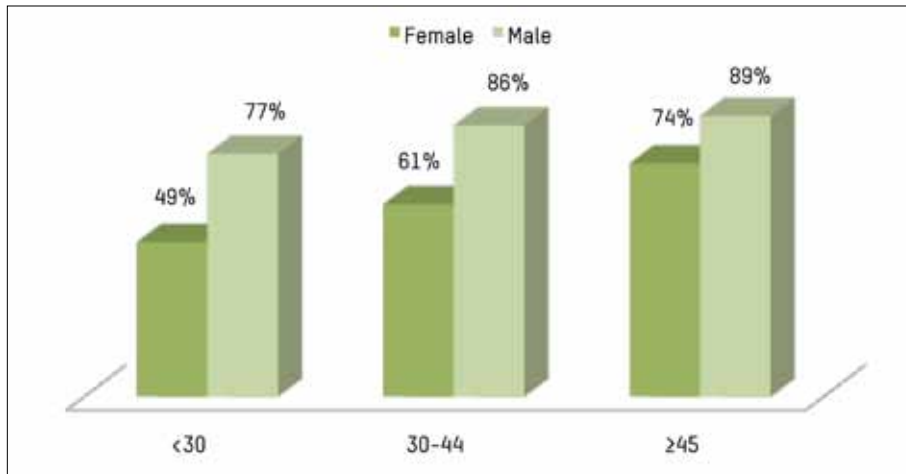


It is very interesting to note that apart from cohabitating and single women, the impact of marital status on reported land ownership is comparatively less than anticipated compared to general perceptions that women's rights to land and property often depend on their marital status.<sup>165</sup> And that widows or divorcees are more vulnerable to tenure insecurity.<sup>166</sup> Widows (80%) and divorced women (75%) reported a significantly higher incidence of land ownership than married women (62%). Half of the single women interviewed reported owning land and only 25 percent of cohabitating women reported the same. While women are approximately 29 percent less than men, there is an interesting degree of correlation between genders according to marital status. Cohabitating women and men both reported very low levels of land ownership speaking strongly to importance of marriage as an institution across the region.

### Age and Tenure

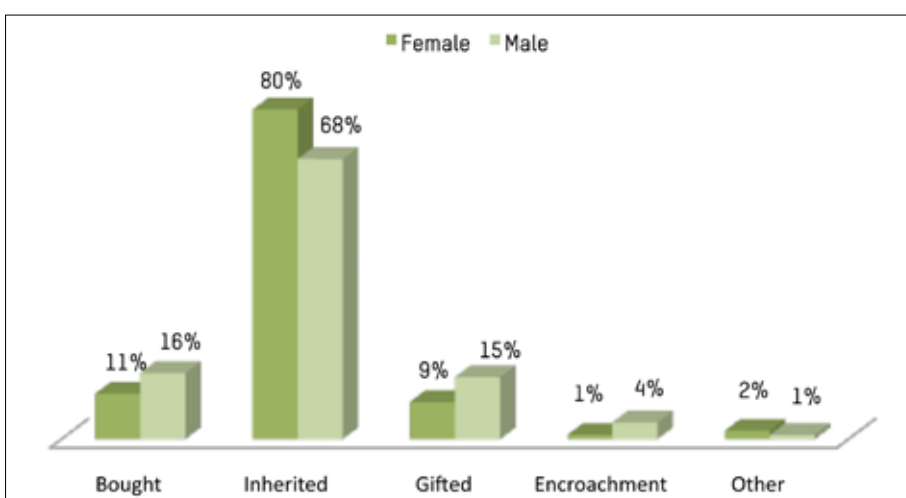
As expected, age plays an important role in land ownership. As evident below, both women and men reported a slightly higher incident of ownership increasing with age. Only 49 percent of women 30 years or under reported owning land climbing to 89 percent of women 45 years or old reporting the same.

### OWNERSHIP OF LAND ACCORDING TO AGE



The above graph reveals a higher correlation between genders in the incidence of reported land ownership as age increases. Below 30 years of age the difference between women and men who reported owning land across northern Uganda was 36 percent. This dropped to a difference of 29 percent between women and men aged 30-44 years, and reduced to only 17 percent in women and men aged 45 years and above. This pattern may largely be attributed to a number of factors: 1) Before marriage young women are commonly regarded as temporary members of the family reflected by the fact that single women reported second lowest incidence of ownership after cohabiting women; 2) as relations between women and their matrimonial families strengthen with time they feel more secure; and 3) the likelihood of becoming a widow or divorced--categories that reported the highest levels of ownership discussed above--obviously increases with age.

### METHOD OF LAND ACQUISITION

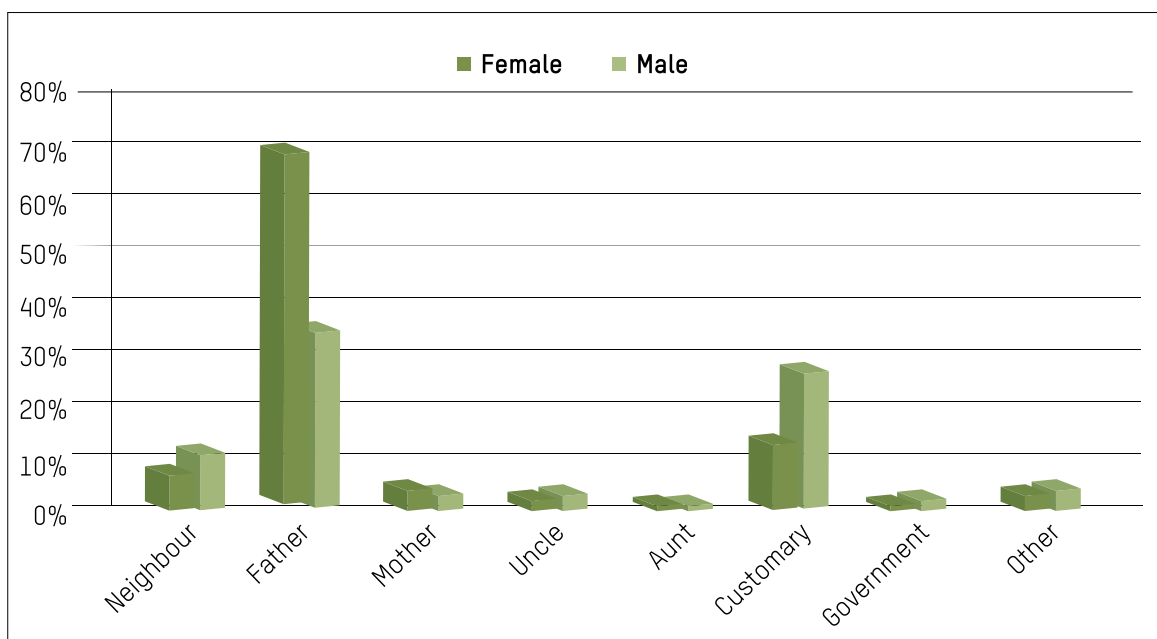


The quantitative research found that inheritance was by far the most common method of land acquisition across northern Uganda with 80 percent of women and 68 percent of men reporting they had acquired land through inheritance. Eleven percent of women and 16 percent of men reported



buying land and 9 percent of women and 15 percent of men reported they had been given the land as a gift. Similarly, Rugadya and Kamusiime found that 62 percent of land in northern Uganda was gifted or inherited.<sup>167</sup>

### SOURCE OF LAND



Inherited land was mostly from fathers and grandfathers and gifted land was primarily received from family members, brothers, fathers and husbands. As expected in a predominantly patriarchal society, 71 percent of men reported receiving land from their fathers while only 37 percent of women reported receiving land from their fathers. We may assume that female respondents did not make a distinction between their fathers and fathers-in-law. A higher percentage of women than men reported receiving land from customary sources. The category denoted as other comprised of immediate and extended family members, in-laws and friends. Most women claiming possession of land received the land from their husbands or fathers-in-law. Unmarried women mostly received land from their fathers out of sympathy.

IF A WOMAN HAS MONEY, THEY CANNOT BUY LAND IN THEIR OWN NAMES THEY BUY IT IN THE HUSBAND'S, SON'S OR BROTHER'S NAMES. THE MEN ASSUME THAT THE WOMAN GOT THE MONEY

A significant proportion of women reported security of land tenure under customary law. This would suggest a need to revise wide-spread notions that tenure security depends on formal documentation as proof of ownership. To better understand the situation, we examined women's access, management and utilization of land as explored below.

## Access

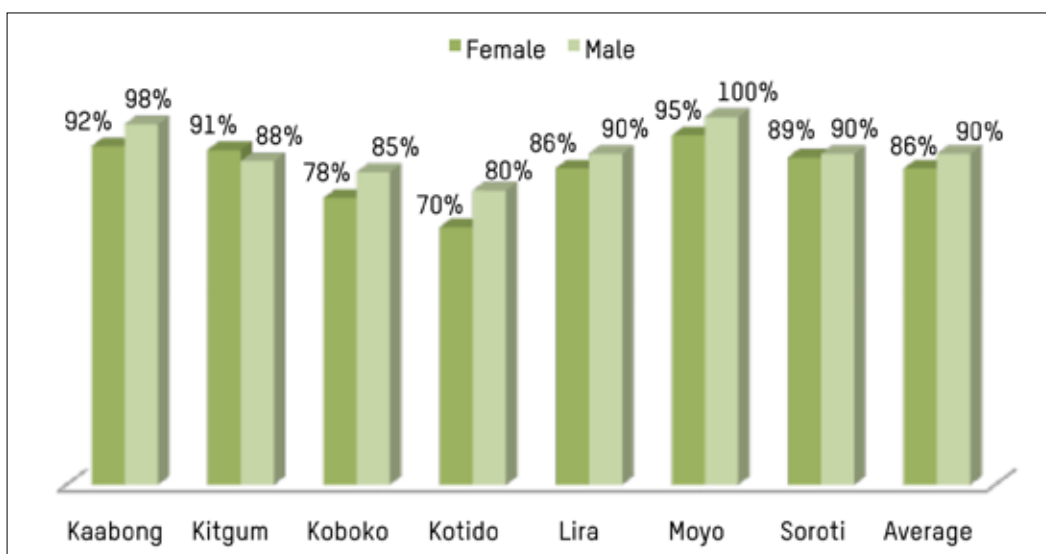
Ribot and Peluso define access as the ability to derive benefit, rather than simply the right to benefit from land.<sup>169</sup> They expand the meaning beyond a “bundle of rights” to a “bundle of powers” incorporating material, cultural and political influences within a “web of power” that configures resource access. Access in this context implies utilization of the land as a place of residence, to cultivate crops or graze livestock on a temporal basis.

Women’s access to land is deeply entrenched in the strength of the family or clan and the relationship a woman has with her male relatives. Women might not generally have authority to discuss land issues because they are perceived as “imported” from an outside community, but they can usually access and make full use of the land. While it was often reported, men can chase the women away at will,<sup>170</sup> such actions are heavily moderated by norms, rules and principles operating within the community.

WOMEN DO NOT HAVE A RIGHT OVER LAND; THEY MUST LISTEN TO WHAT EVERCOMES FROM THE HUSBANDS BECAUSE THEY ARE THE OWNERS OF LAND.<sup>171</sup>

Eighty-six percent (86%) of women and 90 percent of men across northern Uganda reported having access to land as presented in the graph below. The correlation between genders across the region was surprisingly high. However, significant differences were apparent across the region relating to land access, with a surprising correlation in terms of gender. In Kotido, 30 percent of women and 20 percent of men reported they have no access to land. In Koboko 22 percent of women and 15 percent of men reported having no access to land. The fact that a higher proportion of men than women reported not having access to land in Kitgum may possibly be attributed to the relatively small sample size remembering that 75 percent of respondents were female and 25 percent male.

### ACCESS TO LAND



The 12 percent of men was based on 5 men who reported having no access to land out of a total of 37 male respondents. In comparison, the 9 percent of women who reported not having access to land presented in the graph above was based on 12 individual women out of 116 female respondents. As such, the latter figure may be regarded considerably more accurate and this example should serve to remind the reader that such comparisons can only be interpreted to represent broad trends.

It is interesting to note that a considerably higher proportion of women (29%) in urban environments reported having no access to land, while only 12 percent of rural women reported having no access. Despite Margaret Snyder's assertion of stark variations between different regions in Uganda regarding control of the factors of production including land,<sup>172</sup> the findings of this study correspond remarkably close to the findings of the Bomuhangi, Doss and Meinzen-Dick study that reported 87 percent of women in Kabale, Kapchorwa and Luwero perceive they have security of access as displayed in the table below.

**GENDERED PERCEPTIONS OF SECURITY OF ACCESS<sup>173</sup>**

District	Men (%)	Women (%)
Kapchorwa	92	83
Kibale	91	92
Luwero	86	87
AverageTotal	90	87

According to the findings of our study, we submit that approximately 370,000 women are without access to land in northern Uganda calculated as follows:

$$N = WAL$$

W = Number of women in northern Uganda (4.9 million)<sup>174</sup>

A = Percentage of people over the age of 18 (44%)<sup>175</sup>

L = Percentage of women with no access to land (16%)<sup>176</sup>

N = 370,000 women without access to land in the region

Where:

$$N = 4.9M * 0.44 * 0.16 = 370,000$$

This represents a very large number of individuals, but a relatively small proportion of the entire population of northern Uganda as calculated below:

$$T = \frac{N}{P}$$

P = Population of northern Uganda (9.2m)<sup>177</sup>

N = 370,000 women without access to land in the region<sup>178</sup>

T = Women with no access to land as a percentage of the total population of northern Uganda (4%)

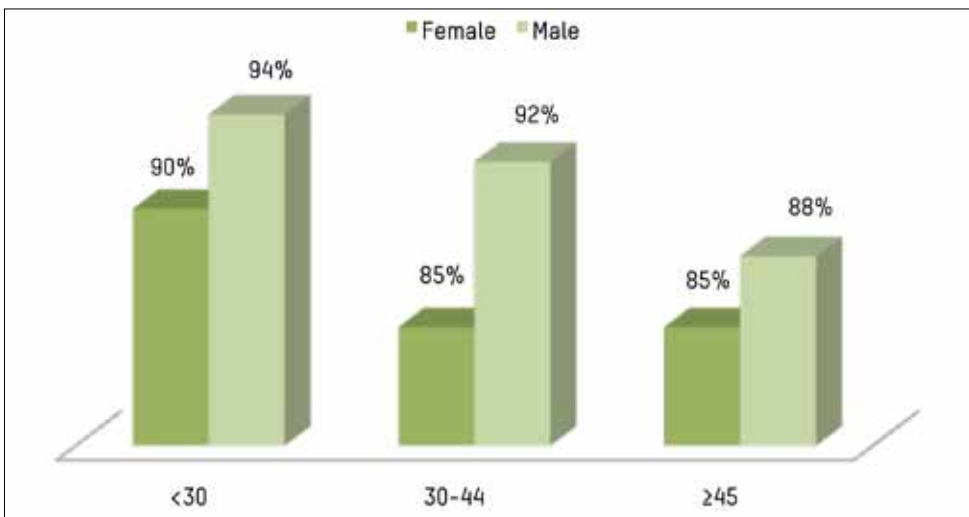
Where:

$$T = \frac{370,000}{9.2m} = 4\%$$

While women with no access to land represent only a small percentage, it is important to note that four percent might possibly be regarded a manageable percentage of the total population in terms of implementing effective interventions. Though self declared as having no access to land, not all of these women require assistance at any one time.

It is important to note that women who currently enjoy access to land could suddenly find themselves without access should their personal circumstances change and relations with their male relatives are severed or broken. Living with the constant threat of insecurity is clearly a form of violence. We will focus on this specific category of women with no access to land and look to identify other categories of women readily susceptible to this situation. The most vulnerable women within categories can then be profiled; appropriate solutions developed and targeted interventions implemented.

**ACCESS TO LAND ACCORDING TO AGE**

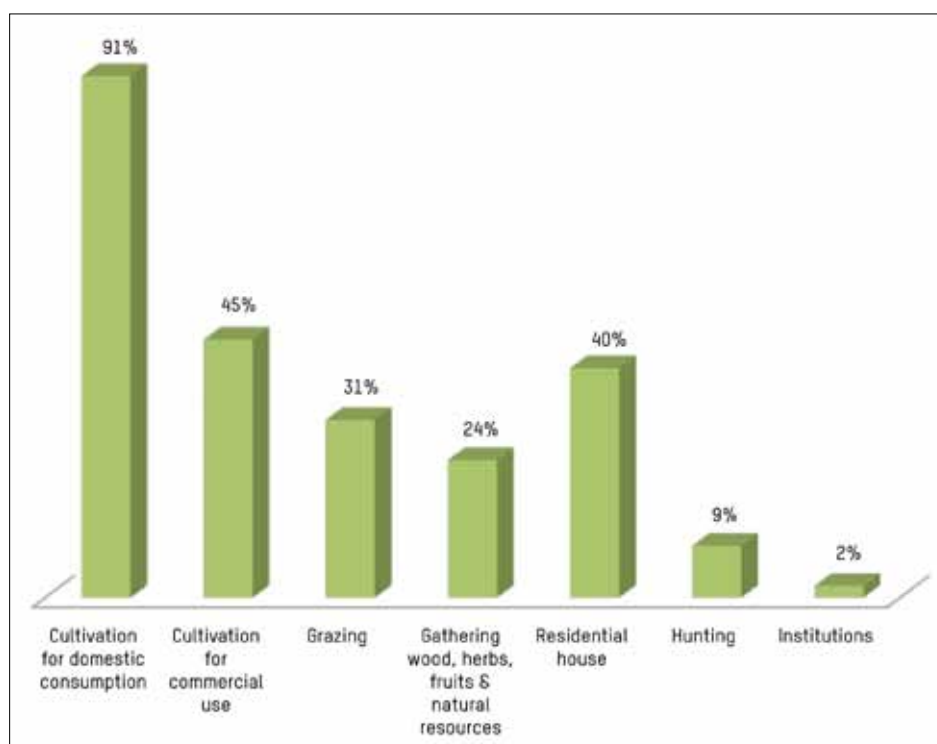


Age has a clear, but not necessarily significant, impact on access to land, most pronounced in the 30-44 year old bracket. The fact that younger individuals reported slightly higher rates of access to land is due to the fact that they are more likely to be engaged in agricultural activities.

**Control and Utilization**

Control over land is defined as the right to make decisions on how the land should be used and to benefit financially from the sale of resources such as agricultural produce extracted from the land.<sup>179</sup> The most common use of land is cultivation for domestic consumption reflecting the predominance of subsistence agriculture across the region. Only 45 percent of respondents reported the cultivation of crops for commercial purposes. The land use reported by men and women was surprisingly similar, with the exception of grazing: 36 percent of men and 29 percent of women. The fact that the total percentages add up to 241 percent reflects the fact that people use land for multiple reasons simultaneously.

## LAND USE



### Domestic Land Management

Women are the primary users of the land producing 80 percent of the crops in Africa;<sup>180</sup> however, as shown below men apparently exercise the ultimate power over land.

WOMEN HAVE NO POWER OR VOICE OVER LAND FOR AS LONG AS THE MAN IS ALIVE, THEY ARE TOLD THAT THEY JUST GOT MARRIED AND DID NOT COME WITH LAND. WOMEN ARE ALWAYS UNDER MEN, EVEN WHEN THEY ARE CULTIVATING IN THE GARDEN A MAN CAN COMMAND THEM TO STOP OR PLANT A PARTICULAR CROP.<sup>181</sup>

As anticipated, the vast majority of respondents suggested women have less than 50 percent control over land. Less than 30 percent of both male and female respondents suggested women have less than 30 percent control and an average of 19 percent described the level of women's control over land to range between 30-50 percent. Perceptions of power are obviously extremely subjective; however, there was a remarkable similarity between men and women concerning the power they believe women exercise in relation to the management of land.

### TO WHAT EXTENT DO WOMEN HAVE POWER OVER MANAGEMENT OF LAND?

% Control	Male Respondents	Female Respondents
0%	30%	30%
0-30%	49%	49%
30-50%	20%	18%
More Than 50%	1%	3%

Examining the table below, there was a very interesting difference in perceptions between men and women regarding who determines how the proceeds from harvests or gardens are shared. While 15 percent of female respondents suggested only men determine how the proceeds from harvests or gardens are shared, 20 percent of male respondents believed they have sole control. Conversely, only 12 percent of men reported women have sole control and 27 percent of women respondents suggested women have complete control over profits from agricultural sales. This discord indicates an overinflated perception on the part of some respondents concerning their respective control of household incomes.

### WHO DETERMINES HOW THE PROCEEDS FROM HARVESTS OR GARDENS ARE SHARED?

Decision Maker	Male	Female
Only the husband	20%	15%
Only the wife	12%	27%
Both husband and wife	66%	56%
Relatives and in-laws	2%	1%

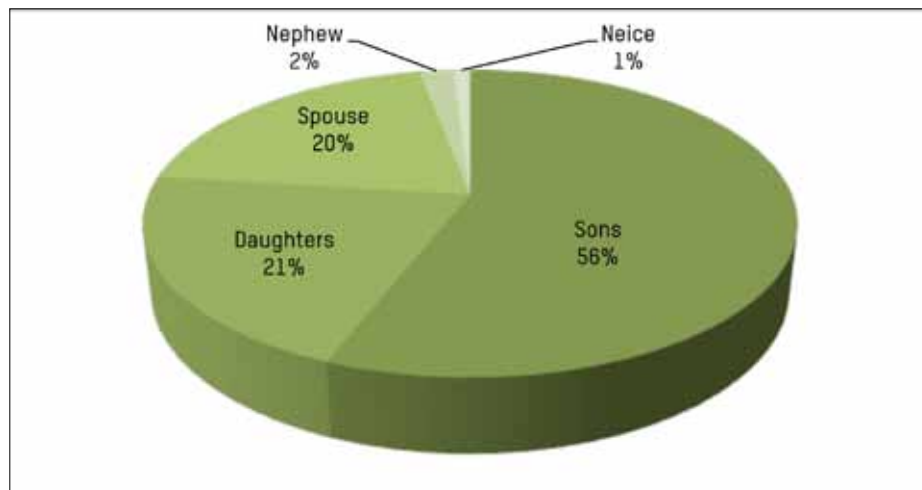
Sixty-six percent (66%) of men suggested both husband and wife share in the decision making process while only 56 percent of women described the process as shared possibly suggesting either: 1) an inflated perception of benevolence on the part of men, or 2) an underestimation on the side of women as to their respective roles in making financial decisions in the household. Approximately 80 percent of men and women reported both the husband and wife or wives alone determine how the proceeds from harvests or gardens are shared indicating significantly higher levels of gender equality than expected. This was supported by the qualitative component of the research. Women reported that they take the lead in deciding the particular crops to grow, when to plant, when to harvest, and where to sell the produce. The majority of women reported consulting their husbands on these decisions and explained that their husbands usually agree and leave the entire process to the women to manage. The men reportedly only play a key role in the initial clearing of the land.

The results are similar to the findings of the Uganda Demographic and Health Survey 2011 which reported that northern Uganda recorded the highest prevalence of joint decision making: 83 percent of men and 55 percent of women reported that both husband and wife have an input on how the husband's cash earnings are used.<sup>182</sup> It is significant that according to the UBOS report, "joint decision-making increased with education among men," while there was little difference by education for women.<sup>183</sup>

While women may be rendered vulnerable and marginalized regarding ownership, access and control of land and other productive resources, they are not without agency.<sup>184</sup> Kandiyoti suggests women exercise agency, strategize and engage coping mechanisms to maximize security, optimize livelihood options and resist constraints, norms and rules that she refers to as the "patriarchal

bargain.”<sup>185</sup> While women may not be at the forefront amongst elders deliberating on land, they are usually very aware of the issues and not without agency. It is necessary when analyzing women’s access and control over land to understand differences between what is portrayed in public and the hidden power and negotiations women exercise in the private sphere.<sup>186</sup> Rather than engage in public resistance to existing power structures, women employ a strategy that allows them to exert power and influence without facing the social sanctions that result from outright contestation. Women demonstrate deference to patriarchy in public, creating room to manoeuvre within apparently rigid rules of conduct.<sup>187</sup> One clear example of this is the fact that 56 percent of women reported that in the event of death they would leave their land to their sons, while only 21 percent reported they would leave their land to their daughters as presented in the graph below.

### TO WHOM WOMEN WOULD LEAVE THEIR LAND IN THE EVENT OF DEATH

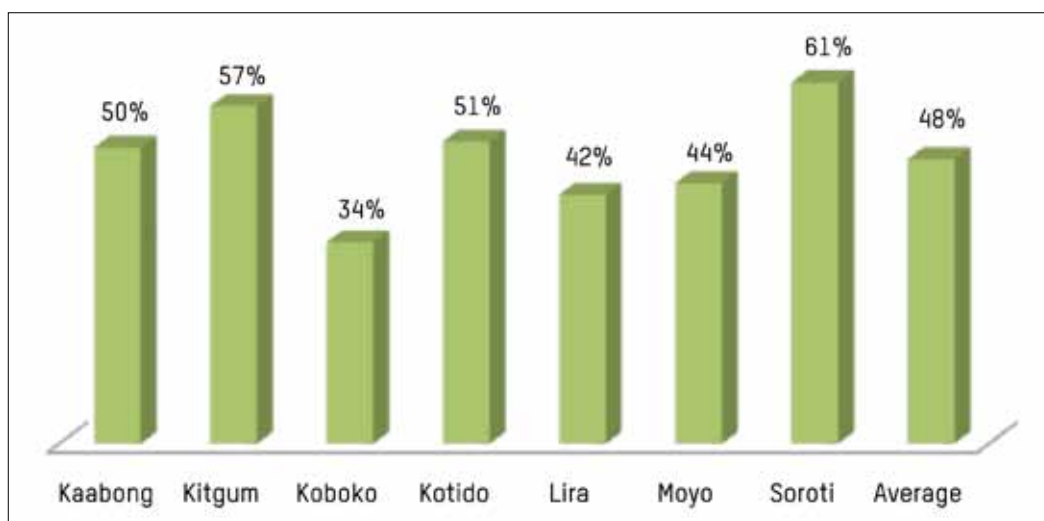


The qualitative component of the research supported these findings. Several female respondents suggested that where a male heir was not available within the immediate family; a suitable male would be identified within the extended family or clan rather than bequeathing land to a daughter. This example clearly demonstrates the prevalence of engendered perceptions of land and the depth of the issue.

## LAND CONFLICT

Land related conflict is endemic across the Greater North region with approximately 50 percent of all respondents reporting direct experience with land disputes. However, such figures must be used with extreme caution. Land conflict is extremely sensitive and respondents can often be reluctant to discuss such issues openly.<sup>188</sup> Furthermore, perceptions of land conflict are highly subjective ranging from short verbal dispute between two neighbors relating to a small contested strip of land between their respective plots to protracted inter-clan conflicts over large pieces of land involving hundreds of people with incidents of violence and loss of life and property. Akin and Katano cite Barringer's key concepts to define "disputes, understood as incompatibilities of perceived interests, objectives, or future positions, become conflicts when one party sees the situation as threatening and takes action accordingly. Prolonged and organized conflict degenerates into hostilities characterized by violence."<sup>189</sup> This study left respondents to interpret land conflict themselves. Qualitative interviews indicated that respondents used the terms conflict, disputes and even hostilities interchangeably. As such, the values presented in this study include the full range of land disputes or conflicts. As described in more detail below, the vast majority are extremely localized, small scale disputes that in many instances the protagonists are content to live with.

### INCIDENCE OF LAND CONFLICT



While the 57 percent reported in Kitgum is higher than previous studies in the Acholi region, only 34 percent of respondents in Koboko reported experience with land conflict, mostly due to the relative stability of the region, 61 percent of respondents in Soroti experienced land conflict that is largely attributed to the weakness of customary institutions.

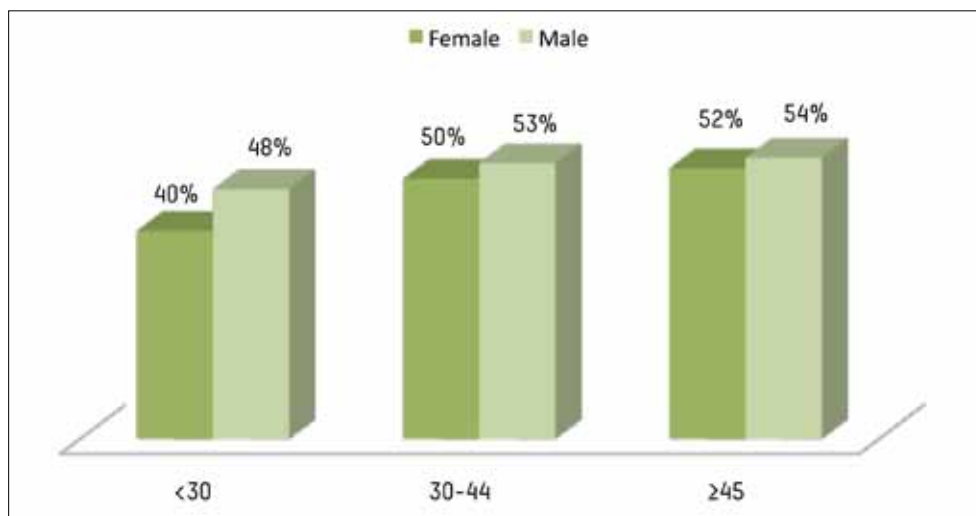
Underscoring the points already made concerning the challenges defining and identifying, there has been a very wide range of often conflicting figures put forward for the incidence of conflict across Uganda. While Deininger and Castagnini's nation-wide 2004 survey reported 5 to 10 percent of households had experienced conflict in the previous eight years,<sup>190</sup> Rugadya reported a country-wide average of 35 percent<sup>191</sup> and Vaughan and Stewart quoted different reports ranging from 33 to 50 percent.<sup>192</sup> Recent research by Atkinson and Hopwood reports the incidence of land conflict is relatively small and moreover reducing in the Acholi Region. This was not supported by interviews



for this study in Acholi or anywhere else in the region. The vast majority suggest land related conflict is steadily increasing, most especially in Kitgum. Such trends are difficult to ascertain as land related conflict is seasonal and closely tied to agricultural production. There is a considerably higher incidence of land related conflict reported during and immediately preceding the planting season when people are preparing fields. Respondents consulted in pastoralist communities explained the highest incidence of land disputes occur during the dry season when water and pastures are scarce. James Bevan confirms that conflict in Karamoja is a result of drought compounded by diminished access to rangeland and commensurate breakdowns in resource-sharing agreements.<sup>193</sup> It is interesting to note that these findings are contrary to the research findings of Witsenburg and Roba examining pastoralist communities in neighbouring northern Kenya that provide a detailed analysis examining how violence drops during dry seasons and periods of scarcity.<sup>194</sup>

Seasonal aspects of land related conflict are a crucial consideration when making comparisons with other studies concerning the reported incidence of land related conflict. It is important to note that the bulk of the field research for this report was conducted in February when people were busy preparing their fields for the main wet season in March-April.

### EXPERIENCE WITH LAND CONFLICT



Age obviously has a bearing on the likelihood a respondent reported experiencing land conflict. The question in the qualitative component of the research asking respondents if they had experienced land conflict made no reference to timeframe.<sup>195</sup> As expected, the older the respondent the greater the chance they would experience land related conflict at some point in their lives.

Interestingly, men reported experiencing only a slightly higher incidence of conflict than women with a relatively high correlation between genders dependent on age. While there is a slight (8%) difference according to gender in the group 30 years and below, the difference between men and women 30 years and above is negligible indicating land conflict is not necessarily a gender issue. Similarly, Deininger and Castagnini reported that nation-wide, "everything else constant, the probability of female headed households to be affected by a land conflict is about 11 percent higher than that of households headed by a male."<sup>196</sup> However, both studies identified some differences in the type of conflict and the actors involved depending on the women's marital status.

## TYOLOGY OF CONFLICT



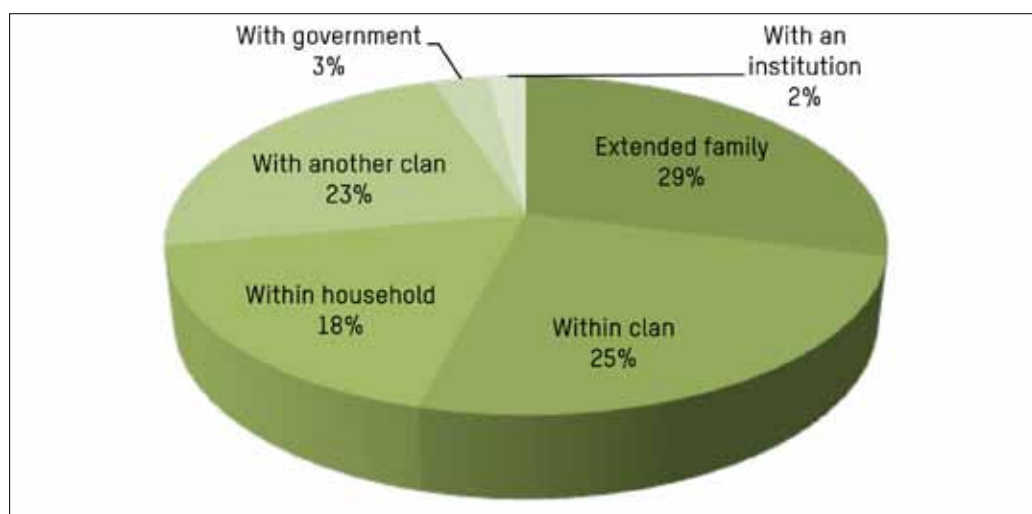
We found that boundary disputes accounted for the largest proportion (42%) of land conflict. In Acholi and parts of Lango this has widely been attributed to the fact that the population was moved into IDP camps. The prevailing thought is that people have simply forgotten their boundaries, however the reasons are more nuanced and more to do with breakdown in customary laws and practices. While protracted civil conflict might be responsible for breakdown in customary laws and practices, the majority of IDPs were in camps less than 6km from their land.<sup>197</sup> Many were able to return to their homes at intervals during the war and maintained a vague knowledge of their land, but the illegal occupation of land by neighbours (early returnees) and land grabbing made boundary disputes the most common form of dispute within families and amongst neighbours.<sup>198</sup>

Once again, it can be very difficult to properly compare the results of different studies that employ different definitions of land conflict and examine different geographical locations at different times. A 2001 nation-wide World Bank-Economic Policy and Research Council (EPRC) study (Lira, Mbale, Kibale, Mbarara, and Luwero) of 430 households by Deininger and Castagnini found boundary disputes account for 49 percent of land conflict.<sup>199</sup> A public perception study conducted in the Acholi region by Pham and Vinck in 2010 found 34 percent of land related conflicts associated with boundary disputes.<sup>200</sup> Rugadya, Nsamba-Gayiiya and Kamusiime found a considerably smaller proportion of land conflicts in Lango and Acholi result from boundary disputes putting the figure at only 23 percent; however, there were significant similarities with trespass at 16 percent and evictions at 7 percent.<sup>201</sup> As Deininger suggests, the demarcation of the boundaries of community land can remove the threat of encroachment by outsiders<sup>202</sup> reducing the potential for boundary disputes to cause land conflict.

Land grabbing also accounts for a substantial proportion of land related conflict. It is important to note that land grabbing in this instance refers to local level land grabbing between members of the community. While commonly asymmetrical in nature, with a disproportionate number of the victims being women or EVI, the use of the term amongst Uganda development practitioners working on land issues can be distinguished from the broader international usage to describe land grabbed by governments and large corporations.

The land conflict reported across northern Uganda is extremely localized with 72 percent of respondents who had experienced land related conflict reporting that it occurred within the household (18%), extended family (29%) and clan (25%) in comparison with 23 percent of conflicts reported with other clans and only 5 percent involving government or institutions. Nationwide, Deininger and Castagnini found 48 percent of land conflicts to be between neighbors and 29 percent between family with five percent involving government.<sup>203</sup>

### LEVELS OF CONFLICT



As presented in the table below, married men and women reported experiencing approximately the same incidence of the different boundary conflicts, although interestingly married women reported a higher incidence of trespass and land grabbing. Cohabiting women reported a substantially higher incidence of land grabs and cohabiting men reported a substantially higher incidence of trespass, and boundary disputes. As anticipated widows, divorced and women experienced considerably higher incidence of trespass, evictions and land grabs.

While 50 separated women reported land conflict, any comparisons with separated men should be avoided as only 10 separated men reported experiencing land conflict and the majority described cited boundary and trespass. Such small numbers cannot be considered statistically relevant. Single men and women also reported similar experiences with land conflict, however, significantly more men reported land grabs and slightly more men reported experiences with false sales.

The averages presented for each gender irrespective of marital status were in line with expectations. More men reporting boundary disputes than women undoubtedly due to their prominence as family heads in the context of northern Uganda. Women reported more experience with land grabs and a slightly higher rate of evictions especially after the death of their spouses as anticipated in a patriarchal community.

## TYPES OF LAND CONFLICT EXPERIENCED ACCORDING TO GENDER AND MARITAL STATUS

Type	Sex	Cohabiting	Married	Widow/er	Divorced	Separated	Single	Average
Boundary	Male	75%	63%	67%	-	100%	46%	63%
	Female	58%	63%	47%	36%	50%	48%	59%
Trespass	Male	50%	25%	-	-	50%	27%	26%
	Female	11%	31%	22%	9%	10%	19%	27%
Evictions	Male	-	10%	-	-	-	18%	10%
	Female	16%	11%	20%	9%	20%	19%	13%
Land Grab	Male	25%	35%	-	-	-	27%	33%
	Female	68%	43%	30%	46%	30%	29%	41%
False Sale	Male	-	7%	-	-	-	18%	7%
	Female	-	5%	5%	-	-	10%	4%

When disaggregated by gender, they found that while being a married female head does not increase the probability of having a land conflict, widows are 14 percent and separated women 48 percent more likely to have a land conflict.<sup>204</sup> The most common land disputes were found to be boundary disputes and land grabs. A higher number of women reported experience with land grabbing, most especially cohabitating women. Sixty-three percent (63%) of men and 59 percent of women who had experienced land conflict reported boundary conflict described the cause as a boundary dispute. It is important to note such conflicts can be reduced substantially through the identification and demarcation of property boundaries.

Though not captured in this study, Burke and Egaru found that 35 percent of land disputes in Acholi were associated with disputes over inheritance.<sup>205</sup> Inheritance is governed by a strict set of precepts under customary law and the Succession Act under statutory law. Very few respondents had made wills concerning the inheritance of their land. As Adoko and Levine observed, writing a will is associated with 'preparations for death.'<sup>206</sup> As such, they are perceived to be an extremely personal matter rarely involving the participation or approval of family heads or clan elders and easily ignored. Furthermore, respondents reported little confidence their wills would be respected. While they cannot be considered a 'stand-alone' solution, they may have a role to play within a broader based framework for protecting land rights.<sup>207</sup>



PHOTO BY: Charles Yomoi, Fotografi senza Frontiere (FSF) photo lab, Kalongo SS, November 2009.

## LEVEL OF CONFLICT ACCORDING TO GENDER AND MARITAL STATUS

Level	Gender	Cohabiting	Married	Widow	Divorced	Separated	Single	Average
Within household	Male	25%	19%	-	-	-	36%	20%
	Female	21%	27%	20%	18%	30%	38%	26%
Within extended family	Male	25%	35%	33%	-	-	18%	33%
	Female	32%	43%	33%	36%	30%	38%	40%
Within clan	Male	-	33%	-	-	50%	46%	33%
	Female	37%	34%	31%	27%	10%	48%	34%
With another clan	Male	50%	39%	33%	-	50%	46%	40%
	Female	21%	31%	22%	9%	-	5%	27%
With an institution	Male	-	4%	-	-	-	9%	4%
	Female	-	2%	3%	-	-	5%	2%
With government	Male	-	5%	0%	-	-	9%	5%
	Female	5%	3%	2%	-	10%	-	3%

Married women reported experiencing almost 30% more land conflict within the household than men and significantly more land conflict within the extended family than men. As might be expected in a strongly pronounced patriarchal society, widows reported experiencing 20 percent more land conflict than widowers and 31 percent more conflict than widowers within the clan.

It is important to note that single females experienced almost 100 percent more land related conflict than single men. Perceived as likely to leave the family and the clan, single women are considered temporary members of the family and experience tension with brothers and other members of the family. Men reported experiencing more land conflict with other clans than women irrespective of marital status most probably because men are generally regarded as the main representatives of the family and clan, most especially in the engagement with other clans. It is difficult to draw any firm conclusions concerning separated men in comparison with women because of the small sample size which can be considered statistically irrelevant.

Once again, the average across the marital status reflect anticipated findings with women reporting higher levels of land conflict within the family, household, extended family and clan. It was only with other clans that men reported a higher incidence of land conflict.

## EXPERIENCE OF CONFLICT ACCORDING TO MARITAL STATUS

Gender	Cohabiting	Married	Widow/er	Divorced	Separated	Single	Average
Male	67%	53%	43%	0%	50%	50%	53%
Female	70%	46%	52%	58%	48%	49%	48%

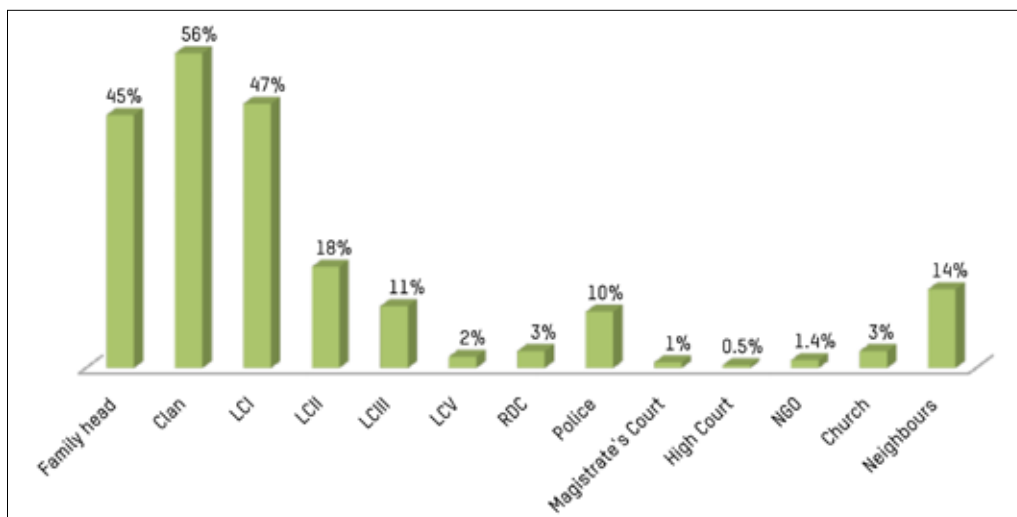
Men and women reported very similar experiences of conflict in regard to marital status with the stark exception of divorcees. Amongst this group, 58 percent of the women reported experience with land conflict against a statistically irrelevant number of males. As possibly anticipated, nine percent more widows than widowers reported experience with land conflict arising from members of her husband's family and other members of the community who presumably perceive the widow as vulnerable and a relatively soft target. Married men reported experiencing slightly more land related conflict than married women. Presumably as head of the household, land conflicts are deemed the responsibility of men to handle.

A very high proportion of cohabitating males and females reported experience of land related conflict. The qualitative component of the research suggested that cohabitating females were the most vulnerable. In the absence of any marriage contract or agreement, women have no grounds under customary law to claim access or ownership to land or property beyond her maiden home. A 2001 nation-wide World Bank-Economic Policy and Research Council (EPRC) study (Lira, Mbale, Kibale, Mbarara, and Luwero) of 430 households by Deininger and Castagnini found widows are 14 percent and separated women 48 percent more likely to experience a land conflict.<sup>208</sup>

### Conflict Transformation

There are a broad range of actors engaged in the peaceful transformation of conflict across northern Uganda. Customary and statutory institutions are both engaged in arbitration and litigation and alternative dispute resolution (ADR) is increasingly becoming prominent. The findings of this study support the substantial quantity of literature suggesting that the actors closer to the source of the conflict are most effective in providing support and assistance for peaceful handling of the conflict.<sup>209</sup> As evident in the graph below, clan leaders, family heads and Local Councilor I (LCI) were reportedly the most prominent actors engaged in resolving land conflict. Local Councilor IIs (LCII), Local Councilor IIIs (LCIII), police and neighbours also played important roles in resolving land conflict.

#### ACTORS INVOLVED IN CONFLICT RESOLUTION



Family heads (45%) and clans (56%) clearly play a major role in solving land conflict re-enforcing assertions that the vast majority of land conflict is extremely localised. Local Councilors were reported to play a role by 31 percent of the respondents—most especially LCIs (47%), further underscoring the fact that most land conflict is localized. Pham and Vinck’s study revealed similarly high numbers reported for the involvement in the transformation of land related conflict with 33 percent for LCIs and 43 percent for LCII, but a significantly lower involvement of elders and traditional leaders, 12 percent and 20 percent respectively.<sup>210</sup>

The results of our study showed that clan and family members play a key role in the resolution of land disputes. Family members obviously have a profound understanding of such disputes and the actors involved and, as Joireman notes, traditional leaders and customary dispute resolution mechanisms are cheaper and more accessible in most contexts.<sup>211</sup> They are also generally more effective.<sup>212</sup> It is interesting to note that irrespective of gender, respondents described clan heads

as more involved in conflict resolution. A recent study examining the protection of community lands and resources in Oyam District in the Lango region found customary leaders to be by far the most effective in protecting widows' land claims than statutory leaders, followed by state officials with other members of the community playing minor roles.<sup>213</sup> It is very interesting to note that while Deininger and Castagnini found "anecdotal accounts of communities being able to sort out land conflicts among themselves," the quantitative component of their research found that 76 percent of land conflicts were "resolved by formal rather than by informal means."<sup>214</sup>

The Land Amendment Act of 2004 provided powers to the Local Council Two (LCIIs) to be the first court of instance for land disputes and then in 2006 the Local Council Courts Act was enacted giving powers to the village court at the level of the Local Council One (LCI) as the first court to handle land conflict of a customary nature. The Local Council Courts Act made no repeal or reference to the Land Amendment Act and as such the two laws were running concurrently. The confusion was only recently by the case in August 2011 that determined the first court of instance on the principle that where an earlier law is in conflict with the later one, the later statute prevails. As such, the court ruled that it is the village court (LCI) that should be the first court of instance to handle land conflict of a customary nature.<sup>215</sup>

However, since the introduction of multi-party politics in 2005, elections have not been held at the level of Local Council comprising both LCIs at the village level and LCIIs at the parish levels. Dominated by the NRM, their term of office has expired and neither has been elected under the new multiparty system adopted by central government. The delay in the organization of elections is ostensibly due to a lack of resources, but observers suggest the NRM Government remains cautious to implement multiparty elections at these levels. As such LCII do not have the authority stipulated by the 1998 Land Action to convene committees to receive applications for Certificates of Customary Ownership (CCO) as stipulated by Section 4, Part Two of the 1998 Land Act and neither LCI or LCII have the authority prescribed by the Local Council Courts Act providing them with the power to hear land disputes as the first court of instance.<sup>216</sup> While many have continued to operate, the constitutional petition number 21 of 2006 of Rubaramira Ruranga Petitioner vs. Electoral Commission and the Attorney General set the precedent that all judgments made by these courts are declared null and void.<sup>217</sup> Despite the fact that their decisions are not recognized under law in Uganda, both LCI and LCIIs continue to hear and dispose of cases. According to a recent study in the Acholi Region, 94 percent of cases before LCs are directly related to land.<sup>218</sup> While the value of arbitration by LCs is highly questionable until their legitimacy has been restored, they clearly have a very important role to play in mediation.

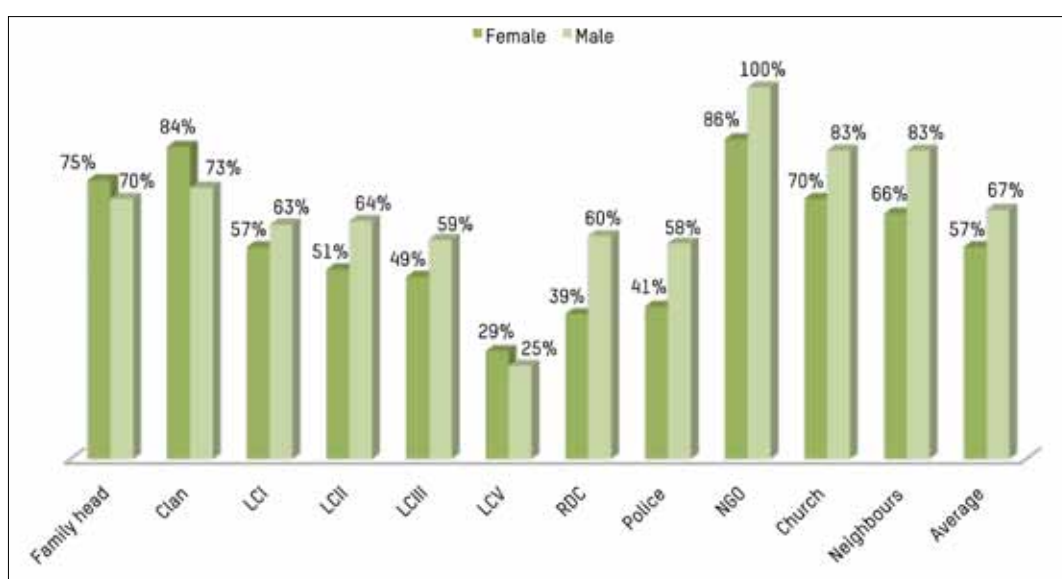
Drawing on research in Kabale District conducted 1996-1997, Khadiagala suggests that "while LCs initially enjoyed a degree of legitimacy among Ugandans, general disillusionment set in" as they proved to be: 1) an expensive mechanism in solving disputes, 2) naturally biased against women, and 3) limit women's access to the magistrates' courts.<sup>219</sup> Khadiagala argues at length that Magistrates courts are preferable and more objective in handling land related cases involving women in Uganda.<sup>220</sup> However, according to the findings of our research, Magistrates' Courts apparently have little to no relevance, solving only one percent of land related disputes in northern Uganda.

It is interesting to note that Magistrates' and High Courts were scarcely cited as active in resolving land related conflicts. Only eight cases, representing 1.5 percent of total land conflict reported by respondents, were handled by the High Court and Magistrates' Courts.. The findings are supported by a recent study of land conflict in the Acholi Region by Burke and Egaru, a very small fraction of land disputes is brought before the Chief Magistrate's Courts in Gulu and Kitgum.<sup>221</sup> The Courts cover a substantial geographical jurisdiction and were heavily overburdened with insufficient resources resulting in a substantial backlog of land related cases. In the 21 months between January 2010

and September 2011, only 578 Civil Suits, Civil Appeals and Miscellaneous Applications were completed.<sup>222</sup> This should come as no surprise in view of: 1) the extremely small proportion of land that is held under statutory title in the region as mentioned above, 2) the tremendous backlog of cases currently being handled by the magistrates Courts, and 3) perceptions of corruption<sup>223</sup> and political challenges associated with the legislature, and 4) the tremendous inaccessibility in terms of cost and distance of Magistrates' and High Courts for the vast majority of people in northern Uganda, particularly women and EVIs.

The police were reportedly involved in solving 10 percent of land conflicts and neighbours were involved in solving 14 percent of conflicts. It is important to note that while effective, NGOs and faith based institutions were reported to play extremely negligible roles at 2.5 percent and 3 percent respectively. This research supports the findings of Akin's work that NGOs' solve very few cases.<sup>224</sup> The reasons and implications of this are discussed in more detail below. Interestingly, the graph above adds up to 211 percent reflecting multiple actors and forum shopping endemic across the region and the urgent need to develop and publicize a hierarchy of conflict transformation institutions.

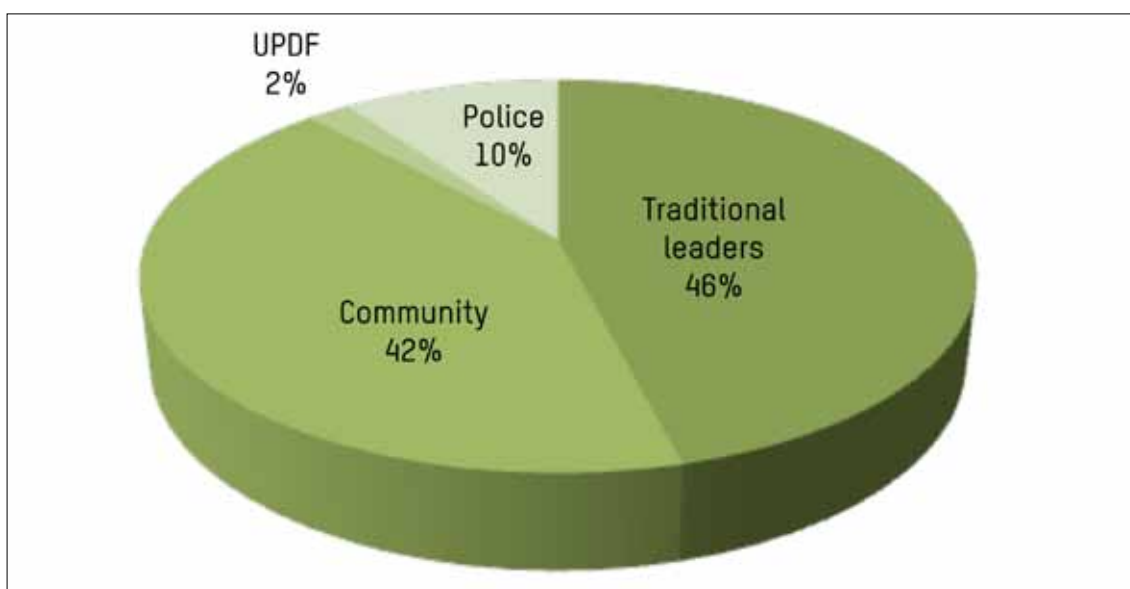
#### PERCENTAGE SATISFIED WITH SOLUTION ACCORDING TO PRIMARY ACTORS INVOLVED IN THE RESOLUTION



While LCIV, RDC, NGOs and churches appear to be very effective, it is imperative to recall that they are dealing with an extremely small number of land disputes. As presented above, none of them were reported to deal with more than 3 percent of the total number of land conflicts. In terms of the most successful actors involved in the solution to land related conflicts, male respondents reported complete satisfaction with NGOs against 86 percent of women who attributed the success to NGOs, representing a small but significant difference, indicating NGOs could be less than neutral in terms of gender when dealing with issues of land as with the church and neighbours. The most significant result is the fact that 75 percent of women who reported experiencing land conflict attributed the success of the solution to the family head against 70 percent of men who shared the same sentiments. The clan was reported to be perceived by women as only slightly less successful than men as was the case with LCIs, IIs and IIIs. LCVs were regarded slightly higher by women than men, but RDCs and the police were described as significantly less effective by women.



## ACTORS INVOLVED IN ENFORCING THE RESOLUTION



As noted in the graph above, traditional leaders play a key role in enforcing resolutions. Community members comprising mostly neighbours and other members of the community also play an important role especially through public opinion, with the police reportedly responsible for enforcing only 11 percent of land conflict related resolutions. As Byamugisha asserts, “land disputes are often better managed and adjudicated in accordance with customary norms and processes than by state institutions alone”.<sup>225</sup>



PHOTO BY: Francis Okello Fotografi senza Frontiere (FSF) photo lab, Kalongo SS, November 2009.

## INTERVENTIONS

### Current Interventions

The Government of Uganda is clearly the primary institution responsible for the tenure security of its citizens, ensuring equitable service delivery and addressing issues relating to the administration and governance of land throughout the country. However, as already discussed, government faces a range of constraints. A substantial number of civil society institutions comprising an array of local and international NGOs and faith based institutions have engaged in an increasing number of projects and activities applying elements of the legal framework to protect women's rights to land provided by Uganda's land reform. This research identified over 60 different institutions comprising community based organizations (CBOs), international government and non-government organizations, and development partners that are reported to be working on land related issues in one form or another (Appendix 6). The attached list is not exhaustive and the degree to which each of these institutions is engaged in land related interventions varies considerably. Some organizations such as Uganda Land Alliance (ULA) and Land and Equity Movement in Uganda (LEMU) are exclusively focused on land while others are involved in the implementation of very limited interventions focused on land. A number of these groups regularly participate in the Northern Uganda Land Platform (NULP) that meets two to three times a year to share best practices and coordinate activities related to land; however, many of institutions listed operate alone and the details, quality and the impact of their work remain unknown, but certainly worthy of further investigation.

Land related interventions may be broadly divided into six categories: 1) research and advocacy; 2) public sensitization of statutory and customary laws and relevant institutions; 3) capacity building of statutory and customary leaders and institutions including the development of legislation; 4) conflict transformation and legal aid focused particularly on extremely vulnerable individuals (EVIs), 5) assistance to communities and individuals with boundary demarcation and attainment of titles, and 6) financial and technical support for the previously mentioned activities.<sup>226</sup> Different interventions obviously operate at different levels of government and the community with some initiatives engaging various levels and categories simultaneously. With very few notable exceptions, the majority of institutions focused on land in Uganda have "embraced the language of good governance and the rule of law" as the solution to the problems of land relations."<sup>227</sup>

While a number of analysts question the efficacy of civil society as a unit of analysis in the African context, there are growing reservations related to the capacity of civil society institutions to induce change.<sup>228</sup> Civil society institutions are arguably inadequate in supporting equitable land policy due to their lack of sustainability, dependence on external funding and the contradictory social, political and economic divisions often reflected in their memberships.<sup>229</sup>

Acholi, Lango and Teso have been the focal points of the majority of civil society institutions currently engaged in land related development institutions in northern Uganda. While a growing number are moving into Karamoja, very few institutions operate in West Nile as yet.

## Research and Advocacy

A number of different institutions including the Uganda Land Alliance (ULA) and Land Equity Movement of Uganda (LEMU) have conducted research, policy analysis and advocacy for fair land laws and policies with a particular focus on women.<sup>230</sup> A substantial quantity of research has been conducted on land issues in Acholi with less in Lango, Teso and Karamoja; and little to no work in West Nile. The current levels of knowledge relating to women's land and property rights are probably sufficient in the short to medium term to make a significant impact on the issues highlighted in these pages; however, additional advocacy is required to ensure the political will and necessary resources are mobilized.

## Public Sensitization

Hopwood and Atkinson are "doubtful of the benefits of sensitization campaigns in relation to communal land rights, arguing community members are better positioned to understand and implement solutions than external agencies.<sup>231</sup> However, as identified in this study, communal land is only relevant in certain areas of northern Uganda and there is a distinct lack of information and knowledge concerning legislation that grants land rights in families, especially relating to women.<sup>232</sup>

The Food and Agriculture Organization (FAO) has developed a technical guide on communication and awareness-raising strategies in support of gender-equitable governance of land tenure.<sup>233</sup> The publication provides a detailed and comprehensive outline for awareness-raising, gender sensitization and advocacy with information on sequencing and timing, defining and reaching the target audience, framing messages and suggests indicators for evaluating the impact of such a campaign.

LEMU have worked with the traditional cultural institutions of Acholi, Lango, Teso and Kumam to document Practices, Principles, Rights and Responsibilities (PPRR) of customary land tenure.<sup>234</sup> The goal of these publications was to clarify the respective customary laws.<sup>235</sup> A number of institutions including LEMU and CESVI have used FM radio in the Acholi area to sensitize the community on issues relating to land.

The efficacy of FM radio as a tool for sensitization in Uganda is very high, with estimates in 2005 that 100 percent of the population had listened to the radio in the past year, 92.8 percent in the preceding seven days, and 74 percent as recently as the day before.<sup>236</sup> The 2002 census reported that 38 percent of the people across northern Uganda owned a radio.<sup>237</sup> The census reported that 40 percent of the rural population described "word of mouth" as their main source of information, followed by radio at 57 percent with print media (newspapers and magazines) at 1 percent.<sup>238</sup> Uganda has over 250 radio stations and 90 percent of the populations depend on broadcasting for information.<sup>239</sup> Information on land both customary and statutory land related issues is desperately needed and radio is the best and most cost effective tool to reach and inform the population across northern Uganda.<sup>240</sup>

## Capacity Building

The knowledge and capacity of both statutory and customary leaders in relation to land law and governance vary substantially across the region. The political challenges facing local councilors in relation to their legitimacy of office undermines calls to build their capacity in arbitration for the foreseeable future; however, as we have seen, they play a very active role in the resolution of 65 percent of land related conflicts and could benefit from improved mediation skills and resources. Family heads and clan leaders who were also reported to play an extremely active role in conflict transformation could also benefit from improved mediation skills and resources.

The distribution of land legislation publications including the Land Act and Land Regulations; existing materials on customary law such as the PPRR in Acholi, Lango, Teso and Kumam; along with the handbook currently being developed by the National Center for State Courts (NCSC) on land law under the US International Aid (USAID) programme Supporting Access to Justice, Fostering Equity and Peace (SAFE)<sup>241</sup> will empower local leaders in the administration of land governance.

## Conflict Transformation and Legal Aid

With almost 50 percent of respondents reporting experience with land conflict, the scale of the problem is phenomenal. While non-governmental organizations (NGO) interventions on conflict transformation are extremely effective in resolving conflict with 100 percent of men and 86 percent of women reporting satisfaction, these institutions are only involved in a very small percentage of disputes overall. As noted above, of the respondents who had experienced land conflict, only 3 percent and 1.5 percent of respondents described faith based institutions and NGOs respectively as effective actors in the resolution of land related conflicts. These findings match the results of a study currently being conducted by Akin.<sup>242</sup> In another recent study by Akin and Katono, a cumulative total of only 45 to 68 cases were resolved each year by the three most active NGOs operating in the Acholi and Lango Regions between 2008 and 2010.<sup>243</sup>

Hopwood and Atkinson suggest assistance by NGOs has been most effective in disputes where formal law applies and legal solutions are valid and enforceable.<sup>244</sup> Some civil society institutions including NRC, Goal, ULA, and JPC have committed considerable resources to training paralegals and/or providing legal aid focused particularly on women and EVIs. This has usually proved effective in dealing with access to justice, but the sustainability of such interventions presents a challenge.<sup>245</sup> According to a lawyer engaged by a CBO in the delivery of legal assistance in northern Uganda, the cost of providing legal aid is approximately US\$200-600 per beneficiary.<sup>246</sup>

Akin and Katono submit that NGOs, community based organizations (CBOs), and faith based organizations (FBOs) that “often have dynamic ties to both local community members and policy makers” are strategically positioned to ‘mediate’ local land disputes.<sup>247</sup> However, Hopwood and Atkinson caution against the implementation of interventions relating to customary communal land.<sup>248</sup> While circumspect on the role of mediation and alternative dispute resolution (ADR) if implemented with sufficient skill and coordination amongst relevant actors, they only believe the application of statutory law to be appropriate in “the absence of government-level clarification of the status of customary land law and the role of formal law in customary disputes.”<sup>249</sup> Akin has demonstrated the need for capacity building in ADR. As Hopwood and Atkinson suggest in the case of Acholi, it is important that all actors have a clear and accurate understanding of both statutory and customary laws and mechanisms if they are to avoid doing harm,<sup>250</sup> and a recent policy brief by Ravnborg, Bashaasha, Pedersen and Spichiger calls for attention to sustainable and comprehensive interventions that could avoid exacerbating tenure insecurity.<sup>251</sup> Burke argues elsewhere that evaluating the true impact of conflict transformation interventions is extremely problematic.<sup>252</sup>

## Boundary Demarcation

As above, boundary disputes accounted for the largest proportion (42%) of land conflict. The demarcation of external boundaries is critical,<sup>253</sup> and has the potential to deliver a clear and immediate reduction in land related conflict. Preferential treatment in similar programmes accompanied by legal changes and sensitization campaigns targeting women in Latin America improved their status and increased gender equity in land rights.<sup>254</sup> LEMU and CESVI among others have focused on boundary demarcation in different areas across northern Uganda, but the need for additional effort in this area is enormous.

## Financial and Technical Support

Existing interventions by the majority of civil society institutions on land focus a significant component of their programme activities directly on women's issues. This is consistent with demands usually articulated by donor institutions or development partners to mainstream gender and provide specific support to women and vulnerable groups.<sup>255</sup> Support from development partners to land interventions across northern Uganda has totaled around US\$1.5 million annually over the past few years; however, with projects recently initiated by USAID and initiatives currently being planned by the World Bank, DFID and the Donor Technical Group (DTG), amongst others, we anticipate total annual expenditure on land interventions in northern Uganda will increase to over US\$6 million annually over the next 3-4 years. A major challenge is the identification of partners and personnel with the capacity to effectively implement the work and provide the programmatic reports and financial accountability required. Capacity building of local institutions and staff on all aspects of project intervention is urgently required.



PHOTO BY: Susan Akot, Fotografi senza Frontiere (FSF) photo lab, Kalongo SS, November 2009.

## CONCLUSION

The relatively high correlation in experience between men and women related to many of the variables examined, such as marital status, age, and geographic location, suggests tenure security is not necessarily a gender issue, but perhaps sometimes better understood and addressed as a demographic issue. As observed in comparison with similar studies implemented elsewhere in Uganda, the dynamics of women's land and property rights across northern Uganda are not inherently different from the rest of the country.

With some exceptions relating to inheritance and succession set to be addressed under the recently released National Land Policy, statutory law in Uganda is generally regarded equitable in terms of gender. While the equitable implementation of statutory laws remains an issue, the role of statutory institutions across northern Uganda is extremely small: 1) Titled land accounts for less than 1.2 percent of the plots in northern Uganda; 2) District land offices are poorly staffed; 3) area land committees are barely operational; 4) The judicial system is poorly capacitated and heavily overburdened with High Courts and Magistrates involved in less than 3% of reported land conflicts; and 5) Local council courts continue to operate in much of the region despite the fact they currently have no legitimacy in law, their rulings cannot be enforced and are ignored by superior courts.

The general understanding of both statutory and customary land law and management systems amongst the population is very poor. The vast majority of people have little to no sense of statutory land tenure with 91 percent of respondents describing customary tenure as predominant across the region. However, the fact that 32 percent of respondents articulated a desire for statutory tenure suggests a certain level of dissatisfaction with the existing situation.

Customary land accounts for approximately 99 percent of the plots across northern Uganda. It is a legitimate form of tenure, recognized by the Land Act and the National Land Policy that reaffirms "The State shall recognize customary tenure in its own form to be at par (same level) with other tenure systems."<sup>256</sup> Though equitable in principle, women are clearly marginalized under customary tenure in practice. Sixty-three (63%) percent of the women surveyed reported they own land and 86 percent of female respondents declared they have access under customary tenure representing a gender disparity of 23 percent in respect to ownership and 4 percent difference in respect to access. These findings are underscored by the fact that 80 percent of women reported input into decisions concerning how the proceeds of domestic agricultural production are used.

While the gender difference might not be in the magnitude initially expected, in each and every respect the rights of women to land and property lag behind men. Furthermore, both men and women reported that women enjoy ≤30 percent of power in the utilization of land. Men clearly play a dominant role in customary land management.

There is no reliable data on the proportion of the 1.2 percent of statutory land held in northern Uganda owned by women. However, such small figures can be of little consequence. Given the paucity of statutory institutions and the implementation of statutory laws across northern Uganda in every other respect, comparisons with customary tenure make little sense. Statutory and customary institutions have both failed to properly protect women's rights to land.

As discussed, development partners are looking to substantially increase support to address the challenges associated with land governance and administration in northern Uganda substantially. The focus of these efforts is undoubtedly on improving the delivery of government services: strengthening statutory institutions and the implementation of statutory law. This will definitely increase the presence and importance of statutory law; however, it is essential to acknowledge the predominance of customary tenure across northern Uganda at this point in time. The high levels of

reported ownership by both men and women demonstrate that tenure security is not dependent on formal documentation as proof of ownership; customary tenure systems can be secure and cater to both communal and individual rights as Bymugisha has suggested.<sup>257</sup>

Strengthening customary institutions and practices in relation to women's land and property rights is clearly the most effective way forward in the short to medium term. Close cooperation with government is most prudent to maximize sustainability, coordination of efforts, and exercise meaningful influence on the development of statutory laws and mechanisms in relation to women's land and property rights.

The fact that such a high proportion of female respondents suggested they would bequeath land to sons suggests a broad, comprehensive change in mindset and structure is required to permanently address women's land and property rights across northern Uganda. This study has clearly identified young, cohabitating women from "weak" families or clans as the most vulnerable individuals in relation to land tenure. Effort should be made to identify and develop strategies and interventions to address the needs of this particular sector of the community.

Approximately 50 percent of the population across northern Uganda has experienced land related conflict and 72 percent of these conflicts were found to be within household, family or clan. While interventions by NGOs on land related conflict were found to be extremely effective, it was reported that NGOs in fact work on a very small percentage of land related conflict across the region. With an improved understanding of the scale and characteristics of the vulnerabilities of women's land and property rights, vulnerable women can be more readily identified and effective interventions can be tailored to address the challenges they face relating to land or tenure security.



PHOTO BY: Susan Akot, Fotografi senza Frontiere (FSF) photo lab, Kalongo SS, November 2009.

## RECOMMENDATIONS

A broad range of interventions comprising long-term macro level and short to medium-term micro interventions are required to improve the security of women's land and property rights in northern Uganda. Noting that many of the primary challenges related to tenure security are not necessarily gender specific, many of the recommendations target both men and women, although there remains a general focus on the special needs of women.

A significant proportion of the suggested initiatives have been presented in the recently released National Land Policy providing a clear opportunity to work with government and substantially improve coordination and the sustainability of the interventions. At the expense of repetition, any convergence between the recommendations listed below and those contained in the National Land Policy have been highlighted in anticipation they will attract the attention of the relevant actors.

The relevant actors (Government; Development Partners; NGOs; Traditional Leaders) for each specific recommendation are stated in bold letters at the beginning of each point.

### 1. Empowerment

Land is only one of a range of social, political and economic issues where the marginalization of women can be observed in Uganda. The recommendations suggested in this first section are very broad and require long-term interventions necessary to improve the security of women's land and property rights not only across northern Uganda, but the entire country.

Each of these recommendations are already being implemented by government and a large number of local and civil society institutions and have been included to emphasize the point that women's tenure security is intrinsically linked to broader development issues and community views.

- a (Government; NGOs; Traditional Leaders)** Sensitize the population on gender equality across the board with a particular focus on land related issues.
- b (Government; NGOs; Traditional Leaders)** Empower women economically so that they can buy their own land and facilitate access to statutory and customary land administration institutions and dispute resolution mechanisms.
- c (Government; NGOs; Traditional Leaders)** Support education of girl-children and women in general to: 1) improve their economic situation, 2) facilitate their knowledge of land law and demand for their land rights and access to land governance and dispute resolution mechanisms.

### 2. Law, Policy and Capacity

Existing capacity to effectively administer land governance is severely challenged at all levels of government including land administration and the judiciary with a shortage of knowledge, resources and skills. Traditional institutions are also under great stress associated with extreme poverty and the experience of protracted civil conflict across most of northern Uganda at different times since independence.



- a (Government; Development Partners; NGOs)** Sensitize clan and traditional leaders on the rights of women and vulnerable groups and the responsibilities of family heads holding land in trust as referred to in the National Land Policy.<sup>258</sup>
- b (Government; Development Partners; NGOs)** Advocacy at the national government level to address the issue of Local Councilors and their current lack of legitimacy to deal with land governance and effectively handle the bulk of land disputes at the local level in direct response to government's request for "continued public debate on land issues, self assessment and feedback on the land policy framework."<sup>259</sup>
- c (Government; Development Partners; NGOs)** Assist in the definition of roles for statutory and customary institutions in "a clear hierarchy for dispute resolution structures to guarantee the finality and authoritativeness of decisions, subject to appeal to higher levels of jurisdiction" in cooperation with relevant government institutions as stipulated in the National Land Policy.<sup>260</sup>
- d (Government; NGOs; Traditional Leaders)** Build the capacity of clan heads and appropriate customary leaders (training, sensitization and the provision of basic materials, for instance, appropriate statutory land regulations, and, where available, PPRR and ADR resources), establish efficient mechanism to resolve conflict and maintain records in cooperation with relevant government institutions as stipulated in the National Land Policy.<sup>261</sup>
- e (Government; NGOs; Traditional Leaders)** Documentation of customary land tenure rules including the Principles, Practices, Rights and Responsibilities (PPRR) for the various ethnic groups across northern Uganda in cooperation with relevant government institutions as stipulated in the National Land Policy.<sup>262</sup> This will also assist with the implementation of the National Land Policy according "precedence to indigenous principles of and practice in dispute management institutions in respect of disputes over land held under customary land tenure."<sup>263</sup>
- f (Government; NGOs)** Sensitize individuals and relevant statutory and customary institutions on the benefits of boundary demarcation and assist appropriate parties with capacity building to demarcate boundaries in cooperation with relevant government institutions as stipulated in the National Land Policy.<sup>264</sup>
- g (Government; NGOs)** Assist with the capacity building (training, sensitization and the provision of basic materials, for instance ADR, land statutes) of targeted government institutions such as the District Land Boards and Area Land Committees for the effective implementation of land governance.
- h (Government; Development Partners; Traditional Leaders; NGOs)** Provide the support necessary to address the administrative and procedural issues associated with the effective and equitable implementation of Certificates of Customary Ownership (CCOs) as stipulated in the National Land Policy.<sup>265</sup>
- i (Government; NGOs)** Assist with the establishment of Communal Land Associations and the communal land management schemes among pastoral communities in cooperation with relevant government institutions as stipulated in the National Land Policy.<sup>266</sup>
- j (Government; Development Partners; NGOs)** Build the capacity of local institutions and staff to effectively engage international development partners and provide quality programmatic reports and financial accountability.

### 3. Practice Changes

The general public across northern Uganda knows little to nothing of statutory laws and institutions charged with land management. Unscrupulous individuals are taking advantage of this ignorance and confusion, often at the expense of women and EVIs.

- a (Government; NGOs; Traditional Leaders)** Greater sensitization on statutory and customary land laws along with information on existing statutory and customary mechanisms for land governance and dispute resolution is needed amongst the community in general with a particular focus on addressing “discrimination against women and children with respect to access, use and ownership of land” in cooperation with relevant government institutions as stipulated in the National Land Policy.<sup>267</sup>
- b (Government; Development Partners; NGOs; Traditional Leaders)** Encourage individuals and communities to demarcate boundaries by planting hedges and trees to demarcate boundaries as a cost effective method to avert land conflict in the first place.
- c (Government; Development Partners; NGOs; Traditional Leaders)** Sensitize the population on the importance of preparing a will in advance of death to minimize confusion and conflict relating to the inheritance of land.
- d (Government; Development Partners; NGOs; Traditional Leaders)** Take advantage of the findings of this study that provides a sense of scale to the problem and provides greater insight into the types of women and circumstances under which they face challenges associated with tenure security to provide targeted alternative dispute resolution (ADR), legal and paralegal assistance and support to women and EVIs on land related matters in cooperation with relevant government institutions as stipulated in the National Land Policy.<sup>268</sup>

### 4. Network Development

Coordination amongst many stakeholders engaged in land related interventions remains relatively poor with a mixed quality of civil society institutions engaged in the implementation of land related interventions leading to wastage of time and resources and duplication of efforts and harm in some instances.

- a (Government; NGOs; Traditional Leaders)** Improve meaningful working relations with government and explore ways to assist with the implementation of the September 2013 National Land Policy to strengthen the quality, sustainability and effectiveness of interventions.
- b (Government; Development Partners; NGOs)** Appropriate civil society institutions to work with government to develop appropriate indicators and monitor/evaluate the implementation of the National Land Policy, and undertake reviews of the land sector performance and policy on a regular basis as stipulated in the National Land Policy.<sup>269</sup>
- c (Government; NGOs)** The harmonization of efforts and exchange of experiences of NGOs, CBOs, FBOs and other development partners engaged in land related development issues could be improved and expanded through engagement and support to the Northern Uganda Land Platform (NULP).

## 5. Additional Recommendations

Implementation of land related interventions remains uneven across northern Uganda with a disproportionate number of institutions operating in the western Acholi region based out of Gulu and relatively few organizations working in eastern Acholi, Lango, Teso, Karamoja and none in West Nile. Furthermore, land interventions are highly sensitive and require sound local knowledge.

**a (Development Partners; NGOs)** Development partners and NGOs could allocate greater resources to land rights programmes in Karamoja and West Nile regions that have been relatively neglected to date.

**b (Government; Development Partners; NGOs)** Explore ways to combine land related programmes and interventions with other ongoing development initiatives intrinsically linked to women's tenure security targeting health, agriculture and education as a cost effective methodology harnessing existing local knowledge and trust to improve sustainability and reduce the overhead costs associated with land tenure interventions.

# APPENDICES

## APPENDIX 1. METHODOLOGY

The quantitative component employed multi-stage cluster sampling focused on the household comprising both purposive and random sampling. The bulk of qualitative interviews were mostly conducted in the field through February 2013. A series of additional follow-up interviews and focused group discussion were made in June 2013 and interviews with key informants were conducted in Kampala through January-August 2013.

### Sampling Methodology

#### Determining Sample Size

The population figures available for the region are based on the 2002 census. The precision of these figures is questionable: 1) most especially in Acholi and the northern Lango Regions where the census could not be implemented through much of the region due to the protracted civil conflict; 2) IDP populations were routinely inflated by local officials seeking to maximize humanitarian aid;<sup>270</sup> 3) the entire region has experienced significant population movement with the return of IDPs and refugees associated with the conflicts in both northern Uganda and South Sudan; 4) the population across the region is believed to have increased by approximately 50% since 2002; and 5) local government records are inconsistent and unreliable. As a result, a simplified approach utilizing a static number in each of the target regions was utilized and the necessary sample size was estimated using the following formula:<sup>271</sup>

$$C = \frac{P(1-P)D}{S^2 b}$$

Where:

C = Number of clusters (villages) to be selected for the study

P = Estimated proportion of individuals with outcome of interest (unknown). This has been set at 50%

D = Design effect (2)

S = Standard error given by confidence interval/Z alpha (= 0.04/1.96 = 0.02)

b = Number of people to be studied per cluster, set at 24 respondents per cluster.

$$C = \frac{0.5 * 0.5 * 2}{0.02^2 * 24} = 50$$

Therefore the total number of respondents required for the study was (24 x 50) = 1,200.

As tabulated below, the survey targeted 75 percent female respondents and 25 percent male. Fourteen (14.3) percent of the respondents were selected in urban environments while the remaining 85.7 percent was selected in rural areas that reflects the national urbanization average.

## CATEGORIES OF RESPONDENTS TARGETED

District	Population per district <sup>272</sup>	Target number of respondents in towns			Target number of respondents in rural sub-county 1			Target number of respondents in rural sub-county 2			Target number of respondents per district
		Female	Male	Total	Female	Male	Total	Female	Male	Total	
Kotido	157,800	18	6	24	54	18	72	54	18	72	168
Soroti	193,300	18	6	24	54	18	72	54	18	72	168
Moyo	199,900	18	6	24	54	18	72	54	18	72	168
Koboko	129,200	18	6	24	54	18	72	54	18	72	168
Kitgum	167,030	18	6	24	54	18	72	54	18	72	168
Kaabong	379,800	18	6	24	54	18	72	54	18	72	168
Lira	290,600	18	6	24	54	18	72	54	18	72	168
<b>TOTALS</b>	<b>1,517,630</b>	<b>126</b>	<b>42</b>	<b>168</b>	<b>378</b>	<b>126</b>	<b>504</b>	<b>378</b>	<b>126</b>	<b>504</b>	<b>1,176</b>

### Breakdown Summary

Two sub-counties and one town council per district  
 3 villages per rural sub-county and 1 ward per town council  
 24 respondents per village/ward  
 (24 respondents x 7 villages/ward = 168 respondents per district)

### Selected Respondents

The selection of respondents was conducted as follows:

#### Stage 1

In addition to the town council, two sub-counties in each district were selected utilizing a mix of both purposive and random sampling. Purposive sampling was employed in the selection of sub-counties in both Kitgum and Kaabong to select at least one sub-county where Oxfam is operating. Elsewhere, random sampling was utilized. A list of all the sub-counties were each written on a piece of paper, folded and placed in a box and the sub-counties were selected using the ballot system.

#### Stage 2

In each town council, a list of all the wards was obtained. Each of these were written on a piece of paper, folded and placed in a box and one ward was selected randomly. A list of all the villages in the selected sub-county was obtained from the sub-county officials. Each of these were written on a piece of paper, folded and placed in a box and three villages were selected randomly using the ballot system.

#### Stage 3

A list of all the households in the ward/village could not be obtained from the LCII officials and the households could not be selected at random from the list. Therefore the households were selected utilizing the "random walk" method. A pen would be dropped in the geographical centre of the village and the enumerators would move forward in that direction stopping at every three households. Where necessary, the process was repeated until the required number of 24 respondents was selected. In each ward/village we interviewed 24 respondents: 18 females and 6 males.

For villages where LC I chairpersons did not have household lists in their possession, the survey assistants requested the LC chairperson to locate the centre of a village such as a church area or market and shops and then span a pen to get a random direction. In the direction of the pen, the research assistants visited every other household until the required number was attained. In the situation where two or more eligible respondents were in one household, one of them was randomly selected. Members within the household self-selected the respondents and the most senior person available or the head of the household was usually selected.

#### Stage 4

At three out of every four households the enumerators interviewed a woman and at every fourth household selected, the enumerators selected a male member of the household to ensure that 25 percent of the respondents are male and 75 percent are females. The quantitative and qualitative interviews along with the vast majority of focused group discussions were all conducted in isolation from members of the opposite sex.

#### CATEGORIES OF ACTUAL RESPONDENTS

District	Actual number of respondents in towns			Actual number of respondents in rural sub-county 1			Actual number of respondents in rural sub-county 2			Actual number of respondents per district
	Female	Male	Total	Female	Male	Total	Female	Male	Total	
Kotido	22	6	28	55	17	72	56	17	73	173
Soroti	25	7	32	52	17	69	55	18	73	174
Moyo	16	8	24	54	19	73	55	18	73	170
Koboko	19	5	24	58	18	76	52	16	68	168
Kitgum	16	7	23	56	16	72	56	19	75	170
Kaabong	18	6	24	52	17	69	56	20	76	169
Lira	19	6	25	54	18	72	60	17	77	174
<b>TOTALS</b>	<b>135</b>	<b>45</b>	<b>180</b>	<b>381</b>	<b>122</b>	<b>503</b>	<b>390</b>	<b>125</b>	<b>515</b>	<b>1,198</b>

As seen in the table above, the target number of respondents was achieved and the overall target was, in fact, surpassed by 22 respondents. One marginal area of variance was that only 24.3 percent of the respondents interviewed in the rural sub-counties were males, slightly below the target of 25 percent. This was largely attributed to the fact that men were very often absent in the homestead at the time the enumerators visited.

#### Data Management and Analysis

The enumerators recorded the results of each interview in the field on hard-copies of the questionnaire in Appendix 1. The completed questionnaires were collected and reviewed at the end of each day and the data was entered into an Epi Data file that was later converted and analyzed utilizing IBM Statistical Package for the Social Sciences (SPSS) version 20.0.

## Research Team

The core research team comprised two professional researchers with significant experience in the implementation of qualitative and quantitative research initiatives supported by an experienced logistics manager.

## Selection of Enumerators

Local NGOs and people in the target districts were contacted in advance and requested to mobilize 10-12 candidates fluent in English and native speakers of the local language. Candidates were required to possess at minimum an Advanced Certificate of Education, preferably some tertiary education; experience working with an NGO or CBO; and where possible with prior experience in the implementation of surveys.

The core research team interviewed each candidate, asked them to translate some questions in the questionnaire to local languages and then selected the best six candidates as enumerators. The selected enumerators were then briefed on the project and trained on the administration of the questionnaire. This was repeated in each of the seven districts where the survey was conducted.

## Challenges

Despite the best efforts of the enumerators to acquire specific information from respondents concerning their personal situation, there was discernable tendency for respondents to answer questions on behalf of their families, clans and even neighborhoods in addition to themselves. This facilitated the capture of perceptions, but obviously negated the accuracy of quantitative data.

Respondents in each household were self-selected with gender as the only criteria. As already mentioned, the most senior person available or head of the household was usually selected minimizing the influence of more vulnerable members of the household on the quantitative data. Input from these people was captured by interviews and to a lesser extent through focused group discussions.

Approximately 6-8 different enumerators were engaged in each region. The enumerators were thoroughly briefed on the purpose and intent of the study. The attached questionnaire was in English and not translated into local languages; however, great care was taken to work through the questionnaire with the enumerators before commencing the field research to ensure that each question was accurately translated into the local vernacular. Despite the time and effort in briefing the enumerators, the involvement of such large numbers of people obviously magnified opportunities for inconsistencies and errors in data collection.

The sensitivities associated with land inhibited some respondents, especially on issues associated with land conflict. Absolute anonymity was assured and best efforts were made to contextualize and explain the purpose of the study to respondents.

The identification of literate female ethnic Iki enumerators in Kaabong was a challenge; however, the Iki speak and understand Ngakaramojong language and several female Karamajong enumerators were mobilized to conduct the survey in Kaabong. Walking up the mountains to meet the Iki respondents was difficult only to find that the majority of male Ikis were in a trading centre enjoying locally brewed alcoholic beverages. Interviews with some of the male Ikis representing rural areas were conducted in the trading centre.

The lack of electric power hindered data input in the field and the lack of telecommunications facilities in some areas led to gaps in communication resulting in delays and additional costs.

APPENDIX 2. DATA COLLECTION INSTRUMENT

QUESTIONNAIRE NUMBER.....

DATA COLLECTION INSTRUMENT

SECURING WOMEN’S LAND AND PROPERTY RIGHTS IN NORTHERN UGANDA

(WEST NILE, ACHOLI, LANGO, TESO, KARAMOJA)

January 2013

SECTION I: BIO-DATA

- 1.1 Region ..... 1.2 District/Municipality .....
- 1.3 County.....1.4 Sub-county/TC .....
- 1.5 Parish..... 1.6 Village.....
- 1.7 Location:
  - a. Rural [ ]
  - b. Urban [ ]
- 1.8 Sex of respondent:
  - a. Male [ ]
  - b. Female [ ]
- 1.9 Date of birth (day)...../(month)...../(year).....
- 1.10 Age in years.....
- 1.11 Education Level:
  - a. No formal education [ ]
  - b. Primary [ ]
  - c. Secondary [ ]
  - d. Tertiary [ ]
  - e. Others, specify.....
- 1.12 Marital Status of the respondent:
  - a. Single [ ]
  - b. Married (traditional, civil and church) [ ]
  - c. Widow [ ]
  - d. Widower [ ]
  - e. Divorced [ ]
  - f. Separated [ ]
  - g. Cohabiting [ ]



- 1.13 Ethnicity of the respondent:
- a. Kakwa
  - b. Madi
  - c. Acholi
  - d. Lango
  - e. Teso
  - f. Jie
  - g. Ik
  - h. Others, specify.....

1.14. No. of Children in the Household:.....

1.15 Number of children by Sex, i.e Male ..... Female .....

## SECTION II: LAND OWNERSHIP

- 2.1 Do you own land?
- a. Yes  SKIP TO 2.3
  - b. No

2.2 If no why .....

.....

- 2.3 If yes, how big is your total land? (1 acre is approximately 1 garden)
- a. Less than 1 acre
  - b. 1-5 acres
  - c. 6-10 acres
  - d. Above 10 acres

- 2.4 How did you acquire this land?
- a. Bought
  - b. Inherited
  - c. Gift
  - d. Encroachment
  - e. Others, specify.....

- 2.5 From whom did you buy, inherit, receive, or encroach on the land?
- a. Neighbour
  - b. Father
  - c. Mother
  - d. Uncle
  - e. Aunt
  - f. Customary land
  - g. Government land
  - h. Others, specify.....

- 2.6 Under which tenure do you hold this land?
- a. Customary
  - b. Freehold
  - c. Leasehold
  - d. Others, specify.....

2.7 Under which tenure do you prefer to hold land?

- a. Customary
- b. Freehold
- c. Leasehold

2.8 Why would you like to hold land in the tenure mentioned in 2.7 above? .....

### SECTION III: LAND ACCESS

3.1 Do you have access to land?

- a. Yes
- b. No  SKIP TO 4.1

3.2 If yes, what type of land do you have access to?

**(Multiple responses allowed, probe and circle all responses mentioned)**

- a. Grazing Land
- b. Common land
- c. Wet land
- d. Government land
- e. Others, specify.....

3.3 How do you prefer to hold your land?

- a. Access to land
- b. Own the land

### SECTION IV : LAND UTILIZATION

4.1 What do you use the land for?

**(Multiple responses allowed, probe and circle all responses mentioned)**

- a. Growing crops for home consumption
- b. Growing crops for commercial purposes
- c. Grazing
- d. Gathering wood, herbs, fruits, other natural resources
- e. Residential house
- f. Hunting
- g. Institution
- h. Others, specify.....

4.1 Who determines how the proceeds from harvests or gardens are shared?

- Only the husband
- Only the wife
- Both husband and wife
- Relatives and in-laws
- Others, specify.....

## SECTION V: LAND MANAGEMENT

5.1 Who makes decisions regarding access, utilization and control of land?

- a. Husband
  - b. Wife
  - c. Elders
  - d. Clan leaders
  - e. Local council members
  - f. Others, specify.....
- (Multiple responses allowed, probe and circle all responses mentioned)**

5.2 Why do you say they make the decisions? Give reasons for your answer in 5.1 above.

.....

.....

5.3 Which laws are used to govern land in your community?

- a. Customary laws
- b. Statutory laws
- c. Others, specify.....

5.4 Women have power over management of land.

- a. 0%
- b. 0-30%
- c. 30-50%
- d. more than 50%

5.5 Which land laws do you know that protect women's rights to land?.....

.....

.....

5.6 What has been done to help women secure their land rights? Both in the past and in the present.

.....

.....

## SECTION VI: LAND DISPUTES

6.1 Have you experienced any land related conflicts?

- a. Yes
- b. No  SKIP TO 7.1

6.2 If yes to 6.1, what type of land related conflicts?

- a. Boundary
  - b. Trespass
  - c. Evictions
  - d. Land grab
  - e. False sale
  - f. Others, specify.....
- (Multiple responses allowed, probe and circle all responses mentioned)**



6.3 If yes to 6.1, with whom did you have the land conflict?

- a. Within household [ ]
- b. Within extended family [ ]
- c. Within clan [ ]
- d. With another clan [ ]
- e. With an institution [ ]
- f. With government [ ]
- g. Others, specify.....

**(Multiple responses allowed, probe and circle all responses mentioned)**

6.4 If yes to 6.1, who was involved in resolving the conflict?

- a. Family head [ ]
- b. Clan [ ]
- c. LCI [ ]
- a. LCII [ ]
- d. LCIII [ ]
- e. LCIV [ ]
- f. RDC [ ]
- g. Police [ ]
- h. NGO [ ]
- i. Church [ ]
- j. Neighbors [ ]
- k. Others, specify.....

**(Multiple responses allowed, probe and circle all responses mentioned)**

6.5 If yes to 6.1, were you satisfied with the resolution of the conflicts?

- a. Yes [ ]
- b. No [ ]

6.6 If yes or no, why? .....

Who enforced the resolution?

- a. Police [ ]
- b. Traditional leaders [ ]
- c. Community [ ]
- d. UPDF [ ]
- e. Others,specify.....

**(Multiple responses allowed, probe and circle all responses mentioned)**

## SECTION VII: WOMEN VULNERABILITIES ON ACCESS AND RIGHTS TO LAND

7.1 Which types of women are most vulnerable when it comes to accessing and owning land?

- a. Single [ ]
- b. Married [ ]
- c. Widow [ ]
- d. Divorced [ ]
- e. Separated [ ]
- f. Cohabiting [ ]
- g. Others,specify.....

**(Multiple responses allowed, probe and circle all responses mentioned)**

7.2 What cultural practices inhibit women’s rights over land?

.....  
.....

7.3 What challenges do women face while accessing land?

.....  
.....  
.....

7.4 What do women do when their rights to land have been denied?

- a. ....
- b. ....
- c. ....
- d. ....

7.5 What institutions are helping women to attain their rights to land?

- a. ....
- b. ....
- c. ....

## SECTION VIII: STRATEGIES FOR SECURING WOMEN'S RIGHTS TO LAND

8.1 What precautions can be taken to improve women's tenure security?

- a. Change from lease to freehold [ ]
- b. Change from customary to freehold [ ]
- c. Demarcation of boundaries [ ]
- d. Others, specify.....

8.2 In case of death, to whom would you leave your land?

- a. Sons [ ]
- b. Daughters [ ]
- c. Niece [ ]
- d. Nephew [ ]
- e. Wife [ ]
- f. Husband
- g. Others, specify.....

8.3 What should be done to improve women's ownership, access and rights to land?

- a. ....
- b. ....
- c. ....
- d. ....

## SECTION IX: INTERVENTIONS

9.1 What institutions, NGOs or other development institutions, if any, have worked on land rights in your area?

- a. ....
- b. ....
- c. ....



9.2 What did they do?

- a. ....
- b. ....
- c. ....

9.2 When were they here?

- a. Within the past year [ ]
- b. 2-3 years ago [ ]
- c. Over 3 years ago [ ]

### SECTION X: NOTES

.....  
 .....  
 .....

Name of Respondent:..... Enumerator:.....  
 Telephone:..... Signature:.....  
 Signature:..... Date:(day)...../(month)...../(year).....  
 Date:(day)...../(month)...../(year).....

*Thank you for your cooperation.*

### APPENDIX 3. LIST OF FOCUSED GROUP DISCUSSIONS AND INTERVIEWS<sup>273</sup>

43 interviews with key respondents and 29 focused group discussions involving 171 individuals.

1. Focused Group Discussion with men at Omiya Anyima Centre, Omiya Anyima Sub-county, Kitgum District, 30-01-2013: 4 participants.
2. Interview with Former Chairman Omiya Anyima Sub-county Court Committee at Omiya Anyima Centre, Kitgum, 30-01-2013
3. Focused Group Discussion with Women in Omiya Anyima Centre, Omiya Anyima Sub-county, Kitgum District, 30-01-2013: 7 Participants
4. Interview with Secretary of Panyomo Obang Lwani Clan, Omiya Anyima Sub-county, Kitgum, 31-01-2013.
5. Interview with Female Member of the Area Land Committee at Omiya Anyima Sub-county Headquarters, Kitgum 31-01-2013
6. Interview with District Land Management Officer, Kitgum, 31-01-2012
7. Interview with Chairman LC3 Amida Sub-county, Kitgum, at Amida Sub-county headquarters 01-02-2013
8. Focused Group Discussion with Women at Okidi Central village, Amida Sub-county, Kitgum District, 01-02-2013: 4 Participants
9. Interview with Vice Chairman of Bedamwol village, Adwua Parish, Ogur sub-county, Lira District 03-02-2013
10. Focused Group Discussion with Women at Bedamwol village, Adwua Parish, Ogur Sub-county, Lira District, 03-02-2013: 8 Participants
11. An interview with 3 women at Baromio Village, Adwua Parish, Ogur Sub-county, Lira District, 03-02-2013
12. Interview with Woman representative in Baromio and woman representative in the Onywalipyeda clan, Baromio Village, Adwua Parish, Ogur Sub-county, Lira District, 03-02-2013
13. Interview with Chairman LC1 Baromio Village, Adwua Parish, Ogur Sub-county, Lira District, 03-02-2013
14. Interview with LC3 Chairman Barr Sub-county, Lira, at the sub-county headquarters 04-02-2013
15. Interview with Chairman Area Land Committee Barr Sub-county at the sub-county headquarters 04-02-2013
16. Interview with woman member of Area Land Committee Barr Sub-county at the sub-county headquarters 04-02-2013
17. Interview with vice-chairperson sub-county court committee and court committee member, Barr Sub-county at the sub-county headquarters, Lira district, 04-02-2013
18. Focused Group Discussion with women at Ober Corner, Ober parish, Barr sub-county, Lira district 04-02-2013: 7 Participants
19. Interview with District Land Management Officer, Lira District
20. Interview with Senior Legal Assistant FAPAD, Lira 05-02-2013
21. Interview with Project Monitoring and Evaluation Assistant, Community Land Protection Project LEMU, Lira 05-02-2013
22. Interview with Community Development Officer, Asuret Sub-county, Soroti, , 06-02-2013
23. Interview with Chairman Area Land Committee, Asuret Sub-county, Soroti, 06-02-2013
24. Interview with Chairman LC3, Asuret Sub-county, 06-02-2013
25. Interview with 3 individuals at Adacar village, Adacar Parish, Asuret Sub-county, Soroti, 06-02-2013
26. Interview with Agricultural Officer, Gweri Sub-county, 07-02-2013
27. Interview with Chairman LC3 Gweri Sub-county, 07-02-2013

28. Interview with Clan leader of Ikarigwok-Itidonga clan of Awoja and Clan leader of Irarak clan of Gweri at Golden Arch Hotel Soroti, 07-02-2013
29. Focused Group Discussion with women at Angopet village, Gweri Parish, Gweri sub-county, Soroti District 07-02-2013: 5 Participants.
30. Interview with Chairman LC1, cell B 4 and 5 village, Campswahili ward, Northern Division, Soroti Municipality, 08-02-2013
31. Interview with Chairman District Land Board Soroti, 08-02-2013
32. Focused Group Discussion with women at Umum South village, Lopoyo Parish, Rengen Sub-county, Kotido District: 12 Participants
33. Interview with woman councilor Kadeli Parish, Lodayi ward, Rengen Sub-county, Kotido, 09-02-2013
34. Interview with LC3 Vice Chairman, Panyangara Sub-county, 10-02-2013
35. Focused Group Discussion with women at Napeet village, Laposa parish, Panyangara sub-county, Kotido, 10-02-2013: 12 Participants
36. Interview with the LC3 Chairman Rengen Sub-county, Kotido district, 10-02-2013
37. Interview with Legal Officer, Uganda Land Alliance (ULA), Kotido, 11-02-2013
38. Interview with District Land Officer, Kotido District, 11-02-2013
39. Focused Group Discussion with women at Lochoto Village, Kamion Parish, Kamion sub-county, Kaabong District, 12-02-2013: 5 Participants
40. Interview with Chairman LC3 Kamion sub-county, Kaabong district
41. Interview with clan leader of Ik, Kamion Sub-county, 12-02-2013
42. Focused Group Discussion with men at Tultul village. Timu parish, Kamion Sub-county, Kaabong, 13-02-2013: 4 Participants
43. Focused Group Discussion with women at Tultul village, Timu parish, Kamion Sub-county, Kaabong, 13-02-2013: 5 Participants
44. Interview with the Acting District Land Officer Kaabong, 14-02-2013
45. Focused Group Discussion with women at Cini Village, Gwere parish, Lefori Sub-county, Moyo, 16-02-2013: 7 Participants
46. Interview with clan leader of Depi clan in Cini Village, Gwere parish, Lefori Sub-county, Moyo, 16-02-2013
47. Interview with Chairman LC 3 Lefori Sub-county, 16-02-2013
48. Focused Group Discussion with women at Patabo/Pagonyidra village, Ayiro Parish, Metu Sub-county, Moyo, 17-02-2013: 4 Participants
49. Interview with Acting Land Officer, Moyo, 18-02-2018
50. Interview with Chairman LC3 Metu Sub-county, Moyo, 18-02-2013
51. Interview with Clan leader of Bura Clan at Bura village, Kuluba parish, Kuluba Sub-county, Koboko, 19-02-2013.
52. Focused Group Discussion with women at Tanyagi village, Monodu Parish, Kuluba Sub-county, Koboko, 19-02-2013: 6 Participants
53. Interview with Chairman LC3 Kuluba Sub-county, Koboko, 19-02-2013
54. Focused Group Discussion with women at Jamure village, Alirivu parish, Lobule Sub-county, Koboko, 20-02-2013: 11 Participants
55. Interview with the sub-county chief of Lobule sub-county, Koboko, 20-02-2013
56. Interview with Acting District Land Officer Koboko, 21-02-2013.
57. Focused Group Discussion with 13 women at Bedamwol village, Ogur sub-county, Lira district, 12-06-2013: 13 Participants
58. Focused Group Discussion with men and women at Baromio village, Adwua parish, Ogur sub-county, Lira district, 12-06-2013: : 7 Participants
59. Interview with chairperson LC1 Kirombe West, Adyel division, Lira Municipality, 12-06-2013
60. Focused Group Discussion with women at Akisimu village, Obule parish, Asuret Sub-county, Soroti District, 13-06-2013: 6 Participants



61. Focused Group Discussion with Men and Women at Adacar village, Adacar parish, Asuret sub-county, Soroti District, 13-06-2013: 7 Participants
62. Focused Group Discussion with 1 Man and 6 Women at Otaba village, Obule parish, Asuret sub-county, Soroti District, 13-06-2013: 7 Participants
63. Focused Group Discussion with women at Abelet village, Dokolo parish, Gweri sub-county, Soroti District, 13-06-2013: 3 Participants
64. Focused Group Discussion with 24 women at Omiya Anyima Centre, Omiya Anyima Sub-county, Kitgum District, 14-06-2013: 24 Participants
65. Group Discussion with 8 women at Pelle central village, Omiya Anyima Sub-county, Kitgum District, 14-06-2013: 8 Participants
66. Interview with a young woman in Okidi central village, Amida sub-county, Kitgum District, 14-06-2013.

## APPENDIX 4. QUESTIONS FOR KEY INFORMANTS AND FOCUSED GROUP DISCUSSION

1. What are the challenges associated with land rights in this area?
2. What types of people have the weakest rights to land and/or the most challenges with rights and access?
3. Has it always been like that?
4. What are the main causes of these challenges?
5. What solutions do you propose?
6. Who protects the land rights of women and children? How?
7. How was/is land acquired in the past/now?
8. How is land passed to the next generation? By who?
9. What happens when a husband dies?
10. What are men's views towards women's land rights?
11. What could/can one do with land in the past/now?
12. What has changed? Why?
13. What could/can one not do with land in the past/now?
14. Who is entitled to land in your family? Why?
15. What can they do with the land? Why?
16. What can they not do with the land? Why?
17. What responsibility do they have to family members concerning land?
18. Do the respondents have community land? What is it used for? Who has rights to it? Who manages it, etc.?
19. What NGOs or other development institutions, if any, have worked on land rights in this area?
20. What did they do?
21. When?

## APPENDIX 5. FOLLOW-UP QUESTIONS/TALKING POINTS

Location:

Date:

### 1: Types of tenure

- a) When we talk about land ownership, what does "land ownership" mean to you?
- b) When we talk about access to land, what does "access to land" mean to you?
- c) When we talk about power over land, what does "power" mean to you?

### 2: Management and control

- a) We have observed that women usually play the lead role in cultivation: is this true?
- b) What does this involve?
- c) Do women play any role in the decision and management of cultivation?
- d) What role do the men play, if any, in cultivation?
- e) What role do the men play, in the decisions concerning cultivation?
- f) How?
  
- g) Do men have any constraints selling land?

### 3: Perceptions of tenure

- a) What is freehold tenure?
- b) What is leasehold tenure?
- c) What is customary tenure?

### 4: Vulnerabilities

- a) Which women are most vulnerable when it comes to accessing and owning land: Single, married, widows, divorced, separated, or cohabiting?
- b) Why?
- c) Do you know any women in this situation?
- d) What do you know about their situation?

### 5: Clan and family structures

- a) We have observed that when the clan or family is strong, the women enjoy greater protection: do you agree?
- b) What is a strong clan or family? / What is a weak clan or family?

### 6: Inheritance

- a) We have observed that the majority of people, both men and women, claim they will pass their land onto their sons: is that the case with you?
- b) Why?

### 7: Land Grabbing

- a) How do you define land grabbing?



## 8: Notes

## APPENDIX 6. INSTITUTIONS ENGAGED IN LAND INTERVENTIONS IN NORTHERN UGANDA

Acholi Religious Leaders Peace Initiative (ARLPI)  
Africa Community Development Network (ACODEN)  
ACORD Association for Cooperative Operations Research and Development  
Action Against Hunger (ACF)  
Action Aid  
African Medical and Research Foundation (AMREF)  
Alliance of Mayors Initiative for Community Action on AIDS at the local level (AMICAALL)  
Awe lwot Reflect Centre  
Campaign against domestic violence in the community (CADVIC)  
Catholic Relief Services (CRS)  
Centre for Peace and Strategic Studies, Gulu University  
Centre for Repatriation and Rehabilitation (CRR)  
Civil Peace Service (CPS)  
Comboni Samaritans of Gulu  
Concern  
Cooperazione e Sviluppo (CESVI)  
Cooperazione Internazionale (COOPI)  
Democratic Governance Facility (DGF)  
Donor Technical Group (DTG)  
Facilitation for Peace and Development (FAPAD)  
Forum for Kalongo Parish Women's Association (FOKAPAWA)  
Food and Agricultural Organization (FAO)  
Gesellschaft für Internationale Zusammenarbeit (GIZ)  
Gulu NGO Forum  
Human Rights Focus (HURIFO)  
International Labour Institute (ILI)  
International Law Institute  
International Contact Uganda (ICUg)  
International Justice Mission (IJM)  
International Rescue Committee (IRC)  
Joint Acholi Sub-Region Leaders' Forum (JASLF)  
Justice and Peace Commission (JPC)  
Karamoja Diocese Development Services  
Kitgum NGO Forum  
Koboko Civil Society Network  
Kuluba Sub-County Mixed Farmers Association  
Land Equity Movement Uganda (LEMU)  
Legal Aid Service Providers Network (LAPSNET)  
Lutheran World Federation (LWF)  
Mercy Corps  
Microjustice Uganda  
National Center for State Courts (NCSC)  
Norwegian Refugee Council (NRC)  
Northern Uganda Human Rights Partnership (NUHP)  
Office of the High Commissioner for Human Rights (OHCHR)  
Orphanage Care Project  
Oxfam



Plan Uganda  
Refugee Law Project (RLP)  
Restless Development  
Safer World  
Solidarity Uganda  
Soroti Rural Development Agency (SORUDA)  
Trocaire  
Uganda Association of Women Lawyers (FIDA-Uganda)  
Uganda Land Alliance (ULA)  
Ugandan Women's Effort to Save Orphans (UWESO)  
Uganda National Advisory for Men  
United Religions Initiative (URI), Great Lakes  
Vision Teso Rural Development Organization (TERUDO)  
War Child  
Women and Rural Development Network (WORUDET)  
Youth Movement Uganda (YOMU)

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**OXFAM**

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