



TrustLand Policy Brief

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Women and Land in Acholi Sub-region: Safeguarding Rights, Promoting Access

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Executive Summary

Land is the most emotive, culturally sensitive, politically volatile and economically central issue in Uganda. In northern Uganda, ninety-three per cent of land is under customary tenure and is currently marred by conflicts and social tensions. This has implications for rights, access to, control and ownership of land by the various users. Women who play key roles in their families' survival are often seen to hold secondary or peripheral rights to land and yet they are active players and governors in land (conflicts) and position themselves in different ways in order to attain and safeguard their land.

Our understanding of women's agency and their strategies of gaining and maintaining land is broadened, as is the way that women come to see themselves as belonging to certain customary land. Different women have varied choices available to them, which can improve their opportunities and ability to manoeuvre the rigours of 'custom' in the regards to land. Implementations of 'land programs' for women should take into account their multiple choices and the avenues available (often created by the women themselves) and tap into these avenues to provide sustainable solutions to women's land tenure insecurities.

Looking at access rather than rights to land tells a bigger story about women's relationship to land.

Introduction

Social relations between different categories of people including men, women, youth and elders are fraught with tensions and contradictions over land. A study that sought to explore women's strategies of access to land amidst widespread conflicts among the Acholi in Pader district between 2013-2016, revealed that many formerly displaced people are facing exclusion from customary land. Women in particular face threats of land tenure insecurity first and foremost because they depend on their male relations, i.e. fathers, husbands, brothers and sons in order to access land and secondly, because their land rights are often seen as derived from and secondary to that of men. The view of women as embedded in the 'household' without

"Before the camp, land was owned communally, people would never say, 'my land, my land' these things were not there...but when people returned from the camps, they started saying 'my uncle used to dig here, my father used to dig there', people started owning land individually" – Female youth, FGD, Amoko Lagwai, 29/05/2015.

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autonomous rights to property, however, misses the point about how different women are able to manipulate custom and customary law in order to create their own pathways and access to land.

Background

There is an increasing awareness of land rights in Acholi sub-region. Faced with land conflicts and threats of losing their homesteads and gardens/ fields, women are more attuned to securing their access to land in different ways. Daughters and wives automatically have access to clan land through their fathers and husbands respectively, however, in the midst of land conflicts and social tensions, this is not always a given. Other categories of women who find themselves challenged by this general principle are those who are not formally married and therefore have not been recognised by the families or clans of their partners. In practice, such women and their children, particularly sons, would fall outside the

customary arrangements of land allocation and access and have little or no authority to make claims to land.

Whereas some rights to land may be stronger than others, and access to land seen as more or less, by looking at the different categories of women (i.e. married, separated or divorced, widows and single mothers), we are able to understand how the land question in northern Uganda affects each woman individually and the kinds of challenges and opportunities they have in the context of customary land.

Findings

- ‘Ownership’ of land, for women, particularly clan wives, is better understood through their use i.e. gardens/ fields which they are entrusted with in perpetuity until they pass it on to their children. A woman’s belonging to a certain ‘clan land’ is justified through the labour she puts into a garden/field (*poti, okang*) over a long period of time that she has access to it.
- Land governance is being enforced in different ways; governance of customary land in private spaces is dynamic and rural women struggle with land conflicts in spaces where the state is not involved i.e. ‘at home’. Women manage and organize access to land and social relations through alliances and alienations.
- Land conflicts fought in the private spaces often become public – naming and shaming of conflict parties, for example, changes the ‘rules of the game’ in which women become active governors of customary land. Women position themselves in the most effective ways that will give them access to and safeguard their land as wives, clan mothers and widows. There are cases of women fighting other women as well as women fighting and denying men (especially young men) from customary land. Women offenders in land conflicts, reveal their active participation in governing land (conflicts) in order.
- Seasonality of land rights and access to land – during planting seasons, many women become vulnerable to threats of losing their garden rights or become involved in conflicts over land boundaries. Despite these threats, however, some women are able to cultivate and create multiple access points through their different social networks.

“Bring the woman home and marry her. That will increase her authority over land” – Male elder, Community meeting, Te-Jingi village, 9/12/2017.

Several avenues exist for addressing land conflicts even though the presence of these avenues (i.e. traditional and formal courts), does not necessarily translate into women’s freedom from threats of land tenure insecurity. Whereas the paths for legal and formal conflict management are within the community structures, these are not always available to women who often go to their extended family and clan leaders – closer to ‘the home’.

Conclusion

Women's simultaneous actions in their attempt to find means of survival opens up different challenges, opportunities and choices for land access. Wives and daughters have rights to land in their marital and paternal homes, but where this fails, different strategies are used to gain access to land through informal markets, rents and through good social relations that allow for borrowing land (gardens/fields) seasonally. While different strategies of alienating and forming alliances are used, land governance is shaped within the private spaces of women's life, *the home*.

"The LC chairman told me that I could take the case to court but he said I would have no one to support me so I should leave the matter at home" – Seventy-year-old woman, in-depth interview, Bargoma village, 23/07/2015.

Implications and Recommendations

- There should not only be a focus on women's land rights, which are important and a universal given, but also on how women get *access* to land. Looking at access rather than rights expands the field in which we can understand how women benefit from different resources including kin-based and other social networks, friendships and patronage. By focusing on land 'access' we find different nuances of women's agency and how they are able to continue surviving through the difficulties of land conflicts, as victims as well as offenders.
- Language and conceptual use should be key in collecting data. Specifically, the notion of land 'ownership' may not capture the different ways in which people are able to belong or remain attached to customary land. Using loaded concepts like ownership also misses the point about how people are able to benefit both directly and indirectly from land and other resources even when they do not *own* them.
- The timing of interventions for land conflict management should be connected to seasons of planting, harvest and fallow as these seasons tell a story and give a broader picture about land conflicts. Understanding seasons (and timing) is important, not only for understanding livelihoods and subsistence but also for dealing with land conflicts and social tensions that arise as a result of these endeavours.
- There is a need to strengthen traditional institutions as the first points of call for women who are threatened with the dispossession of their land. Formal and legal avenues of redress often create fixed categories of winners and losers, with women having higher chances of losing their land to men. Traditional avenues, however, are viewed as more flexible and conciliatory for the conflicting parties.
- Caution must be taken not to think that men are always the offenders and women the victims of land conflicts. Understanding how women negotiate, manoeuvre and safeguard their access to land reveals cases of women fighting against women and women fighting against men. Women use their different positions to deny other women and men access to land especially where multiple land rights exist on ancestral land. Women's active involvement in land conflicts, both as victims, perpetrators or witnesses, can help us understand how land is governed both in the public and private spheres of custom.

"Neighbours begin contesting over land when the rains fall, you hear them saying things like, 'Lak kweri ni okato i ngom ma' (the tip of your hoe has cut into my land)" – Latanya Sub-county official, informal interview, Jan. 2015.

Owning customary land may not be as important to all women as we have come to believe. In practice, many women have access to non-traditional land tenures including 'borrowing' and renting especially during the planting season. Therefore having varied options and choices, for both land conflict management and land tenure, improves women's opportunities for accessing customary land.



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