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Land Insecurity in Gulu, Uganda: A Clash Between Culture and Capitalism

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Land Insecurity in Gulu, Uganda:

A Clash Between Culture and Capitalism

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Dedication

I dedicate this paper to victims of the Lord's Resistance Army insurgency and those in Gulu who fight for their land rights and the preservation of their culture.

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Abstract

This paper presents the causes and consequences of land insecurity in Gulu, Uganda. In order to address this important and often sensitive issue, the paper analyzes the role of the Lord's Resistance Army (LRA) insurgency and the government's policy of forced encampment during the insurgency in contributing to land insecurity, causing widespread displacement among former internally displaced persons (IDPs). It further explores the importance of land ownership in providing economic productivity to rural landowners, as well as the nature of customary land tenure in Acholi culture and the government's efforts to privatize communal land, to give a background on the economic and cultural importance of land ownership.

To complete this research, the researcher held interviews with multiple informants in Gulu and Kampala. Cultural leaders contributed their knowledge of traditional Acholi culture and their role in land dispute mediation, NGO professionals outlined multiple challenges Gulu residents face regarding land rights and the efforts of civil society organizations in reversing these challenges, and government officials provided information regarding the complicated legality of land ownership, including the constitutional right to customary land tenure, land title registration and the controversial constitutional amendment regarding forced land acquisition currently under debate in the Parliament of Uganda. Additionally, the researcher spoke to rural property owners in Gulu about the challenges they currently face with their land and the impacts of both the LRA insurgency and development projects on their perceived land security.

This research concludes that the LRA insurgency and current land grabbing and privatization efforts have contributed greatly to land insecurity in Gulu. The insurgency led to the destruction of demarcations traditionally used to determine property boundaries, as well as land grabbing by government officials, investors and former IDPs who were left without land after the conflict. The increasing prevalence of development projects also makes residents fear forced evictions from their property, which has a negative impact on their economic productivity. In order to reverse this trend, the researcher argues the government must shift its focus on the monetary value of land and instead recognize the emphasis Acholi culture places on communal land ownership.

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"Even though the guns fell silent, the war is very much alive."
-Norbert Mao, President of the Democratic Party of Uganda

Introduction

As a tool for economic development, land in Gulu is an important resource—secure access to land is a prerequisite to farming crops and grazing livestock, the backbone of Gulu's economy. Land also contains cultural significance as a symbol for wealth, status and most importantly, familial relations and ancestry. Ever since the end of a two-decade-long civil war in Northern Uganda, land security in Gulu has been under threat by land grabbing, property disputes and societal shifts in the intrinsic and monetary values of land. Because land supports the local economy and Acholi culture to such a great degree, this has serious implications on the day-to-day lives of people in Gulu.

The Lord's Resistance Army (LRA) insurgency began in 1986 and lasted until the Juba Peace Talks in 2006, resulting in the displacement of more than 1.9 million people (Human Rights Watch, 2012). Because most private land in northern Uganda is owned under customary tenure unregistered with the government, property rights were often unclear to returning IDPs. This research studied the causes and impacts of land insecurity in Gulu District, caused both by conflict and post-conflict development, as well as the effectiveness of solutions. Research on this topic is important in the context of post-conflict development, as property insecurity threatens livelihoods, deters investment and makes it harder to meet development and humanitarian goals.

In order to gain a holistic perspective on the topic of study, the researcher conducted extensive research for six weeks on Acholi culture, factors affecting land security and initiatives undertaken to strengthen land security in Gulu through in-depth interviews, a focus group discussion with rural landowners in Gulu, participant observation and documentary review.

Background

Gulu's demographics, culture and economy

About 80 percent of Gulu's residents are Acholi, an ethnic group native to Northern Uganda and parts of South Sudan. The Acholi sub-region, commonly referred to as "Acholiland," consists of eight districts in Northern Uganda, of which Gulu District is the most populous. The population of Gulu District in 2014 was 436,345, making Gulu the most populated district in the Acholi sub-region. Roughly 65.7 percent of Gulu's population is rural (United Nations Development Programme, 2015).

About 93 percent of land in northern Uganda is owned under customary tenure with no formal titles or certificates of ownership (Ker Kwaro Acholi, 2008). Owning customary land is a widely-held practice of Acholi culture. Through a customary land tenure system, land is not owned by single individuals, but rather communally by a clan, an extended paternal family unit consisting of multiple generations, typically living together in the same property. Clans consist of a leader, usually an elder male, who is in charge of managing and organizing the clan's communal land rights, and while clan leaders have the strongest land rights, because the land is not owned individually by the clan leaders, decision-making rights are extended to other members. The land is not to ever be sold, but rather passed down to future generations of the same family.

Gulu has a predominantly agricultural economy. Subsistence farming has historically been the priarily agricultural and economic means for most Acholi, who rely on crops including millet, sorghum, sesame, beans, cassava, maize, groundnuts, fruits and cotton. Common domestic animals have long included chickens and goats. Land used for farming and grazing is typically included under customary tenure, making land security particularly important for the

majority of Gulu inhabitants who rely on farming as an income source (United Nations

Development Programme, 2015).

Lord's Resistance Army insurgency

Ethnic divisions in Uganda have been observed since the beginning of the nation's

recorded history, but the British colonial government exacerbated inequalities between the

Bantu-speaking people in Uganda's south and east and the Acholi ethnic group in the north. The

British focused much effort on developing the economies of the south and east, especially the

areas occupied by the Baganda people, which became a center for commercial trade. While the

government relied on the Acholi for police and military purposes, the Acholi were generally

poorer than the Baganda, with higher rates of poverty than in most other areas of the country

(Advisory Consortium on Conflict Sensitivity, 2013).

When Uganda won independence from the British in 1962, multiple ethnic groups

competed for power, and the Acholi eventually won power in July of 1985, when Tito Okello, an

ethnic Acholi, ascended to the presidency. Six months later, the National Resistance Army

(NRA) overthrew President Okello, marking a period of intense distrust of the government in

Acholiland. The NRA committed various atrocities against the Acholi people of northern

Uganda, including "mass looting, rape, burning of homes, genocide and murder" (Van Acker,

2004). In 1986, in response to the NRA's atrocities, an ethnic Acholi from Gulu known as Alice

Lakwena formed the Holy Spirit Movement (HSM), a rebel group, after convincing others she

was under direction from the spirit Lakwena. In early 1987, another Acholi from Gulu named

Joseph Kony inherited the Holy Spirit Movement and formed the LRA, aimed at overthrowing

Okello's presidential replacement, President Yoweri Museveni, and establishing a theocratic

government in Uganda based on a combination of Acholi nationalism and the biblical Ten Commandments (Al Jazeera, 2014).

The LRA launched a 20-year-long insurgency in Acholiland and elsewhere in Northern Uganda, causing a humanitarian crisis. The International Criminal Court (ICC), which in 2005 issued an arrest warrant for Kony and four other senior LRA leaders for committing war crimes and crimes against humanity, accused the LRA of widespread human rights violations, including mutilation, torture, slavery, rape, the abduction of civilians and the use of child soldiers (International Criminal Court, 2005). The LRA abducted at least 20,000 Ugandan children between 1987 and 2006 (Human Rights Watch, 2012). *The Guardian* reported in 2015 that the LRA is responsible for the deaths of over 100,000 (Burke & Mwesigwa, 2017).

In 1996, in response to the LRA's insurgency, Museveni's government ordered everyone in Gulu and elsewhere in Northern Uganda to leave their homes in 48 hours and move to internally displaced person (IDP) camps. While the government claimed the camps were necessary to protect the Acholi from the increasing violence, the poor conditions in the camps intensified anti-government sentiments among the affected Acholi. Not only did the LRA attack a number of people even within the camps, but also the camps were "crowded, unsanitary, miserable places to live" (Human Rights Watch, 2012). Cholera and other diseases spread throughout the camps, residents were cut off from basic necessities which led to severe malnutrition, and the World Health Organization estimated that the death toll in the camps was higher than the death toll from the violence itself (Ministry of Health, 2005).

In 2006, the government of Uganda and the LRA negotiated a peace agreement in Juba, Sudan. The LRA followed the terms of the agreement, under which it left Uganda and operated

instead in the neighboring countries of Democratic Republic of Congo and what is now South

Sudan. As a result, relative peace has returned to northern Uganda (BBC News, 2006).

Post-conflict reconstruction

The vast majority of people who lived in IDP camps during the conflict have now

returned home, but property insecurity and displacement remain big issues in Gulu. Article 11,

Clause 1 of The African Union Convention for Protection and Assistance of Internally Displaced

Persons in Africa requires states to "seek lasting solutions to the problem of displacement by

promoting and creating satisfactory conditions for voluntary return, local integration or

relocation on a sustainable basis and circumstances of safety and dignity" (African Union, 2009).

However, the conflict resulted in mass destruction of land, which threatened the ability of IDPs

to return to their property post-conflict. Additionally, the government's forced encampment

policy resulted in the vacancy of a lot of arable land, allowing for rampant land-grabbing by

politicians and the business community vying for "spoils of war" (Veney, 2007). As the

government and investors work to develop Gulu's economy and reconstruct land and

infrastructure destroyed during the war, forced displacement from government officials and

construction companies has become a common problem. A United Nations report from 2011

quantifies the extent of the issue of land insecurity, estimating 94% of cases before Local

Council Courts and 70% of cases before traditional leaders in Acholiland relates directly to land

(Burke & Omiat Egaru, 2011).

A lack of federal land registration makes obtaining land security difficult. Because land

registration, in the form of land titles and Certificates of Customary Ownership (CCOs), are

uncommon in Gulu, the government does not have official records of most private land, and

many returnees who were in camps for years are unable to recall the exact boundaries of their land, which leads to property disputes with neighbors (Veit, 2017). Many IDPs also returned home to find their land occupied by someone else. According to Section 29 of the Land Act, a "lawful occupant" of land is someone who "had occupied and utilised or developed any land unchallenged by the registered owner or agent of the registered owner for twelve years or more" (Land Act, 1998). Many IDPs were in camps away from their land for longer than twelve years, so within that time, a person could have received legal ownership of land that was once resided in by IDPs, leaving them without a place to live.

In 2004, the government adopted the National Policy for Internally Displaced Persons. Section 3.6 states, "ensure that IDPs are not arbitrarily or compulsorily deprived of property," and although deprivation of property is a relatively common phenomenon in Acholiland, the government uses economic development as justification. The IDP policy also gives the burden of post-conflict land recovery to the government, but it falls short of making it a right for former IDPs (Veit, 2017). In 2007, the government of Uganda, in coordination with the United Nations High Commission for Refugees (UNHCR) launched the Peace, Recovery and Development Plan (PRDP), which aimed to spend $600 million to fund empowerment programs and build infrastructure such as health centers and schools, but development projects like PRDP have justified rampant land-grabbing by the government and investors, making it even more difficult for IDPs to reclaim their property lost in the conflict (United Nations Development Programme, 2015).

Land rights in the Constitution of Uganda, Land Act, and National Land Policy

The 1995 Constitution of Uganda, 1998 Land Act and 2013 National Land Policy all outline important aspects of land rights in Uganda, including rights regarding land ownership and compulsory acquisition, systems including land registration, institutions including the Uganda Land Commission and future governmental plans to strengthen land security. Figure 1 below concisely summarizes key sections of all three documents.

Figure 1: Selected sections of government documents pertaining to land ownership and customary tenure in Uganda

Document	Section	Summary
Constitution of Uganda (1995)	Article 26	Gives the right of every citizen to own property and states the conditions under which the government can compulsorily deprive citizens of property
	Article 237	Recognizes four land tenure systems and allows for certificates of customary land ownership
	Articles 242-244	Give the government the right to regulate the use of land, including the exploitation of minerals and creation of land tribunals
Land Act (1998, amended 2004, 2006, 2010)	Sections 22-26	Define criteria of forming communally-owned land
	Section 27	Guarantees the rights of women, children and people with disabilities to land ownership under customary tenure
	Sections 38 & 39	Provides for a spouse's security of occupancy on family land
	Section 41	Creates a Land Fund to provide fair compensation in the case of forced acquisition
National Land Policy (adopted by the Ministry of Lands, Housing and Urban Development in 2013)	Section 2.3	Identifies the need to specify and clarify guidelines and procedures for fair compensation by local governments
	Section 3.3	Addresses the lack of tenure security customary landowners face and the tendency of women to be discriminated against under customary tenure

Article 26 of the Constitution of Uganda, adopted in 1995, gives citizens protection from deprivation of property. Clause 1 states, "Every person has a right to own property either individually or in association with others." Clause 2 lists two conditions that allow the government to compulsorily deprive citizens of their property: the acquisition is "necessary for public use or in the interest of defence, public safety, public order, public morality or public health" and the acquisition is "made under a law which makes provision for— (i) prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of the property; and (ii) a right of access to a court of law by any person who has an interest or right over the property."

Article 237 address land ownership. Clause 1 states, "Land in Uganda belongs to the citizens of Uganda," but clause 2 gives the government the right to "acquire land in the public interest" under the conditions listed in Article 26. Clause 3 recognizes four land tenure systems: customary, freehold, *mailo* and leasehold. Clause 4 states, "all Uganda citizens owning land under customary tenure may acquire certificates of ownership in a manner prescribed by Parliament," and "land under customary tenure may be converted to freehold land ownership by registration."

Articles 238 and 239 sets up the Uganda Land Commission, which "shall hold and manage any land in Uganda vested in or acquired by the Government of Uganda […] and shall have such other functions as may be prescribed by Parliament." Articles 240 and 241 creates district land boards, which are "to hold and allocate land in the district which is not owned by any person or authority," "to facilitate the registration and transfer of interests in land" and "to deal with all other matters connected with land in the district."

Article 242 gives the government the right to regulate the use of land. Article 243 gives Parliament the right to establish land tribunals. Article 244 gives Parliament the right to make laws regulating the exploitation of minerals and states, "Minerals and mineral ores shall be exploited taking into account the interests of the individual land owners, local governments and the Government" (The Constitution of the Republic of Uganda, 1995).

In 1998, the Parliament of Uganda passed the Land Act, which restates many ideas initially formed in the Constitution, while expanding on the land rights of citizens in many ways, including by recognizing certificates of formal customary ownership, communal land associations and women's rights to land ownership and decision-making regarding land transactions. The Act also requires land management institutions, including the Uganda Land Commission, District Land Boards and the Communal Land Association, to have female representation. The Land Act has been praised for being fairly progressive in establishing protections for women's land rights (Land Act, 1998).

In 2013, Parliament adopted Uganda's National Land Policy, drafted by the Ministry of Lands, Housing, and Urban Development. Rather than advocating for legal reforms, the Policy provides a framework to govern land rights in the future, explicitly acknowledging the failure of the Constitution and Land Act to effectively address discrimination in acquisition compensation and women's land rights (National Land Policy, 2013).

Local government structure

Gulu District is made up of 16 sub-counties. The district is led by the elected Local Council V (LCV) chair. The LCV chair leads the LCV council, which consists of representatives from the sub-counties and debates decision and budgets. Each county within the district is

represented in the national parliament by an elected member (an MP). The Local Council IV (LCIV) committee consists of Local Council III (LCIII) members. Each sub-county is run by an elected LCIII. Within sub-counties are parishes, run by elected Local Council II (LCII) chairs. Parishes consist of multiple villages. Each village is run by a Local Council I (LCI) chair. Local Councils at each level have different tasks—LCIIs, for example, are largely involved in settling land disputes (Kavuma, 2009). Figure 2 below summarizes the organization of Gulu District government.

Figure 2: Structure of Gulu District government

Administrative unit	Quantity in Gulu District	Represented by:
District	1	LCV
Sub-county	16	LCIII
Parish	70	LCII
Village	581	LCI

Source: Hopwood & Atkinson, Gulu District, n.d.

Justification

The issue of land insecurity is important in the context of post-conflict development. Forced evictions from property have large impacts on the livelihoods of those affected. Not only are people forced to leave their homes with little to no compensation regardless of whether or not they are able to find new places to stay, but their economic productivity can also be upended if they work from home, thus having to move their businesses or get rid of them completely. On an individual level, if they are unable to find a new home with similar standards and conditions,

they may be forced to move into new homes inferior in quality or further away from their workplaces or schools.

This problem also poses challenges to development on a wider scale. When people have insecure property ownership, they are less likely to start businesses or take risks in their career because they fear being forced to leave their homes. Similarly, businesses are less likely to invest in certain places because of the risks associated with weak tenure rights. Thus, strong property rights equate to greater economic activity (O'Driscoll Jr. & Hoskins, 2003). Additionally, longer routes to get to work or school leads to more people and vehicles on the road at any time, causing greater traffic congestion. This poses a dilemma for the government, who must weigh building roads and highways that require construction at the sites of residential areas and respecting the property rights of citizens. This decision can be a tough one for the government to make—the harms of forcing people to move, as well as the fact that the government's policy of compulsory acquisition is unpopular within Uganda, are clear, but planned infrastructure projects are often beneficial enough to justify, at least in the eyes of the government, the forced evictions of legal residents.

As a post-conflict district, Gulu provides a unique perspective on the topic. The two-decade-long war halted development in Gulu, putting an already underdeveloped region further behind the rest of the country. Additionally, the conflict altered land demarcations and provided new challenges to land security. By researching in Gulu, the researcher had the opportunity to explore the effects of armed conflict on land conflict and learn from victims of war. While this research could have taken place in any of the eight district of the Acholi sub-region, Gulu is the biggest, and a high number of NGOs have offices located there, so the researcher had the opportunity to speak to more civil society professionals than would have been possible elsewhere

in Acholiland. Moreover, the prevalence of customary land tenure in Gulu and its historic

relationship with Acholi culture has sparked debates about land registration and privatization,

giving me more important aspects of the topic to research.

Statement of Problem

The purpose of this research is to identify the causes and consequences of land insecurity

among residents of Gulu, Uganda. The government, investors and civil society often face a

dilemma when planning to construct large-scale infrastructure projects that would have positive

impacts on economic productivity but may also result in the displacement of civilians. This

problem is evident in Gulu, where displacement caused by conflict made land-grabbing

especially easy. The system of customary land tenure, through which the vast majority of people

in Gulu inherit land owned by ancestors, also can lead to unclear property rights. Research needs

to be done on the effects of displacement on people's livelihoods and possible solutions to

prevent displacement, such as the making land titles more accessible or making development

projects more sustainable.

Objectives

My objectives for completing this research are as follows:

1. To discover the extent of the problem of land insecurity in Gulu and the challenges

   people face regarding their property.

2. To understand and analyze the reasons for land-grabbing and the actors involved in it.

3. To understand and analyze the causes of land disputes and the effectiveness of

   various land dispute resolution techniques.

4. To understand possible solutions to the issues of displacement and property insecurity and whether land registration can prevent forced evictions.

Literature Review

Prior research on this topic includes analyses on women's land rights, land conflict resolution and land grabbing in Acholiland. Most studies attribute customary tenure as a basis upon which land conflicts and land grabbing occur. The formal end of conflict in Northern Uganda in 2006 allowed for research to take place on the effects of the war, but few research exists on the direct connection the government's policy of forced encampment during the conflict and present-day land insecurity in Gulu. Additionally, most existing research is not current enough to account for recent initiatives employed by local government officials and civil society organizations.

Julian Hopwood, a researcher at the London School of Economics, conducted field research in 2015 to determine the reality of women's land rights in Acholiland. While he acknowledges the customary limitations Acholi culture places on women's land ownership rights, he argues the culture is changing, as "customary appears to be becoming more responsive to the needs of women, including those who are divorced or separated" (Hopwood, 2015). A 2017 report by the Joint Acholi Sub-Regional Leaders' Forum (JASLF) and Trócaire draws upon Hopwood's findings, noting that while women have access to customary clan property and "roles in land organization and management," women's land rights are restricted by the patrilineal nature of land in Acholi culture. It also notes that most women in Acholiland are unaware that the constitution guarantees women the right to own land, allowing for discrimination against women to more easily take place. The report identifies widows, female orphans and female and male clan members who were abducted by rebels during the LRA conflict as being especially

vulnerable to discrimination in land rights (Atkinson, Latigo, & Bergen, 2017). Ignorance of land rights and the impacts it has on various minority groups is a topic the researcher explores in his research.

Hopwood further examined 202 reported land dispute cases and found that the formal law system was responsible for resolving very few of these cases, concluding that community leaders are better equipped to mediate land disputes (Hopkins, 2015). Similarly, a 2011 United Nations study affirms that traditional leaders in the Acholi sub-region are preferable to local court systems because they "generally have the trust of the community, a sound knowledge of the situation and the immediate actors involved" (Burke & Omiat Egaru, 2011). While both studies examined the difference in efficiency of resolving land conflicts between courts and traditional leaders, neither addressed the core reasons for this discrepancy, instead focusing on quantitative analysis of reported land disputes. Additionally, both are optimistic about the abilities of traditional leaders to resolve land disputes—while they acknowledge minor challenges, they both note their accessibility and positive reputations throughout Acholi communities. A joint study between professors at Gulu University and various universities in Denmark is remarkably less optimistic, noting the failures of traditional leaders and civil society organizations at protecting women from discrimination in land rights (Reynolds Whyte, Babiiha, Mukyala, & Meinert, 2012). These studies inspired the researcher to examine deeper the differences between courts, traditional leaders and civil society organizations in resolving land conflicts in terms of capacity and effectiveness and to provide greater focus on the challenges faced by dispute mediators which potentially limit their effectiveness to resolve conflict.

UN Habitat's Samuel B. Mabikke contributed research on land grabbing in Acholiland for the Land Deals Politics Initiative (LDPI), arguing "the weakness of clans and LC II courts

offers an opportunity for land grabbers to explore." He uses specific land grabbing schemes in Gulu District and nearby Pader and Nwoya Districts as case studies. Additionally, Mabikke notes the disproportionate effects of land grabbing on marginalized groups, including widows, orphans and the poor who are unable to pay for legal protection to defend their land rights. He advocates for improving local land governance and transparency as solutions to combatting corrupt federal land grabbing and for the end of large-scale illegal land acquisitions (Mabikke, 2011). Anders Sjögren of Stockholm University took a similar approach, studying in-depth an attempt by Madhvani business group to acquire huge tracts of customarily-owned land in Amuru District of Acholiland to create sugar plantations (Sjögren, 2014).

This independent study project adds to existing literature in several ways. Much of the existing research on land insecurity in Gulu addresses customary land and compulsory land acquisition, but there is a lack of research directly linking the LRA insurgency to present-day land insecurity in Gulu, which this research attempts to do. In the same vein, current research leaves a gap in knowledge about the reasons for land-grabbing. Sjögren identifies the fertility and resource-richness of land in the Acholi sub-region as reasons why investors and government officials engage in land grabbing, but while he notes that land grabbing is more prevalent today than before the war, he leaves out the direct role the conflict played in making land grabbing significantly more common. This research attempts to fill this gap, addressing the reasons land-grabbing was not an issue prior to the conflict, but turned into a massive issue after the conclusion of the war. Additionally, while most research covers the entire region of Acholiland, including all eight districts, this paper focuses solely on Gulu, the largest and most urban of the eight. This allows the researcher to provide a narrower lens on the topic, allowing for more in-depth focus on the district of Gulu and additional issues, such as Gulu's rapid urbanization.

Methodology

Research approach

The researcher used qualitative research methods to create a holistic approach to the topic of study. The researcher used individual in-depth interviews, a focus group of rural landowners, participant observation and documentary review to compile this research. The researcher analyzed findings by reviewing interview transcriptions and personal notes taken during interviews and observations. Additionally, the researcher analyzed government documents and news articles published *in New Vision* to stay up-to-date on the topic of study and often brought up the topic in casual conversation with Gulu locals to get a general idea of people's thoughts on the issue. The researcher approached the topic through a paradigm of sustainable development, as an important aspect of land security is its ability to last through generations, including in the events of conflict and instability.

Interviews

This research consisted of interviews with cultural and religious leaders, government officials, NGO professionals and rural landowners in Gulu District. The wide diversity of informants gave the researcher multiple perspectives on the topic of study. The researcher's Academic Director and project advisor recommended and helped him connect with interviewees, and he found additional potential informants through literature-based research. While interview questions differed between each individual interviewed, certain topics, including the LRA insurgency, land disputes, customary land tenure, Acholi culture, land titles and CCOs, were asked to each informant. Asking similar baseline questions allowed the researcher to compare and contrast answers from each interviewee and identify patterns in the information they

provided me. Aside from these questions, interviews were personalized by asking unique questions to each informant, acknowledging key differences between each individual spoken to. These interviews provided valuable information from primary sources about the current state of land insecurity in Gulu and potential solutions. The researcher used a cell phone to voice record interviews, but in cases where the interviewees asked not to be recorded, a laptop or a notebook was used to take notes. The researcher transcribed each interview using Microsoft Word immediately after the interviews took place. Each individual interview was fully in English, so no interpreter was needed, aside from two rural landowners in Gulu District interviewed.

The researcher decided it was important to interview many NGOs in order to learn extensively about the role civil society plays in providing and advocating for property security and the challenges it faces in implementing related projects. He spoke to representatives of seven civil society organizations in Gulu, including (in chronological order) World Vision, ActionAid, People's Voices for Peace (PVP), Refugee Law Project (RLP), Human Rights Focus (HURIFO), Gulu NGO Forum and Acholi Religious Leaders Peace Initiative (ARLPI). In addition to the baseline questions listed in Appendix 3, the researcher asked each organization about individual projects they coordinate. For example, the researcher earned from World Vision about their Gulu reception center, which focused on linking children formerly abducted by the LRA with their rightful parents until it closed in 2013, and the impact this program has had on such children's land security. With the exception of World Vision, the researcher interviewed one staff member at each of these organizations. At World Vision, he interviewed five staffers. Each worker answered certain questions based on their individual areas of expertise. Each interview took place in Gulu District at the respective organization's office, with the exception of an interview

with the founder and coordinator of PVP, who invited the researcher to interview her at her house.

In order to learn more about Acholi culture and the role of cultural and religious leaders in providing and advocating for property security, the researcher interviewed Hon. Ambrose Olaa, the Prime Minister of *Ker Kwaro Acholi*, which translates to "Acholi Cultural Institution," and Kenneth P'Oola, the estate manager of the Diocese of Northern Uganda. *Ker Kwaro Acholi* is an institution made up of cultural leaders and elders who provide Acholi culture-based education and other services, including land dispute mediation, to individuals in Acholiland. By speaking to Olaa and P'Oola, the researcher gained valuable knowledge on Acholi culture, including the significance of land in Acholi tradition and the importance of cultural and religious leaders in helping others protect their land.

In order to learn more about the topic of study from a governmental perspective, the researcher spoke to three district officials: (in chronological order) the Senior Land Management Officer, the Resident District Commissioner and the LCV Chair. By speaking to these government officials, the researcher learned about the complex processes of land dispute arbitration and land title registration and the factors which often limit the effectiveness of both. Although the researcher was advised by the LCV Vice Chair who had plenty of connections with others in Gulu local government, securing interviews with government officials proved to be a challenge because they had busy schedules, but learning about the government's role in managing the allocation, acquisition and protection of property greatly enhanced this research.

Recognizing the importance of the perspective of national officials as well as more local ones, in addition to district officials, the researcher interviewed one national official, Hon. Norbert Mao, the President of the Democratic Party of Uganda and formerly the LCV chair of

Gulu District and Member of Parliament (MP) representing Gulu Municipality. This interview was beneficial to understand more about Gulu as it relates to national land policy and law enforcement, while also providing information on the subject based on his experiences representing Gulu in multiple governmental capacities.

Focus group discussion

With the help of the project advisor and other individuals, the researcher coordinated a focus group discussion consisting of ten individuals, four of whom were women and six of whom were men. Each of the focus group participants were residents of Burobo Village in Liliya Parish, Bungatira Sub-county, Gulu District. The participants' ages ranged from 26 years to 61 years. The gender and age diversity of the focus group allowed the researcher to hear a variety of perspectives. The focus group discussion lasted approximately an hour, during which the researcher gained a significant amount of knowledge in a small period of time. Very few of the participants spoke English (they all spoke Acholi dialect of Southern Luo, a language native to Northern Uganda), so the researcher used an interpreter. During the focus group discussion, the researcher made many efforts to make the participants feel comfortable sharing their experiences. The information learned from the focus group discussion significantly influenced the research findings, conclusions and recommendations.

Participant observation

After interviewing Eric Lajul, a project officer at ARLPI, the researcher attended a public dialogue his organization was hosting in Wanglobo Village, a remote community in eastern Gulu District. Though the number kept changing as people left and entered the dialogue at their free

will, roughly 60 members of the community attended the dialogue. Lajul spoke for about an hour to teach them about their land-related rights as granted by the Constitution of Uganda, Land Act and National Land Policy. At the end, members of the community shared their opinions on many aspects of the issue, including land dispute resolution and compulsory acquisition. Observing this dialogue was very beneficial to the research, as the researcher learned multiple individuals' thoughts on the topic, while also learning more about the topic myself. At the end of the dialogue, the researcher individually interviewed two members of the community who currently have unresolved land disputes.

Ethical considerations

Prior to each interview, the researcher ensured the consent of the interviewees, either through verbal means or through the use of a consent form. Each informant was made aware of the researcher's purposes in interviewing them and gave permission to use their information in the research paper. The consent form can be found in Appendix 6. Each rural landowner interviewed is unnamed throughout this research report in order to respect their privacy.

The researcher acknowledges that, to many, this topic is a sensitive issue. Additionally, it is a very politicized issue in Uganda, frequently making front page headlines in national newspapers, and one that is currently being debated by Parliament in the form of a constitutional amendment. The researcher made it clear to each person interviewed that they did not have to answer any question they did not want to. The researcher brought this up again in the focus group discussion when bringing up particularly sensitive topics, including the LRA conflict and contemporary land issues.

Challenges and limitations

Throughout the research period, the researcher encountered a variety of challenges and limitations. The biggest limitation was the time constraint—the research period lasted only six weeks, and more time would have allowed for more data collection. The researcher spent five of the six weeks in Gulu and the final week in Kampala. A few people he had hoped to interview were busy during these periods—this was especially the case when in Kampala, where the researcher was unable to interview multiple people he had hoped to interview (one official at the Ministry of Land, Housing and Urban Development; one official at the Uganda Land Alliance, one official at the Uganda Land Commission and two lawyers knowledgeable on the topic) because they were busy or out of town throughout the duration of the week. Additionally, it was occasionally difficult for people to understand the purposes of the research, making them unsure whether or not they should participate. The researcher faced this problem especially with NGO professionals and government officials.

The language barrier also provided limitations. While most individual interviewees spoke fluent English, the two rural landowners did not, and neither did nearly all of the focus group participants. Although the researcher used extremely helpful interpreters, it is difficult to be certain that translators were accurately translating the researcher's questions and the participants' answers.

Being a white researcher may have slightly impacted interviewees' answers. The researcher found that many people in Gulu think of white people as wealthy and capable of helping people, so occasionally, interviewees asked me for advice, though the researcher is not qualified nor ethically able to provide such advice.

Research Findings and Discussion

Importance of land security in Acholi culture and economy

The researcher found that secure ownership of land is, in many cases, crucial to Acholi culture and economic productivity. Hon. Ambrose Olaa, Prime Minister of *Ker Kwaro Acholi*, said that land plays a critical role in Acholi identity, noting the existence of "a divine, spiritual bondage between the people and their land." There are many traditional Acholi customs that require land ownership, including the widely held practice of burying family members on one's own ancestral land. The relationship between ancestors and their land is considered important—destruction or loss of the land would cause the family to use their connection with the spirits of their ancestors. Because of this, land security should be considered particularly important in the Acholi sub-region. Hon. Martin Ojara Mapenduzi, LV5 chair of Gulu District, said, "customary land is owned by three different people: the dead, the living, the future." Living on one's own ancestral land and passing this land onto the next generation is an integral aspect of traditional Acholi culture. One focus group participant spoke of the cultural significance of land through a personal narrative. Upon returning home from an IDP camp after the conflict had concluded, she found evidence of deceased human bodies on her family's proeprty, so she underwent an extensive cleansing process and prays daily for the spirits of the dead strangers to stop haunting her family's ancestral land, a sacred resource in Acholi culture.

During the conflict, it became more difficult for Acholi to practice their own culture. While they were living in IDP camps, it was often too dangerous for them to visit home, so those who died were unable to be buried on their ancestral land. Olaa said regarding Acholi culture, "for 20 years of conflict, the people of Acholi never had the space or the time to practice it. The elders could not transmit the necessary skills and knowledge onto younger generations." This

created a gap in knowledge of and interest in Acholi culture between youth, including those born in IDP camps, and elders. Younger Acholi are less likely to practice Acholi customs and have less trust in cultural institutions, like *Ker Kwaro Acholi*.

Land ownership is also of primary economic importance to most landowners in Gulu. As noted above, Gulu's economy is predominantly based on agriculture. The ability to grow crops and graze livestock on one's land without fear of losing their land is often necessary to make a living selling crops and meat and providing food for oneself. Property disputes often put land security in jeopardy. One rural landowner in Wanglobo Village currently has a dispute with his maternal uncle over land after already having lived there for 50 years since he was three-years-old. He mentioned that as a result of the conflict, his uncle's friends and family have beaten and killed his animals and chopped down his eucalyptus trees, hurting his business of selling meat and vegetable products at a roadside market. While this example is an extreme case, multiple other respondents said their land is integral to their economic well-being. Perhaps Ms. Rosalba Oywa, founder and coordinator of People's Voices for Peace, said it best:

> "Land is your mother. It is your means of production, it is where you live, it is
> where you raise your chickens, it is where you can get everything, including wild
> food and urban medicine. That is how [Acholi culture] looks at land."

Impacts of the LRA insurgency on land insecurity

The researcher found that the LRA insurgency had massive implications on the lives of survivors, confirming and expanding upon literature published prior to commencing research. The armed conflict impacted the property security of Gulu residents in many ways. LRA rebels destroyed plants and fences used to demarcate property boundaries, making it difficult for

landowners to know where one's property begins and ends and thus opening the door to land disputes with neighbors. Due to a lack of land registration, people have historically relied on such demarcations, as well as the knowledge of clan elders, to know the boundaries of one's ancestral land, but because many of the demarcations were destroyed and many elders died during the conflict, land disputes became more common. Most significantly, the conflict contributed to increasing greed and profit-driven motives of Gulu residents and outsiders, disrupting traditional Acholi values of communal land and thus increasing property insecurity.

As noted earlier, the vast majority of land in Gulu operates under customary tenure—the research corroborates this. Of the 12 rural landowners interviewed, either individually or as part of the focus group, all but one own land customarily. Ancestors of the interviewees have lived on their respective land for as long as 300 years or more. None of the rural landowners have registered their land in any way, whether through a land title or a CCO. Because of this, there are no formal records proving the boundaries of their properties.

The most popular way to demarcate properties in rural Gulu is by planting distinct plants, such as large trees, and stones along boundaries (75 percent of the rural landowners interviewed said they use plants, stones or a combination of both to mark their property boundaries). Two of the landowners have nothing to mark their land boundaries other than a thin line of dirt between their neighbor's and their own gardens. Focus group participants noted that more durable border markings, such as walls and fences, are far less common than plants, stones and dirt because they are more expensive. Three of the ten participants said their land boundaries were destroyed during the LRA conflict, leading to confusion about the size of their land.

Multiple informants said that before and during the war, land disputes were not at all common. Olaa, who currently helps manage and oversee *Ker Kwaro Acholi*'s land dispute

mediation, said, "before [the conflict], we never had these land conflicts. I never heard of any."

Today, land disputes in Gulu are more common than ever before, the research indicates. Cpt.

Santos Okot Lapolo, Resident District Commissioner of Gulu, said, "90 percent of the people

you see here is here to for help with a land conflict," pointing to a room filled with at least a

dozen people waiting to speak to him. "90 percent of the files behind my desk are about land

conflicts. It is the biggest issue in this district." Each rural landowner interviewed, including all

the focus group participants, said they either have had a land dispute in the past or currently have

one. As mentioned earlier, land conflicts are often caused by uncertainty of land boundaries,

making it easy for neighbors to encroach on one's property, intentionally or otherwise.

The armed conflict also indirectly resulted in the increasing commodification of property

in Gulu. This is partly caused by the government's policy of forced encampment during the war.

Hon. Norbert Mao, President of the Democratic Party of Uganda [formerly Member of

Parliament (MP) representing Gulu Municipality and LCV chair of Gulu District], referenced a

program implemented during the conflict called "Food for Work," through which IDPs could till

land in the camps in exchange for extra food. He noted that this program helped develop

capitalistic attitudes in IDP camps. Alex Ojera, Senior Land Management Officer of Gulu

District, said:

> "Young people born in IDP camps were used to the soft life of being given
>
> everything. They were given food, shelter, clean water, everything they could
>
> need by NGOs when they were in camps. They never had to work. So they cannot
>
> dig, they cannot plow. They don't know how to farm because they grew up in
>
> camps where things were handed to them. But after the camps closed when the
>
> war ended, many of them didn't know where their land was because their parents

died, or they were separated from their families. The only way for them to get

land was by taking it from people by force, then selling the land, then using the

money to buy a *boda boda* [motorcycle taxi] as work because it's easy, it requires

little skill and it's not hard labor. Most of the *boda boda* drivers you see on the

road today probably acquired their vehicles that way."

This was eye-opening to the researcher, especially because there are seemingly more

boda bodas on the road in Gulu than cars at any given time. Other informants corroborated

Ojera's comment. Mapenduzi said that after the conflict, many people "resorted to making quick

money through the sale of land, and that created a lot of conflict. But some people thought this

was the easiest way to make a living." The conflict caused people to become more driven by

individual profit than Acholi-valued communalism, due in part by the government's forced

encampment policy, which the researcher concludes was poorly implemented. A lack of

educational and cultural opportunities available at IDP camps allowed people to lose touch with

Acholi culture and the importance it places on ancestral land, and people began to see land

instead as a status of wealth.

This land grabbing is making long-term alterations to Gulu society. Land grabbing is

occurring at both ends of the socioeconomic spectrum—young, low-income people often attempt

to take land from others to rise in status, while those at the top often strive to remain there.

Olaa commented on the development of new social classes:

"[During the conflict] we lost a lot in terms of focusing on the aspects of

brotherhood, the bonding, the 'looking at the other person,' the importance of

relationship. After the conflict, these relationships are loosening, and some of the

problems include the development of new social classes: the educated, the people

with money, and some of these within families. So these people [in higher social

classes] wanted to grab more from the others because of their new statuses. So

within families, we're also seeing a lot of wrangles."

Impacts of development projects on land insecurity

In addition to individuals, the Government of Uganda, private companies and outside

investors have engaged in land grabbing under the guise of development projects. Multiple

informants said the government's forced encampment policy allowed for government-sponsored

land grabbing—by ordering everyone in Gulu to leave their homes and live in camps, the

government left large pieces of property vacant for a long time, making land grabbing easier.

The government has at a least a few motives in taking land away from Gulu residents. As

noted in the background section, the war caused Northern Uganda to fall further behind the rest

of the country in development, so the government is eager to make up for the two decades lost by

rapidly investing in large infrastructure projects. To obtains land for the projects, the government

sometimes destroys private property. As noted, the Constitution allows for the government to

forcibly acquire citizens' land if deemed necessary "in public interest" and as long as forced

landowners are adequately compensated for their loss of property (The Constitution of the

Republic of Uganda, 1995). However, this compensation can take years as the government

assesses the value of the land. Gulu residents often appeal for a higher value, but appeals are

almost never successful.

Additionally, many Gulu District officials feel the government has monetary incentives to

engage in land grabbing. In many cases, the government has given private investors the green

light to acquire privately owned land. All of the focus group participants said they fear the government will one day take their land away, with one saying, "if the development continues, if Gulu is declared a city, I fear my land will be taken over. Actually, I know land will be taken over." Mapenduzi attributes this fear to past government activities, including government-sponsored forced evictions from 40,000 hectares of land in neighboring Amuru district so Madhvani business group can build sugar plantations. A quote from Lapolo best summarizes the government's post-conflict reconstruction efforts: "Society is dynamic. Where there is competition, we expect development. But this development is suppressing the poor."

Land dispute resolution

Gulu residents have multiple paths to choose from in order to resolve land disputes. When two parties have a dispute over land, they can choose to go through the formal court process or the more informal mediation process to resolve it. Under the formal process, LCIIs at the parish level are in charge of handling land disputes. If the LCII is unable to resolve the dispute, the case would go to an appellate court at the sub-county level. If the case is still not resolved, the case would go to the Chief Magistrate Court or the High Court at the district level. At any stage in the court process, a judge can refer the case to mediation and appoint a mediator. If both parties have registered land, they can begin the process at the Chief Magistrate Court.

If the two parties agree not to go to court, they can resolve their dispute informally through mediation. Many organizations, including ActionAid, ARLPI, HURIFO and RLP provide free land dispute mediation services in Gulu. Other individuals, including village elders and religious leaders, and institutions, including *Ker Kwaro Acholi* and the Archdiocese of Gulu District, also often resolve land disputes. Figure 3 on the next page shows the process through which land disputes by two parties without registered land occurs.

Figure 3: Land dispute resolution process
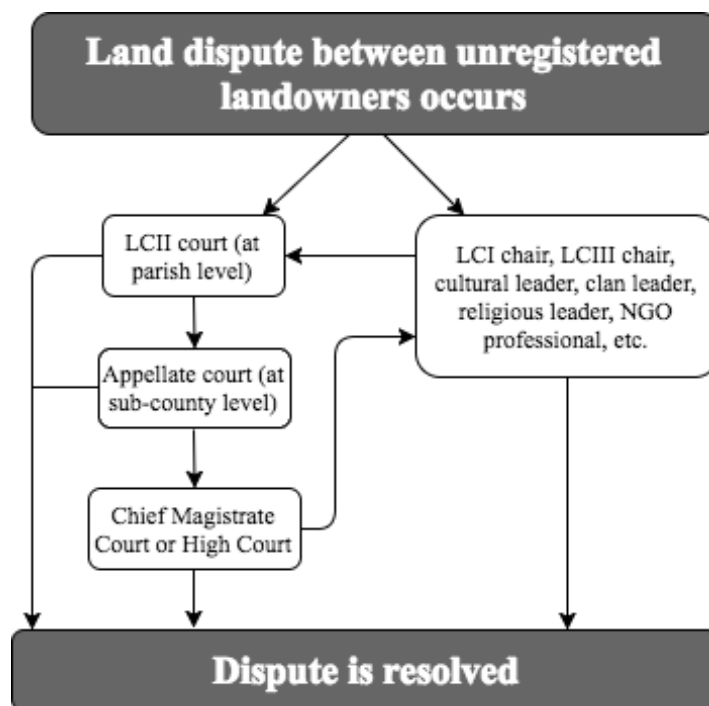
Informal resolution is much more common for a number of reasons. The biggest reason is that courts are often inaccessible to low-income people. To get a case heard at LCII courts costs an average of about 10,000 Uganda shillings (UGX). If the case is appealed and heard at higher courts, both parties have to pay even more money. They also have to pay for lawyers and other forms of legal aid. The fees associated with going to court make informal mediation more attractive. Time constraints are another factor—courts, including the chief magistrate court, are understaffed, so they often cannot hear multiple cases at a time. Cases can therefore take a long time to be finished—P'Oola mentioned a case that has been at the Chief Magistrate Court for the last seven years, but a backlog of cases is preventing the further progression of the case. Courts can also be difficult to get to. Public transport in Gulu is limited to taxis, which can be difficult

to locate and do not run on a regular schedule, and *boda bodas*, which are more expensive and also occasionally hard to find in rural villages.

Mediation is viewed by many officials and Gulu residents as a locally-sourced method of dispute resolution. Francis Odongyoo, the Executive Director of HURIFO, said:

> "The court process that we use was decided a long time ago by our colonial oppressors in Europe. People don't know the rules of court. That's not justice. But through the traditional system of mediation, there is a semblance of honesty. We are not the judges—it is the people on the ground."

Many informants also said the system of mediation shares the Acholi values of communalism and compromise. All the people involved in mediation interviewed, including those who have undergone land dispute mediation and mediators themselves, said mediators always try to find a win-win solution to make both parties happy. Under the court process, however, there is a winner and a loser—in the quote above, Odongyoo mentions that rather taking the role of a judge when mediating land disputes, mediators at HURIFO defer the judgment to people in the community. He views the court process as an import from the colonial era, noting its values clash with Acholi culture.

Additionally, NGOs and local leaders are generally more trusted than LCII courts in resolving land disputes. Some feel LCIIs show bias toward people from their own village. Many informants also noted the court system is corrupt—judges often accept bribes, giving wealthier parties an advantage. One landowner the researcher talked to is a victim of this corruption—he said he has been trying to resolve a land dispute for the past three years, but his aggressor has bribed their LCI and LCII, so neither are willing to help. He even reported the case to police

officers, but he suspects they have been bribed as well because they refuse to help him. Most landowners the researcher talked to said that, in the case of a property dispute, they would prefer to mediate the dispute outside of court and only go to their LCII if they are unable to resolve it first through mediation.

Land dispute mediators face many challenges which complicate the resolution process. Mapenduzi said he offer mediation services at his office, but he has a personal policy of ensuring 75 percent of family members are in full agreement with the outcome of the mediation, so it can take days or weeks. Eric Lajul of ARLPI also mediates services and said that it is often difficult to mediate a land dispute when he does not himself know the history of the land in question. To overcome this problem, he invites members of the community to watch and participate in the mediation so they can fill in gaps in knowledge. Informants at ARLPI, HURIFO and ActionAid said people involved in land disputes often are not knowledgeable about land rights, which also makes the mediation process more difficult. ARLPI and ActionAid also train people in various villages to mediate land disputes in their own communities, which makes mediation more accessible, but at the public dialogue, most people agreed that the five individuals in the village ARLPI trained to mediate land disputes are generally unhelpful, indicating weaknesses in the training services offered by ARLPI. Lajul and Albert Kwawan of ActionAid both said they occasionally refer cases to court if they cannot resolve it through mediation.

Land registration

The issue of land registration is contentious in Gulu. Some officials believe land titles or CCOs are the solution to the growing problem of land grabbing. Ojera said, referring to land grabbing, "land titles are the answer, and they would reduce all this nonsense." Under this

reasoning, once land is titled, there is then official documentation of the land, including its boundaries, which would make land disputes less common and easier to resolve. Organizations including ARLPI and RLP advocate for landowners to register their property and guide them through the process.

The process, as it turns out, is extremely complex, confusing and bureaucratic. In order to obtain a title for their land, landowners must first hire a surveyor, who measures the size of the property and demarcate the boundaries. However, there are few regulatory mechanisms in place for surveyors, and it is common for surveyors to overcharge customers and to inaccurately survey the property. After the land is surveyed, the landowner must file an application with the Sub-County Land Board, who must then send the application to the District Land Board, who then sends it to the national Uganda Land Board, who either approves or disapproves the land title. The application process is deceptively expensive—an increasingly large fee is required at each step of the application process. Ojera estimated that, while the cost depends on the size and location of the property, the average land title in Gulu District costs roughly 1.8 million UGX. He said that, on average, about 500 people in the district apply for land titles every year, but only about 150 actually succeed at getting a land title—the other 350 applicants either stop along the way, usually due to the exorbitant cost, or their applications are rejected.

CCOs are much cheaper (they cost about $5,000 UGX each) and the process of obtaining one takes only three months—by comparison, obtaining a land title almost always takes longer than a year. CCOs also have the support of multiple officials, including NGO officials at ARLPI and LCV officials in the district government. Mapenduzi said his office is preparing to pilot a CCO registration program in coordination with Zoa International, a global NGO with an office in Nwoya District, which neighbors Gulu. CCOs are much less common than land titles, even

though they are cheaper, because they are perceived to have less security than titles, even though the constitution and 1995 Land Act both recognize CCOs are a legitimate instrument to formalize and register customary land. A key difference between land titles and CCOs is that land titles only recognize a single individual as the owner of a property, but CCOs can recognize multiple groups of landowners, including clans and extended families. Some Gulu residents and officials believe land titles are the only way to protect themselves from government-sponsored land acquisition.

CCOs still fail to recognize the reality of customary ownership in Acholiland. Much of the land in Gulu is owned communally, as emphasized in Acholi culture. CCOs do not allow for the registration of communal land shared between multiple families. Lajul recognizes the limitations of CCOs but acknowledges the lacking of a better alternative. Additionally, many officials are skeptical of the government's recent advocacy for land registration, as they believe the government wants people to register land to make land grabbing and privatization schemes easier. Obtaining a title for customary land in effect converts the land into freehold land, as a land title only recognizes one owner, which inherently gives the land monetary value and allows it to be bought and sold. Oywa disagrees with the practice of registering customary land, arguing: "The whole notion of registering land is to make land a commodity that can be sold. It is the easiest way to lose land, and that is the direction the government is going in." Mao, in agreement with Oywa, said:

> "Registration means, in effect, converting customary land into freehold land. It is
> not a part of traditional Acholi culture. That's why the government is pushing
> people to get land titles—because privatizing land will make it easier for them to
> take it. Registration is the way out."

Lack of public knowledge about land rights

The researcher found that an alarmingly low number of landowners in Gulu are educated about the rights granted to them by the constitution and the Land Act. This first became clear during the focus group discussion, when each participant seemed to be unaware of Article 26 of the constitution, which requires the government to provide proper compensation in the case of compulsory eviction prior to the eviction taking place. At the public dialogue, many participants seemed surprised to learn that married couples are required to share all property equally and that Section 27 of the Land Act guarantees women the right to own customary property free of discrimination, which indicates differences between the law and the reality of the law's enforcement. Public dialogues such as the one the researcher attended are important in providing people the knowledge of their rights.

Ignorance of the law is a big problem in Gulu, and many informants cited illiteracy and a lack of education about land rights as among the root causes of land grabbing. Oywa said,

> "People grew up in camps knowing nothing. Lack of awareness about land rights is a major issue at the moment. When people don't know about rights to land, government laws, customary law, people won't know where to go if there's a problem, and that happens a lot."

If an individual claims a piece of someone else's property and the victim does not know their rights, or they do not know who to go to for help, it is easier for the victim of the land grabbing to give up the piece of land rather than fighting for it through an unfamiliar process. Additionally, it is more difficult for people uneducated about land rights to ask for proper

compensation in the case of compulsory acquisition by the government. It is also more difficult to apply for land titles or CCOs if they do not know the process of obtaining one, or even that they exist. Education on land rights is a big gap that organizations like ARLPI are attempting to fill.

Women's land security

Because land is inherited through paternally, women face unique challenges to accessing land in Gulu. This is especially true with widows and women who divorce their husbands—when a woman marries, she typically moves to her husband's family's land, but when a woman's husband dies or they divorce, the husband's family often pressures the widow to leave their home because they no longer have any ties to the widow. In this situation, woman must find a new home, by either moving back in with her clan, remarrying or purchasing new land, and this can be more difficult and urgent if the woman has children. One of the focus group participants experienced this lack of land security after her husband died in the LRA conflict, saying she had to move back onto her own family's land with her children. Luckily, she had no problem locating her family when the war ended, but if she was unable to, which was a common problem, her situation would have been more dire.

ActionAid recognizes the disproportionate amount of land security women face and prioritizes offering legal aid to women before men. Kwawan said,

> "If you are in this community and you have a girl and a boy, you are socialized to think that the man will acquire land and the woman will not. Girls will move in with their husbands, but if they come back, they are in a vulnerable position because they don't have land. Also, the war had implications on women. […]

More men than women died because men culturally tried to defend their families. Some men are now trying to grab this land from women. More women are engaged in agriculture than men—over 60 percent of those in the gardens are women, so it's important they have access to land to cultivate."

Though the constitution gives men and women equal land rights, Acholi culture places limitations on female land ownership. However, these limitations are slowing being removed—the female focus group participants said they feel as though the culture is slowly shifting in favor of advancing women's land rights.

Conclusions

This study has analyzed the causes and consequences of land insecurity in Gulu, aimed at understanding the key issues of armed conflict, development and privatization, land dispute resolution, land grabbing, land registration and women's land rights in Acholi culture. Despite extensive land rights guaranteed by the constitution and the Land Act, people in Gulu face unique and severe challenges to accessing land, including disputes with family/clan members, neighbors, government, private companies and other individuals over land; cultural stigma against female land ownership; paranoia about future land grabbing; and a clear clash between culture and capitalism, as outside forces reinforce the monetization of land, running directly counter to Acholi culture.

This research indicates that the LRA conflict significantly decreased land security in Gulu. In the short-term, it led to the destruction of land, including the killing of crops and animals, and land demarcations, making it difficult to know one's land boundaries and causing

land disputes. Furthermore, because it was difficult to practice Acholi customs while in IDP camps, the conflict made people lose touch with Acholi culture—this is especially true with young people were grew up in IDP camps removed from their own culture. As such, the values of private wealth and economic status were instilled into people, and the traditional Acholi values of sharing land communally and living on ancestral land were lost among many people, resulting in frequent land grabbing by individuals. Finally, much land was vacated during the conflict as people moved into IDP camps, making it easier for land grabbing by government and private companies.

While the government of Uganda, the Gulu District government and civil society organizations have each implemented measures to improve access to land in Gulu, most initiatives have not been strong enough to have significant impacts on people's land security. Efforts to register land can succeed at reducing the frequency of land disputes and making them easier to resolve, but they can also have the inverse effect of making land grabbing by government and private officials more frequent by removing the cultural significance of customary land. Though NGOs provide many services including land dispute mediation, legal training and public dialogues, many people do not know about them, and people who attend such services still largely feel insecure about their land and unknowledgeable about their land rights. Women especially face land insecurity in Gulu. More research is needed to determine the best and most effective ways to reduce land disputes and land grabbing and make land access more equitable without further infringement on Acholi culture.

Recommendations

Recommendations for the Government of Uganda

The Government of Uganda should stop taking land from people in Gulu, except when absolutely necessary for the public interest. When it does so, it should provide fair compensation for the land and allow for appeals from evicted landowners. The acceptable criteria under which private companies are able to forcibly evict people from their homes should be risen. The government should also stop encouraging the monetization of property and should instead respect Acholi culture and the value it places on family and communalism. The government should work more closely with individuals and locally-elected officials in Gulu to determine a more regionally-focused land strategy.

Recommendations for the Gulu District government

The government of Gulu should crack down on the corruption of members of Local Council and court justices to allow everyone a fair and equitable chance to resolve land disputes. Though the government is well-equipped to solve land-related issues, it should formalize its land mediation process to give people a clearer and more understandable pathway to dispute resolution. Additionally, it should consider formalizing a system of land registration for the district to allow for the registration of communal land or should advocate for the reform of CCOs to allow for communal land registration.

Recommendations for civil society

Civil society organizations should continue to provide services including education dialogues, land dispute mediations, legal training and support services for displaced women.

Organizations should strengthen legal training services to improve land dispute mediation. Cultural institutions such as *Ker Kwaro Acholi* should improve its outreach to younger Acholi to increase young people's trust for the institution and appreciation for Acholi culture.

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Appendices

Appendix 1: List of acronyms and translations

ARLPI	Acholi Religious Leaders Peace Initiative
Boda boda	Motorcycle taxi
CCO	Certificate of Customary Ownership
HSM	Holy Spirit Movement
HURIFO	Human Rights Focus
ICC	International Criminal Court
IDP	Internationally displaced person
JASLF	Joint Acholi Sub-Regional Leaders' Forum
Ker Kwaro Acholi	Acholi Cultural Institution
LC	Local Council
LDPI	Land Deals Politics Initiative
LRA	Lord's Resistance Army
NRA	National Resistance Army
MP	Member of Parliament
PRDP	Peace, Recovery and Development Plan
PVP	People's Voices for Peace
RLP	Refugee Law Project
UGX	Uganda shilling (approximately 3634 UGX in 1 USD)
UNHCR	United Nations High Commission for Refugees

Appendix 2: List of interviewees

Civil society leaders (in alphabetical order)

Michael Anyeko	Project Manager, World Vision
Janet Arach	Project Officer, World Vision
Geoffrey Komakech	Community Development Facilitator, World Vision
Celestine Kiwanuka	Lead Program Manager, World Vision
Albert Kwawan	Project Officer, ActionAid
Eric Lajul	Project Officer, Acholi Religious Leaders Peace Initiative
Filder Odonga	Accountant, World Vision
Francis Odongyoo	Executive Director, Human Rights Focus
Geoffrey Okello	Executive Director, Gulu NGO Forum
Hon. Ambrose Olaa	Prime Minister, Ker Kwaro Acholi
Rosalba Oywa	Founder and Coordinator, People's Voices for Peace
Fred Ngomokwe	Coordinator, Refugee Law Project
Kenneth P'Oola	Estate Manager, Diocese of Northern Uganda

Government and political officials (in alphabetical order)

Hon. Alex Ojera	Senior Land Management Officer, Gulu District
Cpt. Santos Okot Lapolo	Resident District Commissioner, Gulu District
Hon. Norbert Mao	President, Democratic Party of Uganda
Hon. Martin Ojara Mapenduzi	Local Council V Chair, Gulu District

Landowners (in chronological order)

Ten focus group participants	Burobo Village, Gulu District
Landowner #1 (male, 63)	Wanglobo Village, Gulu District
Landowner #2 (male, 72)	Wanglobo Village, Gulu District

Appendix 3: Interview questions guide (officials and NGO professionals)

1. What is your organization's role in securing property rights of Gulu residents?

2. What do you see as the main challenge facing residents of Gulu regarding land?

3. How difficult and costly is it to register land with the government?

4. Do residents of Gulu often seek help regarding any land challenges or disputes?

5. Do you think more needs to be done to help Gulu residents gain property security?

6. How common are forced evictions caused by land-grabbing?

Appendix 4: Interview questions guide (landowners)

1. Were you displaced from your house as a result of conflict or a development project?

2. Was it difficult to return to your land after the end of the conflict? If so, please explain the challenges you faced.

3. Do you own a land title?

4. Have you faced any property disputes? If so, were they resolved? How?

5. How do you mark the boundaries of your land?

6. Do you feel secure in your rights to your property?

Appendix 5: Focus group discussion information and responses

Participants (including gender and age):

Participant A: Female, 43

Participant B: Female, 61

Participant C: Female, 26

Participant D: Female, 35

Participant E: Male, 43

Participant F: Male, 28

Participant G: Male, 32

Participant H: Male, 35

Participant I: Male, 34

Participant J: Male, 30

Questions (in chronological order):

1. Do you own your land through customary tenure?

2. How long has your family lived on your land?

3. Who makes decisions regarding your land?

4. How do you know the boundaries of your land?

5. How important is your land to your economic livelihood?

6. How important is your land to your culture?

7. Did you move to an IDP camp during the armed conflict?

8. After leaving the camp, did you face any challenges returning home?

9. Have you ever had any property disputes? If so, what were the causes? Were they resolved? If so, how?

10. If you were to have a property dispute in the future, how would you try to resolve it?

11. Have you ever considered getting a land title or a Certificate of Customary Ownership?

12. Do you ever fear losing part of your land due to land grabbing, either by individuals, by investors, or by the government?

13. (For female respondents) Have you faced any challenges accessing land because you are a woman?

14. Have you been displaced from your land since returning home from IDP camps? If so, why? Were you fairly compensated?

15. Do you feel as though you have secure rights to your land?

Female participant responses

Question	Participant			
	A	**B**	**C**	**D**
1	Yes	No	Yes	Yes
2	At least 43 years	At least 61 years	Unsure	Hundreds of years
3	Clan elders	Clan elders	Majority of clan	Eldest male in clan
4	Fence	Stones and trees	Large trees	Large trees
5	Very important – farms and sells crops	Very important – farms and sells crops	Very important – farms and sells crops	Very important – farms and sells crops
6	Very important – land means identity	Very important – bury ancestors on land	--	--
7	Yes	Only during nights	Yes, grew up in IDP camp	No
8	Yes – lost husband during conflict, asked to leave husband's land by husband's father	--	Yes – found dead human remains on land, must cleanse and pray daily to stop spirits from haunting her land	Yes – boundary marks no longer there, neighbor encroached on her land
9	Yes – became widow, asked to leave husband's land (resolved: moved back onto family's land)	Yes – conflict with neighbor (resolved: gave up land to neighbor because didn't have money for court)	Yes – conflict with member of clan (resolved: mediation by village elder)	Yes – conflict with member of clan (resolved: mediation by village elder)
10	Mediation by village elder	Mediation by village elder	Unsure	Mediation by village elder
11	Began the process but stopped (too expensive)	Considered, but too expensive	Not considered	Not considered
12	Yes	Yes	Yes	Yes
13	Yes – became a widow, lost land	--	Yes – women usually don't own land	Yes – women have no say in land decisions
14	No	No	No	No
15	No	No	No	Yes

-- indicates a lack of response

Male participant responses

Question	Participant					
	E	**F**	**G**	**H**	**I**	**J**
1	Yes	Yes	Yes	Yes	Yes	Yes
2	At least 43 years	At least 28 years	At least 300 years	Unsure	Unsure	At least 30 years
3	Clan elders	Eldest male	Eldest male	Men	Clan elders	Everyone
4	Stones	Line of dirt	Big trees	Stones, a stream	Part fence, part trees	Line of dirt
5	Very important – graze animals	--	Very important – plant and sell fruits	Very important – farming	--	--
6	Very important	--	Very important	--	--	--
7	Yes	Yes	Yes	Yes	Yes	Yes
8	Yes	Yes – crops and animals were gone	Yes – tree boundaries were gone	Yes	No	No
9	Yes, two neighbors have encroached (resolved: mediation by LCI chair)	Yes, neighbor encroached (resolved: mediation by village elder)	--	Yes, neighbor encroached (unresolved)	--	--
10	Mediation by LCI	Unsure	Mediation by village elder (court if serious)	Mediation by *Ker Kwaro Acholi*	Unsure	LCII
11	Considered, but too expensive and lengthy process	Not considered	Not considered	Considered, but too expensive	Not considered	Not considered
12	Yes	Yes because no land title	Yes because of development	Yes	Yes	Yes because of development
13	N/A	N/A	N/A	N/A	N/A	N/A
14	No	No	No	No	No	No
15	No	No	Unsure	Yes	Unsure	No

-- indicates a lack of response

Appendix 6: Consent form

CONSENT FORM

1. **Brief description of the purpose of this study**
   The purpose of this study is to analyze land insecurity in Gulu, Uganda. It will look at the issue through the Sustainable Development paradigm and will analyze issues such as the impact of armed conflict on land security, land registration, land disputes, women's access to land and Acholi culture.

2. **Risks**
   Risks associated with participation in the study are minimal. All information collected will be handled with the utmost care: upholding confidentiality, privacy, and anonymity.

3. **Benefits**
   It is my hope that the data collected and presented will spread awareness of the issue of land insecurity in Gulu. It will provide recommendations to strengthen land security.

4. **Rights Notice**

   In an endeavor to uphold the ethical standards of all SIT ISP proposals, this study has been reviewed and approved by a Local Review Board or SIT Institutional Review Board. If at any time, you feel that you are at risk or exposed to unreasonable harm, you may terminate and stop the interview. Please take some time to carefully read the statements provided below.

   a. *Privacy* - all information you present in this interview may be recorded and safeguarded. If you do not want the information recorded, you need to let the interviewer know.

   b. *Anonymity* - all names in this study will be kept anonymous unless the participant chooses otherwise.

   c. *Confidentiality* - all names will remain completely confidential and fully protected by the interviewer. By signing below, you give the interviewer full responsibility to uphold this contract and its contents. The interviewer will also sign a copy of this contract and give it to the participant.

_____   _____
Participant's name printed   Participant's signature and date

_____   _____
Interviewer's name printed   Interviewer's signature and date

5. Additional consent

If you consent to any of the following, please indicate your consent with a check mark next to the item followed by a second signature at the bottom of the page.

☙ I consent to having photographs taken and published

☙ I consent to having my name published in the report

☙ I consent to having the information I volunteer used in future publications by the researcher

☙ I consent to having this interview recorded

_____   _____
Participant's name printed   Participant's signature and date

_____   _____
Interviewer's name printed   Interviewer's signature and date