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An inherited animus to communal land: the mechanisms of coloniality in land reform agendas in Acholiland, Northern Uganda

Une volonté héritée pour la terre communale: Les mécanismes de la colonialité dans les programmes de réforme foncière dans l'Acholiland, en Ouganda du Nord

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Access to land for the Acholi people of northern Uganda still has much in common with understandings of the pre-colonial situation. This paper reflects on how collective landholding has faced over a century of hostile policy promoting land as private property. The notion of coloniality arises in this confrontation: the failure of communication ensuing from understanding Acholi social ordering in terms of false entities; and the foregrounding of land as object. The durability of colonial mechanisms emerges in processes such as the codification of the principles and practices of Acholi 'customary land'. Pressure for land reform is driven by external bodies, UN agencies, donor governments and international NGOs, claiming to be seeking to protect the interest of the poor. Yet these offer no respite for the growing numbers of landless people – the colonial agenda appears to have its own momentum, serving no one's interests. Meanwhile misunderstandings and misrepresentations of land holding groups entrenches the subaltern voicelessness of their members, isolating them from any support in dealing with the challenges of too many people on not enough land.

Keywords: colonial durabilities; land; Uganda; Acholi

L'accès au sol pour la population Acholi de l'Ouganda du Nord a encore beaucoup en commun avec les conceptions de la situation précoloniale. Cet article reflète comment la propriété collective du sol a été confrontée à plus d'un siècle de politique hostile de promotion du sol comme une propriété privée. La notion de colonialité ressort de cette confrontation: l'échec de communication découlant de la compréhension de l'ordre social Acholi en termes de fausses identités, et le fait de mettre l'accent sur le sol en tant qu'objet. La durabilité des mécanismes coloniaux émerge dans des processus tels que la codification des principes et pratiques du 'sol coutumier' Acholi. La pression pour une réforme foncière est dirigée par des organismes externes, des agences de l'ONU, des gouvernements donateurs et des ONGs internationales, affirmant chercher à protéger les intérêts des pauvres. Et pourtant ceux-ci n'apportent aucun répit pour le nombre croissant de personnes dépourvues de terres – le programme colonial semble avoir son propre élan qui ne sert les intérêts de personne. Entre temps les incompréhensions et les représentations erronées de groupes de propriétaires fonciers établis l'absence de voix

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subalterne de leurs membres, les isolant de tout soutien pour gérer les défis de trop nombreuses personnes sur des terres insuffisantes.

Mots clés: durabilité coloniale; terre; Ouganda; Acholi

Introduction

Colonial durabilities are typically discussed in contexts of extreme violence and its legacies. Slavery, genocide, forced displacement and apartheid figure in recent scholarship on the Americas, Australia, Palestine and Democratic Republic of Congo by authors including Ann Stoler (2016) and Nancy Rose Hunt (2016). In this paper I explore how the notion may have traction in a somewhat different expression of colonial rule. My focus is on Acholiland in the north of Uganda, exploring how an historical perspective can illuminate problems of contemporary policy on land reform.

This paper suggests ways in which distortions of meaning and failures of translation can function as mechanisms of colonial hegemony. The durability of such mechanisms in ideas of Acholi land can be found in the earliest records of European presence and rule as well as in contemporary land policy reform debates. These mechanisms have not proved widely effective in the colonial and current land reform agendas of individualizing and formalizing land tenure; but they have been highly efficient at excluding Acholi voices from the debate and diverting it from exploring the real problems around land as understood by those who depend on it.

In Uganda today, the World Bank, United Nations agencies and bilateral donors are urging policy reform and funding programmes aimed at individuation and privatization of customary land in Uganda, especially in the north where most land is still held collectively (Hopwood and Atkinson 2013). This activity shares an animus, in both the senses of hostility and motivation, with that of colonial actors towards Acholi land practices. The issue is not that there is no place for land reform, and in fact well-functioning formal land management systems would be a positive development. The problem is the aggressive and indiscriminate reach of such programmes, their effective promotion of individuation of communal holdings, and their wildly false assumption that formalizing tenure is a panacea for a complex web of problems in relation to a huge variety of landholdings. There is some push-back against this agenda, largely by national NGOs, but it is compromised by a failure to accurately represent Acholi landholding past and present. Those actors and involved communities who do understand Acholi landholding are excluded from the debate through what might be described as the linguistic and conceptual hegemony of European notions of land and family.

Ideas of epistemological and hermeneutic hegemony (Fricker 2007) offer some insight into how Acholi landholders are cast as subaltern, denied a voice and a language. That most land remains collectively held, notwithstanding a century of hostile policy, is because land is not something that can readily be detached from family life – what outsiders have understood as land custom is instead how families work, the most fundamental aspect of Acholi culture. To the extent that landlessness and intra-family conflict are escalating, this is associated with localised land shortages, but also with massive social pressures driven largely by poverty. Colonial durability can be perceived in externally driven interventions on land, which instead of addressing those real problems, intensify them. The outcome is the structural violence of mass landlessness in a context where there are for many no alternatives to subsistence farming.

My interest in Acholi land began in 2006 when I relocated from the UK to northern Uganda. Since then, I have been involved, as friend or family member, with a number of landholding communities. This paper draws on a number of different methods and learning experiences, including my close involvement with landholding groups in Acholi as observer and participant. In contrast, in 2011–2013 I co-led a formal UN research programme mapping land conflict across all Acholi

districts (Hopwood and Atkinson 2013). From early 2017, I started to record some of my interactions with my neighbours in Gulu, in particular young women struggling with extreme poverty and caring for their own and often other children. Since 2011 I have been observing and sometimes participating in land policy reform processes through the Northern Uganda Land Platform (NULP) and involvement with the Joint Acholi Sub-regional Leaders Forum.

The Ugandan land reform debate's focus in the north of the country is predicated partly on the fact that there is a high level of international attention on the region due to the Lord's Resistance Army (LRA) war of 1986-2006,¹ and partly on the idea that most northern land is still held collectively and without state formalization, and hence perceived as vulnerable and in need of modernization. The debate is conducted, broadly speaking, between those who pursue an agenda of aggressively promoting the individuation, privatization and titling of land, and those who defend 'customary' land holding practices, including collective ownership, though contending that collective holdings need to be formalized and reformed for reasons including their security against land grabbers.

Certain common characterizations of Acholi landholding – 'customary land' – did not correspond with my experiences of the people and places I was involved with. Ideas such as 'customary land is owned by clans' are in a sense sometimes right, given enough qualification, yet un-nuanced they are utterly misleading. In contexts such as the Northern Uganda Land Platform,² and in the literature produced by its members, such distortions are propagated both by those who seek to defend 'customary' land and those promoting individual tenure.³ In informal environments grassroots actors discuss 'land' problems in terms of intergenerational conflicts; the many young people experiencing dissatisfaction with village life; the difficulties of affording marriage payments and the consequent instability of many relationships; and the rootless, 'homeless' children that are born to them.⁴ The land reform debate instead focuses on land grabbers taking advantage of insecure tenure, and the failure of customary authorities to respect the land 'rights' of individuals, especially women.

I aim to show that Acholi landholding has not, traditionally, been structured directly by customs specific to land, and it is unlikely that in pre-colonial times or at any point since there has been a consistent pattern of land occupation across the region. Today there is a vast diversity in how land is occupied. Even the handful of cases reported here encompass a spectrum of collective to individual control of aspects of land possession and inheritance; and of the roles played by different layers of social organization, often characterized as chiefdoms, clans and sub-clans. In the real world, these constructed ideas of social ordering struggle to function as entities as they are conceived in development discourses. In Acholi culture and language, they denote process far more than quiddity: the notions of *kaka* and *dogola* bring to mind ideas of dynamic types of relationship between people and groups rather than the specific, fixed, identifiable entities implied by translating the terms as 'clan' and 'sub-clan' respectively. The examples used in what follows are intended to illustrate these qualities, as well as showing how hegemonic mistranslation facilitates the colonial project, past and present.

The paper is structured in two parts. The sections 'Conceptual and contextual framing', 'Acholiland past and present', and 'Foreign and indigenous perceptions of Acholi land' outline some theoretical considerations and context as I and others have observed it in the post-LRA war period and as recorded by colonial-era observers.

The second part, 'Hermeneutical distortions' and 'Avoiding hermeneutical traps', explores ideas of Acholi land and how these are misrepresented in most contemporary public discourse, illustrated with cases. I consider the hermeneutical problems of language and entities at the interface of Acholi Luo and English. I describe how a discourse of a crisis of 'land conflict' has come to dominate all approaches to land reform, even those supposedly sympathetic to 'customary land', itself a deeply problematic notion. Lastly, I consider the recent problem of landlessness, the *duress* that is finally being visited on Acholi by contemporary colonial actors.

Conceptual and contextual framing

Uganda's colonial experience was in many ways different to that of its neighbours. There was little land appropriation by settlers compared to Kenya and Tanganyika (Giblin 2005; Shipton 2009); there were none of the mass displacements and de-legitimation of entire populations that occurred in the then Belgian Congo (Vlassenroot 2013); and apart from the South Asian business community, who arrived originally as railway construction workers, there was no mass inward migration of labour. While cultural and economic change was experienced by all, eloquently articulated in Okot p'Bitek's *Song of Lawino* and *Song of Ocol* (1972), rural life continued unchanged in many respects through the colonial period (Girling 2019; Foster n.d.), and beyond (Allen 1987; Hopwood 2015).

Hunt (2016, 5) identifies an 'event-aftermath straightjacket' of colonialism and post-colonialism that dominates many understandings of Congolese history and is deeply unhelpful in interpreting contemporary events. In Acholi the dominant event-aftermath is not the colonial era but the LRA war and ensuing period of international development interventions. It is to the war and the displacement of the entire rural population that most recent observers tend to ascribe the current difficulties facing the population (documented in a vast grey literature; more historically nuanced approaches include Finnström 2008, Laruni 2015 and Macdonald 2017). It is true that much of the severe poverty and some social issues that afflict Acholi today can be directly associated with aspects of the war and displacement, including the looting of the entire cattle stock, and the massive disruptions to traditional ways of life and social ordering of internally displaced persons (IDP) during camp life. Unfortunately, the foregrounding of the war fogs the *longue durée* in identifying local experience, and obscures the parallels between the diagnoses and remedies promoted by colonial rulers and contemporary development actors. This is particularly true in relation to land.

The durability of colonial antipathy to collectively-held land has generated a misrepresentation of Acholi custom that has rendered the rural population subaltern, in the sense that the debate on land reform is conducted in terms that fail to engage with the lived reality of Acholi people. Spivak (2010) critiques two notions of *representing* the subaltern: in the sense of speaking or acting on their behalf, and in the sense of portraying their lives, instead advocating a conversation a report of which is what is attempted here. In different contexts, Moore (1998) suggests that it is only through micro-studies that evidence for sound reform of customary land can be achieved, while p'Bitek (2019a, 2019b) denounces (mis-)representations of African culture based on assumptions, linguistic ruses and foreign agendas, rather than observation.

Acholi land is the subject of intense current debate, yet the terminology deployed often fails to refer empirically to lived realities. Issues of ownership rights over land as property versus the state of belonging to a group that occupies land are not considered. Belonging in Acholi has tended to be both social and spatial, as illustrated by the word *gang* meaning 'home,' both in the sense of place, a village of origin and its land, and a family. As Whyte put it, 'Home is a form of social and emotional relatedness; connectedness to people is more important than physical location' (2005, 156).⁵ Whyte asks '*how* does home mean' inferring the processual and negotiated nature of belonging and the associated claims and duties that one may make and be liable for. Today in Acholi such ties are often partial and fragmented, sometime absent – a condition that would have been rare prior to the LRA conflict.

As has been the case since colonial times, the outsiders who lead the land reform process talk of 'clans' who 'own' 'communal land', and of their individual members who have 'rights' to particular plots. Acholi words are often mistranslated to refer to specific entities and constructs. An example is the Acholi word *kaka*, usually translated as 'clan' but more precisely meaning 'a group of related (in various ways) people' – maybe a clan but also a family or a tribe. If you ask an Acholi person their *kaka* they may respond with (for example) 'Paranga' (a 'clan' in the terms

of English structuralist-functionalist anthropology); or with ‘Patiko Kal’ (a ‘clan’ but also a ‘chieftdom’ made up of a number of clans); or with ‘Acholi’, or even ‘Ugandan’. Rather than suggesting an entity it suggests a type of belonging, a process.

This misrepresentation or co-option of words and their referents and a parallel imposition of distorting concepts is manifest in early records of British rule and maintained by international development actors. It appears to be largely unconscious, yet is perhaps the original sin of omission of colonialism: not only the failure to understand but the failure to recognize the possibility that one does not understand.

Acholiland past and present

An agenda of marginalizing and eliminating collectively held land has persisted through the colonial era to the present day. Initiated by the British, it is now pursued by international humanitarian and development actors. This agenda represents coloniality in interesting if dangerous ways: it has not been driven by the post-colonial state, but exclusively by foreign actors; it has largely failed, but the mechanisms deployed, including attempts to co-opt customary public authorities, have remained largely constant.

Meera Sabaratnam sets out the dangers of accidental Eurocentrism in critiquing development agendas, and how counterpoising the West and the local tends to fall into this trap, leading to the obscuring of ‘where politics is located’ (2017, 22). The fact that Ugandan land reform programmes are funded by foreign actors does not in itself prove anything, given Uganda’s high levels of aid funding. It is also true that interest in land ownership is now widely shared not just by urban elites but also by many poor rural Ugandans, including Acholis, while titling rural land has been possible since the 1950s. However, what appears to be absent in Ugandan politics is hostility to collectively held land. This hostility is not intrinsic to capitalism, rather it reflects a particular cultural attitude to landholding. One might note a European customary pattern of sentimentalizing and objectifying the landholding itself rather than valuing land simply as a fungible commodity. Adam Smith was disdainful of this culture, locating it in the practice of primogeniture and understanding it as originating in feudal power dynamics. He wrote:

When land, like moveables, is considered as the means only of subsistence and enjoyment, the natural law of succession divides it, like them, among all the children of the family; of all of whom the subsistence and enjoyment may be supposed equally dear to the father. ... But when land was considered as the means, not of subsistence merely, but of power and protection, it was thought better that it should descend undivided to one. (Smith [1776] 2009)

In 1835, de Tocqueville ([1835] 2006) perceived a differentiating tendency between American democracy, where subdividing land was an uncomplicated commercial activity, and European aristocracies, where family honour and prestige required that landholdings remain intact. Valuing the integrity of landholdings invested in individuals, with no obvious contemporary utility but hostile to Ugandan traditions that are typically inclusive of at least all male family members, fails to gain traction in Ugandan politics.

Land reform programmes, funded by international donors, provide resources for government and support programming and advocacy by NGOs, creating much-needed white-collar employment. But the design of those programmes is foreign donor driven, and at best ineffectual in respect of their stated goals of assisting the poor. For the first time Acholi is experiencing large-scale landlessness and the extreme poverty that this entails. Far from ameliorating this situation through supporting inclusivity by, for example, exploring ways to maximize the numbers of people landholdings can support, external development actors promote private tenure. Land productivity is measured in terms of yield per hectare rather than numbers of people sustained; land

security is conceived not in terms of extant family support networks and informal public authorities but of theoretical rights and legal protections, ignoring the implications of a context of minimal rule of law and a comprehensively corrupt justice, law and order sector.

As well as being the focus of contemporary policy debates and interventions, Acholiland is an interesting place from which to consider colonial durabilities as there are detailed historical eye-witness accounts of society under colonialism and its immediate aftermath. Three highly insightful observers documented Acholiland in the 1940s, 50s and 60s: Okot p'Bitek, Frank Girling and Paula Hirsch Foster.

A recent publication, *Lawino's People* (Allen 2019), reprints works by Okot p'Bitek and Frank Girling. P'Bitek (1931-1982) is largely esteemed for his poems *The Song of Lawino* and *Song of Okol*, but he was also an anthropologist writing on Luo religion and culture in relation to colonialism and modernism (1972, 2019a, 2019b). Girling's anthropological fieldwork was undertaken in 1949–50 though not published until 1960. Girling was a veteran of the Spanish civil war and a communist, expelled from Uganda before his research was complete, and his antipathy to the colonial project and apparent misgivings about structuralist-functionalist anthropology emerge in his writing (2019). A further important source is the unpublished work of Paula Hirsch Foster, a Holocaust survivor whose archive and draft thesis record her fieldwork in the Acholi region between 1954–58 (Foster n.d.). On matters of land these authors are interesting for what they do not say: in the middle years of the 20th Century, it was possible to record contemporary and historical Acholi rural life and culture without substantial reference to land *qua* land or customs that relate to it. It is hard to understand such an omission without concluding that there were no such customs. This is not to claim that there were no established practices and beliefs that shaped how people occupied and used land. Rather it is to doubt whether, for example, names for certain types of land use and processes for resolving disputes are best, or even validly, described as 'land customs'; and it is to question whether such matters were 'Acholi' or whether they varied considerably across the region. These distinctions are important given the tendency of many actors, explored below in the section on 'customary land', to assume a comprehensive deontology specifically governing land-as-object.

The tone of Girling's writing is valedictory. He observes the changing of society in relation to the arrival of the *pax Britannica* and capitalism, and is troubled that a generic Third World peasant culture is the imminent end point. Foster, whose observations were made several years later, shares no such fears. Although Girling understands Acholi society as being shaped by the dynamics of the family, a system of intimate governance, his perspective is essentially (although apparently reluctantly) top-down. Foster, on the other hand, writes about and from the perspective of rural families and sees no cultural dissolution: rather she observes people adapting culturally to a changing social and economic environment. Although written in the 1950s, her work does not feel of its time: she describes the logics of the relationships that define familial groups rather than focusing on rules, norms, rituals and customs, as though exploring a relational ontology.

P'Bitek's great work, *The Song of Lawino*, is explicitly about the strains between Acholi and European culture and values, and both his literary and anthropological writings represent a powerful defence of the possibility of an African modernism; that change does not have to be about mimicking a culture that patronises and demeans African values through ignorance and racism.

The following section describes how these colonial era observers, as well as contemporary ones, have understood land in relation to Acholi culture.

Foreign and indigenous perceptions of Acholi Land

European misrepresentations of Acholi landholding date from the earliest contacts between the two cultures. Samuel Baker, representing the Egyptian colonial government, wrote of what is now Acholiland in 1868:

... every portion of that apparently abandoned country is nominally possessed by individual proprietors, who claim a right of game by inheritance.

This strictly conservative principle has existed from time immemorial, and may perhaps suggest to those ultra-radicals who would introduce communistic principles into England, that the supposed original equality of human beings is a false datum of their problem. . . .⁶

Baker's false association of 'possession' of hunting rights with ownership of land in support of his (far right, even by the standards of the time) political position at home foreshadows much of what will follow.

Eighty years later, representing British colonialism, J.R.P. Postlethwaite, District Commissioner of Acholi from 1915, wrote:

Communal cultivation is vanishing and shortly the tribe will, I believe, develop naturally on a family unit basis, with all the consequent results, such as the desire for individual tenure of land, and a fixed abode handed on by the holder to his children and their children in perpetuity.^{7 8}

It would be hard to overstate the importance in Acholi of the family unit and of ideas of inheritance. Postlethwaite's error lies in his failure to recognize families that differed in size and kinship structure from those found in Europe, perpetuated in the notion of 'households' in development-speak. Postlethwaite's assertion, if he had in mind the system current at the time in Britain, should have substituted the words 'eldest son' for 'children'.

In the writings of the colonial-era observers there is limited mention of land. Girling and Foster both refer to its abundance and its consequent lack of contentiousness. Foster's references to land are brief. A new wife will be given a small strip of land next to her new house when she delivers her first child; her mother-in-law typically gives her additional fields as she needs them; she may join a group of other relatives to undertake communal farming. The issue of 'ownership' of the land is addressed only to state that it is held by the 'affinal group', the equivalent of Girling's 'village' or 'agnatic lineage'. Foster has a section dealing with inheritance and discusses at length the enormous complication and extended periods involved in the distribution of someone's cattle herd on their death. By contrast she devotes a single sentence to inheriting land, stating that this is rarely an issue because there is so much of it. Girling also has little to say about land – in fact he delegates this section of his book to a brief appendix written by J.M. Bere, a retired colonial officer. P'Bitek does not discuss land at all.

Notable recent ethnographies by Finnström (2008) and Porter (2017) are similarly reticent on the topic of land *qua* land, while Lagace (2018) discusses land's symbolic power for urban motor-cycle taxi drivers. Members of the Trustlands project, a collaboration between Gulu and Copenhagen Universities, are exploring aspects of contemporary lived experience of being on land in Acholi (Obika et al. 2017; Meinert, Willerslev, and Seebach 2017). Events happen on land, as they happen in a breathable atmosphere, yet the former is almost as imponderable as the latter: rarely does it make sense to foreground an ontology or a 'custom' of land.

Foster and Girling describe land access and 'rights' as simply automatic functions of belonging to a kinship group, which would, perforce, subsist on and occupy land. This belonging emerges as highly complex in both accounts, though their approaches are very different. However, it seems that in the 1940s and 50s almost everyone did *belong* somewhere. There was plenty of conflict but rarely about land.

Postlethwaite, on the other hand, was one of the first to voice what has been a common perspective of outsiders, seeing land-holding groups not as families but as public authorities pursuing a version of socialism, including in relation to land 'ownership' and 'rights.' In the following section I explore the roots of these misunderstandings.

Hermeneutical distortions

It is hard indeed to notice anything for which the languages available to us have no description.⁹

When Girling notes that there is no word in the Luo language for the agnatic lineage village, the entity that he describes as the centre of Acholi life and belonging, he sees this as an anthropological problem, of largely academic concern in accurately describing a dying way of life. Okot P'Bitek wrote from a perspective of language in his dissection of the treatment of Acholi beliefs in Western scholarship (2019a, 2019b). He describes some of the bizarre outcomes of attempts to render religious texts into African languages, populated by entirely different abstract ontologies. While Okot was writing after Ugandan independence, his concerns are with colonial durability, his awareness of which crystallised while studying anthropology in Oxford, not so much through the anthropological theory he encountered as through the racism inherent in how it was taught (Allen 2019; p'Bitek 1982). He was less surprised, it seems, by the attitudes of missionaries and colonial administrators, and his representation of modernism in the Song of Lawino is profoundly nuanced, both recognizing the inevitability of change while ridiculing those who can do no more than imitate the white colonialists, in the process disrespecting their own culture. Ali Mazrui states, 'Here surely is Africa's indignation at its most eloquent' (p'Bitek 2019b, 598).

Okot is concerned with ontology and the problems of communicating certain concepts in contexts where these are not merely unknown but profoundly foreign. The fact that Okot was consummately fluent and articulate, not just in the Luo and English languages but in the gestalts of both cultures, may have hindered his ability to appreciate just how handicapped the uni-cultural consciousness, whether European or Acholi, is in relating to other ontologies. To use Miranda Fricker's (2007) term, Okot identified the *hermeneutical injustices* visited on believers in African religions, and condemned these for the inwardness of their originators, variously missionaries, theologians and anthropologists, whereas perhaps incapacity was at least as much to blame. The linguistic and conceptual distortions of Acholi thought by missionaries were mirrored by other agents of colonialism in imposing other dominant discourses, and these included matters of land occupation. Talk of land would seem much less open to distortion than the spiritual; however, we know from the vast literature on African customary land that the issues are not simple. Even the most acute analyses, such as Pottier's (2006), are concerned with some rather general characterizations. Moore (1998), in contrast, urges micro-contextualisation. She shares with Okot the view that it is only in the study of the practices and expressed realities of real people that we can aspire to understand what is going on.

Developing this idea, I offer as examples a handful of words and concepts that have been deeply problematic in relation to land. These are the Acholi words *dogola* and *kaka*, and the English notions of 'land conflict' and of 'customary land'.

The problems of 'dogola' and 'kaka'

In 2011-13, I was co-lead consultant on a research project to map land conflict across the Acholi sub-region (Hopwood and Atkinson 2013). In attempting to design research tools to understand the organization of land rights and the nature of parties to disputes, we settled, with the guidance of our Acholi research team, on the translations of *dog gang* for 'extended family', *dogola* for 'sub-clan', and *kaka* for 'clan'. This was problematically reductive, though perhaps unavoidable for such an exercise.

Dogola translates literally as 'entrance' or 'doorway', but in social terms is used with a man's name to refer to his descendants. Every male parent has a *dogola* consisting of his wife/wives and

child/children, yet he is probably also part of a *dogola*: it is also a name for an independent grouping – the core of Girling’s ‘agnatic lineage’ or ‘village’. Many men aspire to be the founder of a *dogola* in this sense (as noted by Foster n.d.), while others are content to be a member of a *dogola* founded by their father, grandfather or some more distant ancestor.

To give examples of *dogola*: About 40 kilometres north of Gulu, a *dogola* was established on empty land extending to around 600 acres by Valeriano’s father in the 1940s.¹⁰ Valeriano, who died in 2011, was the leader of the *dogola*, but also the head of his clan, the *ladit kaka* of Paranga, a quite different role. Today the clan is headed by Valeriano’s brother Guido, while the *dogola* is led by the two eldest (of many) sons of the two brothers. Guido lives elsewhere – in fact he has settled with a few young relatives on virgin land, the residual bush frontier, in the far west of the region – and plays only an occasional role in the *dogola* led by his son and nephew. This now has more than one hundred members, but is holding together as there is enough good land and good leadership.

In Amuru, a *dogola* was founded by Okech in the 1960s – two of his children had been killed by a lightning strike, which he interpreted as hostility on the part of the ancestral spirits of the place, so he decided to move. Okech, his brother and cousin, their wives and children all moved to land recognized as ‘belonging’ to their clan, Patiko Kal Palima, but which was at that time empty – they took about 250 acres. Some in-laws – Okech’s daughters and their husbands – settled on adjacent land, arguably as guests of Okech and Patiko Kal Palima, but in practice having equivalent claims and separate organization. Today the *dogola* of Okech has around 200 members in terms of genealogy, but only about 40 live on the land, which is poor and over-used and offers only the most basic living to the residents.

Girling and Foster both describe how *dogola* are constantly coming into being and evolving, with various factors motivating groups to split away, particularly group size or internal conflict, and this continues to be the case. Groups are managed essentially through consent between adult men. Once groups become too large, they become more difficult to manage. In such cases it may be that the breakaway group would simply move to adjacent land or even remain where they are, but separate in terms of decision-making: they become two families – and two land holding groups – rather than one. In cases of conflict, it has been common for individual households or larger groups to move away and form new *dogola*, whether settling with ‘in-laws’ (the wife’s side of the family) or ‘uncles’ (the mother’s side). Individual households may occasionally join non-kin groups in pioneering settlements in what remains of the ‘bush frontier’.

A *dogola* is identified with the clan of the founder, but it is not *the* clan. The relationship between *dogola* of the same clan is highly variable, depending, for example, on size, geography, leadership and personal relationships. In fact, branches of some clans can be found as far afield as the neighbouring ethnic groups of Karamoja, Lango, Teso and Madi, and many clans trace their origins outside of Acholi. The Paranga, mentioned above, believe they settled in Acholi from Karamoja eight generations ago, remembered in a ritual of burying their dead wrapped in a cow skin (the Karamojong are pastoralists).

The Acholi call clans *kaka*, but the word is used at multiple levels: of a *dogola*, of any part or all of a particular clan, of a domain or chiefdom and even of a whole ethnic community. The Acholi are a *kaka*, as are the Madi and the Lango tribes. Patiko Kal is a *kaka*, though this may refer to the wider clan, the constituent clans into which it has separated over time or to the group of clans, the pre-colonial polity, they once dominated. There are no Acholi words that separately define either ‘clan’ or ‘chiefdom’, ‘domain’ or ‘tribe’ as I have been using these notions above. Nor are these necessarily distinct or defined concepts in Acholi. Proper names and context supplement the term *kaka* to provide as much definition as needed.

When the colonial authorities called land-holding groups ‘clans’ they initiated a confusion that persists today. The word *kaka* does not do the work that outsiders have attempted to force on it: it does not specify an entity and does not function as the signifier for a particular class or social group. Misunderstanding of the weight of the word *kaka*, conflation of the translation of this as ‘clan’ with the *dogola*/agnatic lineage/land-holding group has and continues to create confusion and generate injustice. The public debate on land reform is being conducted on the basis of such confusion.

Deconstructing the issue of ‘land conflict’

Acholiland is roughly the same size as Rwanda with about one tenth of the population. Much of it is good arable land with reasonably reliable rainfall. However, individual land holdings vary vastly in size and in the number of people they support, and what used to be the ‘bush frontier’, unoccupied land where groups could re-locate if their homes became overcrowded, is now effectively closed. Some groups are land poor, like the *dogola* of Okech described above. Others still have enough for their members but are filling up. Others still have vast areas of unused land.

The idea of a pandemic of land conflict in the region had been anticipated before and much reported since the end of the LRA insurgency in Uganda. As early as 2004, when the war was at its height and the entire rural population was confined to IDP camps, Oxfam commissioned a report subtitled ‘The Importance of Land Rights in Acholiland and What Threatens Them’ (Adoko and Levine 2004). There followed many more, often with alarming titles, for example, ‘Escalating Land Conflicts in Uganda, A review of evidence from recent studies and surveys’ (Rugadya 2009) commissioned by the International Republican Institute (IRI), and one produced by the International Organisation for Migration (IOM): ‘Land-Based Conflict, Vulnerability, and Disintegration in Northern Uganda’ (McKibben and Bean 2010). Typically, these studies were initiated and funded by international donors. The project that I co-led, the Land Conflict Monitoring and Mapping Tool (LCMMT), commissioned by the United Nations Peacebuilding Fund, raised for me the troubled question of what is a land conflict (Hopwood and Atkinson 2013).

Many such studies report very high levels of land conflict. For example, Burke and Kobusingye (2014) (commissioned by Oxfam) found that around 50% of the population had experienced land conflicts, and that 72% of conflicts are within household, family or clan. Such figures are deeply problematic.

It is not that there is no land conflict – there are many conflicts that are squarely about land *qua* land: land as object and sometimes land as commodity, including many that can be reasonably categorised as ‘land grabbing’. These sometimes involve powerful individuals; it is a type of theft and it is essentially modern and about wealth accumulation. There is also land-grabbing, which is motivated by more traditional concerns – a group have insufficient land for their members and try to expand into the land of a weaker group. It is not about money but is driven by localised land shortage and the increasing lack of alternative land, including the ‘bush frontier’ – unsettled, unclaimed and unrestricted wild land.

As an example of this type of land-grabbing, the elders of a *dogola* that had prospered during displacement had all married several wives – ten brothers had over one hundred sons between them, few with sufficient education to have much hope of employment, so they were dependent on their land, which was insufficient. They made a claim that a large part of the land of a neighbouring *dogola* was in fact shared grazing land. Over several years they engaged in low level conflict – destroying crops by driving cattle over them, burning isolated huts and preventing the children of the other group from attending the local primary school. Eventually the invaders

were stopped, though the process was convoluted and arbitrary and might easily have gone the other way.

There are also land acquisitions, of varying legality, by government and investors that may lead to evictions and conflict affecting large numbers of people, as in the current displacement of some 6,000 people in Apaa by the Uganda Wildlife Authority (Weschler and Laing 2019). There are many other forms of what can legitimately count as land conflict.

There is, however, good reason to suppose that such situations do not represent anywhere close to the majority of the 50% of individuals experiencing ‘land conflict’ or the 72% of intra-kinship group ‘land disputes’ that Burke and Kobusingye (2014) and other such studies report, many of which are in any case minor and quickly resolved. The more serious are of two kinds: there are conflicts that take place on and may involve land, but in which land is neither the driver nor the end point; and there is conflict based on valid but competing claims, usually in situations of land shortage.

To illustrate the former: Ronald was a member of a *dogola* that had taken Paul and his brothers in as ‘guests’.¹¹ In early 2018, they quarrelled and then fought physically – apparently about crop damage by Ronald’s goats. Neither was seriously hurt, and Paul won. They are related – they share a grandfather and their grandmothers were co-wives (Paul’s, Jacinta, is still alive and in her eighties). Ronald was a son of a son of the family, a member of the core clan of the *dogola*. Paul is the son of a daughter, a member of a different clan, but with which he cannot live following what may have been an arson attack by jealous or angry relatives. The stories vary about how and why he was driven away from his own *dogola* in 2015, but he appealed to his mother’s relatives (his ‘uncles’) for sanctuary and they agreed, moving there with his wife, children and two younger brothers. He was given an unused hut and two fields to farm by Simon – Simon is Paul’s mother’s late brother’s son, so they share both paternal grandparents. Simon has strong family loyalty and sees it as his simple duty to help Paul, to whom he is close. Others were persuaded because the land he has been given is vulnerable to encroachment by a neighbouring group, and the addition of three adult men boosted the *dogola*’s ability to defend itself. The *dogola*’s land holding is not vast and the land is poor. Although he did not say anything at the time, some people think Ronald was unhappy that Paul had been accepted as a guest of the *dogola* – possibly because he did not think there was enough land to go round, or possibly because he did not like Paul. Paul is a large man with a reputation for drunken violence. This may in fact be behind why he was driven away from his own *dogola*, though there are other possibilities: Paul’s father had brought shame, trouble and costs on his clan by killing someone from a different clan. As a result, he had fled with his wife and children, who had grown up in various places. Paul had returned to claim his place and fields in his father’s *dogola*, but had not been universally welcomed.

Returning to the time of the fight, Ronald was angry that Paul had beaten him. His revenge was to accuse Paul and Simon’s grandmother, Jacinta, of being a witch. She was outraged and reported the accusation to the *rwot kweri*, who convened a hearing before the group of six *rwodi kweri* from across the area.¹² They found no evidence against Jacinta – a widely respected matriarch, and they censured Ronald and fined him five goats. Shamed, Ronald travelled to the neighbouring sub-county to try to find his wife, who had left him. He was found dead near his wife’s new place having apparently committed suicide by taking poison. Simon and others from the *dogola* believe that in fact he was murdered by his wife’s new partner and are considering revenge. Ronald’s five children have been distributed between various households in the *dogola* (though not Paul’s) to care for and, to the extent they are able, educate.

The relevance of this case is that it is typical of what external actors interpret as ‘land conflict’. It is possible that contestation over land *qua* land figured in the motives of Paul’s clan in expelling him or in Ronald’s antagonism to Paul’s arrival. I have sometimes heard these described as related to land, though on probing this seems to be using ‘land’ as a metaphor

for belonging to a *dogola*. Even if land *qua* land is a part of the equation it is nonetheless clearly wildly reductive to call this a land conflict.

This case illustrates the dangers and limitations of foregrounding land. In the terms of the LCMMT, our classificatory tools would probably have identified this as a land conflict between clans involving a fatality – clearly a gross misrepresentation. In most of the intra-community ‘land’ conflicts I have followed in depth, contestation over land as property is similarly absent or obscure or subsidiary to familial dynamics of competition, animosity or jealousy. The accounts of p’Bitek (1972), Girling (2019) and Foster (n.d.) show that Acholi *dogola* are rarely peaceful places of contentment and cooperation: families throughout the world may be more or less harmonious or conflictual. Emotional dynamics, sometimes interacting with competition over resources, may manifest through argument, intrigue, witchcraft, violence and murder. Land was so plentiful that it was not a resource that typically provoked competition in colonial times (though doubtless there were instances). Today, loci of scarcity mean it often does provoke competition, but that does not mean that all competition, let alone all conflict, is about land.

Instances of competing valid claims are manifold, but often do not get recorded in studies because rural land has no value for most people if it does not come with functional belonging. If your *dogola* is hostile then life there is untenable on various levels. As a rural, poor Acholi peasant you are highly vulnerable. Your security comes from being part of a group as there is an absence of state security for the poor.

To illustrate this type of conflict, consider the case of Gerald, a member of a *dogola* founded by his grandfather. They have only a small parcel of land – perhaps fifty acres. His father died of HIV when he was young and he grew up in an IDP camp with his late mother and her relatives. When Gerald married, his paternal grandfather allotted him a couple of acres for his wife to farm, in acknowledgement that he belonged to the *dogola*. Meanwhile Gerald returned to his job as a security guard in Kampala. This arrangement worked until the grandfather died last year. Then one of his father’s brothers became leader of the *dogola* and initiated a regime of harassment of Gerald’s wife, or at least did not stop it. This was not violent, but consisted of unfriendliness, non-cooperation and minor encroachments on their fields. After a time, Gerald’s wife could not bear to live there any longer. Gerald was hurt and angered by his family’s behaviour, but understood why this was happening: there was limited land for the more established members of the *dogola*, who felt they deserved priority given that they had always lived there, while Gerald had only returned recently and didn’t have strong relationships with the rest of them, and in any case had an alternative source of livelihood. There was nothing Gerald and his wife could do but walk away, hoping that one day they would earn enough to buy a plot elsewhere. The extent to which they still belong to his *dogola* and vice versa is an open question. He might ask them for help with bride price, or with blood money or spiritual disturbance where failure to assist might have dangerous consequences for the wider family, and they might make similar claims on him. But the strength of such ties is unpredictable: ‘there is a way of telling a narrative, and a way of relating to people, that assumes sympathy and support and belongingness sometimes in congruence with and sometimes in contrast to the arguments of rules’ (Whyte 2005, 157).

Gerald’s situation is extremely common today; before the 1970s or 80s it would have been rare because even localised land shortages seem to have been quite unusual, while additional relatives were an asset, socially, in terms of security and communal labour, and culturally. Yet now many, perhaps most land holding groups face if not an immediate then a foreseeable challenge of overcrowding.

How *dogola* respond to overcrowding, or to the threat of future overcrowding, is as varied as there are *dogola*, each with individual circumstances, resources, and dominant personalities. Some experience voluntary wastage: the *dogola* of Okech is not somewhere one would stay if one had options. Others go as far as to expel those with weaker claims or who have alternatives.

Often institutions who were ‘gifted’ land – churches, schools or local government – are now being challenged by descendants of the original donors (Alava and Shroff 2019).

The problem of ‘Customary Land’

The 1998 Ugandan Land Act (drafted by a British consultant funded by the UK government) identifies Freehold, Leasehold, Mailo, and Customary tenures, with Customary being the default option. It helpfully leaves the definition of customary land extremely vague, subject simply to the rules of the group occupying the land, legally constrained only by the constitutional obligations to not discriminate against women, children and the disabled.

Whether this land is ‘customary’ in the sense of held and managed in accordance with the sorts of systems imagined in much of the grey literature and some scholarship, namely an identifiable and generally applied set of specific customs relating to land ownership, occupation and management, is another matter entirely.

In 2008, the Norwegian Refugee Council (with European Union funds) commissioned the production of a document, *Principles and Practices of Customary Tenure in Acholiland* (PPCT) by Ker Kwaro Acholi.¹³ This document was produced following a two-day workshop attended by some traditional chiefs and representatives of local government and civil society. Pauline Peters (2004) argues for ‘talking up’ customary land practices to counter the relentless forces of neo-liberal reform. The PPCT instead completely reinvents them.

It describes a highly structured and hierarchical – and fictional – land management regime, making statements such as:

‘Family land’ is that which is allocated by the kaka (clan) to a paco/dogola (family) for their exclusive use.

And

‘Household land’ is the land allocated by the ladit paco/dogola (family head) to Oddi (households) for their exclusive use in perpetuity.

Statements such as ‘All members of the kaka (clan) have rights to land’, and ‘Future generations have rights to land’, and ‘Land will always remain in the paco/dogola or ot (family or household) for emigrant family members (and future unborn) to return to’, are perhaps in keeping with memories of limitless land, but in the context of the PPCT’s language of ‘rights’, this imposes impossible current or future liabilities on groups which have restricted land – nowadays all of them. The document raises numerous unanswered questions: what happens when a member of a clan who grew up in exile arrives in the home of his relatives wanting land if all that land has been ‘allocated ... to Oddi (households) for their exclusive use in perpetuity’? How much land does a clan member have a ‘right’ to? How is a *kaka* or *dogola* meant to accommodate these limitless obligations?

Overwhelmingly, the PPCT are neither reflected in current and historical land occupation nor are they legally or logically viable. They create confusion by describing a system that inclines towards norms and habits of inclusivity as one of rights and rules modelled on exclusive legal regimes.

Avoiding hermeneutical traps

While there is ample scope and great need for improved understanding of people and land in Acholi, there is a need to move away from thinking about land conflict and land custom. The former concept is at intra-communal or intra-family levels too hard to isolate to be useful,

while the latter does not exist in any comprehensive or Acholi-wide sense. Land is a resource like any other to which one has access through belonging to a family. Using land is not the sort of thing that traditionally needed to be structured or defined by custom, whereas belonging to a family was and is.

There is a need to consider lived realities of modern Acholi land occupation, and landlessness, the condition of vast numbers of people who lack the strength or resources to compete for land, and who walk away. These are men and women, families and single parents; occasionally it is whole *dogola*. Women though, are most likely to be landless, and likely to be responsible for children.

In the 1950s, Paula Hirsh Foster could state that in her years of fieldwork she had encountered no adult women in casual relationships or where the relationship had not been legitimated by acceptance by both families. In 2012 the data from the LCMMT suggested that those women whose marriages had been formalized through traditional agreements and payments enjoyed considerable security of land access, while some other women were able to stay with their birth families, or re-join them after divorce (Hopwood 2015). But very many others are homeless because bride wealth has not been paid due to poverty created by the loss of cattle during the LRA war, as well as other depredations of the conflict; while the disruption of displacement for long periods to IDP camps has led to a class of people, who often grew up as orphans, with weak or unknown ties to a wider family group.

Below are two of multiple examples of landless people drawn from my on-going engagements with individuals living in poverty in and around a northern suburb of Gulu, the largest town in Acholi. There are very many people in situations of destitution because they cannot access land for agriculture.

Fiona¹⁴ is a young woman with a baby of about six months old. She was forced off her paternal family land when her father died in 2017. She now lives with her grandmother in the Gulu suburbs. The father of the baby disappeared before she was born. She survives through casual labouring jobs but has found none recently and has no food.¹⁵

Auma is a widow with five children, living on the outskirts of Gulu. She is HIV Positive, as are two of the kids. They survive in the wet season by collecting wild plants, but struggle to eat in the dry season – what they have is bought through the children collecting ten-litre jerrycans of water for the neighbours for UGX 200 a time, half the price of an egg.¹⁶

These women and children are, as Li (2010) has put it, let die rather than made live. They have no place in Acholi custom: in a stable and economically functioning society they would have a place in their husband's or their parental home. There do not seem to have been any women in their situation in the 1950s as reported by Foster, but now they are representative of many thousands of others throughout Acholiland. They are not highly visible and are not part of or acknowledged by any networks or social structures. Their children do not attend school and they cannot afford healthcare. They do not live together in identifiable slums or neighbourhoods. There is no forum in which they are able to speak and no policies or services or programmes addressing their needs. They do not figure in the land reform debates.

Conclusion

Europeans have sought to describe Acholi landholding since they first visited the region in the 1860s and have articulated a need for it to change ever since. In practice, the changes they sought were not to landholding but to the form of Acholi family life, the most fundamental aspect of their culture and social ordering. Following the LRA war, the UN and other donors, in partnership with NGO allies have increased their efforts, coinciding with real problems arising from localised land poverty and the emergence of a class of people with weak family

ties. These efforts represent colonial durability: hegemonic mistranslations and misuse of tropes such as ‘land conflict’ and ‘customary land’ have warped debate on a complex situation of very real problems around how families cope with evolving social change and resource deficiencies. These include – often as a side issue – how to distribute land and manage land shortages, but these are discussed in policy fora and literature in ways that have little to do with the lived realities of most Acholi landholders and the landless.

International efforts at land reform have largely failed and will continue to fail even on their own terms because they work against the grain of the Acholi family. They may nonetheless contribute to the mess at the interface between Acholi and European cultural notions of land, and are stubbornly missing opportunities for poverty reduction, while entrenching the subaltern state of a substantial proportion of the Acholi people.

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Notes

1. The LRA war led to the internal displacement of 1,800,000 people, and ended on Ugandan soil in 2006. In the following years a major international humanitarian-development intervention aimed at reconstruction, but also sought to address what were perceived as potential conflict drivers, including land disputes.
2. The Northern Uganda Land Platform (NULP) was established over a decade ago by Irish NGO Trocaire. Meetings are open NGOs and others with an interest in land policy. and.
3. The report on a programme by US-based NGO Namati and Ugandan national NGO Land and Equity Movement in Uganda (LEMU) is an example (Knight, Adoko, and Eilu 2013). One of the most problematic is the Principles and Practices of Customary Tenure in Acholiland (Ker Kwaro Acholi 2008) discussed later.
4. The expression most commonly used for the condition of homelessness is *latin luk*, which translates loosely as ‘bride price has not been paid’.
5. Whyte is writing of Bunyole in Eastern Uganda, but this is equally applicable in Acholi.
6. Samuel Baker quoted in Girling (2019: 129–130).
7. J.R.P. Postlethwaite, *I Look Back*, 1947, quoted in Girling (2019: 370)
8. In fact communal cultivation was still the norm in many places in the early 1980s and is still common practice today, although not the default (Allen 1987).
9. Alan Watts. 1969. *The Book on the Taboo Against Knowing Who You Are*. London: Jonathan Cape.
10. The case studies in this section use real names.
11. Names in this section have been changed.
12. *Rwodi kweri* (sing. *rwot kweri*) ‘chiefs of the hoe’, are public authorities elected to manage issues of local disputes, including over land and communal labour. They emerged in the 1930s, possibly in reaction to British hostility to communal farming. (Hopwood 2015).
13. Ker Kwaro Acholi (KKA) is the state-recognised cultural institution formed around the turn of the 20th Century in reaction to the legalisation in 1995 (for the first time since 1966) of Ugandan traditional leadership organisations. KKA is made up of *Rwodi Moo*, claimants to the leaderships of some or all of the pre-colonial chiefdoms, under the authority of a Paramount Chief (though this is not a role most commentators recognise as historical).
14. Names have been changed in this section.
15. First contact May 2017
16. First contact November 2017

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