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Challenges and Opportunities for Women's Land Rights in Post-Conflict Northern Uganda

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Abstract: Since the late 1980s to 2006, the northern region of Uganda underwent an armed conflict between the government of Uganda and the rebel group led by Joseph Kony. The conflict displaced virtually the entire population in the region, and by 1990 people were living in Internally Displaced peoples' camps. As the war winds up, many people have left the camps returning to their former villages. The journey back home has not been easy, however. For women in particular, many are facing a lot of challenges especially related to access, ownership and use of land. Using data that was qualitatively gathered in two IDP camps in Gulu district, northern Uganda, the paper examines these challenges. It argues however that despite the challenges, opportunities do exist that can be exploited, if there is commitment by various stakeholders, to ensure that women access, own and use land in the return process.

Key words: armed conflict, women, land rights, IDPs, reconstruction

1.0   Introduction

For close to 20 years the Acholi sub-region of Northern Uganda experienced an armed conflict between the Lord Resistance Army (LRA), a rebel group led by Joseph Kony and the government of Uganda. The conflict claimed a lot of lives and displaced many people from their homes, besides devastating social services and physical infrastructure in the region. In virtually all the districts which form the northern regions and some parts of the eastern region that were affected by this insurgency, there was massive displacement to the extent that in some of the districts such as Kitgum, over 90% of the population was displaced (MoFP&ED 2004). The table below gives an overview of the level of displacement the insurgency caused the people in this region as of October 2003.

Table I: Total number of IDPs by district by 10ᵗʰ October 2003

No	District	District Population	IDP Population	Percentage
1	Gulu	468,407	419,258	89.5%
2	Kitgum	286,122	281,372	98.3%
3	Pader	293,679	229,115	78.0%
4	Lira	757,763	79,097	10.4%
5	Soroti	371,986	136,112	36.6%
6	Katakwi	307,032	104,254	34.0%
7	Kaberamaido	122,924	97,561	79.4%
8	Kumi	388,015	59,207	15.3%
9	Apac	IDPs with host families estimated at about 50,000 people		
	Total	2,995,928	1,405,976	46.9%

Source: Department of Disaster Preparedness and Refugees, 2003

In order to protect the displaced population, the government, in the early 1990s, was compelled to put people in the Internally Displaced People's (IDP) camps. Between 2003 and 2004 at the peak of the conflict, the population of IDPs distended to 1.8 million, ranking Uganda third largest with IDPs out of the total 23,700,000 IDPs in 51 countries worldwide (PRDP 2007; Norad 2008; and Lehrer 2008). During this time there were about 218 IDP camps with a population between 10,000 and 60,000 people in a camp (PRDP 2007). Many young men and girls were abducted and conscripted into rebels while others were killed. Men who failed to protect and provide for their families while in the camps abandoned their families and resorted to drinking, stealing and violence while others joined the rebels. The demographic changes resulting from

displacement as well as the adverse conditions in the camps such as congestion, diseases, alcoholism, domestic and gender based violence, poverty, among others, increased incidences of widowhood and female headed households estimated at 30.8% (Norad 2008), orphans (estimated at 15%-28%), and child headed households (12%), (PRDP 2007).

It was not until 2006 that some calm started to appear in the region as a result of peace talks between the rebels and the government of Uganda that some people decided to go back to their former villages. In other words, at the initiation of the peace talks the rebels had retreated to the Democratic Republic of Congo (DRC) in the Garambe forests, creating some calm in the region. Although the talks never yielded any positive outcomes, the calm that resulted from the rebels' withdrawal to DRC enabled people to start going back home. The government too put in place a plan of action, that is, Peace, Recovery and Development Plan (PRDP) to guide the return and reconstruction process in the region. Amidst the various challenges the PRDP is supposed to address, access, use and ownership of land by the various categories of people has stood out as a major challenge in the return process.

In this paper I examine the challenges of women's land rights in the return process in the region. I also assess the effectiveness of Peace, Recovery and Development Plan in addressing these challenges in the post conflict reconstruction. I conclude by noting the opportunities that can be exploited to address some of the challenges in the post conflict reconstruction.

1.2. Methodology

The paper utilises data that was qualitatively gathered among IDPs in Gulu district, Northern Uganda in the month of July 2008. The IDPs were located in Koro-abili and Bobi sub-counties, Gulu district. A total of six separate group discussions were held in two IDP camps, in which three discussions were held in each camp with men, women and youths. Each group discussion constituted of 12 to 14 participants. Minimizing this number of participants in each group discussion was not easy, however as many IDPs wanted to participate in the discussion given their redundancy in the camps. But with the help of the camp leaders, efforts were made to ensure that a reasonable and

appropriate number of 12 to 14 participants were adhered to and the discussions conducted in a relatively quite place within the camps.

In-depth interviews were also held with six camp leaders and two sub-county chiefs. That is, one camp leader/commander, local council chairperson and women leader in each camp. The two sub-county chiefs included one from Koro-abili and Bobi sub-counties. Although there was relative calm by the time of the interviews, very few people had returned, meaning that the camps still had a lot of IDPs. Those who had returned lived within the vicinity of the camps, about 5km and less, while others could go to the villages during day to work in gardens and return to the camps the evenings.

2.0   Literature Review

The importance of women's land rights especially in Sub-Sahara Africa (SSA) has to be understood against the backdrop that whereas it has been relatively easier for women to make some gains in education, access to formal employment and participate in politics, achievements in land rights have been rather difficult. Because of the male-centred nature of land tenure systems in many societies of SSA, particularly customary tenure, a lot of agencies including governments have been gradual if not reluctant in their approach to fight for women's land rights. In the context of violent conflict, women's land rights are further exacerbated by the effects the conflicts impose on them. Most humanitarian agencies, NGOs and governments often concentrate on women's access to social services, training and education, and domestic violence, among others, despite women facing land related challenges in the aftermath of the conflict. Yet addressing all the other challenges is dependent on the security women have in access and use of land. As Foley (2007) argued, land rights cut across a number of different sectors including displacement and return, human settlements, agriculture and livelihood, economic development, environmental issues, urban and rural planning, security, land mines, and justice and the rule of law. Land is a basis for shelter, food, economic activities, and is the most significant employer of women's labour in SSA (Kamjathy & Nicholas 2001; & Kabonesa 2002). Hence whatever short term or long term programs designed for women in post conflict reconstruction, access to, ownership and use of land remains a key aspect in rebuilding their lives.

4

Available literature so far indicate that armed conflicts often exacerbate women's existing problems of insecure land tenure and access, besides generating new ones (Baranyi & Weitzner 2006). In situations of high mortality of men during the war, the women who have survived have found it difficult to secure access to land that was formerly owned or jointly owned by the husbands or with other male relatives. This is because such women might be denied access to land by their in-laws or by other surviving male relatives. This phenomenon has been widely reported in countries that have experienced armed conflicts. For instance, UNHCR (2001) noted that in the aftermath of the genocide and massacres of 1994 in Rwanda, many women who became widows met stiff resistance from in-laws or male members of their own family in accessing land. While in Kenya Mwagiru (2001: 19) reported that the conflicts of 1991-1993, including one of 1997 due to general elections, had serious consequences that adversely affected social patterns, including access to land and property rights. Women whose previous access to land were through marriage but became widows were left in a vulnerable position especially when the husbands' relatives lay claim to the land (Ibid). While women, who lost documentations evidence of their land, were dispossessed of their land in the aftermath of the conflict. Similar repercussions for women have been reported in the aftermaths of civil wars in countries such as Mozambique (Waterhouse 2001; & Bruck & Vothknect 2008), Burundi (Sabimbona 2001), and Uganda (Hetz et al 2007; Oxfam 2008; & World Bank 2008), among others.

Women's accessibility to land also gets complicated by the subsequent land disputes that tend to characterize the resettlement process as evidenced by countries that have experienced civil wars such as Mozambique, Rwanda, Burundi, Ethiopia, Uganda, Kenya, and the Sudan, among others, (Hetz, et al 2007; Oxfam 2008; Yamano and Deininger 2005). The inevitability of these disputes is largely determined by the duration of the conflict and extent of displacement the conflict imposes on the population. As Hetz, et al (2007) argued, the time span of displacement tends often to correlate with the incidences of disputes and conflicts over access to land and land rights. In such a context, women's chances to own and access land are thinned as most of them flee from such conflicts. And because in most cases women have secondary

rights to land through their male counterparts, they might be over looked when it comes to resolution of such conflict.

When deprived of access to, ownership and use of land, women are left without the means to create stable and sustainable livelihoods in the aftermath of the war. This has the effect of not only making women vulnerable to poverty but also reinforce and perpetuate their social, economic and political inequalities. Yet as it is widely admitted, most women in SSA depend on agriculture for subsistence hence the significance of land to them. Women's participation in agriculture in SSA accounts for close to 70-80% of labour, 90% food processing and storage, but own less than 20% of the land (Murisa 2008; Tripp 2004; & Kabonesa 2002). When they lose access to land, it means that their societal responsibilities and obligations of production and reproduction are curtailed (Kabonesa 2002). As a result many of the women may be compelled to seek alternative livelihoods outside agriculture wherein they are prone to exploitation such as working as maids, waitresses or sex workers. Loss of access to land also affects agriculture productivity in that the labour force lost from such women, gradually, may have a long term diminishing effect on productivity.

Intervention by the state and other agencies working in post conflict settings is therefore necessary to alleviate the plight of women and ensure their full access to land and other property rights. Indeed post conflict situations have been argued to present opportunities for integrating women's land rights in the recovery and resettlement processes. This is because the disruptive effects of the war on the socioeconomic fabric of the affected society presents opportunities to engage new and transformational measures and processes that have regard for women's rights including addressing and reforming land related conflicts and inequalities in the post conflict reconstruction. According to Zuckerman and Greenberg (2004) in post conflict reconstruction it may be possible to establish new norms and rules, engage new leaders, and build new institutions and social structures that are sensitive to gender and women's needs and interests. While El-Jack (2003) noted that in the aftermath of the war, avenues for change to gender equality may be possible, 'if we ask some fundamental questions about what kind of society we want and how gender relations will function within it'. Or as Cockburn and Zarkov (2002: 11) noted it is a moment when 'social upheaval opens a door to the changes we hope for'. Although

hitherto there are no specific studies that have explored these claims, a look at some of the studies that have examined the measures used to address some of the land-related challenges in other post conflict reconstruction settings can help to provide some insights.

2.1. Addressing Land Related Challenges in Post Conflict Reconstruction: Strength and Weaknesses of Measures

Generally, experience from countries that have emerged from conflict situation characterised by the struggle for land and in which women have faced land related challenges, show a number of reforms undertaken to address the situation. Among the major reforms include restitution, redistribution and other tenure reforms requiring registration of family/clan land, women's independent ownership of land, inheritance, co-ownership, joint titling, among others. Some of such reforms have been ad hoc and specific to post conflict reconstruction, while others derive from respective country's national land policy. Countries that have implemented some of such reforms in the region of SSA include South Africa, Zimbabwe, Eritrea, Mozambique, Angola, Namibia, Rwanda and Burundi, (Mhago & Samson 2001; Tekle 2001; Nteshebeza 2007; & Murisa 2008), while in central America include Costa Rica, Nicaragua, Colombia, and Guatemala (Baranyi & Weitzner 2006; & Hernandez 2001). Similar measures have been undertaken in the Balkans in former Yugoslavia (Foley and Aursnes 2005).

Thus, restitution for instance, was implemented in the Balkans in the aftermath of conflict in the former Yugoslavia, wherein forced evictions and secondary occupation were common practices, as reported by Foley and Aursnes (2005). This measure however is possible where land can be identified and their rightful owners have documented evidence. In societies that are characterized by customary tenure, such as SSA, documentation is normally unavailable and in most cases such tenure hardly grants women inheritance or ownership rights. The measure is only possible where land was purchased by husband or jointly with the wife, and once evidence of documentation is available, a woman can be helped to repose the land.

While Baranyi & Weitzner (2006) & Hernandez (2001) reported that measures involving granting joint or individual titles were carried out in Costa Rica, Nicaragua,

Colombia and Guatemala. In El Salvador and Eritrea for instance, individual titles were issued among former female combatants and displaced women as part of the peace accord (Baranyi & Weitzner 2006). This measure however, is dependent on availability of land, which government can allocate to those who have been affected by the conflict. In some countries such as South Africa in post apartheid era, land reallocation was conducted but subject to certain provisos of eligibility (Mhago and Samson 2001). According to Mhago and Samson eligibility was defined as adults, in a marital relationship or with dependants. Under this definition a couple had to have a joint income of less than 1500 rand a month to qualify. However, this policy was criticised for defining the 'eligible individual' as one who had to be in certain form of relationship, that is, marital relationship. As Mhago and Samson questioned, if a particular couple were granted joint ownership, and then later were to separate what would happen? Or in case of polygamy, which is a common practice in many communities of SSA, would all the wives including their husband own that piece of land? In the context of post conflict reconstruction such a measure is discriminatory against single mothers, widows and other vulnerable groups.

Other measures that have been recommended include registration and titling of family/clan land as part of the solution to land disputes involving trespassing and demarcation problems, among others. However, registration and titling of family land hardly considers women's secure access and use since titling is often done in a man's name. In this case such measures do not grant women independent access and ownership. Yet, as Mhago & Samson claimed, measures that are sensitive to women's land rights must be transformational, wherein they 'empower women and shift gender power-relations within the household and the economic, social and political spheres in their favour (2001: 120). The other weakness that has made some of these measures less effective is women's lack of information and knowledge about legislations that grant them land rights in families while others lack the means to seek redress in case of infringements (Tekle 2001).

Furthermore, in context where return is characterized by land disputes, some studies (such as Baranyi & Weitzner 2006; Levin & Adoko 2006; & World Bank 2008) have recommended resolutions of land disputes and redistributions that are more traditionally and locally based involving clan, family elders or community leaders.

This is because given the predominance of customary tenure in many countries of SSA, such measures become more appropriate as they command high legitimacy in the community. Additionally, as Wehrmann (2008) argued, customary arbitration normally seeks harmony, cohesion and unity within community. This is illustrated by the purification, pacification and reparations measures that may characterise this process in some communities as a way of healing the antagonism between or among the warring parties (Ibid). This is unlike litigation and other forms of dispute resolutions that seek retribution or reparations for the perpetrators. Litigations may strain relationships among individuals involved leading to unbridled tensions or hatred between or among families, clans and the community at large, hence sowing seeds for further violence.

The other advantages with customary arbitration are that its process-oriented nature guarantees sustainable results than the pure-product methods of conflict settlement, and last but not least is that it is very inclusive and participatory and cost effective since it does not require a lot of resources (Ibid). On the other hand, the approach has been criticized for excluding women, young people and the disabled in the resolution process (Odametey 2007) because, in general, the panel of customary adjudicators tend to be composed of exclusively old men (Wehrmann 2008). Additionally, customary conflict resolutions may be less effective since protracted wars tend to enervate their influence as most of the elderly and knowledgeable members could have been displaced or died in the process. Hence, application of state law becomes necessary as a replacement of the effete customary adjudication traditions. But the legal process needs to ensure that all parties and especially the most vulnerable are represented in such settlements.

Finally, implementation of the above or other related measures may be affected by weak or undeveloped and inexperienced institutions as well as lack of funds and political will and trust as the affected country emerges from a conflict that could have enervated its resource base. In this context land disputes resolution and land allocation for vulnerable groups may end up being delegated to local level in the meantime as government seek for funds and technical expertise for a more nationally based resolutions. Under such circumstance only temporary and short term resolutions may be possible. In the context of northern Uganda therefore, to appreciate the challenges

the war has imposed on women's land rights, and the likely opportunities to be exploited to address some of the challenges, it is significant to have a general but brief background on the history of women and land in Uganda, and also the traditional pattern of land accessibility by women in Acholi culture specifically.

2.2   Women and Land Rights in Uganda

Like in many countries of SSA, land tenure in Uganda and pattern of access, use and ownership by men and women cannot be understood without reference to colonialism. British colonial land policy in Uganda left at least four land tenure systems, which up to now characterise land tenure in the country (Tripp 2004; & Draft National Land Policy 2007).

First there is the freehold tenure wherein one has full rights registered ownership; second, leasehold tenure, which refers to land leased for a specific period under certain terms; third, Mailo land tenure, which involves holding registered land in perpetuity; and fourth, customary tenure, wherein land is regulated by customary rules often administered by clan/family leaders (Tripp 2004: 5). Among all the four forms, customary land tenure predominates in Uganda. Unlike the first two, mailo land like customary tenure continues to be subjected to clan and lineage head approval (Ibid). This form of land tenure is common in the central region where the British first settled and struck land agreements such as the1900 Buganda Agreement and The Land Law of 1908 which gave freehold titles of large tracts of land to the king, his family, and clan chiefs (Ibid). In all these systems women were excluded from owning land, and only retained secondary rights through their male counterparts as wives, daughters, sisters, among others. This phenomenon continues to characterise their land rights even up to day in many parts of the country. Only a small fraction of women have managed to own land in their own right, estimated nationally at 16% (MOLG&SD 2007; & MoLHUD 2004). Some of these rights have been gained through purchase and very rarely through inheritance from parents or husbands.

Therefore, colonial land distribution in Uganda undermined women's land rights, and instead strengthened men's hold over land (Gray & Kevane 2002). For instance, laws that required land registration or titling resulted in such land being titled in mostly men's names. The introduction of cash crops too undermined women's subsistence

agriculture, as men preferred to allocate most of the land for cash crops. This had the effect of making land an important resource for cash income and in the process increased value for land making it even difficult for women to own (Davison 1988). In case of customary tenure, which continues to be the predominant form of land tenure in Uganda, colonial legislation often favoured male elders as the sole custodians and supervisors of such land, although this practice predates colonialism. But by recognising male authority in customary land tenure, colonialism served to weaken women's ability to inherit land (Tripp 2004).

Subsequent development initiatives by post colonial regimes in the country meant that land reforms were necessary. However, given the political turmoil that characterised Uganda's politics very little reforms were undertaken. Even the Land Reform Decree of 1975 by President Idi Amin that aimed at turning all private land in the country into public land (Green 2005; & Mugambwa 2007), did not do away with land inequality. It was not until in the mid 1990s that land reforms were undertaken by the current National Resistance Movement (NRM) government.

2.3.   1995 Constitution and the 1998 Land Act

Land reforms in Uganda started with drafting of the 1995 constitution. Although the reforms were driven by the need for socioeconomic development of the country, women strongly expressed their concerns and interests in such reforms. Thus, during the constitution making process women aired out their concerns including those relating to land. According to Tripp (2004) women made significant concessions regarding their legal equality and protection in political, economic, social and cultural spheres along with the prohibition of laws, cultures, customs or traditions that violate their dignity, welfare and interests (p.5). However, given other difficulties that largely bore on ethnicity and land as well as concerns raised by cultural leaders who preferred to maintain the colonial legacy of land tenure, delegates in the constitution making postponed the debate on land to a future date.

It was not until 1998 that the Land Act was passed. The Act aimed at creating a system of tenure, ownership, and administration that would be sensitive and responsive to development investment needs of the country. But prior to its passage,

there were a lot of debates on the Land Act's clauses especially concerning the relationship between the landlord and tenant, illegal and legal occupants as well as other demands by cultural leaders of some ethnic groups such as Baganda who wanted the king (Kabaka) to be the custodian of their land (Green 2005). During this period women lobbied for clauses that protect their interests in clan and family land. As a result women managed to get some protection in the Act that included their recognition and consent before any transaction involving family land. Customary tenure practices were also required to involve women in significant land decision making. The Act also prescribed the Uganda Land Commission to have at least one female out of its five members, one third of the membership of the district Land Board to be female, and the land committees at the parish level were to have at least one woman out of four members (Tripp 2004:5).

However, in the context where the Act allows for a woman to first consent before a man sells family land, the man too is permitted to challenge a refusal to consent especially when the "reason(s)" given for not consenting is/are "weak". The question that arises is that who determines the validity of the reason(s)? Is it the man or the woman? In such a situation the Act provides a leeway for the man to manipulate the situation to sell off family land with or without the woman's consent.

While in other related legislations such as the Succession Act a widow is entitled to only 15% of the estate, 75% to the children, 9% to dependants and 1% to the customary heir, in case of death of male spouse intestate (Succession Act cap 139). But as some researchers (such as Lemu 2004) have argued the allocation of 15% to the surviving wife in intestate succession effectively discriminates against women. Moreover, in a polygamous marriage all surviving widows have to share the 15% of the estate. Besides these weaknesses, the Act does not cater for cohabiting wives.

Besides, given the patriarchal nature of the various ethnic communities in Uganda, it has been difficult to implement some of the above laws in real practice. Many women have been denied access and inheritance of land in case of divorce, death of husbands or father. In fact during the debate of the amendment of the Land Act in 2000 women unsuccessfully lobbied for co-ownership clause especially regarding family and clan land. Women argued that co-ownership was necessary as compensation for their

labour in the fields, home, and caring for household members (Asiimwe 2001a; & Khadiagala 2002). While others looked at it as a human right's issues and lobbied for non-discriminatory practices against women in land inheritance and ownership rights since Uganda was signatory to a number of UN conventions that proscribe against women in access and ownership of land and other property rights such as the Convention on the Elimination of all Forms of Discrimination against Women adopted in 1979; the Global Platform for Action emanating from the World Conference on Women in Beijing in 1995; and the Habitat Agenda adopted at the Habitat II conference in Istanbul in 1996.

Some looked at the struggle for land rights as a development and efficiency concern, wherein it was argued that to ensure sustainable development requires addressing inequalities between men and women in the distribution of resources including land (Tripp 2004). Given the role of women in economic development especially agriculture, without ownership of land, development is affected and this contributes to keeping women and hence families in poverty.

Despite these arguments, male politicians rejected the co-ownership clause and other land-related legislation on the ground that granting women co-ownership or joint-titling where men had strong stakes would undermine clan cohesion and power (Tripp 2004). For instance, on the issue of co-ownership , there was a lot of suspicions and sinister allegations male politicians assumed women would engage in including women marrying old men so as they can inherit land or women marrying men and then divorce with the sole purpose of acquiring land (Ibid:12). Others saw it as an attempt to commercialize and destabilize marriages while for some claimed that "how men treat their wives is a private matter that has nothing to do with co-ownership of land (Ibid). Male parliamentarians' fears received a lot of support from the common man in the public who saw some of women's demands for equality in land as an imposition of western values and tradition. Paradoxically, even among some organisations, as Lemu (2004) argued, that acknowledge the need for women's equality in society, were unwilling to support women on land rights. Accordingly the struggle for women's land rights has often been portrayed as a struggle against African culture. Hence, although it has been abstractly possible to argue for women's land rights, practically it has been difficult.

These fears by men rendered the co-ownership clause to be abandoned and instead taken for consideration in the Domestic Relations Bill (DRB), which also has been riddled with controversy, and since 2003 it has been shelved. On account of such inequities in marital property laws and customs, many married women are opting out of contributing to the joint marital property and have decided to buy their own separate land, although unfortunately society's attitudes towards such women is negative (MoLHUD 2008). Due to their financial independence, many husbands/men perceive such women with suspicion, often accusing them of adultery on the claim that a woman cannot be successful without the help of a man (Ibid).

Because of the controversies in the 1998 Land Act, in 2009 the government again drafted a National Land Policy that although was put under review by various stakeholders before tabling in parliament for discussion, was controversially passed. Among its various articles, the policy in article nine (9) recognises the obstacles women face in accessing and owning land when it states:

"Land use is primarily an activity of the women-folk, who are unable to own or inherit land due to restrictive practices under customary land tenure or are not economically endowed to purchase rights in the market".

In stating thus, the policy is cognizant that despite the 1998 Land Act and the Constitution proscribing discriminatory practices against women in land ownership, occupation and use, and further requiring spousal consent to transactions involving family land, men have routinely ignored these prescriptions, and in any event such as widows and divorcees, the laws have been inapplicable. Due to these weaknesses the policy goes on to state that there is a need to:

(i)   Mainstream gender into development planning and domesticate all international conventions, which outlaw discrimination against women and children.
(ii)   Reform property laws including those considered "gender neutral" to ensure equality and equity and review customary rules and procedures relating to succession to ensure that transmission of land to women is not impeded.
(iii)   Fully integrate women into all decision making structures and processes relating to access and use of land.
(iv)   Design and implement a regime of matrimonial property that protects spouses both within and outside marriages.
(v)   Family land is held in trust for the family and women's inheritance of land is promoted.

(vi)   Powers of traditional leaders in handling land matters are restore because of their sensitivity to rights of vulnerable groups.

What remains to be seen, however, is the implementation of the policy. In the context of northern Uganda, as it will be seen latter, it is vital to note that due to war, customary tenure is losing influence as individually owned land is becoming more common. Although this does not rule out resistance from men in post conflict reconstruction in wanting to maintain the status quo, the diminishing influence of clan land and other factors present opportunities to bring on board women's concerns and interests.

3.0.   Results

3.1.   Women and Land in Acholi Culture

Like many societies in other parts of Uganda, land tenure in Acholi sub-region in Northern Uganda is largely customary. According to responses among IDPs, land in the Acholi culture, belonged to a clan but under the custody of clan/family heads and elders who are normally men. Land apportionment was done along family and clan lines, upon which it was farmed and maintained. Sons who became of age and ready to marry were given a piece of land upon which they constructed their shelters and also cultivated. In this system women did not inherit land, but in the event that it was fully functional widows and single adult women had some protection in land. For instance, a widow who had children could still access land on account of looking after her children. Her security was further buttressed if she had sons. While single adult women in case of divorce or failure to marry due to various reasons could stay on their parents' land or relatives such as uncles, brothers among others.

As one Local council (LC) chairperson in one of the IDP camp noted:

"Before marriage, girls could cultivate their fathers' land. But when they got married they were expected to cultivate the piece of land from the husbands' clan. Women in our culture are not supposed to inherit land. Even when they got married they could not inherit the husband's land, it was her children especially sons who had the rights of inheritance" (LC chairperson, Koro-abili IDP camp).

Similar views were echoed by women during group discussions:

"A woman has no share in the land of the husband. In case of divorce you either went back to your parents or remarried. But in situation of death of husband you got protection from your

15

husband's relatives especially if you had children to look after. In most cases a widow would be inherited by the brother of the deceased", (Woman participant, group discussion, Bobi IDP camp).

From the above, although customary tenure had provision for protecting women's access and use of land in the event of husbands' death or non-marriage, such protection work under conditions of stability of the system. According to Oxfam (2008) customary tenure to function as it should, relies on social cohesion and stable family units. In case of breakdown in social order, the system faces difficulties accommodating the increase in number of children born out of the wedlock, and increase in cohabitation, divorce, and widowhood that may be caused by conflict and displacement. In the context of northern Uganda such a situation has become apparent given the effects of the war in the region and on land in particular.

3.2.   The War and its Effects on Land in the Return Process

As stated at the beginning, the conflict in Northern Uganda imposed a great deal of disastrous effects in the region including displacement, destruction of social services, physical infrastructure and people's livelihoods. In the context of such effects on women's land rights, the displacement and long stay in the camps bred incidences that have affected women's access and use of land in the return process.

According to some of the responses, especially among participants in group discussions held in IDP camps, it was noted that widows, divorced/separated women, and orphans could not go back to their former villages because they had been denied access to land. As a result quite a number of people were stuck in the camp and had no where to go. Others were too old or frail or lacked the means to travel back to their villages. One male participant in one of the group discussions stated that:

"A majority of those stuck in the camps are widows, orphans, elderly people, and the sick. These people are faced with uncertain future given this camp was set up on private land and the owners might at any one moment evict them off or demolish their shelters", (Male Participant, group discussion, Bobi IDP camp)

Indeed in one of the camps, an elderly woman who participated in a group interview stated her plight thus:

"I came here from Apac district. I do not know where the rest of my family members went as we were running away from the rebels. I am stuck here in this camp. I stay with one of the

lady who is my friend; she is the one who helps me with food and shelter. I am too old and sickly. I cannot do anything for a living. I do not have money to go back where I came from", (female Participant, group discussion, Bobi IDP camp).

This situation portends a lot of problems for this category of people as some women may become homeless while other may resort to livelihood activities in which they are prone to exploitation such as working as maids, sex workers, waitresses or hawkers.

The other challenge for women's access to land has been exacerbated by the land conflicts that have become sporadic in the region. Although it has been reported that by August 2006, close to 900,000 of the total estimated IDP population of 1.8 million had returned to their original villages, and some 460,000 had made initial movement to transit sites, smaller camps closer to return areas (Oxfam 2008: p.7), the journey back home has been engulfed in a lot of difficulties and dilemmas regarding land. According to responses from group interviews in the camps, many people could not trace their land given the time they spent in the camps. As one camp leader noted:

"There is a very huge problem as people go back home. Many who came to the camps when young or born in the camps and also married and had children in the camps but whose parents, relatives and friends died in the process are facing difficulties in tracing their land or homes. While some who have managed to return, they have difficulties tracing their land boundaries. These issues are becoming a source of land conflicts" (In-depth interview with camp commander, Bobi).

Similarly, in an interview with one of the sub-county chief, it was stated:

"Some people who have gone back home have found their land encroached upon by those who went back early. And some are selling land without the awareness of family or clan members. This has become common among young men who do not want to go back to the villages, and instead prefer to stay in urban areas. And since some of these camps have become trading centres, many of them prefer to stay behind than got back to villages where people are scattered from each other", (Sub-county Chief, Koro-abili).

While in other interviews, participants in group discussions reported that tensions of land were caused by the fact that some people found their land already cultivated by unknown individuals. Yet in others, land was still occupied by government soldiers in form of army detach, while some expressed fears engendered by widespread rumours of government interests in Acholi land for investment; and with the on-going discovery of oil deposits in some parts of the region such as Amuru, have led to

discontent among the locals regarding the seriousness of government and local authority in dealing with the land problems.

It is significant to note that many of these disputes are complex, and in some cases they have resulted in injury or physical harm, destruction of property with the potential for fatalities among those involved. For instance, the New Vision, one of the government newspapers on several occasions has reported land disputes that have involved destruction of property and injury to people. One case in point was stated thus:

"A total of seven people were injured, six houses set ablaze and property looted during a land dispute at Ligo return village in Lamogi sub-county, Amuru district…. The attackers took two goats, chicken, ducks, bicycles and two bags of sorghum. … (The attackers) claimed those whose houses were burnt had settled on land that was not theirs"[3].

While the Integrated Regional Information Networks (IRIN) (2009) reported that four deaths have occurred in the districts of Gulu, Kitigum and Amuru following land related disputes since the beginning of 2009. Close to 120 households were reported to have been rendered homeless as their shelters were burnt down during a clash involving two clans fighting for land.

In all, as one of the recent World Bank (2008) consultancy report concluded, land disputes in this region can be categorized to include discriminatory practices against women or widows to own and access land; early returnees encroaching on neighbours' land; clan leaders complaining about army detach occupation of their land; people reclaiming land sold before conflicts; lack of compensation for land that was used as camp sites; and sale of land by some people without knowledge of relatives.

These conflicts pose significant land problems not only for women but also men. For women such conflicts mean further displacement and difficulties in fending for their dependants. Some women, as some participants noted, have sought refuge from friends, neighbours while others moved to streets in urban areas. While others have

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[3] The New Vision, "Seven injured in Amuru land dispute", Thursday, 16th April, 2009

compensated for loss of livelihood from land through alternatives means such as domestic help, sex workers, and where possible farming on rented land. Land related conflicts greatly affect women as most of them are less socially or financially independent. Land is therefore of great importance to family welfare and the women value it, since a majority of them depend on it for livelihoods.

The other challenge presented by the above land wrangles may be gleaned from the actors involved. Most if not all the actors in the wrangles are men, hence meaning that the wrangles are intertwined with men's cultural norms and values regarding land. As one participant strongly stated in one of the group discussion:

"A man must have land, a man without land is not even a person, a man must work hard to own land and pass it on to the other male children in his line like his father did. Land is synonymous with being a man – only men inherit land from their fathers – for women once they get married, they belong to their husband 's family and that is where they get land/ access land" (Youth group discussion, Koro-abili IDP camp).

This response underscores the strong attachment men have towards land, not only as an economic or productive asset but also as a social and masculine identity. According to Wehrmann (2008), for most people land represents home, binds together past, present and future and constitutes people's spiritual base. Although the same land may have similar meaning for women, their secondary rights' holding renders them vulnerable in the event of land conflicts. In the words of one female participant in one of the camps, it was noted:

"As women we have to be careful not to entangle ourselves in such wrangles. If one dared, you would be reminded of your status. It does not matter whether we have been married to such men or not. Family land will always be theirs to own, unless a woman bought her own using her money. So, many of us women just look on as men battle out", (female participant, Koro-abili, IDP camp)

Hence, in light of post conflict reconstruction, such a strongly held notion among men may play a big role in men's resistance to legislations or measures that may be undertaken in addressing women's land rights. Fundamentally, such a response reflects an ingrained patriarchal attitude about customary land, reminiscent of the opposition men had towards Land Acts and other legislation that they successfully blocked to ensure that women have no share in customary land.

3.3.   Peace, Recovery and Development Plan (PRDP)

In light of such challenges and other repercussions of the war in the region, the government of Uganda, in an effort to stabilise and engender a steady recovery process, formulated PRDP, which was launched in September 2007 and became operational in July 2008 (Oxfam 2008). Among its strategic objectives, the PRDP is aimed at consolidation of state authority; rebuilding and empowering communities; revitalisation of northern economy; and peace building and reconciliation (PRDP 2007: pp.vii-viii). Within these four strategic objectives, 14 key interventions ("programmes") have been identified with more than 1000 large and small scale investments in addition to funding of regular positions within central and local government administration and service delivery units (Norad 2008).

By developing the PRDP, it is hoped that this will go along way to look at the unique challenges women face in the reconstruction process including land issues. Indeed in its commitment to attend to gender and women's interests in the PRDP, the government instituted the 'Women's Task Force for Gender Responsive PRDP[4]'. It is expected that the Task Force will work to ensure increased women's active participation in the PRDP planning, implementation and monitoring and evaluation processes. It is also hoped that the Task Force will influence decision making to ensure appropriate interventions and resource allocation that address women's needs and gender inequality issues in Northern Uganda.

However, despite these efforts, the PRDP is likely to fall short of addressing women's land interests. First and foremost, in all group discussions held in the two camps, participants expressed ignorance of PRDP. One participant noted thus:

"I do not know what PRDP is all about. I even doubt whether our local leaders in the camps are aware of it. Because whenever there is anything to be done, we are informed through our local leaders but with PRDP we have never been informed", (Male participant, gropu discussion, Bobi).

Similarly, a local leader in one of the camps stated that:

"Although I have heard about it being mentioned on radio I know nothing in it. If it is about resettling us, then it is bound to fail because none of us was consulted to input our interests or needs", (LC chairperson, Koro-abili, IDP camp).

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[4] http://www.isis.or.ug/home

Secondly, the overall structure and content of the PRDP is couched in a gender neutral language. There is no indication of how women's concerns in particular and gender in general are going to prevail upon the various aspects of development programs in post conflict reconstruction. In their appraisal of the PRDP, the Norad consultation group stated that:

"… PRDP makes hardly any reference to the different situations for women and men in the North, despite the existence of numerous studies showing the patterns of female vulnerability and loss of male status and role as a problem exacerbated by displacement. Northern Uganda has the biggest percentage of women headed households in Uganda (30.8%), … and there are numerous reports that the most vulnerable members of society, women, children and former LRA abductees have problem accessing land due to the breakdown in the traditional system of land management" (p. 30).

Even with the government establishment of a "Women's Task Force for a Gender Responsive PRDP" to ensure that the implementation of PRDP involves women at all levels and stages is not an assurance that women's needs will be taken seriously. This is because by failing to consider gender and women's needs during the initial development of the PRDP serves to highlight how gender and particularly women's concerns continue to be seen as an add-in rather than part of the overall planning and implementation process of PRDP framework. As an add-in phenomenon, it means that gender and women's concerns are treated as separate issues from the mainstream concerns of the PRDP. Finally, by engaging only women in the task force perpetuate the assumptions that gender and particularly women's concerns are better understood by women alone.

There is also a fear that targeting women as a separate group in the reconstruction process risks fracturing the already stressed social relations hence could aggravate incidences of domestic violence[5], making it even harder for women to use land. As many participants in this study reported, during their residence in camps a lot of domestic and gender based violence transpired. The war situation and confinement to the camps disrupted family livelihoods and relationships. Cases of infidelity and alcoholism were common among couples which led to tension, separation and

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[5] Moses Chrispus Okello speech delivered on behalf of Dr Chris Dolan's keynote speech given at NGO seminar for Scandinavian based International NGOs working in Northern Uganda, on the theme: "Is the PRDP a Three-Legged Table? Challenges for NGOs in moving from humanitarian and short term interventions to loner term approaches in light of the PRDP and the conflict setting", Kampala, 10th April 2008 at: http://www.ugandaclusters.ug/prdp.htm

divorce. Hence, to avoid straining some of the already troubled relationships reconstruction processes should devise approaches that do not arouse antagonism from men.

Finally, given the history of women and land in the country, and how unsuccessful in some cases women have battled, sentiments that border on excluding women in land matters are likely to crop up in the reconstruction process, as already is being manifested by the land disputes. To make matter worse, the PRDP hardly addresses the issue of land conflicts arising from the return process. Hence it is unclear how these conflicts will be tackled by the various programs to be implemented under PRDP and especially when such conflicts have affected women's access and use of land in the return process. It is only recently that the World Bank (2008) contracted a team of consultants to conduct a survey of IDP returnees and land issues in the region to be used as input into the PRDP, and the Draft National Land Policy.

3.4. Opportunities for Women's Land Rights

Despite the above challenges, it is nonetheless significant to realise that some opportunities exist for addressing some of the above challenges. As indicated previously above, post conflict situation may present opportunities for addressing women's concerns and interests in the reconstruction process. According to Zuckerman and Greenberg (2004) post conflict reconstruction can involve processes that offer opportunities to focus on women's rights and also acknowledge and value their contribution in reconstruction. In the context of land and other property rights this implies "sorting out property ownership, and drafting property laws that uphold the rights of individuals to property. Such process must guarantee women's full and equal rights to own property, *de jure,* and their ability to enjoy those rights, *de facto"* (Ibid: 3).

Fortunately in Uganda, the national constitution and recently passed National Land Policy outlaws any discrimination against women concerning property acquisition and ownership. The Land policy in particular pledges to reform all property laws, integrate women in land decision making, promote women's inheritance of land,

among others, as some of the ways to guarantee women's full and equal access, use and ownership of land.

Thus, in the context of northern Uganda, by instituting the women task force in the PRDP is one such gesture by government to integrate women's concerns and interests as they might have been impacted upon by the war. In relation to land, it is significant to note that many respondents argued that although customary tenure is the norm in Acholi society, 20 years of displacement and stay in camps debilitated social norms and values as well as dislocated social networks that undermined the institution (that is, of customary tenure). As one camp leader noted:

"This war and long stay in the camp affected the institution of elders as the custodians of Acholi cultural norms and values. The youths and children lost respect for their parents and the elderly. The situation was also worsened by organisations that used to talk about children and women's rights in the camps. Now days it is risky to touch a child or woman. They will report you to the authorities", (camp leader/commander, Bobi camp)

In another response, one male elderly participant stated that:

"Most people who came to the camps when young or those born in the camps lack a strong sense of Acholi cultural identity. They do not know the politics of land management and acquisition as prescribed by Acholi culture. That is why some of them when land is identified and allocated to them they prefer to sell it and stay in the town. They do not know that the future lies in the security of land in case life in towns becomes hard for them", (Male participant, group discussion, IDP Koro-abili)

This situation hence, creates avenues for bringing on board women's land concerns in the resettlement and reconstruction process. In other words, rebuilding the social and moral fabric of Acholi society would require integrating norms and values that have regard for women's rights including land. This means involving women in customary structures so as to be relevant or keep abreast with their changing needs and role in post conflict. As indicated above, customary tenure has mechanisms of protecting women's access and use of land in case of divorce, non-marriage or death of husband. It would be necessary that such protection mechanism are explored and built upon to see that widows, divorced and other category of women facing land-related problems are enabled to re-access and use land.

Unlike the prevailing criticisms of customary tenure of granting women secondary rights, it is significant to note that under customary tenure individual ownership is untenable. Since land belongs to a clan or family, it means no one can take an independent decision to disposes other family members of it or sell the land. In most cases one will have to consult other family members in such or other related cases. In fact as previously noted, in Uganda, the 1998 Land Act requires that before any transaction of land upon which a family resides or derives a livelihood, the spouse and the children or dependants have to be consulted first. The communal and consultation processes involved in customary tenure, underlines the significance of social rights individual family members have in land access and use as opposed to individual land rights that has been the focus of much of human rights campaigns. To the extent that such campaigns have proposed titling or co-titling as one way through which to ensure tenure security for women and that it also helps to indicate the number of women acquiring land titles relative to men. This strategy however, is radical and conflictual because it hopes to solve a clan/social problem by individualization. Yet in a setting where people still believe in social and cultural practices such as customary tenure, it would be significant to advocate and build upon the protection mechanism for women's access and use of land already contained in customary system. This approach is less conflictual since it demands for equity in recognising women's tenure security. Individual titling would be left to evolve on its own as the various socioeconomic changes such as migration, urbanisation and other developments gradually impact on society and customary tenure in particular.

Where the institution of customary tenure is too weak to effectively function, formal legal structures be invoked but in a manner that is sensitive and responsive to women's interests. Legal structures can engage local leaders, women, clan/family elders who are knowledgeable about the local land customs and politics, and utilise their experience to arbitrate disputes and allocate land appropriately.

Furthermore, cognizant of the significance of land to men, some female participants in the discussion groups argued that purchase of own land was a better option for women to have full claim to land.

"If a woman buys her own land", as one female participant in a group discussion in Koro-Abili IDp camp said, "she is able to make independent decision regarding its use and also the possibility to use it as collateral security to secure a loan from financial institutions."

"Where possible", as another woman argued, "if government and organisations that have come to work here facilitated us with loans or income generating activities, profits saved overtime would be used to buy our own land."

Thus, easing women's access to credit facilities or training them in relevant skills to engage in economic activities is another alternative post conflict reconstruction could gradually explore to contribute to addressing women's land rights. Purchase of land offer women independent access and ownership as well as strengthening their agency. In other words, enabling women engage in income generating activities is a less troublesome approach of aiding them than trying to fit them in traditional economic activities wherein they have to depend on men for decision making on land, investments, saving and expenditure. Indeed in some part of the country especially in the central regional women who are actively engaged in business have managed to purchase their own land without relying on men. Many of whom have been unsuccessful in marriage and some are widows but because they have engaged in personal businesses and other income generating activities, they have been able to buy their own land.

Another significant dimension in addressing women's land rights lies in taking stock and consolidating the gains some women made during the conflict and stay in the camps. In other words, the relative increase in incidences of widowhood and female headed households as well as in households where men failed in their roles while in camps, women took over the responsibility for their families' livelihoods. Indeed observation of the various activities in the camps during field work for this study indicated how busy women were as they engaged in a variety of livelihood activities than men. This situation gave an impression that women were more agile and enterprising than the men. Men on the other hand, were seen loitering about in the camp in a state of quietude, dejection, and seemingly reminiscent about life in the past before the war. As one of the camp leaders commented:

"Women are in charge of the household. Women manage the local markets in the camps from where a majority of them derive their living. They also formed groups where some of them contribute money which is given out on a rotational basis according to one's contribution. Those who take a loan from the pool pay some small interest. Women brew 'malwa' (local

brew), which they sell and get some money which they use to maintain their families. Men have problems as a result, because they cannot run the family. Though some men run small businesses, the majority are women", (Camp leader, Koro-Abili IDP camp)

In such as situation, as Nakamura (2004) once argued many women in conflict situations gain new economic roles through various income generating activities which give them social responsibilities of their households and communities as well as bestowing on them greater self-confidence and independence. Similarly, Baden (1997), Byrne (1996), El-Bushra et al, (2003), El-Bushra and Sahl (2005), and Dolan (2006) noted that in most cases violent conflict that lead to displacement and encampment of fleeing masses to IDP or refugee camps, tend to affect the balance in power relations at household level in favour of women. The new and demanding responsibilities women incur during the conflicts as they become breadwinners and household heads, gives women stronger decision making roles within the households, as men grossly get disempowered by the war. Although such changes in gender roles may contribute to straining relations between couples, leading to increase in incidences of domestic and gender based violence, at the same time, such changes may transform social patterns that promote gender equality after the conflict.

However, as Nakamura admonishes, in most cases such changes may not necessarily be sustained in the aftermath due to the unchanged patriarchal attitudes. According to Watterville (2002) society in most cases compels women to revert to their traditional gender roles. Hence in the context of northern Uganda, it would be necessary that appropriate measures be taken to ensure that some of such women do not lose the gains that they could have garnered during the conflict. Programmes targeting women should be able to build on such gains at both the individual and community levels as one of the options to women's empowerment and transformation.

While for those stuck in the camps for various reasons, it would be necessary that government allocate them some temporary land as a long term solution is worked out. This group who largely constitute widows, divorced women, elderly and child headed households, would be availed with the necessary help to engage in livelihoods activities. Local and international NGOs dealing with some of such categories of people should be called upon to offer their help in integrating and resettling them in the communities. Ignoring this group has the potential to lead to more chaos as the

owners of the land where the camps used to be might need to develop the land. In other cases, where people have been deprived of land by those selling, it would be necessary that government and local authority stop all sale of land in the meantime until there is relative calm and peace. Luckily enough, as some participants noted it was becoming difficult to sale land as this participant noted:

"…as clan leaders are identifying land, it is becoming impossible to sell land minus consulting relatives, wife/wives. Those who disregard consultation are dealt upon with by the law in case reported", (Male participant, group discussion, Bobi IDP camp)

In cases where restitution and re-allocation/redistributions have to be conducted, it would be necessary that legislation that prescribes women's non-discriminatory practices in property acquisition and ownership including land be invoked. Although it has been severally argued that such legislations have had no practical significance, IDP returnees should be trained and sensitization about their rights when it comes to re-allocation/redistribution. District/local government offices mandated to conduct restitution and re-allocation should be made known to local population and women should be encouraged to seek help where necessary. Under such measures women should be permitted allocation of land independently and not necessarily under certain conditions such as was done in South Africa post apartheid land reforms.

In a nutshell, for all the above opportunities to be taken advantages of, a multiplicity of approaches would be necessary to address women's land concerns. The first step is to call upon various stakeholders including humanitarian agencies as well as NGOs to avail their assistance. Engaging several organizations and stakeholders enables a multiplicity of approaches as each organization plays its part in the reconstruction process depending on their niche. To avoid duplications of activities and competing interests among various local and international organizations in the region it would be necessary for the government to ensure proper co-ordination of such activities and interests. There is a need to clearly spell out who is going to do what, when, why and how for women. This would avoid wastage of resources and minimize duplication.

Another step would be to conduct a gender analysis before any intervention is done. According to El-Jack (2003), interventions that involve rectifying gender imbalance can only be effective if they are able to account for the diverse realities of men and

women in post conflict reconstruction. Gender analysis in this case permits an understanding of how gender specific imbalances are experienced by men and women, and as impacted upon during and after the conflict. It helps to identify areas for action, identify processes and structures that perpetuate inequalities, design interventions, and highlight implications of interventions for both men and women (Kabonesa 2005). This can then be followed by sensitizing communities about the plight of women in general, and their potential benefits in post conflict reconstruction.

3.5. Conclusion

This paper has looked at the challenges of women's land rights in the aftermath of the war in Acholi sub-region of Northern Uganda, and the opportunities that can be exploited to ensure that they gain access, use and ownership of land in the return process. Whereas women's lack of access and ownership of land in SSA stems from gender and socio-cultural factors, armed conflicts exacerbate their situation. In the aftermath of the conflict, this calls for measures that rectifies the inequalities that stems from their gender and also as created by the conflict. This is because the fact that war disrupts the socio-economic and moral fabric of society, rebuilding this fabric is an opportunity to invoke strategies that may take into account women's land rights and empowerment in general.

However, the possibility of ensuring that women gain access, use and ownership of land in the return process rests largely on the commitment of various stakeholders such as government, national and international Non-Governmental Organization (NGOs), local authorities/leaders and individuals working in the region.

4. References

Adams, Martin and Stephen Turner, "Legal Dualism and Land Policy in Eastern and Southern Africa"

African Union/Economic Commission for Africa, *Land Policy in Africa: A Framework of Action to Secure Land Rights, Enhance Productivity and Secure Livelihoods,* March 2006 (Note: some modification on Uganda by the author, especially on 2008 draft national land policy)

Baden, S. (1997) "Post-conflict Mozambique: Women's special situation, population issues and gender perspectives: to be integrated into skills training and employment promotion." *BRIDGE Report*, no.44. Brighton: BRIDGE, the Institute of Development Studies.

Baranyi, Stephen & Viviane Weitzner, (2006), "Transforming land-related conflict: Policy, practice and possibilities" Background paper, May 2006, The International Development Research Centre

Bruck, Tilman & Marc Vothknecht (2008), "Women and Post-War Reconstruction: Constraints, Choices and Outcomes",

Byrne, B (1996) "Towards a Gendered Understanding of Conflict". *IDS Bulletin* 27, 331-40, Brighton: the Institute of Development Studies

Carbonnier, Gilles, "Conflict, Postwar Rebuilding and the Economy: A Critical Review of the Literature, WSP Occasional Paper No. 2, March 1998

Cockburn, C. and Zarkov, D., 2002, 'Introduction', in C. Cockburn and D. Zarkov (eds), The Postwar Moment: Militaries, Masculinities and International Peacekeeping, London: Lawrence & Wishart

CSOPNU (2004). Land Matters in Displacement: the Importance of Land Rights in Acholiland and What Threatens Them, Kampala: CSOPNU.

Deininger, Klaus, and Raffaella Castagnini, (2004), "Incidence and impact of land conflict in Uganda", World Bank Policy Research Working Paper 3248, March 2004

Dolan, C (2003) "Collapsing Masculinities and Weak States – Case study from Northern Uganda' in Cleaver F (ed), *Masculinities Matter: Men, gender and development*, Zed books, London.

El-Bushra J. Ibrahim and M.G. Sahl (2005), *Cycles of Violence: Gender Relations and Armed Conflict*: Nairobi and London: ACORD – Agency for Co-operation and Research in Development

El Jack, Amani (2003), "Gender and Armed Conflict: Overview Report (development – gender)", BRIDGE, IDS, University of Sussex at: http://www.ids.ac.uk/bridge

Foley, Conor (2007) "Land rights in Angola: poverty and plenty", HPG Working Paper November 2007

Foley, C., & Aursnes, I.S., (2005), "Land, housing and property restitution after conflict: principles and practices", *HPN Humanitarian Exchange Magazine*, Issue 32, December 2005 at: www.odihpn.org

GoU/MoLHUD, *Drafting the National Land Policy,* September 2008 Kampala, Uganda

GoU (2007), Peace, Recovery and Development Plan For Northern Uganda (PRDP) 2007-2010, September 2007

Hammond, Felix Nikoi,et al, The Political Economy of Sub-Saharan Africa Land Policies, *American Review of Political Economy*, Vol. 4, No. 1/2 (pages 19-35) December 2006

Hernandez, M.G., "The Implementation of Guatemalan Peace Accord with Special reference to Women Returnees from Mexico", Background Paper, UNIFEM, (2001), *Women's Land and Property Rights in Situations of Conflict and Reconstruction*, A READER Based on the February, 1998 Inter-Regional Consultation in Kigali, Rwanda

Hetz, P.E., et al, (2007), "Land Matters in Northern Uganda: Anything Grows; Anything Goes Post-conflict "conflicts" lie in Land", April 2007

IRIN (2008) UGANDA: Returnees caught up in land disputes http://www.alertnet.org/thenews/newsdesk/IRIN/6cce5660060db00d5923cdce644074 ba.htm

Kabonesa, K (2002), "Gender relations and Women's rights to land in Uganda: A study of Kabarole district, Western Uganda", *East African Journal of Peace and Human Rights*; Vol. 8, no. 2, 2002.

Kabonesa, K (2005), "Gender Mainstreaming and Implications for Peace", *Gender and Peace Building in Africa*; Dina Rodriguez & Edith Natukunda-Togboa (2005): Costa Rica; University of Peace, 2005.

Leckie (ed.), *Returning Home. Scott Leckie, Housing, Land and Property Rights in Post-Conflict Societies:* Proposals for a New United Nations Institutional and Policy Framework, UN High Commissioner for Refugees, March 2005.

Lehrer, Kim (2008), "Gender Differences in Labour Market Participation during Conflict: Evidence from Dispalced People's Camps in Northern Uganda", Royal Economic Society PhD Presentation Meeting, January 18th, 2008

Land and Equity Movement in Uganda (Lemu), Further submission to National Land Policy, December 2008 at: www.land-in-uganda.org

Lemu (2008), Fighting the wrong battles? Towards a new paradigm in the struggle for women's land rights in Uganda, December 2008

Levin, S., & Judy Adoko, (2006), "Land rights and displacement in northern Uganda", *HPN Humanitarian Exchange Magazine*, Issue 34, July 2006, Humanitarian Practice Network at: www.odihpn.org

Ministry of Lands, Housing and Urban Development (MoLHUD), "Mainstreaming Gender and HIV/AIDS Issues into the Draft National Land Policy", Draft Issues Paper, Kampala - September 2008

MoLHUD (2008), "Mainstreaming Gender and HIV/AIDS Issues into the Draft National Land Policy", Draft Issues Paper, Kampala - September 2008

MoGL&SD (2007) The Uganda Gender Policy 2007

MoLHUD (2004) Gender Baseline Study: Land Sector

Mugambwa, John (2007) "A Comparative Analysis of Land Tenure Law Reform in Uganda and Papua New Guinea", *Journal of South Pacific Law* (2007) 11(1)

Murisa, Tendai (2008), "Agrarian Reforms in Southern Africa: Contradictions of Neoliberal Prescriptions", Extrait du suite Foundation Gabriel Peri at: http://www.gabrielperi.fr

Nakamura, Fumie (2004), "Gender and Armed Conflict in Africa: Challenges to Gender Roles, Relations and Identities in the Case of Mozambique", Monterey Institute of International Studies December 2004 at: http://sand.miis.edu/research/student_research/2004%20Student%20Work/04Nakamura_Gender&Armed_Conflict.pdf

Nannyonjo, J (2005), "Conflict, Poverty and Human Development in Northern Uganda", UNU-WIDER, Research Paper No. 2005/47, August 2005

Norad (2008), "Appraisal of the Peace, Recovery and Development Plan for Northern Uganda", Norad Report 25/2008 Discussion

Ntshebeza, L. (2007). "Land reform in South Africa: the Property Clause Revisited," in Ntshebeza and Hall (ed) *The Land Question in South Africa and the Challenge of Transformation and Redistribution.* HRSC Press: South Africa

Odametey, C.: The Regulation of Land Disputes: Promoting the Option of Alternative Dispute Resolution Mechanisms: The Case of Ghana. Unpublished Master's Thesis at the Centre of Land Management and Land Tenure, Technische Universität München 2007.

Oxfam (2008), "From Emergency to Recovery: Rescuing northern Uganda's transition", Oxfam Briefing Paper, September 2008

PROWID (1998), "After the peace: Women in Post-conflict Reconstruction", Information Bulletin, at: http://www.icrw.org

Sabimbona, Sabine , "The Problems of Displaced and Returnee Women Faced with Current Land Tenure Policies in Burundi", Background Paper, UNIFEM, (2001), *Women's Land and Property Rights in Situations of Conflict and Reconstruction*, A READER Based on the February, 1998 Inter-Regional Consultation in Kigali, Rwanda

Tekle, Tsehainesh "Women's Access to Land and Property Rights in Eritrea", Background Paper, UNIFEM, (2001), *Women's Land and Property Rights in Situations of Conflict and Reconstruction*, A READER Based on the February, 1998 Inter-Regional Consultation in Kigali, Rwanda

Tripp, Aili Mari (2004), "Women's Movements, Customary Law, and Land Rights in Africa: The Case of Uganda", *African Studies Quarterly*, Vol 7, Issue 4, Spring 2004, The Online Journal for African Studies at: http://www.africa.ufl.edu/asq/v7/v7i4a1.htm

UNDP/GoU, "Returning to Uncertainty: Addressing Vulnerabilities in Northern Uganda

UNHCR, Kigali Office, "Women's Property Rights and the Land Question in Rwanda", Background Paper, UNIFEM, (2001), *Women's Land and Property Rights in Situations of Conflict and Reconstruction,* A READER Based on the February, 1998 Inter-Regional Consultation in Kigali, Rwanda

UNIFEM, (2001), "Women's Land and Property Rights in Situations of Conflict and Reconstruction", A READER Based on the February, 1998 Inter-Regional Consultation in Kigali, Rwanda

Waterhouse, Rachel , "Women's Land Rights in Post-War Mozambique", Background Paper UNIFEM, (2001), *Women's Land and Property Rights in Situations of Conflict and Reconstruction,* A READER Based on the February, 1998 Inter-Regional Consultation in Kigali, Rwanda

Watterville, ND, (2002), "Addressing Gender Issues in Demobilizing and Reintegration Programs", *African Regional Working Paper Series*. Washington D.C.: the World Bank

Wehrmann, Babette (2008), *Land Conflicts: A practical guide to dealing with land disputes,* Eschborn, February 2008

Worby, Paula , "Organising for a change: Guatemalan Refugee Women Re-affirm their Right to Land", Background Paper UNIFEM, (2001), *Women's Land and Property Rights in Situations of Conflict and Reconstruction,* A READER Based on the February, 1998 Inter-Regional Consultation in Kigali, Rwanda

World Bank (2008), "Northern Uganda Land Study: Analysis of Post Conflict Land Policy and Land Administration: A Survey of IDP Return and Resettlement Issues and Lesson: Acholi and Lango Regions" *February, 2008*

Yamano, T & Klaus Deininger (2005), "Land Conflicts in Kenya: Causes, Impact & Resolution",

Zuckerman E., & Marcia Greenberg (2005), "The Gender Dimensions of Post-Conflict Reconstruction: An Analytical Framework for Policymakers", Gender and Development, Oxfam Journal, Vol 12, No. 3, 2004