



**Land Conflict, Gender and Agricultural Production: A case of Apac
District, Northern Uganda**

Master Thesis

By

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Declaration

I, Sarah Auma, declare that this thesis is a result of my research investigations and findings. Sources of information other than my own have been acknowledged and a reference list has been appended. This work has not been previously submitted to any other university for award of any type of academic degree.

Signature..... 

Date..... 11th 10/2016

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Abstract

This study explores the extent and causes of land conflict at the local community level. It also investigates genders aspects in relation to women position in land holding, transaction and inheritance, and winners and losers in the conflict. Furthermore, the study highlights vulnerable groups that often fall victim of land conflict at the local community and assesses the impacts of such conflicts on the agricultural production, on the social wellbeing of men and women and its effects on the general community. In addition, the study look for local community perception on what could be sustainable solutions to land conflict at the rural community. The results show that land conflict at the local community level is serious and rising which requires action from the authorities to change the situation. The conflict cuts across genders and the vulnerable groups that often fall victim are children born outside marriage especially male children, orphans, widows, divorced and unmarried women. The driving factors for land conflict at the local community are multiple and diverse, ranging from cultural inheritance systems of land holding, self-driven factors such as greed for materials and some weaknesses in the national government. Also, the result indicates that women's position in land holding and inheritance is gradually improving but their power over land transactions is still greatly low. The finding shows that Children often lose their rights to land due to culture that hinders them from challenging their elders and such instances are attributed to land grabbing. Women often become losers in divorce cases but in genuine cases, where conflict is between a man and woman, and especially when it is attributed to land grabbing, women win the case. The impacts of land conflict can be sighted on the victims through reduced farming land size, declining productivity level and unpleasant life. The impact extends to the general community through increase in dependency level, decline in food security status of the community and rise in illegal practices such as stealing of non-harvested crops. The study concludes that although local practices are blamed for increase incidences of land conflict, some weaknesses in the national government are to a large extent responsible for outbreak of land conflict and that improving women's access to land will require deep cultural revision with great support from the national government through strong land laws in favor of both gender, coupled with women's education and economic empowerment.

1. Introduction

Worldwide, land remains an important natural capital for every nation and individuals, and because of this, it's not unusual that there is land conflict across the world, especially in developing nations where a huge population depends on agriculture for their livelihood (wehrmann 2008; Kairaba 2000).

In most African countries, land conflict commonly arise at the countries' boarder level, district boarder, among ethnic groups, in the community over common land, between individuals over boundary (Mamo, 2006). Land conflict between individuals is the most common type of conflict in the rural community, and yet in many cases, conflict at this level lacked big attention from the authority. On the other hand, countries' boarder conflict, district and inter-ethnic land conflict received major response, which tends to result into immediate solution due to political dimension involved (Mamo, 2006). Because of lack of attention by the authorities over land conflict at the rural community, some vulnerable people like women and orphans have continued to lose their rights to land to the greedy people. Some people have lost their lives due to land fight and some incidences of land conflict creates hatreds among the parties involved which goes on from generation to another. Moreover, the individuals who lose their rights to land due to conflict find themselves in deep poverty, due to decline in productivity, food insecurity and a fall on the income level.

The increase in the incidences of land conflict in Africa is largely being attributed to the failure of existing land tenure systems to address the challenges that hinders use of land in more effective way, which would permit investment and enhance productivity. The struggle for land is also being exacerbated by increase in population, resource scarcity and other factors like technological change, improved terms of trade for agriculture and demand for land for non-agricultural use (Deininger & Castagnini, 2005). Sjaastad, Derman & Odgaard (2007) also looked at exclusion and relative deprivation as major cause of conflict in Africa.

In the case of Uganda, there is increasing incidences of land conflict at the local community and many people are becoming landless, affecting 33 to 50% of landholders (Lemu, 2011). Yet, like in many African countries land is a source of pride and a show of wealth and therefore losing land imply getting poorer (Lemu, 2011). Uganda, like many African countries have a colonial history

by the British in 1900, which brought changes in the land tenure system (Brett, 1973). The British allocated huge plots of land to absentee landlords in the system called freehold (mailo) in 1900 under Buganda agreement, which created overlapping right over the same plot of land which is believed to contribute to the current rise in land conflict (Deininger, 2005; UNLP, 2013). The British did not recognize customary land tenure, and regarded it as a constraint to economic growth and development. At the end of their colonial influence by 1950s, such system of land holding was weakened followed by nationalization of land to reflect public property by Uganda government in 1962 (Judy & Simon, 2008). The land tenure system was even made worse by the 1975 nationalization of land policy under Idi Amin (Deininger & Castagnini, 2004). Although the 1995 constitution was meant to change the situation at the time, key issues related to land tenure system was not included, making the situation to remain the same. Later in 1998, the land act was issued to resolve the tenant and women's right with no success due to other ambitious plan and lack of political will to fund the process (Deininger & Castagnini, 2004). The intention of the nationalization of land by Uganda government was to "replace the backwardness of customary land tenure system", but this policy was not successful as customary land tenure remain the dominant system of land holding in Uganda (Judy & Simon, 2008). However, the weaknesses in the implementation of land laws and policies, poverty and inheritance systems of land holding can also explain the occurrences of land conflict in the rural community of Uganda.

The economy of Uganda depends on agriculture with high proportion of production coming from rural women. The rising levels of conflict over land in Uganda has triggered concern for women's right over land. Land conflict has great potential to undermine women role in agriculture due their limited control over land and other productive resources (Mann, 2000). In the event of land conflict, widows and single female-headed households' agricultural productivity gets worst due to the time wastage and costs involved in the conflict resolution.

The Uganda government tried to implement a number of policies, on realization of rising land conflict. For instance, under policy statement 36 (b) "All land tenure systems will be defined in detail to confer social, economic, environmental and political security to land owners, occupiers and users" (UNLP, 2013). Despite these, land conflict level at the rural community is still rising but this is a step forward. The UNLP (2013) also recognized that customary tenure system

undermines women' rights over land holding and laid down strategies to improve it. For example adjusting the rules of handover of land rights under customary system to warrant gender equality.

The recognition of gender issues in land access and control by national government, international development actors and policy makers has created a hole for development practitioners to fill by incorporation of gender aspects in all development projects initiative. Such efforts is likely to enforce justice for both gender in the settlement of land conflict at the local community level. This will eventually offer greater opportunity for equal right and access to productive resources to women and thus increase in agricultural production.

1.1 Problem statement

For several decades, in Uganda, land conflict between individuals have been common with little concern or intervention by the government. It is just of recent that the national government developed some interest in settling local land disputes with limited focus on the root causes of land conflict, yet such conflict can erupt into civil strife within the local community. As a result of such reluctance by the government in addressing the local land disputes, both local and national authorities have faced criticisms from the local community as more people continue to lose their land and become poorer due to reduced farming land size. In some cases, people have lost their lives in fighting for land, leading to permanent hatred between actors in the community.

In this case, women in Uganda have continued to lose their rights to access and control over land since their rights to use land depend highly on their relationship with men they are married to. Economically, this is a threat to the local community development. It was on this basis that I developed interest to conduct a study on this topic.

1.2 Objectives of the study

1. To examine the extent and causes of land conflict and find out the stakeholders involved in the conflict at the local community.
2. To examine the effect of land conflict on agricultural production, on the social wellbeing of men and women and to find out some possible solutions.

1.3 Relevance of the study

The findings from this study are useful beyond knowledge expansion to the researcher, to people and organizations at both local, national and international level. Firstly, it will be particularly helpful to traditional / local leaders who address local level land disputes. This will aid bringing local land conflict on the table for discussion for a better sustainable solution. Secondly, this study will aid policy changes regarding land holding system to promote large scales agricultural production at the local level. Such policy changes may include promoting gender equality at the local community in land access and control.

1.4 Research questions

What are the root causes and extent of land conflict at the local community and how does it progress?

Who are the vulnerable groups who are often victim of land conflict at the local community? What are the effects of such conflict on the agricultural production, on the social wellbeing of men and women and on the general community as a whole?

Which law plays a greater role (traditional or national law) in solving land conflict at the local community, and what contradiction exists between them?

Who are the stakeholders involved in solving land conflict at the local community, what are the procedures and the costs involved?

How does the local community view women' position of land holding, transactions and inheritance?

What possible solutions to land conflict at the local community are perceived to be sustainable by local authorities and the local community?

1.5 Background of the study area (Apac district)

The district is located in northern Uganda. The district is mainly rural and occupied by Luo speaking people who predominantly depend on agriculture for livelihood (Judy & Simon, 2008). The district is divided into two counties, ten sub-counties and one town council (UBOS, 2014).

The population of the district is apparently unstable but in 2011, it was estimated to be at approximately 368,786 (UBOS, 2014). The majority (97.6%) of this population live in rural areas (ADSA, 2009). More so, out of this 97.6% population who live in rural areas, only 3% live in houses built with permanent materials and the rest dwells in semi-permanent houses (ADSA, 2009).

The system of land holding is mainly customary tenure at 93%. This land tenure is based on inheritance where land has “to be managed in accordance with Lango principle, practice, rights and responsibilities” (LEMU, 2014). Because of this land system, large scale farming or investment is not common as majority of farmers are left with small plots of land to control, which do not favor mechanization for large scale farming system.

Additionally, the infrastructures and economic setting in the district are generally poor and has lagged behind other districts although it was established much earlier in 1974 (UBOS, 2009).

Agriculturally, the system of farming is mainly mixed type, composed of both crops and livestock husbandry. Cash crops produced include cotton and sunflower, but cotton production has seriously declined due to low prices and collapse of cotton ginneries, which no longer function today. Other crops produce for both food and cash include; beans, maize, soya beans, cassava, millet, sorghum, groundnuts, sweet potatoes, cabbages, banana, tomatoes, citrus, pineapples and passion fruits.

Previously, the local economy depended largely on cattle, which unfortunately in late 1980s were looted during political instability and up to now the district has not recovered its cattle pride (Judy & Simon, 2008). Livestock farming is currently based on goats, piggery at small-scale level. Cattle can be founded in limited numbers in very few households. The dominant economic activities in the district are growing of food and cash crops with small fishing activities and poultry keeping at subsistence level.

Just like other district in Uganda, Apac district is experiencing rising level of land conflict (LEMU, 2014). The common type of conflict registered is land dispute between individuals and families, which is very often between close relatives, neighbors and families. Land conflict is common between widows and relatives of their late husband, between the poor and wealthy families, between land owners and squatters. In some cases land conflict grow up from gifting the land and unrecorded transfer of ownership, selling of land without permission from others and grabbing of

land by neighbors and relatives especially from children. The trend of land conflict in the district has changed, in the past, land conflict was known to be common between clans and different communities.



Fig. 1. Map of Uganda showing location of Apac District encircled in red.

Source: <https://www.gov.uk/foreign-travel-advice/uganda> (Accessed on 10th Dec.2015).

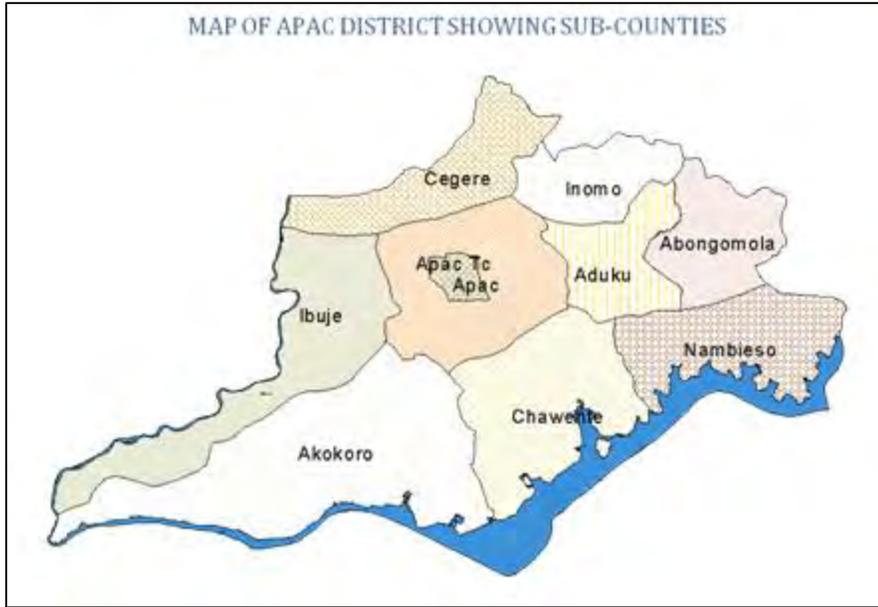


Fig. 2. Map of Apac district showing sub-counties.

Source: <http://apac.go.ug/> (Accessed 10th Dec. 2015).

3. Conceptual frame work/Literature review

3.1 Land rights

Several literatures have been written on gender and land rights in Africa, highlighting unequal opportunities in land access and control by men and women (Mann, 2000; Ann & Dzodzi, 2003; Judy & Simon, 2008). This unequal opportunity over land access and control has been largely attributed to the cultural practices, which favor men and disadvantaged women (Judy & Simon, 2008; Shahra, 2003; Margaret, 2009). On the contrary, Kodoth (2004) argued that understanding the “structures and practices” of different families could be relevant in determining gender differences in the patterns of land access, rights and also other related productive resources. Kodoth (2004) further argued that in practice, the acquisition of land right through land reform and struggle has for long in history been more “political tradition” (p.16). Due to such unequal relationship in land access and right, women from all over rural Africa has been crying considering their labour in agricultural production and in households. It is therefore not surprising that their voice have been hard and today, the issue of women’s land rights has gained ground internationally in academic and policy discussion. Although women’s voice have received attention today, their marginalization started decades ago. The consideration of women’s land rights and integration of women in development, which started in 1970s due to real world experience on the consequences of women exclusion in economic development provides evident to support World Bank gender mainstreaming, women’s exclusion possess threats to the social structure and community wellbeing (Klasen 1999). Allowing women access to land is vital for enhancing women’s productivity and poverty alleviation especially in the rural communities; and thus promoting economic growth and improved livelihood (Mann, 2000). Also, Scoone (1998) stated that land as a natural capital determines most people’ livelihood. More so guaranteeing women right to land is essential for achieving gender equality, better resource use and management (FAO, 2004).

In Uganda, upon marriage, a woman culturally enters the clan of her husband and obtains right to land of the clan of her husband. Her husband’s family takes the responsibility to protect her land right, for instance when a man decides to marry another woman, the first wife is secured enough land to provide for the children and herself (Judy & Simon, 2008). Similarly, unmarried girls and divorced women also have the right to be given land by their parent’s clan. Because of the strengthen

of marriage for women to access land (Small, 1997), women are sometime forced to remain in difficult or even violent marital situations in order to ensure their own survival and the survival of their children, since women's land rights are lost easily when divorce occurs. More so, even though married women are guaranteed strong rights, such rights starts to fade when their husbands dies and the woman decides to leave her late husband home and start to live with another man (Judy & Simon, 2008). However, if a woman gets married to another man in her late husband home, she maintain her land rights and all the children born to the new husband belongs to the late husband clan. Women's land rights also starts to fade when relatives from the late husband begins to grabs land from them, and studies have also shown that women have limited rights over land transaction (Small, 1997, as in Mann, 2000). Even though the constitution of the Uganda guarantees women rights (UGP, 2007; UNLP, 2013), such promises has always remains in papers with no real practice as women continues to have limited control over land (Judy & Simon, 2008). In Uganda, women play greater role in most households and it is due to such enormous responsibilities of women at home, which have fostered their demand for equality (Margaret, 2009). Thus, addressing women's problem over land access in Uganda is important for gender equality as well as for economic and social benefits (Hanstad, 2010). This includes reducing the rate of HIV/AIDs spread due to reduced prostitution, raising women's security level enhancing their accessibility to microcredit and reducing domestic violence. Securing women's land rights are also viewed relevant for increased investment incentives and for political power (Besley & Ghatak, 2010).

3.2 Land conflict and agricultural production

For many decades, African countries have been known to have plenty of land, creating the perception of no state of landless in Africa and yet, today, most Africans have been squeezed in small fragmented plots of land and many increasingly becoming landless (Raikes, 2000 as in Peters, 2004). The state of landlessness in Africa is being cause by increasing incidences of land conflict, resulting from war, implementation of development projects, increasing land value, population pressure leading to competing uses (World Bank, 2009; UNDP, 2013; UNLP, 2013; , Fumihiko & Christopher 2013; Sjaastad, Derman, & Odgaard, 2007).

Due to the rising land conflict in Africa, the "image of relatively open, negotiable and adaptive systems of land holding and land use" (Peter, 2004) remains a critical issue. Amanor (2001) argued that open, negotiable and adaptive systems of land holding encourages exclusion, and promotes

social division and class formation. Such situation results into unequal relation in the society over access and control of land. As earlier as 1988, access to land in Africa was becoming highly restricted and unsecured (Downs & Reyna, 1988), which can explain the current rising land conflict and agricultural crisis in the continent. However, recently a study in Tanzania by Odgaard (2003) indicates that the rising levels of scramble for land in Africa is related to increase in population. High birth rates, immigration from neighboring countries, the need for large area for plantation and cultivation and increase on conservation areas were pointed out as the reasons for increase in population. On the other hand, conflict over land intensifies when rural community increases their production level with the retrenched members seeking for more land to improve their food security and income level (Peters, 2004). Some studies indicates that war, weak governance, increasing land value like discovery of oil in Amuru in northern Uganda (UNLP, 2013), scarcity and weak implementation of land laws and policies are largely the driving factors to land conflict in Africa (Fumihiko & Christopher, 2014; Sjaastad, Derman, & Odgaard, 2007). More so, conflict arising over property right and land tenure between farmers sometime take violent direction and results into loss of lives and property (Meier, Bond & Joe: 2007). This type of conflict is intensified by the need to increase cash crops production, which adds more value to the land (Boone, 2007).

In Uganda, the land conflict level between pastoralists and farmers is on the rise, and conflict has turn out to be the main threat to farmers (UNLP, 2013, Uganda ministry of Agriculture, 2010). With the declining soil fertility and population growth rate at 3.4% per annum, land tenure security need to be safeguarded in order to address the growing demand for food (World Bank, 2008). Land conflict reduces agricultural productivity, but fortunately, the government has of recent realized the economic and political impacts of such conflict on the country's agricultural production capacity (Kairaba, 2002). Francis and Tomoya (2013) found that land conflict could reduce agricultural productivity on plots by 17%. Unfortunately, this affects vulnerable groups like female-headed households and widows (Deininger & Castagnini, 2004). The lack of attention to women's land right has continuously made it difficult for women to avoid "inheritance land related conflict" (Deininger& Castagnini, 2004).

The efforts made by the government such as establishment of the new legal frame work as a tool for land conflict reduction, such as Uganda National Land Use Policy (2007) to synchronize

matters relating to land use guidelines and management of natural resources, have not been successful. This is due to weaknesses in the implementation of the land policies, like entrusting the state with wetlands which has been taken from their real owners through eviction without any payment and yet the land owners had acquired and registered their land before 1995 (UNLP, 2013). This practice also contradicts article 26 of the 1995 constitution on “sanctity of property” (UNLP 2013). The ability of the state institutions such as ministries of land and of justice in administrating land issues are also being challenged by limited funding and political interference (UNLP, 2013).

In Uganda, formalizing land institutions and land titling were thought to alleviate land conflict, but as argued by Jacoby and Minten (2007), land titling have no much impact on conflict. Meanwhile, even the traditional institutions, which in the past have been the most effective in dealing with land conflict, it has become more confusing and even contributing to incidences of land conflict. Mugambwa (2002) observed that, in Uganda, the settlement of land conflict would be reasonable with the involvement of majority of people with diverse background and knowledge (traditional leaders) rather than the lawyers; lawyers can play role in mediating their clients before the tribunals.

3.3 Gender and agricultural production

The unequal relation between men and women over land has been well documented. Studies have shown that rural women are primary smallholder producers in agriculture (e.g. Picture. 1) and yet they continuously gain access to land only through their husbands, and it's the male counterparts who reap the benefits (Davison, 1998 1.; Croll, 1986). In Uganda, women contributes 70 to 75% of the overall agricultural production with the rural women taking a lead in the production (Okonya & Kroschel, 2014). Despite such high contribution to the agricultural sector and the country's food security, women's access to land and other productive resources remains low and a great challenge to them (Okonya & Kroschel, 2014). In fact 92% of land is own by men and only 8% is own by women (USAID, 2010). Fig. 3 shows the role of men and women in agriculture and food production in Uganda.



Picture 1. Women ploughing.

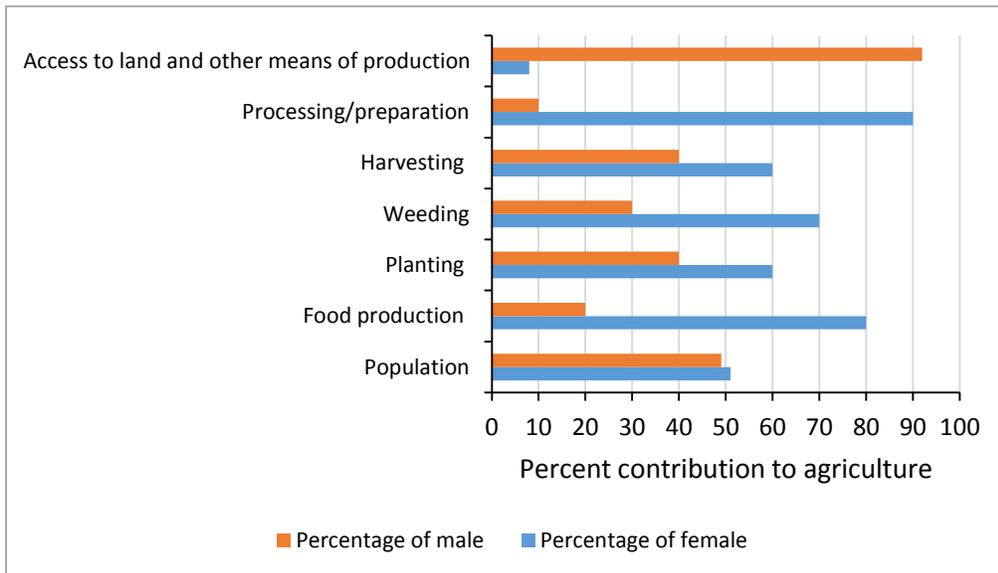


Fig. 3. The role of men and women in agriculture and food production in Uganda.

Source: Adapted from USAID (2010).

Since women contribute more to agricultural production, there is need for “restructuring gender relations of production” to promote gender equality in access to productive resources. This can be done through “socialist transformation” (Davison, 1998). This process of change would involve fundamentally changing the socioeconomic relations of production to support gender equality at all level.

In the recent years, there has been increase in the amount of literature calling for the change in unequal relation between men and women due to women’s contribution to the agricultural sector and economic growth, which can no longer be undermined or hidden. In the rural areas of developing countries for instance, women are known to constitute large percent of small holder farmers, providing labor and managing most farm activities almost daily (FAO 1994). Such great contribution by women to agricultural development are being constrained by limited property rights to access and control over land (Vandana, 2010; Deininger et al., 2010; World Development Report, 2008). The results of such limited rights over property is low economic status of women and high dependency on men by women, less food being produce and less income earned (WDR, 2008). This complicates the real issues of poverty eradication program in developing countries because the economic flow of income is one sided, which in real sense can never satisfy the whole family demand. Although there are increasing perception that much changes has been realized, there is still considerable gender gap especially among the disadvantaged population, in terms of income distribution and social relation (WDR, 2012). Toulmin and Quan (2000) argued that gender equality in land access would require greater effort and a wide range of changes in the socio-cultural attitude with much focus on women right empowerment, family right to inheritance law and constitution.

Integrative proposal for agricultural development should include gender issues. Without inclusion of gender issues by neglecting the role of women in agriculture, any agricultural project would be vulnerable to failure (Mutoro, 1997). Recognizing the role of women would promote poverty alleviation, efficient resource use, better decision making, which benefits the whole family (Mann, 2000).

4. Field work and methodology

4.1 Sample size and setting

The study was conducted in the two sub-counties of Inomo and Ibuje in Apac District from 13th to 27th July 2014. The sample size used in this study was chosen based on limits proposed by Bertaux (1998), where fifteen is the smallest sample size. The sample size was 37; 20 of them being women. Out of the 37 respondents, 14 people were interviewed on individual basis. The other 23 respondents were interviewed using focus group discussion approach. The interviews were carried out at the residence of community leaders commonly referred to as Local Council (LC) 1, who were also helpful in mobilizing suitable respondents. The records of LC 2 (one step above LC 1 in the hierarchy of community leadership) were also utilized in selecting respondents who have experienced land conflict and those who were experiencing at the time.

4.2 Data collection

Qualitative strategy was the main method of primary data collection in this study. A number of semi-structured questions were design to guide the interview process. This method of data collection provided room for exploration of the subject through conversation between the respondents and the interviewer, thus contributing to the reliability of the study findings (Bryman, 2008; Berg & Lune, 2012).

Key informant interview: Before conducting the interview, an appointment was made with the LC1 of the villages where the targeted respondents were residents (In the villages of Ayito, Inomo sub-county and Amii, Ibuje sub-county). Also, prior to formal interviews, an informal interview of local leaders was carried out regarding the situation in the area, especially issues related to land conflict and relevant respondents. These informal interviews allowed choice of the right respondents who have relevant information in addition to allowing proper timing and planning of interview venues.

Individual interview: In this interview, individuals from different households who had experienced or were undergoing land conflict problem at the time were interviewed using semi-structured interview guide questions. A total of 14 people were interviewed, 7 women and 7 men, and among them included 2 traditional leaders and 1 official from LEMU who were both men. LEMU is an

organization in Apac district coordinating with Lango Cultural Foundation in addressing land conflicts and related issues. In Inomo, the interview took place at the home the LC1 of the area, where respondents from the village were informed to report. In Ibuje, the interview took place in one of the respondents' home; the location was convenient according to the LC 2 of the area.

Focus group discussion: Focus group discussion was conducted only in Inomo sub-county. Here, focus group discussion was the best approach to deal with high response of people who turned up for the interview. Twenty-three respondents (10 men and 13 women) reported for focus group discussion and were divided into two groups composed of both men and women interviewed together. This allowed discussion between men and women including discussion on opposing views.

Secondary data: Secondary data was used to set the background for this study and provided additional information to support arguments. It was collected through reviewing books, internet documents, journals and reports from different organizations.

4.3 Data analysis

All the interview process was recorded and later transcribed in to a hand book. This allowed easy storage and synthesis of data based on sequence of response (Charmaz, 2000, as in Bryman, 2008). The data was then analyzed based on table coding and color-coding. Responses on the same theme were recorded in the same table whereas color code represented the same responses. This allowed better comparisons and analysis (Bryman, 2008).

4.4 Ethical considerations

Before starting the interview, an introductory letter from the department was presented and orally explained to the local authorities at the study location. Similar detailed introduction was extended to the respondents. Respondents also had a choice of whether to answer a given a question or not in order to guarantee the quality of the information they were giving.

4.5 Limitation

Limitation for this study was the short time and financial constraint, which did not allow covering wider area to make genuine generalization.

5. Results and discussion

5.1 The causes of land conflict

Inheritance of land: In Uganda, for decades the customary system of landholding is through land inheritance by one elder son in the family (The father pass land control to his elder son, in his absence or death). Because of this, many parents, always fails to divide land to all their children, especially male children. Female children are not always considered for land inheritance, unless they fail to marry or are divorced. It's common that most parents delegate land control to the elder male child in the family. Conflict may break out when parent dies and the elder son fail to distribute the land appropriately his siblings. In the event of conflict, it is not uncommon that close relatives join often to solve but sometime exacerbate the situation. Below is the view of 78 year old traditional leader on land inheritance; "Land conflict will continue between close relatives like brothers and sisters if the practice of land inheritance to elder male child in the family is not stopped by the parents and if parents fail to divide land to all their children" (Individual interview, July 2014). During focus group discussion, similar criticism to the land inheritance system through the elder male child in the family featured as potential cause of future land conflict as other children are left with no clear land right. Land conflict is common especially when younger children in the family have no proper resources and education to open their future for a better to life. Thus, there is need to revise the culture regarding land inheritance and implementation of land policy that ensures land inheritance system that protect all children in the family to access their parent's land.

Declining authority of elders and traditional leaders over land conflict resolution: In the past, elders and traditional leaders were crucial in conflict resolution. Their decisions over land related conflict were almost final but in recent years, the authority of these local leaders have diminished because the national law do not clearly recognize their role in some areas (Judy & Simon, 2008). For instance, the 1998 land act did not recognize the role of traditional leaders in marking boundaries and managing common land like grazing and hunting land (Fumihiko & Christopher, 2014). Some traditional leaders also lack respect because of low level of education and low economic status in the community. In the field, one tradition leader remarked that "One of the major challenges I face in trying to resolve land conflict is lack of respect by conflicting parties. Sometime I am abuse to be poor, corrupt and only looking for money". In addition, some elders in the family are losing powers to resolve land conflict because of biasness. The elders in the family

are very often blame to favor the party they like during the conflict resolution. One woman noted this during focus group discussion “I decided to take my complaint for land against my brother in-law to the local authority because my father in-law hates me and he would definitely judge against me”.

Greed by the rich and poverty; According to key informant interview, greed by the rich triggered land conflict at the local community. Although rural communities are taken to be poor, some families or households are considered rich by community members. They typically have social capital, educated children working in towns and cities, livestock, assets like land, permanent building and they are respected by surrounding households. Such families’ takes advantage of the poor families, sometimes using one family member to conduct illegal land selling, with the intension to bribe the local or court official in case of complaint by this poor family. In other cases, the rich family encroach into the land of the poor family through, cutting trees, extension of cultivated area and animal grazing. When this poor family raise complaint by reporting the case to the authorities, sometime they lose because rice family have power to bribe the official. Such practices has been successful due to high rate of corruption which starts from lower level of power to the highest, thus hindering smooth settling of land conflict. Take a look at what this person had to say in the individual interview; “I can only summarize the causes of land conflict be greed and power, this means a lot need to be done to reduce land conflict at the rural community”. Said 27 year old man. Also, in the focus group discussion, another individual said this;

“The government do not help us, we are poor and we do not have power and resources to claim our land back when the rich take it”.

Such statements therefore, demands formal justice from the government regarding, equity and power in relation to handling land conflict.

Lack of marked boundaries: Absence of marked/unclear boundaries that demarcate land belonging to different individuals encourages land conflict. Encroachment to land belonging to neighbors either intentionally or unknowingly may occur. Encroachment to the neighbor’ land intentionally through extension of the farmland, according to LEMU is termed as land grabbing. In such incidences, the land grabber knowingly slash down the boundary mark, normally grass or trees and cultivates the boundary as his or her farm land. Unintentional trespass may occur due to lack

of knowledge about the boundary e.g. by children whose parents have died. It is common that many communities in Apac district lacks fences for their land. However, some families plant trees or leave some part of the land uncultivated to act as boundaries. But very often the trees are cut for building or firewood sometime by the land owners themselves.

During focus group discussion, 40 years old widow explained land boundary issues. *“When my husband died in 2002, my neighbor started cutting trees on my farmland and later began to cultivate it. When I reported the case to the local authorities, he claimed that was part of his land since we had no clear boundary between his plot and ours. Only small grasses were separating our land. He insisted that I do not know the boundary, only my husband knew and he won the case.”* The government have recognized this problem, and is trying to address it through creation of small organization such as LEMU. These organization help in solving land conflict at the local community and educating community on the importance of boundary and helping them to plant trees. However, these organizations have faced critiques of being corrupt, demanding huge payment much as their service are supposed to be free according to government authority. This discourages the local community to call for help when in land conflict in fear of payment. To solve this problem, it is necessary that government enforces laws for compulsory land boundary e.g. by promoting a specific tree which is not recommended for firewood or building to discourage the cutting. A good example of such trees can be *Jatropha* (Locally known as omara-omara).

Undocumented agreement over land use between individuals: In Uganda, land use law state that if someone uses land continuously for ten years, the land is considered his. Trusting somebody to use land without a written document for a long time often result to conflict in Apac. Findings from this study show that such undocumented land use agreements between resulting to conflicts occurs between friends and is common among men. The agreement takes place between two people or three people, without local authorities’ involvement or written record often at the drinking places. Usually, a small amount is paid to maintain the agreement. The driving factors for that kind of agreement are; borrowing little amounts of money from a friend to meet medical bills or other expense, need to maintain friendship, feelings for the landless person. In this practice, conflict arises when the land owner demand his land back and the person entrusted with the land do not want to lose the right to use the land. One respondent in the individual interview explained how undocumented agreement causes conflict. *“In 1997, I gave my land to a man and his family to*

build on and cultivate it temporarily as he prepares to buy his own. The man lived on this land for over ten years. He reported me to the authorities when I asked him to vacate the land, claiming the land belong to him where he has been farming. He further claimed to have paid me for the land. The case proceeded to the court with a lot of expenses, and unfortunately the man died this year and court ruled, I cannot take this land away from the family.” Some cases of land conflict arise from land given as gift. People with relatively large area of land sometime give some land to a friend or a neighbor as gift undocumented. If the friendship goes bad, conflict emerges especially if there is some improvement or investment on the land. The finding from this study indicates that normally the person who made improvement or some investment on the land is the first to report the case to the authorities but very often he or she loss due to lack of documentation. This result is supported by data collected by LEMU in 2013, where 9 cases of conflict were recorded resulting from “contested land gift”.

Polygamy marriage: Polygamy, which is associated with many children and large families, especially in rural communities, is one of the driving factor for land conflict in the rural community of Apac. The result from this study indicates that individuals with polygamy family background had higher rate of land conflict, for instance, out of 34 respondents, excluding leaders, 15 respondents had polygamy background and was in some form of land conflict with their brothers and sisters. Land conflict and other property right conflict here is common because children and women compete for the properties. The inheritance system dictates that the elder children often belonging to the first wife normally inherit most of the properties including land. Thus, the father experiences pressure from his other wives, and children demanding division of land and other properties. The children starts to struggle for land as the only way to survive, causing severe hatred among the family members and sometime promising to kill each other, which at a time happens. Sometime, father may be killed by his own children or one of his unflavored wife. Polygamy does not only trigger conflict but also exacerbate poverty due to competition for limited resources. At time, the father become helpless failing to educate the children and provide them with necessities. This render children vulnerable to any kind of stress in the society, and at time forcing them to criminal practices such as theft. One particular case found in this study was the family of a 19-year hold married woman who has been experiencing land conflict for the last four years. Her father had two wives, and her mother is the latest wife with four children and the first wife had seven children. She explained this in the focus group discussion that “My mother and my step brothers

have been in land conflict for over four years now, this has become worst since our father' death. Few weeks ago, my step brothers confronted my mother at home and chasing her to go away. My mother reported the case to the authorities but my brothers kept threatening her and now my mother want to return to her parents because she feels her life is at risk". Polygamy is therefore likely to undermine effort to minimize land conflict at the local community in Uganda. Polygamy is a serious issue that need to be addressed by the government to reduce land conflict among close relatives. The government needs to regulate polygamy e.g. through taxes on men for each wife.

Table 1. Categories of conflict registered by this study in July 2014

Categories	Parties	No-of cases
Inheritance	-brothers and sisters with polygamy background	15
	-widows & and late husband's relatives	5
Boundary	Neighbors	10
Land grabbing	Men	3
Ownership	Community	1
Total		34

Source: Personal data July (2014)

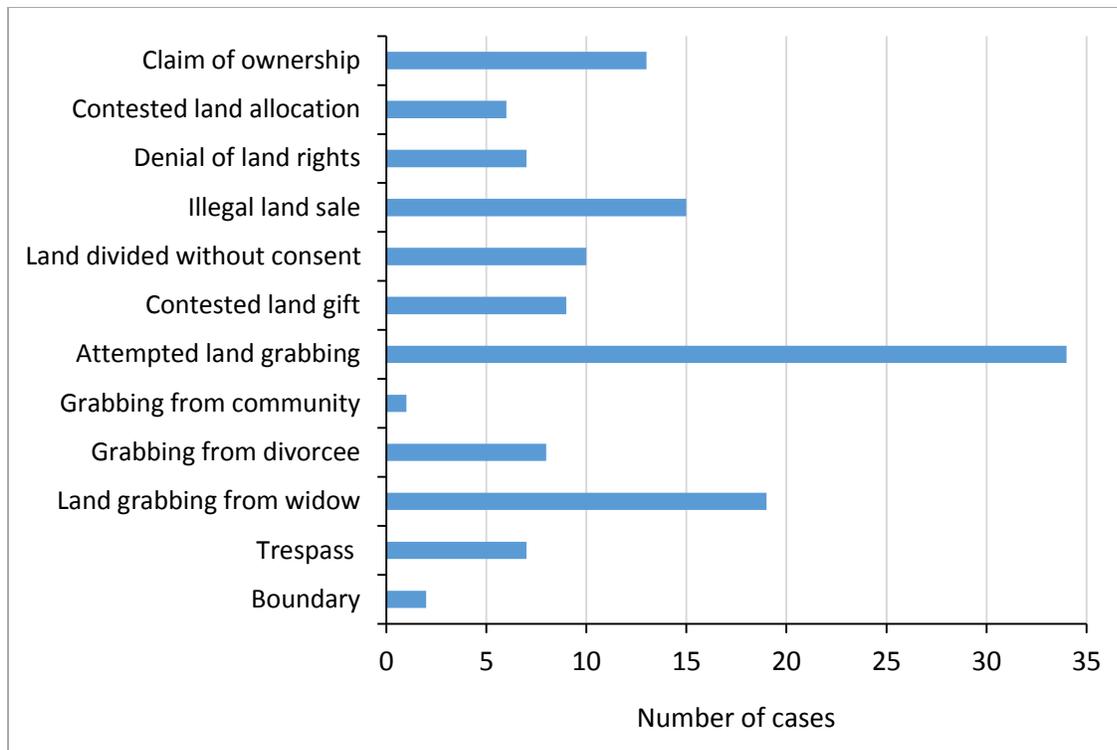


Fig. 4. Types of land conflict cases registered by LEMU in 2013.

Source: LEMU (2013).

Leaving land Idle: Leaving land redundant or lack of investment on land for long period encourages trespass on land. The finding from this study indicates that in circumstances where land has been abandoned for a long time without any investment, high cases of trespass was registered, which resulted into conflict. The trespass was inform of extension of cultivation, animal grazing, tree cutting and digging of soil for bricks making. 70 year old man explained this during the individual interview. “I retired from work eight years ago, and I was still leaving in town. In 2013, I had to return to the village to protect my land because I have been involved in many land conflict issues and my sister, the only one living in the village kept calling me to come back because people are taking away our land. Although I fenced it, people kept crossing into my land after cutting off the fences, grazing animals and cutting down trees from my land. One of my neighbor intentionally extended his farm land up to my land, claiming that was part of his land and now we have a case with him at sub-county court”. Therefore, failing to put land into use attempt desperate people in need of land to trespass. In most cases, land redundancy results from the following circumstances:

- Having large area of land with limited capacity to utilize it. Utilization of large area of land is limited by use of traditional tools for ploughing the land such as hand hoes.
- Some time, utilization of land is limited by the distances since the land may be located far away, from where the owner resides. This mainly occurs where the family have land in the rural area but they live in towns.

Climate change: During focus group discussion, farmers pointed out that the changes in the rainfall pattern is affecting their production. Farmers reported their production level is continuously declining because of unreliable rainfall pattern. This is making it difficult for the farmers to plan when and what to plant. Farmers therefore, extend areas under cultivation and plant a variety of crops to reduce their risks. This finding is supported by studies such as Hartter et al., (2012) and various predictions by scientists on the effect of climate change on agricultural production and food security (IPCC, 2007). The farmers who were forced to extend their farmland sometimes ended up in conflict either with their close relative or with neighbors. For instance, 62-year old man explained this during the interview. “I used to grow beans in large quantity for both home consumption and sale. In 2013, I lost the crop after planting when rain disappeared. This year, I widen my cultivation area, into my cousin’s land since he live in town. Somebody informed my cousin that I have taken over his land and he was very upset, he came to the village but I admitted I was on the wrong and fortunately, we settled the dispute from home.” For that reason, I argue that, the effect of climate change seem to be real and therefore, farmers should know that climate change is a threat to agricultural production more than before. This calls for more flexibility by farmers to adapt farming systems and crops species that are more resilience to drought to ensure high productivity and food security. Also, the risks and vulnerability pose by climate change requires rapid response by the government to build capacity of the rural farmers to cope with climate extreme.

Animal grazing: Although much of cattle in Apac were looted by Karamojong in the 1980s (Judy & Simon, 2008), the number of cattle has since increased. The farmers with relatively large size of cattle find difficulties in grazing their animals because of limited land sizes. They move with their animals everyday searching for better pasture and water. As they move, sometime the animals enters neighbor’s field and destroys crops. This causes conflict and a compensation is required (in form of money or animal if the cattle owner cannot afford). During dry season, the animals are left

to wonder alone and this worsen the conflict as animals do a lot of damage in the villages. One of the victims explained during focus group discussion. “I founded cattle grazing on my garden of beans and maize. Out of temper, I hit one on the neck with a hoe and unfortunately, it died. The owner of the cattle called police, I was arrested and now I have been charged to pay back the cow. I am also demanding compensation from him for my destroyed crops and the case is in the sub-county court, of which, all of us must compensate each other.” This kind of cases are common and in some instances, the cattle owners create conflict by trying to extend their grazing land.

Increasing land value and scarcity: Increasing land value and land scarcity in Uganda is greatly contributing to incidences of land conflicts. The increase in population is contributing to land scarcity. Land scarcity is being worsen by declining soil productivity. During the focus group discussion, farmers mentioned that soil infertility is driving them into land conflict. James (2002) found that soil degradation in Rwanda increases and aggravates environmental scarcities by reinforcing population pressure. In this study, farmers explained that the crop yields are low compared to five years ago. This has caused food insecurity and low income. Farmers are therefore forced to extend farmland in order to increase production, which may cause land conflict with neighbors or relatives. Sometime, the extension of farmland happen through negotiation and agreement with promises for compensation to the land owner, where some part of the harvested crops are shared. Such agreement may fail due to bad harvest or lack of willingness to pay after the harvest. Thus, a conflict may emerge if no solution is found. Land scarcity is also being aggravated by population pressure, John (2012) found that population pressure contributes to soil degradation in Uganda. He argued that soil degradation can be reduced through specialized crop production and livestock, irrigation and nonfarm income strategies. Population pressure on land is exacerbated by war such as in northern Uganda between 1986 and 2006. During the war, large parts of Apac District was stable and therefore, it hosted people from other districts in northern Uganda. This resulted into high demand for land in the District, thereby raising its value, which brought about conflict over land as people strive to sell land to the desperate war victims. The economic advantage like discovery of oil in Albertine and Acholi regions of Uganda has raise land value, which is regarded as “cultural asset and origin of ethnic identity” (Fumihiko & Christopher, 2014). Furthermore, land scarcity is also being escalated by increasing unemployment opportunities. The unemployment rate in Uganda stands at 4.2% (UBoS, 2010). Many jobless young educated youth are returning to the village to struggle for land with their relatives for

settlement and for agricultural purpose. Land scarcity at the rural community is being intensified by delay in payments of pension. During focus group discussion, one retired worker explained the difficulties he was facing in town without any source of income, which forced him to return to village to look for farmland and found himself in land conflict. “I retired from work nine years ago and I haven’t receive any benefit. I had to return to the village to carry out farming to provide food for my children living in town. I am now in land conflict with the wife of my late brother who was cultivating the land, since I had to get my portion back for farming. My question is why can the government think about paying us?” In this regard, the government seems to share blame for land conflict.

Lack of knowledge on the existing land laws and policies and miss interpretation of the customary rules: During this study, it was clear that the local community lacked knowledge on the existing national land policies and laws. Respondents reported during focus group discussion that they do not know the laws and policies in place because they lack copies of those books and more so, it’s written in English. They therefore could not point out the contradictions between the customary and the national laws. Other studies have also shown that 90% of local community are not aware of the land laws and policies in place e.g. 1998 land Act (World Bank, 2009; Deininger & Castagnini, 2005; Takeuchi, 2014). For that reason, the government need to translate land laws and policies into different local languages in Uganda and make it easily accessible. The misinterpretation of customary rules are common as indicated by LEMU. “Many statements which people make about customary rules for owning land are false. People make wrong statements for many reasons. Some people may have misunderstood the rules, but sometime people want the rule to change so they can take more land. Make sure you know which statement are true. Statement like, women do not own land under customary tenure; is not true” (LEMU, 2013). Table 2 shows that only local leaders have some knowledge about the national law. The rest were only familiar with the customary law.

Table 2. Knowledge of the local community on customary and the national law on land holding.

Sub-county	Customary law	National law
Inomo	20	1
Ibuje	14	2
Total	34	3

Source: Personal data (July, 2014).

Land grabbing: Land grabbing, is a cautious and illegal action of taking away someone land right, either by taking their land or declining to grant them their legal inheritance rights (LEMU, 2008). This study found that much more land grabbing is taking place within the local community where rich families takes advantage of the poor families to grab their land or relatives takes advantage to grab land from orphans and widows hence causing conflict. For instance, three cases of land grabbing was registered by this study, where children were the victims. This study also found that there are cases where both parties in the conflict are sure they are on the right. Local authorities easily solve cases where both parties think they are right. Land grabbing, based on LEMU document, takes place through various form at the local community as follows:

- Grabbing through gradual trespass: The grabber extent his plot bit by bit say, from one meter to two meters to test the owner of the field. This commonly happens in redundant land or field left to fallow. Failure to response through legal actions by the owner, encourages the grabber, especially when he or she feels the owner is weak.
- Seizing opportunities: This involves taking advantage of vulnerable people in the society often at time of difficulty e.g. taking land from a widow at the time of death of her husband by accusing her of having caused the death.
- Borrowing land: Here, the potential grabber start by borrowing the field and later refuse to leave it and ensure frequent cultivation on the land.
- Grabbing through the justice system: Here, the grabber escapes justice by bribing the officials.
- Exploiting dependency: Here, grabbers exploits dependency relationship to grab land from the victims. For instance, guardian uncle grabbing land from orphaned children he is taking care of. Another example are the elderly people who cannot challenge their own members of the family who they depend on economically, much as their land is being taken.

- Grabbing by intimidation: Intimidation is the easiest way grabbers use to make the victim give up. Various forms of intimidation are used, which makes victim feel powerless, scared, and valueless. Verbal abuses are used. For example, the old people are told “how can soil fight for soil?” meaning that they are already dead. The grabber demonstrates his power to physically stop the victim from using their own land and continues to do anything, which demoralizes the victim, e.g. grazing animals on the victim’s crops or cutting down the victim’s crops.

Poverty: In both individual interview and focus group discussion, most respondents expressed their inability to buy or rent land for extension of their farmland. Many farmers rely on their local production and engagement in small economic activities such as sale of parts of their produce and small livestock (e.g. goats, chicken and pigs). Such income is usually inadequate to meet the entire family demand. Also due to poverty in urban areas, some people in town are also running to secure land right in the rural areas for agricultural purposes and thus ending up in land conflicts with their relatives. In this study, many farmers highlighted lack of government support in accessing capital, making them unable to access better farm equipment, face difficulties accessing credits, face severe losses and set back during bad harvest. A 62-year old man explained it during focus group discussion that “We are poor, because the government do not support us. Land is everything to us, and even women will divorce you if you do not have land, so we have to fight for it.” This kind of statement can explain why land conflict at the local community sometime can turn to be violence. Also, the local community seems to have loss trust in the government, and see that the only way to move on with life is to defend their land. To some extent, this implies that the state has failed to play its role in ensuring the betterment of all its citizens. Such failure by the state can cause conflict beyond just land conflict (Sjaastad, Derman, & Odgaard 2007). Women in the rural community on the other hand have blamed their impoverishment on culture and lack of education, which makes them only fit to keep children at home and perform small farming activities. During focus group discussion, 73-year hold woman explained that “I have suffered all my life. Even though I was the first born, I was not sent to school because I had to take care of brothers and sisters. After getting married for 20 years, I was divorced and I had to come back home, my brothers’ male children want to chase me away from our land because of the culture that I was already married. I am poor and I have nowhere to go.” It is clear here that divorce make women vulnerable to land conflict. This problem is a result of land inheritance system where land is inherited by male

children. Many studies found similar occurrences in many places in Africa Tadesse & Amare, 2000; Yigremew, 2005; Kebede, 2002; Dokken, 2013).

The creation of new administrative units: The endless creation of new administrative units or districts in Uganda is promoting weak administration and bad governance. Some new districts do not have District Land Board (DLB) or District Land Tribunal (DLT), nor the court to handle land conflict e.g. Nwoya district. This implies that people have difficulties accessing land titles and certificates of customary ownership (Stevens, 2013). Creation of new districts also brings boarder conflict and local community losing their land to the government (Steven, 2013). Local community can lose their land such as for the creation of district headquarters especially when district leadership use their authority against the local community (Jackson, 2012) e.g. Lamwo district.

Development: The implementation of development projects by the government such as road constructions is also contributing to land conflict. Due to fear of losing land to the government without compensation or compensation after a long time, some people sell off their land on hearing rumors about such project passing through their land. Normally, the person who buys the land is unaware the government have interest on the land and he or she realize only when told or when construction begins. Conflict may develop when the person who bought the land demand his or her money back from the seller. Local community are always aware when the government have interest on their land but they cannot do much about. A 36 year old woman explains during the focus group discussion that *“I bought a plot for three million shillings in April this year, just two month later, when I started building on it; I was discouraged by local authorities not to continue because of road construction plan in the area. I went back to the person who sold the plot, demanding my money back but he denied, saying, he was unaware of any plan on the land, so the government is responsible to pay me back. I reported the case to land authority, and the case is now at court.”* This call for transparency and willingness by the government to compensate people whose land are taken to mitigate potential land conflict.

At this point, it is important to highlight that both local factors and some weaknesses in the national policies create unfavorable condition for the people to maintain their rights overland and to purchase land. These are responsible for outbreak of land conflict at the rural community, as reported above.

5.2 Conflict trends and stakeholders

The findings from this study indicates that the extent of land conflict in the local community is currently high compared to the past years. For instance, at least more than 100 cases are being registered per year in Apac by LEMU (LEMU, 2014). The common types of land conflict relates to boundaries and claims of ownership among family members. Boundary conflict is common among neighbors, resulting from lack of clear boundaries on individual and family plots. The findings also indicates that the trend of land conflict in Apac district is changing dramatically. In the past, land conflict was common between different tribes and clans. Today, land conflict is common among close relatives over ownership rights and boundary conflict. This was re-iterated by a 70-years old traditional leader that “In the past, land conflict was mainly between clans and tribes and it was the responsibility of the elders and clan leaders to resolve it. These days, land conflict is between close relatives and neighbors. For example, this year I received 16 cases of land conflict. I settled 3 cases, 8 cases is still pending and I referred 5 cases to court and all these cases were between sisters and brothers, brother and brother, widows and in-law.” Thus, this point out that land conflict is mainly confined between close relatives.

The rising level of land conflict between close relatives raises question on the legitimacy of the customary system of land holding (Peters, 2004). Nevertheless, the economic difficulties and population pressure explains land conflict much better as land is the major valuable resource to most rural communities in Uganda. It is also surprising that even with the rising level of conflict, there is hope that the upcoming interventions by local institutions and government’s willingness to support investigation to the causes of land conflict at the rural community, the conflict level will drop down. This was reported by the project manager of LEMU (individual interview on 27th /July/2015).

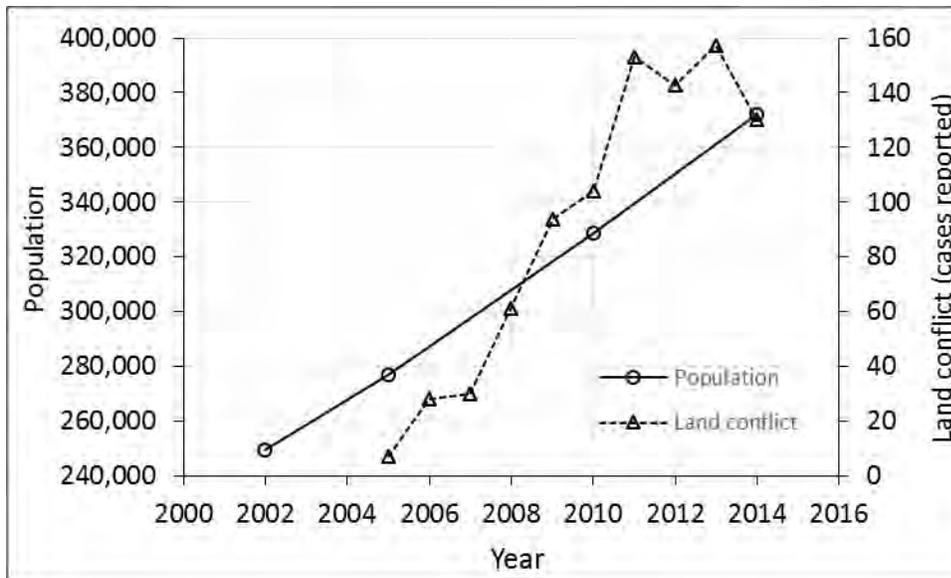


Fig. 5. The trend of Apac population and land conflict levels.

Source: <http://www.citypopulation.de/php/uganda-admin.php?adm2id=001>

http://apac.go.ug/download/district_profile/APAC%20SOCIO-ECONOMIC%20&%20DEMOGRAPHIC%20PROFILE%20-%202014.pdf

The increase in the land conflict between close relatives will require greater involvement of elders and traditional leaders in the conflict resolution process. At the moment, this is not helped by the waning influence and authority of traditional leaders. The shift in the trend of land conflict towards close relatives call for government action to recognize the power of elders and traditional leaders in land conflict resolution, and for their empowerment through education.

The main stakeholders involved in the conflict as found by this study are closed relatives and neighbors. The conflict occurs between children and relatives either from mothers or father's side and neighbors. Wealthier people take advantage of the poor and try to grab land from them. In some cases, the very people who should be protecting the vulnerable groups are the same people who betrays them by accepting bribes and judging cases against them. One of the respondent during focus group discussion observed that "Some people have land but lacks money. The people with money easily bribe the officials, take the land owner to court, and take away their land."

In addition, the finding shows that land conflict is common between men and women, followed by men and men. The women in the conflict often is the widow, divorced or unmarried. The divorced women face conflict with the relatives where she goes back to settled as a single mother. The conflict happens especially when a woman goes back with her children causing fear that her children will take land from their uncles. Sometime, conflict starts to develop when divorced women decides to remarry another man on her parents' land. The relatives develop fear that the man can easily claim ownership of the land, in case the women happen to die first. This is one strong reason why divorced or unmarried women are not always granted full right over land. During focus group discussion, one man who was supported by other men said “You see, women are sometime very unpredictable. She will come back home demanding land and after being given land to settle, she will either get married to another man and sell this land away, or bring a man home and have more children with him or even bring all her children from her former marriage. All the children will demand land and this is a potential cause of land conflict in the future.”

In cases where conflict was between men and men, the victims were orphans and children with no proper guidance. This were especially young boys with their uncles, either from the mother or father side. No cases was registered between women.

Table 3. Parties in land conflict as registered by this study

Parties	Number of cases
Men and women	15
Men and men	12
Men and children	5
Women and children	2
Women & women	0
Total	34

Source: Personal data July (2014)



Picture 2. The local resolution of land conflict

The stakeholders involved in conflict resolution found by this study are the elders in the families, the traditional leaders (clan leaders) and sometime religious leaders. The other stakeholders includes; local authorities such as Local Council I and II, which are elected locally by the community of the specific area, organization like LEMU, local government institutions (sub-county court, district courts (government official), police and the district land boards). Traditional Leaders have the constitutional mandate to help in dispute resolution including land conflicts. Their major role is to guide and ensure dialogue among community members. The court system recognized their decision and also influences decision of the Local Council II (URI & ARLPI, 2012). The role of traditional leaders in land conflict mediation and resolution include;

- Advising community members about Lango customary land tenure, how to acquire, and use and management land.
- They coordinate and cooperate with other institutions and organizations over land conflict when it becomes violent.
- Ensures community members adheres to resolutions made.
- Nurturing reunion between individuals and groups in conflict over land (URL&ARLPI, 2012).

Whereas, the Local Council (LC I) operate at the village level and presides over disputes at the community level. Their role are recognized only at the first instances of land conflict under the provision of the Local Council Court Act of 2006. In this Act, LC I register, investigate and hear cases on customary land conflict. They are allowed to pass judgment and where possible, provide appeal forms to the uncertified party (URL & ARLPI, 2012). The police on the other hand are not mandated to resolve land conflict related cases, but they have the responsibility to safeguard people and their belongings. Police get involved in land conflict issues only when actions by the parties become criminal (URL & ARLPI, 2012). Actions such as threatening violence, assault, murder/manslaughter and damage of property call for police involvement. The Police role normally include; Investigation of criminal cases related to land conflict, registering criminal cases resulting from land disputes, conduct arrest of individual(s) suspected of committing criminal acts as a result of land conflict, providing security during court proceeding, and advising the conflicting parties on the right procedures to follow (URL & ARLPI, 2012)

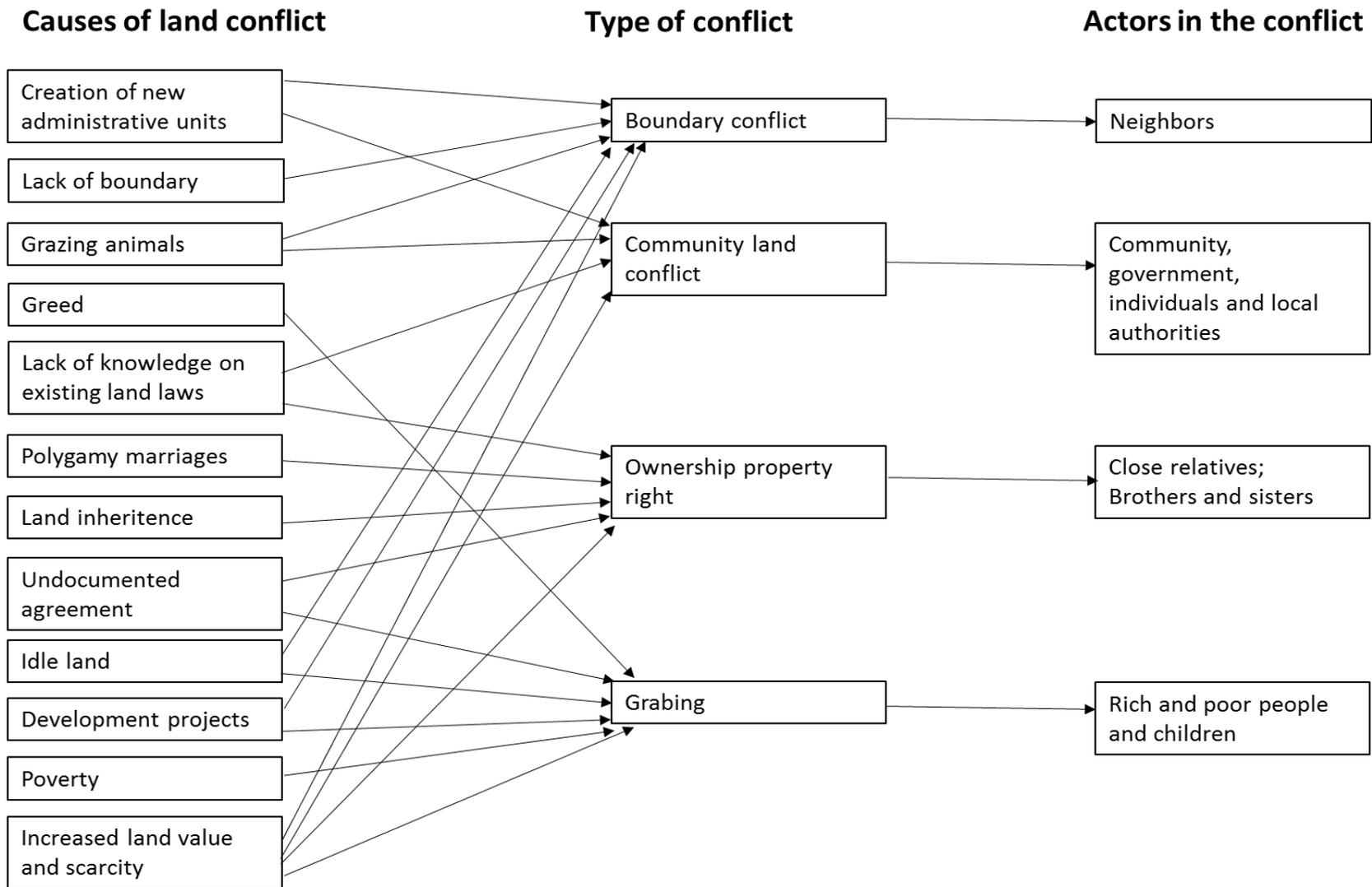


Fig. 6. Flow chart showing the causes of land conflict, types and the actors

5.3 Effects of land conflict on agricultural production and on the people

There exist a large literature on land tenure system and its impacts on agricultural productivity in Africa (Otsuka & Place, 2001; Deininger & Castagnini, 2005). Recently, attention is shifting to especially women as they contributes high percentage of smallholder farmers (Davison, 1988; Sjaastad, Derman, & Odgaard, 2007). Thus, the impacts of land conflict on agriculture and livelihoods affect different segments such as children, men and women at rural community differently.

a) On agricultural production

Reduced production: Both results from individual and focus group discussion pointed out that the victims of land conflict suffered reduced production. This is mainly due to loss of farmland, reduced capital investment and time wastage. Since rural community, rely on their produce mainly for home consumption, reduced production result into food scarcity / insecurity. The victims of land conflict are therefore vulnerable to malnutrition, as result on inadequate food, which in Uganda are known to affect women and children most and is a main factor for 60% death of children under five years of age (USAID, 2010). More so, in the course of conflict resolution, the victims has to spent money or saving which reduces the capital investment. Sometime, as was pointed out during the interview, they failed to pay for family needs such as school fees for their children and some food stuffs. Reduced production also undermine potential for future growth (Deininger & Castagnini, 2005). To this end, it is important to highlight that a broad ranging interventions by the government to prevent land conflict is necessary. This in the long term may reduce food insecurity, which lead to malnourishment especially of children. Managing malnourished children is expensive in terms of provision of food supplements.

Land redundancy, reduced income and missing of planting season: When there is dispute over land, no investment is allowed to take place on it by the authority. The land therefore, become redundant for some period and sometime, it lead to missing of the planting season, or late planting. The result of this is poor harvest and reduced income. One of the respondents reported losing his crops at harvest time in the whole field because he was not allowed to do so. Another reported his money has been stuck on a construction project for over three years due to conflict when the house construction was nearing completion.

Loss of capital investment: Due to expenses involves in conflict resolution process, the victims lose most of their stocks and income, which takes long time to recover. It is even worse for a party who borrows money and at the end lose the case.

b) On men and women

Imprisonment: Sometime people are imprisoned because of land conflict. Prison life in Uganda is often difficult due to torture, hard labor and/or inadequate feeding. Before release from prison, one may be required to pay. A 30 years man, whose mother and uncle were in land conflict explains how his uncle made him arrested during the individual interview that “*I was arrest, bitten and imprisoned for three days. My wife had to sell goats in order to pay for my release*”.

Migration to urban areas: The loss of land due to conflict force many victims especially young men to urban centers. Such forced migration may result into criminal acts such as theft. One mother reported this during the individual interview that “*I haven’t seen my son for almost six years now, he moved to town after losing land to his uncle. Although, he is not willing to return home, I do not know how he is surviving and I hope is not involve in theft.*” As reported by this woman, some frustrated people after migrating to urban areas are never willing to return or meet their relatives in the village who denied them the land right.

Remarrying and early marriage: Women and young girls who are denied or lost their land rights, either to their brothers or relatives are forced to get married. For matured women or divorced women are forced to remarry just to get somewhere to settle or live. Likewise, young girls who lack where to live are forced into early marriage. One woman who was divorced and remarried reported that “*I have great fear that my daughter, just 15 year old, will get married so soon. She always express difficulties living with the step dad.*”

Marriage break up: The loss of land due to conflict can lead to marriage break up, especially if a woman see no possibility of a man buying new land. In one case recorded, a woman divorced a man, leaving behind two children, after her husband loss his right to land to his younger brother. The man explains what the woman told him that “*You are just by the name a man, how can I live with you without farmland, where is the future for my children*” and “*a few weeks later she left.*”

c) On the community

Hatreds, fight and death: This study registered many cases, which resulted into hatred, fight and sometime death. Hatred often go on for generations as the information is passed from parents to children. Land is such an important asset as reported during focus group discussion where “*It is everything to us, even a woman will refuse to marry you if you do not have land.*”



Picture 3. The victim speared during land fight in Aboke, northern Uganda.

Source: Daily monitor/Ugandan news (2015).

5.4 Conflict procedures and resolution

The finding indicates that, in the first instance of conflict, the parties start the procedure for conflict resolution from either the elder member in the family, traditional or from the Local Council I (LCI). The parties in the conflict tends to choose different steps, depending on the level of conflict, level of understanding of the laws, the distance to the mediator, education and financial status, reliability, trustworthiness and the cost involved. However, the study founded that, when conflict emerged within the family members or closed relatives, the elder member of the family or the traditional leader are normally called to resolve the conflict. Whereas, conflict between non related people are commonly reported to the local authorities. Nevertheless, the official procedures, according to the law begins from the LCI to LCII, from here the case proceeds to Sub-County Court Committee (SCC); The SCC is a body mandated by the government to hear and presides over disputes at the sub-county level, including all the appeals of land conflict related cases from Local Council II courts (URL & ARLPI, 2012). According to the Local Council Courts Act, 2006, the decisions made by SCC are executed by the Chief Magistrate Court and the final decision are made by the High Court, who hears the appeal from the Chief Magistrate Court and are responsible for issuing certificate of title (URL & ARLPI, 2012).

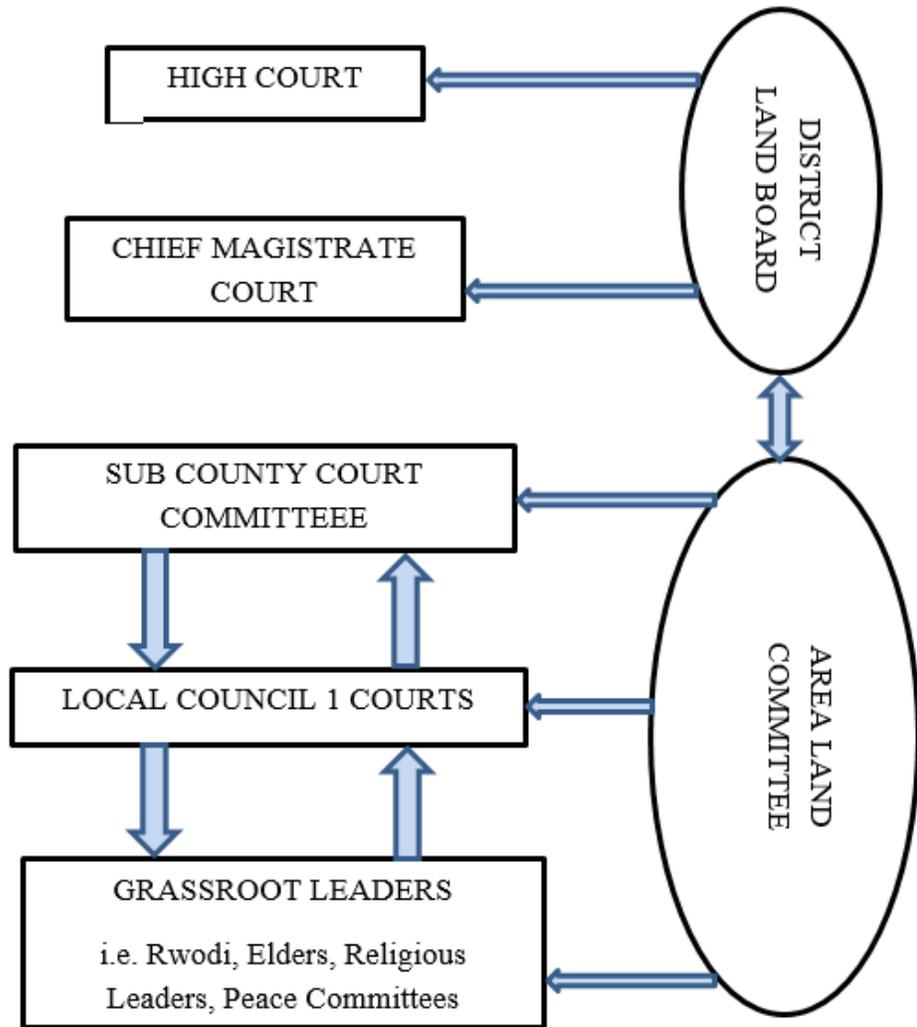


Fig. 7. Flow chart illustrating land conflict resolution process (URL & ARLPI, (2012)).

Land conflict begin to progress after resolution fails at the LCI level. The progression of the conflict is very often triggered by the following factors;

- Fighting leading to sickness of one party, thus he or demand treatment and compensation.
- Posing threat to one party, such as promising to kill or destroy assets, setting fire on the garden.
- Continuous trespass on the land, through animal grazing, cutting trees.
- Fall acquisition that might have cost the innocent person a lot of money, thus forcing he or she to demand imprisonment or compensation by the person who caused it.

Under customary system of land holding, conflict resolution by traditional leaders are not to be paid. The payment begins from the LCI to the Higher Court. The LCI are provided with the appeal form by the higher authority and this form must be paid by the uncertified party who wish to go ahead with the case. The cost involves in solving land related conflict tends to increase with the progress of the conflict. For instance when you fight and you are arrested by police, you have to pay some money for you to come out, as 35 year old man explains, “I was arrested for fighting, I had to pay 50000 Ugandan shillings”. Also the cost tends to rise due to expenses on transport, feeding and accommodation because the conflicting parties are required to have witnesses and each party have to provide for his or her witnesses, transport, feeding and accommodation, especially when the case reached court level and they have to travel from the village to the town. It is common for the party who is sure of wining the case to spend as much as he can, because after final ruling by the court, the winner demand compensation and payment for all the expenses in cured. Sometime, the expenses increases due to corruption by the officials and due to bribery as land grabbers are usually willing to spend any amount to pursue their goal (Fumihiko & Christopher 2014: 3; 68). The progress of the conflict greatly increases the costs and this seriously affect widows, as one widow who has been in land conflict with a man for over five years explains in the individual interview; *“This conflict has drained me from the beginning to the end, I had to sell my animals, and a portion of another plot to meet the cost because the man was never certified with the ruling”*.

Because of the long procedure and high cost in land conflict resolution, the finding shows that local community prefer to resolve land conflict at lower level. This finding is supported by document from LEMU report in 2013 showing that many cases were resolved at lower level and only few were referred to court, also studies by Fumihiko and Christopher (2014), about land conflict in Acholiland, Yamano & Deininger (2005) about land conflict in Kenya shows that most cases are brought to informal institutions first and only proceed to formal institutions if complaint party have sufficient amount to spent.

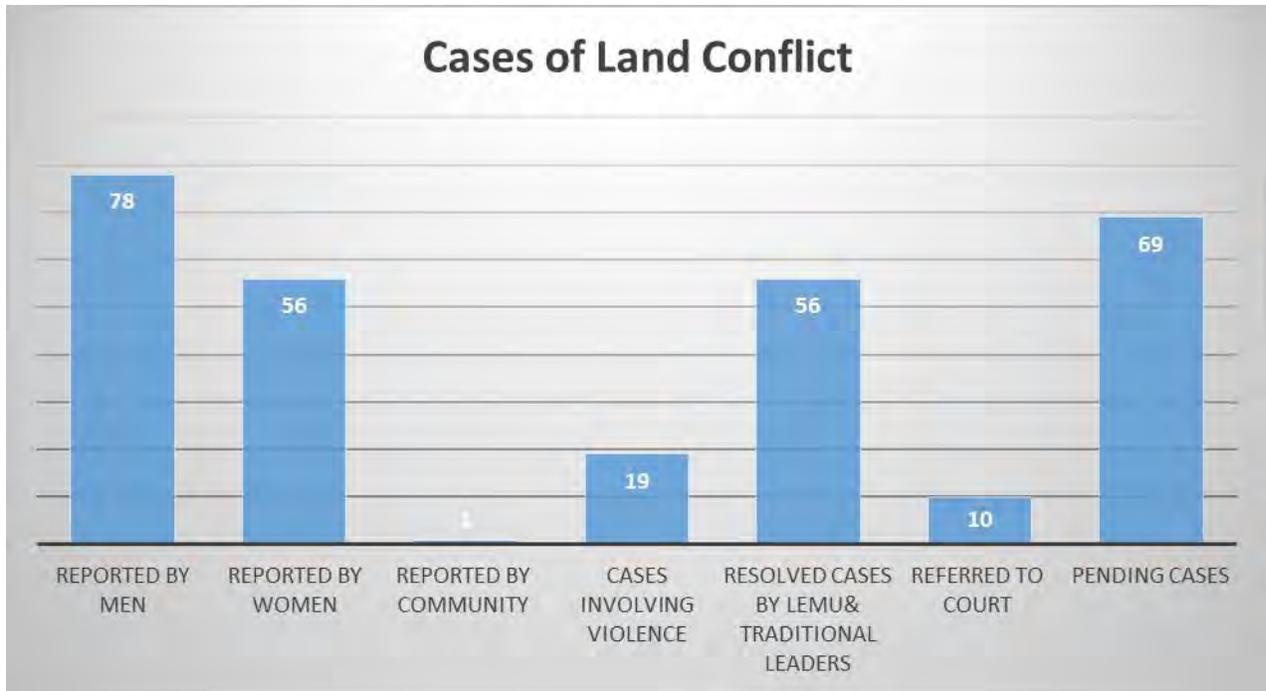


Fig. 8. Resolved and unresolved Cases of land conflict.

The solutions to land conflict as pointed out by respondents are;

- Parents should pass Land inheritance to the young children in the family
- Government need to recognize the authority of the local leaders and strengthen their capacity through financial support and education
- Government need to provide employment opportunities to young educated people, to stop them from coming to struggle for land in the village
- There is need for local community education on land laws in accordance to the national law
- There is need for compulsory boundary mark
- Government need to support farmers by offering agricultural incentives and fixing better prices for the products
- There should be free education at all level to eliminate ignorance and reduce poverty
- Government need to pass law against polygamy
- Government need to influence land division and ensure protection of women , widows and orphans rights

- Imprisonment of intended land grabbers
- Government need to easy the process of land registration (bringing it closer to the local community and making the process cheap).
- Government need to ensure early pension benefit to retired workers

However, some victims who lose their rights to land provides some solutions such as;

Renting of land: Some victims of land conflict resort to renting land when their lose land and they do not have enough land for cultivation. One divorced women, who came back to their home and just founded herself in land with their relatives, explains in the individual interview;

“When I return home one year ago, my mother showed me a portion of land to start farming on, I started digging the land and planted some crops on. My uncle approach my mum and I, telling me to stop cultivating on that land because it belongs to him but my mother confirm that the land belong to our late father. When the elders sat down to solve this conflict, I was given the land but my uncle keep threatening me not to step there or even plant something on that land. I decided to rent land for farming in order to avoid struggling with him”.

Migration to urban centers: Others migrate to urban centers. This is especially for frustrated men and women, reflecting on the story of a woman who has not seen her son for overs six years due to frustration of losing land to his uncle.

Selling of their labor: Some victims resort to selling their labor. They allow people to hire them to dig their farm land and in exchange receive money or harvested crops. Some generous people even provide food to them and where possible settled them for some time.

Living with relatives: Further, some victims, especially children or orphans who are denied land rights or those who lost their land right copy up by moving to live with other relatives.

Above all, widows commonly encourage their sons to marry and establish home to protect their land against land grabbers.

Nevertheless, the following points can provide sustainable solutions to land conflict in the District;

There is need by the government to follow up the implemented land laws and policies and ensure that the local community understand the land laws through translation of land laws to the local language, so that local people are aware of their land right. This was based on the finding that the local community were actual ignorance on the existing national law and they could not easily point

out the difference between the customary and the national law in settling land conflict. Some said, they do not want to go court because they hear it's too expensive, thus, the government need to easy the process of land resolution so that the poor do not give up their land due to fear of the cost. It was also surprising that none of the respondents had land title, they simply argue that it was very expensive for them to afford. The government for that reason, should makes it free or cheap to obtain land titles, to enable the poor individual to follow up land conflict related cases. This will motivate the poor to fight for their land right and challenge the rice with their money. In addition, serious action need to be taken by the government on the rich individual who try to grab land from the poor, the corrupt official themselves when founded guilty must be expel from their work officers. This strategy will help to fight corruption in Uganda.

As a solution to land conflict arising from animal grazing, households with livestock can easily solves this type of conflict by collecting feeds in large quantities (cutting much grasses) during rainy seasons for their animals and storing surplus for use in dry seasons in that way farmers will be able to provide feeds for their animals from home. They can also reduce the livestock number according to the available feed. They need to grow feeds for their animals and maximize use of crops residues to feed animals. Above all, the government need to train farmers with the technique to harvest and save water during raining season, and for use during dry season, they can also fetch water for their animal from the nearby water source to prevent conflict arising from grazing animals.

The solution to declining soil productivity, which is forcing farmers to extend their farm land, can be adapting to farming systems which improves soil fertility and allows high productivity, such as agroforestry and intercropping (Vandemeer 1990, Wang et al., 2014). Agroforestry is a land use system that involves growing of woody perennials on the same unit of land as agricultural crops or animals, either in form of spatial mixture or in sequence (Young, 989). Agroforestry system of farming is compose of trees, or shrubs, crops, pasture and livestock, in some cases includes fish and bees farming (Buck et al., 1998). In Spatial mixed agroforestry, there are trees on crop land, and crops consist of different combination (Young, 1989). Intercropping refers to the growing of two or more crops in the same field simultaneously). Henry et al (2013) however, argue for specialization by farmers but specialization on crop production at the rural community would imply monoculture cropping system (growing one particular crop at a time) which would put rural

community at the disadvantage. Single cropping will increase malnutrition level and does not improve soil fertility level (Evans 1975, Altieri 2009). Intercropping systems will help to reduce malnutrition level and in addition, increase productivity and improve soil fertility level (Vandermeer 1990, Wang et al., 2014). Although use of irrigation improves agricultural production, most rural community in Uganda are so poor to afford irrigation system, even the government cannot afford to support each farmer with irrigation system. Therefore, adaption to better farming methods such as agroforestry and intercropping by the rural farmers, which increases production, without degrading land, can help reduce the need for large plots of land and hence mitigating land conflict.

To reduce unemployment level and mitigate land conflict arising from joblessness, the government need to do the following but not limited;

- Provide entrepreneurial skills to new graduates: Entrepreneurial skills will help to promote innovation and creativity among young educated people. This will help to reduce the number of jobless people as they will be self-employed. The fact that most people lack capital, the government need to give loan to jobless graduates to enable them start some small businesses and eventually divert their thinking to run back to the village and start struggling for land.
- Additionally, more technical schools are needed to provide practical education to people. Practical education will promote craft work (hand craft), and this will open more ways to hand income.
- More so, government need to take over some sectors which has been privatized, such as transport and energy sector and also reduce the numbers of private companies. Private businesses is associated with tribalism and low payment, which leaves out many people without job and promotes lack of willingness to work due low income. Such difficulties force many people to rather go back to village and curry out farming, which at the end brings about land conflict.
- Above all, there is need for the government to implement quarter system of work, where many people are employed for the same work. In this system, a person can work for weeks or months in a year and leaves others also to work, rather than employing only one or two people for years and years and yet too many people are without work. This system can help

reduce the numbers of jobless people who resort only to fighting for land as the only means to survive.

Whereas, to mitigate land conflict arising from the need of farm land by retired workers, the government need to restructure its systems, in way that retired workers start to receive their benefit immediately after retirement. The system of lump sum benefits has proved not efficient and often leaves many retired workers to live under very difficult situation before getting their benefit. More so, the lump sum system makes it very difficult for the government to pay all people at once, as it accumulate so much and thus contributing to delay in payment which leaves many retired workers to die without getting any retirement benefit. The fact that in Uganda there is low salary, many government workers are not able to save or invest much of their income, as they have to rent houses and pay school fees for their children. The lump sum system therefore means they have to stay long without any income and now the effects of such system is manifesting itself through rising land conflict in the rural areas due to need to carryout farming to have basic needs like food.

Although farmers are faced with many challenges, they have some unique activities which enables them to increase their production levels and to meet their daily livelihood requirements as below;

The farmers interviewed were indigenous people of the area, only one case of immigrants was registered and most of them were the born of the area and married within the area; the crops grown are traditional crops and included the following Cassava, sunflower, simsim, bananas, matooke, maize sorghum, rice, millet, beans, pigeon pea, sweat potatoes, groundnuts. Fruits included passionfruit, oranges and cash crops was mainly cotton. The crops are grown mainly for consumption but some portion are sold to earn additional income. The livestock included; cattle, goats, chickens, ducks and pigs. Other economic activities included fishing and brewing of local alcohol.

Both farmers from Inomo and Ibuje had the same strategies to increase their production level. The strategies involves the following practices;

Formation of farmers group

The groups are formed locally without involving external supervisor. In this groups, there are over ten farmers and they alternate cultivation on each farmer's farm. For instance, if today they are digging one farm, tomorrow they will be on another farm. The intension here is to enable each farmer catch up with the planting seasons and to increase production level. The host farmer is

supposed to provides drinks mainly water and food after long day cultivation. However, because of use of rudimental tools such as hoes, at the end of the day, they still find it not enough to fulfil their needs.

Giving young children their own farm land; Children from 12years old are given portion of land to plant whatever they want. In this way, children are motivated to dig and they wake up very early in the morning dig and go to school. Also in the evening, they go their field and dig. By so doing this, they increase household production level and more so, some children help their parents through this cultivation to pay their own school fees.

Using cattle for cultivation: Farmers in Apac district are trying to revise their culture of using cattle for cultivation. This culture was diminishing since almost all cattle in the district were looted by Karamojo people sometime back (Judy and Simon 2008: chapter 5). Cultivation with cattle are seen to be match better than individual cultivation with hoe in terms of how much one can plough a day.

Hiring labors of other people: Some farmers sell their products and others receive financial support from their relatives or children working in urban centers and can hire labors to cultivate their farm land. In this way, they are able to cultivate large piece of land which increases their production level.

Group formation for weekly fund collection and banking: In this group, one person is given the responsibility to keep fund. In Inomo, It was just about weekly money collection, about 1000 Uganda shillings per person. In Ibuje, the group members were involved in porridge making. One person make porridge each week and sell to the group members, one cup for 1000 Uganda shillings. The fund manager is given the power to lend money to any group members in case he or she is in problem; but the saved money are supposed to be distributed at the end of the year. The money ideally help farmer to;

- ✓ Generate additional income
- ✓ Start small businesses
- ✓ Prevent getting loan money from micro-credit financial institutions, which are supposed to be paid back with interest
- ✓ Addressing some individual needs
- ✓ Meeting health cost
- ✓ Paying school fees and for future saving.

Farmers also get involve in other economic activities in nearby town or center, through commuting to and fro using bicycle or motorcycles. The economic activities included; selling of agricultural products, forestry products such as, wood for fire hood and charcoal. By doing this, they are able to hire labors of other people to cultivate their farm land and thus increase their production level and provide for their daily needs

5.5 Contradiction between customary and the national law/policy, preferred law and why land conflict will persist

Customary law are not necessarily written in record but are commonly known and it is not excise through force. Access to customary land depends on community and family recognition to be legitimate through lineage and family membership. Customary land is land held, occupied and used under customary law (Rexford, 2005). The national law/policy on the other hand, is a tool used to outline national goals and strategies for reaching objectives connected to land tenure, property rights, land use management, and the role of land administrative institutions (Rexford, 2005). Land conflict at the local community, between individuals is customarily handled by the elders and traditional leaders. If resolution failed here, the parties can take their case to the local social court that is LCI, LCII (locally elected officials of that area). If the parties are not satisfied here, they can proceed to the sub-county court and up to the higher court or the national court.

However, there are some contradictions that exist between the customary and the national law in land conflict resolution. This study founded that local community desire to resolve land conflict at the local level through local leaders and yet the government or the national law do not clearly recognized the ability of the local leaders, see what 75years old traditional leader had to say during individual interview; *“The government authorities do not recognize our ability to solve land conflict and the law do not recognize our power when we settled land dispute”*.

The parties who were in conflict preferred the customary resolution to land conflict. The victims argues that, customary resolution of conflict is cheap, less time wasting, and people understands it better. Whereas, the national law are being blamed to be corrupt, expensive, time wasting and more so, written in English which uneducated people cannot read.

Also in the focus group discussion, one person pointed this to be another contradiction;

“I see that customary resolution of land conflict is based on inheritance rights, without any clear law laid down, whereas, the national law is based on witnesses”

Thus, as one of the traditional leader point out, such contradictions is continuously making their work very difficult as they lack respect from some parties and their legitimacy is not recognized by the government. Eck (2014) argues that, when there is “competing jurisdiction” over land dispute, the legitimacy of one system is undermined and that “the resultant incentive structure for the people to settle dispute extra judicially through the use of vigilante measures is enhanced”

Land conflict is likely to persist in the district because of the following;

The customary system of land holding. Because of inheritance, land conflict has become so common among close relatives, brothers and sisters, and this is likely to continue for generations as this study finding shows that people prefer customary system of land holding and laws in handling land related issues, thus, intervention by national government and other organizations to change the system may take a long way. Steven (2013) in his study of land conflict in Acholiland discovered that “longstanding cultural traditions and beliefs have a notable impact on the process of land adjudication, within both formal and informal spheres”. He argued that, although some of cultural characteristics can be use positively to generate long-lasting solutions and enable communal harmony, they can also be exploited and use to interrupt the process of land conflict resolution.

In addition, the gap between the rich and the poor (power relation, where better off family feel superior and continues to extent their boundary against the will of the other). Transparency by all groups (local community, local leaders and government officials is a strong weapon to overcome such cause of land conflict.

More so, high demand for timbers and wood, which force most people to cross out boundary in need for them will continue to escalate land conflict at the local community. Generally, local community are forced to cut down trees from their own gardens and out sides their plots purposely for building, fire wood and for income generation. Government need to reduce land conflict cases arising from this problem by educating the community how to generate natural gas from the waste products (animal waste and crop residues) to reduce the need for fire wood. On top of this, permanent buildings can help to reduce yearly need to cut trees for building grass houses, thus

government need to provide loans to poor households in the village for them to build permanent building. Otherwise, land conflict will continue to prevail without such solution. Holding land without boundary and land redundancy. The findings of this study shows that boundary and putting land to use is very important in reducing land conflict, and yet majority lacks boundary on their land and this has highly contributed to land conflict. Building of boundaries can reduce trespass to another person's land or on redundant land, Government must create conducive environment on issues regarding land title especially making it cheap and bringing the institution responsible to issue it closer to the local community. Failure to implement such strategies will pave way for continues incidences of land conflict.

Poverty, which hinders may people from buying personal land. Based on the analysis on the causes of land conflict at the rural community, poverty is likely to challenge effort to eliminate land conflict. Many respondents expressed lack of money as tying them to struggle for their ancestral land, thus poverty is not a simple issue to be dealt with in one night, pointing that land conflict will still prevail for some generations to come.

Presence of large family (high population), since land capacity is fixed. Given the population pressure and limited economic opportunity for the rural community in Apac district, land conflict is likely to continue among close relatives, as their numbers increases and there is need to increase production and extend their buildings or create new homes.

Also based on URI & ARLPI these factors, but not limited will most likely continues to undermine successful resolution of land conflict in Uganda,

- Ignorance of the community about laws and rights pertaining to land
- Intimidation and the manipulation of both witnesses and leaders by rich and powerful people leading to fear and reluctance to continue the case
- Politicization of land matters, i.e. taking advantage of the conflict to secure votes to maintain current political position or support along political lines, and so on.
- Multiple actors attempting to handle land matters that do not respect nor consult each other
- Lack of unity and coordination between leaders
- Intimidation or influence from higher level leaders that discourages and frustrates efforts of the local leaders

However, the following factors can help in smooth solving and sustainability of land conflict resolution in Uganda;

- Transparency by both official and conflicting parties
- No grouping of other people to back the conflicting parties.
- Truthfulness of leaders and elders in the rulings
- Willingness to listen to leaders by the specific community
- Better understanding of land and property rights and laws

5.6 Problems faced by traditional leaders and local authorities in trying to solve land related conflict

During individual interviews with the traditional leaders and local authorities they pointed out some problems they face when resolving land related conflict and some specific problems that hinders their effectiveness and they included;

Lack of satisfaction by conflicting parties; especially by the one who loses. Traditional leaders explained that the losers in the conflict are always not satisfied with the ruling, accusing them to be bias and corrupt.

Lack of respect; both traditional leaders and local authorities pointed out that they experience lack of respect from conflicting parties. They face direct confrontation highlighting their low level of education, low economic status and this to some extent demoralizes them to effectively execute their duties. Thus, this call for the government to recognize the ability of traditional leaders in resolving land conflict and to empower local leaders through education, with some incentives to motivate them. Such incentives can among others includes; providing them with transport means, small amount of payment in order to lift their status in the community. This will enable them to command some respect from the community. This is because, it seems to me that excluding local leaders from resolving land conflict at the local level will complicate conflict resolution process, considering the procedures and costs associated with the formal system. If local leaders are empowered through education and finance, they will be able to resolved high number of land related conflict at a lower level and at low cost, by reducing procedures involved in the informal conflict resolution and eventually government spending will reduce since the state will not have to investment much on layers and other court officials.

In addition, lack of truth or transparency contributes a big challenge as explained by one leader from LEMU; “The challenge we face in resolving land conflict is lack of transparency by the conflicting parties and some elders. People do not want to tell the truth because they fear to lose, if one party is favored, the elders always support that person, and this prolongs the process of resolving the conflict”, said project manager at LEMU (Individual interview, July 2014).

There are also very few mediators or stakeholders in resolving land conflict and several cases. This is worsen by lack of transport and limited funding because the mediators often have to travel to other villages to resolve conflict. Yet, some time, they traveled far distance and the conflict are not resolve, see what one traditional leader had to say; “Some time, I receive call to go and put the boundary when conflict over the land is not yet over, and thus I just waste my time” (individual interview July, 2014)

5.7 Winners and losers, women’s position on land holding, transaction and inheritance

A number of literatures has portrait women as having limited access and control over land (Vandana 2010, Judy & Simon 2008:5, Mann, 2000), and some people might easily assume that women are actually the losers. Women lose but not in every cases. This study founded that in some genuine cases women happened to the winners. In many cases where land conflict was between a man and a woman, in resolved cases, women especially widows happened to be winners. In fact, a widow, 45 years old woman won a case three times against a man, although the man was never satisfied with any ruling.

However, the losers as registered by this study, are orphans, divorced women and some men especially those who try to grab land from widows, children and single mothers. Women are continuously getting aware of their rights and laws that are able to protect them from being losers. On the other hand, the children especially the orphans lose because they lack economic power, and more so, because of the tradition that hinders young people from challenging the elder (LEMU, 2014). Thus, the elder men take the advantage of such tradition to try to grab land from children. It is common that young people who try to challenge elders on land related issues by taking the case to the police or court to be termed as bad and unacceptable in the society and such children will always lack helps and support from relatives.

For decades, African women are known to have less power over land holding and transaction and many literatures are written about women's land rights in African (Shahra 2003: chapter 1, Davison 1988: chapter 1, Mann, 2000)). As founded by this study, the situation seems to be changing slowly. The findings indicates that women are actually owning land, and they can inherit land from their parents, except that their rights are lost easily and are not fully respected by men. For instance, have a look at what 35 year old divorced women had to say in the individual interview; "I inherited this land from my late mother, which was my father's land eight years ago and I live on this land with all my children. I am in conflict with my neighbor over the boundary which has been going for over six months"; thus this shows that women do inherit land. The findings also indicates that widows owned land and have power to defend her land in case of conflict, and is supported by family of her late husband when in land conflict with the neighbor. Widows also gain support from the community members when the family of her late husband want to grab land from her. Likewise, divorced women living together with her children where she was married are allowed to own land. Even the traditional leaders are now supporting that unmarried women must be granted right to own land where she was born. It was interesting to hear this words from one traditional leader in the individual interview; *"As a leader, I emphasize that women should be given the right to own land, to enable them economically productive, make them settle and feel some belonging rather than moving from one place to another, which sometime promotes prostitution"*

It is important to note that, although women can inherit land, their access and control is still limited compared to men, and yet they have greater responsibilities to support themselves and their families and without access to the resources they can't do so. It is clear that educated women can afford to purchase their own land and have full control. It is therefore, the responsibility of the local authorities and the national governments to recognize women's role and offer them education opportunities in order to give them chances to control resources to reduce their burden (Cross & Friedman 1997:23).

Women however, have faced criticism. During this study and some two reasons were given out by men in the focus group discussion why it is very difficult to grant women full ownership of land at their home birth places. The first reason was that, some divorced women and unmarried women when given the right to own land, they bring men home, have many children with them

and the family members fear that, when their daughter dies first, the man will claim that the land belong to him and more so, the children will begin to struggle for the land, so women's right to full ownership should be limited. The second reason was that, some divorced women come back home and when given the right to own land, she either remarry or go back to her husband and sell off the land she was given home, which make the family members very disappointed.

Therefore, such statement above point out that women' power over land transaction is still limited by tradition. Likewise, the sales of agricultural products is much restricted by men. In otherwise, this study came across a story where a woman whose husband had died of HIV/AIDS and she was extremely sick but still, she was refused to sell land to meet the cost of treatment by her father in law and she died. In fact, men have full control over land sale and women just see men having money because the sale are normally organize locally and finalized in drinking places and when women try to follow up the land sale, they are told to pack and go back to their home (Judy& Simon, 2008). More so, the sale of agricultural products for which women work hard for is widely restricted by men. In fact, sometime, it become very difficult for women to tolerate such behaviors which forced them to leave their marriage, as one woman explains in the focus group discussion;

“I decided to leave marriage and come back home because it was too much for me. My ex-husband never step in the garden during planting seasons because he work in town, he wait for the harvesting period, come and shield all the harvested crops and not allowing me to sell even one kilo . One day, I fell sick to the point of dying but he could not allow me to sell anything, instead, he sold all the crops I have harvested and he didn't give me any amount”

Because of hardship that women face over land control and sale of agricultural products, they are becoming desperate to work hard and purchase their own land, with hope that they will have more power and make independent decision. But, they have such a huge obstacles which stop them from achieving such dreams, as pointed out during the focus group discussion to be; poverty, lack of education, over control of their economic activities by men, the culture which confined them home as care takers of children. For some leader, “culture is greatest hindrance for women to have equal access and control over land; thus, there is need for our elders to look at culture and revise them to allow women have equal power over land”. Said LEMU project manager. On top of the above, Lack of authority and less decision making powers and unemployment puts women on the disadvantage side (Mann. 2000).

However, achieving equal access and control over land by both women and men will requires sensitization of rural women about what they can do as women, on the importance of education and parents thus need to appreciate having girls children and offer them education priority. The government need to double their support for girls’ children and try to limit the extremes of culture on girls and women, and above all, women need to begin thinking like men and try to map how they want their future to be live, think of independent live rather than relying on men at all time. This will offer them great chances of poverty alleviation, social, political and economic empowerment and thus be able to improve their general welfare, ensure efficient use of land and they will eventually overcome male domination (Agriwal 1999. Mann, 2000).

Table 4. Perception of the community on women’ rights to hold land.

Perceptions	Number
Have full rights	26
Have limited rights	7
Have no right	4
Total	37

Source: Own data (July 2014).

From the above table, all 20 women interview said they want to have full rights over land ownership. They were supported by the 2 tradition leaders interviewed, one leader from LEMU and 3 other local men. On the other side, 7 men pointed that women should have limited rights over land ownership, whereas, 4 men said women should have no rights over land completely.

6. Summary, conclusion and recommendation

This study tried to investigate the causes of land conflict in the rural areas of Apac District and how this conflict affect the lives of men and women and their agricultural productivity. The study also look at the extent, trend of the conflict and women's position on land holding and try to find out who wins and lose from the conflict. Additionally, the study tried to understand community' perception on what could be the solutions to land conflict. The study founded that land conflict in rural areas are being triggered by local factors and some weaknesses in the national government, which do not allow most people to defend their land rights or to purchase their personal land. Such weaknesses among others included; less willingness to follow up the implemented land laws and policies, failure to address the rampant corruption by the court officials and other government official at the local level. More so, disappointment due to the high rate of unemployment problem in the country which has left many people with option for agricultural land only.

The cases of land conflict in the district is getting high compared to the past years, the drivers to such rise in the conflict level are among others; greed which force people to initiate land grabbing, land inheritance system, lack of boundary, misinterpretation of customary laws and lack of understanding of the existing land laws and order, resources scarcity triggered by population increase, declining soil productivity, poverty and high rate of unemployment in the country. The trend of land conflict has also changed, from tribes, clans and territorial conflict in the past to close relatives like brothers and sisters, widows and in-laws, uncles and male orphans and neighbors over boundary conflict.

The losers in the conflict are mainly divorced women and children. Children lose because of lack of economic power and culture which demand them to give respect to their elders, even when they violate their rights. Married women and widows on the other side have become aware of their land rights which is making them to challenge men and were winners in most of the resolved cases.

Land conflict have serious impacts on the lives of men and women especially if they are losers. Some women divorced their husbands because of loss of land. Young girls are forced into early marriage when they lose their rights to land and likewise, some women are forced to remarry because of the need to access land. Land conflict also have huge negative impacts on the agricultural production, which ranges from missing of planting seasons, leaving of land idle, a fall

in capital investment and eventually, a decrease on production level and reduced income, which contributes to food insecurity of households and at time, extent to the community through promoting of illegal practices like stealing of unharvested crops.

The role of traditional leaders in land conflict resolution is declining mainly because of their low level of education and lack of clear recognition of their role in the national laws. This is likely to bring contradiction in land conflict resolution process because of the changed in the trend of land conflict, that is, land conflict is now between close relatives which demand more involvement of traditional leaders. I therefore stressed that traditional leaders should be given more power and be empowered by the government through education and where possible some incentives be given to motivate them. These incentives can be transport means to facilitate their movements. If traditional leader are empowered, they will be able to resolve high cases of land related conflict and this will reduce government spending in the long run since this will reduce government' need to employ more court officials.

Despite many intervention coming up to mitigate land conflict in the District, factors such as the continuity of land inheritance system, which force family members to fight for inheritance rights, poverty, gap between the rich and poor, high demand for timbers, presences of land families and lack of transparency is likely to render such efforts ineffective.

Women's position on land holding has improved. Women are inheriting land from their parents and also from their husbands, however, their rights to land are loss easily especially when divorce happened. Community have high support for women to be given full right over land ownership but, some few section of the community especially men are still skeptical about giving women full land inheritance right, because of fear of women selling off land or bringing all their children to live on the parent's land instead of inhering land from their father' side. Although women holds land now, they still own less percentage compared to men and lacked also non land resources, like finance, education. Government commitment in the fight for women' right to equal access of resources is needed and importance for economic development, given the role women play in most households. If women are given equal access to productive resources and offered education priority, they will be empowered and both community and family members will benefit.

The study concludes that, much as some local factors contributes reasons for outbreak of land conflict, the weaknesses in the national government to a large extent are responsible for the rising incidences of land conflict at the local level.

I therefore recommend that, to reduce incidences of land conflict at the local community, the government should first address the weaknesses in the economy and in the implementation of land laws and policies. This must be followed by strengthening of land institutions because land is a natural capital and determines the livelihood of most people. Also, the existing land laws and policies has to be translated to the local languages and made available to the local community, to help them understand the laws in place. More so, because of the declining soil productivity and the current climate change issues, the government must consider establishment of farmer' field school to ensure the local farmers cope up the changes and be able to learn better farming practice.

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8. Appendices

Appendix 1: Interview guide questions

Id

Gender Male Female

- a. When were you born?
 - b. What is your marital status?
 - c. How many children do you have and how do you perceive you family, is it big or small?
 - d. What is your level of education?
 - e. What kind of work do you do?
1. In this area you are living, how long have you taken and where did you come from and what reasons prompted you to leave your former land?
 2. What land holding system is your land and how are you using this land to meet your daily livelihood?
 3. How did the land conflict that you got involved started and when was it and how long did it last?
 4. How did the conflict progresses?
 5. Who were the stakeholders involved in solving the conflict and how was the outcome decided and by who?
 6. What were the steps towards ending this conflict? And were there any costs involved?
 7. What effect did you experience as a result of this conflict?
 8. Which law/customary or national law played a greater role in ending the conflict that you were involved?
 9. From you own experience; is there any contradiction between customary law and national law in solving land conflict related problem?

10. If you were to decide which laws to prevail in solving the land conflict that you were involved, which law would you choose and why?
11. How do you view women position at the local level in terms of land holding, transactions and inheritance? Are they fundamentally disadvantaged?
12. How do you view women power level over land purchased by them and land inherited from either parent?
13. Has this area you are living in experienced large scale investment or land grabbing?
14. How has this practice affected your agricultural production and your livelihood as a whole?
15. What do you perceive to be the causes of land conflict in your local area?
16. From your view of rising levels of land conflict at the local community what possible measures should be undertaken by the authorities to alleviate land conflict in a sustainable manner?

Interview with traditional leaders and Project manager at LEMU

Clan Name:

Age:

Sex:

Marital status:

Number of Children:

Questions 1: How many cases of land conflict have you handled this year alone?

2. What do you perceive to be the causes of land conflict within the local community?
3. From your own view, how do you see the trend of land conflict (is it on arise or on decline)?
4. How do you view the call for gender equality in land access and control?
5. What do you think can be done by local community and national government to reduce the incidences of land conflict?
6. What problems do you face in trying to resolve land related conflict?
7. From your own experience of settling land conflict, what contradictions exist between the customary and the national law in conflict resolution?
8. What do you think may lead to persistence of land conflict?



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