MICROCON POLICY BRIEFING

Women meet at a market place in Pader District, northern Uganda, for a focus group discussion on return to home areas, access to land and property rights. © Deborah Mulumba, 2009

- **What are the implications of returning home after conflict for women's land rights and empowerment?**

Displacement, Gender and Land Rights in Uganda

Summary: This paper highlights the problem of land rights faced by returnees, particularly women and vulnerable groups, in the Acholi sub-region[1] of Northern Uganda in the aftermath two decades of armed conflict. While the government has taken some steps to address problems, these measures are likely to fall short without concurrent efforts to ensure that relevant laws and policies are implemented, and women are financially and economically empowered to access and own land.

Background and problem

As in other parts of the country, land in northern Uganda is a vital resource through which virtually the entire population derives a livelihood. However, in the aftermath of the armed conflict that raged in the region for over two decades beginning in the mid-1980s until 2006, land has become a major source of conflict, as the displaced population returns and settles back into former villages. The 2007 World Bank Household Survey Report in six districts of northern Uganda reported an increase in the number of land disputes from 12.8% at the time of displacement to 15.5% during displacement, which increased to 16.4% as the displaced population returned to former villages. These conflicts are expected to increase as more people return. In all these

conflicts, women, children and other vulnerable groups, including some men, are facing difficulties in accessing, repossessing and using the land for their livelihood (iDMC 2008; Immanuel 2010).

Land rights challenges in the return process stem from the war in general and its consequences, especially when the displaced population was encamped. Moreover, the war disrupted many families as people fled in disarray in search of refuge in whatever area offered them safety. This led to the separation of family members from each other and scattering which, after more than two decades, has had serious repercussions being witnessed in the return process.

Additionally, as the war escalated, the government established

'protection villages' commonly known as camps for internally displaced persons (IDPs) as a measure to curb the insurgency and offer protection and security to affected people. However, the conditions in the camps were difficult and insecure, as camps offered minimal protection to the IDPs from frequent attacks by the rebels, and limited livelihood options. As a result:

- Rebels often kidnapped, abducted or killed the people from IDP camps.
- IDPs experienced shortages of food and essential services such as health, water, and education, among others.
- The quality of life for the majority of people in the camps was characterised by meagre resources, increased poverty

[1] Acholi sub-region defined herein includes the districts of Lira, Gulu, Pader, Kitgum, Apac, Amuru, Amolatar

and a feeling of hopelessness (Mulumba 2011:112).

- There were increased diseases and lack of/poor social services, including drugs shortages, poorly qualified human resources, unhygienic living conditions in crowded and congested huts and irregular supply of essentials such as food rations (ibid).

Changing gender relations

Despite these problems, however, men and women were expected to adhere to and perform their prescribed gender roles as breadwinners and houseworkers (including other productive roles necessary for household welfare) respectively.

Yet, the encampment of people and the prevailing insecurity limited the activities that men and women could engage in. Livelihood activities were curtailed by camp policy, which restricted movement in and out of the camps. This intensified IDPs' dependency on food rations as people were unable to work outside of the camps, access their gardens, or search for employment opportunities in the more secure surrounding areas. This reduced their capacity to sustain their families and resulted in entrenched poverty.

Confinement to the camps rendered men redundant, with women having to struggle to sustain their families. Households depended largely on humanitarian aid, which in most cases was directed at women. Women became the *de facto* heads of households and undertook various activities to ensure the survival of their families. Most of the trading businesses in and around the camps

were run by women, especially those that operated within the camps. Because, traditionally, most of men's economic activities are performed outside the household, many of them became frustrated. Many also lost their authority as they could not perform their role as breadwinners. This often led to domestic violence and divorce, separation, and increased women's vulnerability to sexual exploitation, in particular rape and commercial sex, leading to unwanted pregnancies, the spread of sexually transmitted infections such as HIV/AIDS, and other reproductive health problems (Mulumba, 2011; Immanuel, 2010).

Thus, the war and the events that transpired in the camps account for the current gender relations problems experienced by the returnees, which has also negatively affected land rights. Several studies have reported that vulnerable groups, including widows, divorced and separated women, and orphans cannot go back to their former villages because they have nowhere to settle (Immanuel, 2010). Some women returnees have been denied land by their male counterparts whom they clashed with or separated from while in the camps. Moreover, several returnees have reported the adjustment of boundary marks to favour earlier returnees. As a result quite a number of people are homeless and have nowhere to go (ibid).

Disputes over land

Other challenges with regard to land allocation include:

- Many people cannot trace their land, given the length of time they spent in the camps. Studies indicate that many people were born in, or came to the camps when they were young, married and had children in the camps. Those whose parents, relatives and friends died in the process face difficulties tracing their land or homes (Immanuel 2010;

Lakoga Transit Camp, Puranga sub-county in Pader district, Northern Uganda.
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Mabikke 2011). But even those who have managed to return face difficulties tracing their land, because boundary labels have disappeared over the years.

- Some people have returned home only to find their land encroached upon by those who returned before them. Further, some land was still occupied by government soldiers. Land tensions are also caused by the fact that some people found their land already cultivated by unknown individuals.
- Others have sold land without the awareness or consent of family or clan members, an issue of concern as most land in northern Uganda is communally owned. This has become common among young men who do not want to resettle in villages, preferring instead to stay in urban areas. Since some of the camps have become trading centres, many of the youth prefer to remain behind rather than return to villages where people are scattered from each other (Immanuel, 2010).
- Fear was engendered by widespread rumours of government interest in Acholi land for investment. The on-going discovery of oil deposits in some parts of the region, such as Amuru, has led to discontent among the locals regarding the extent to which the government and local authority are serious about dealing with the land problems.

Land conflicts mostly occur on land that was left behind upon displacement (65%), inherited land (71%) and/or land given as a gift (17%) (Mabikke, 2011). The most common conflicts arise from illegal occupation of land; cultivation by unknown persons or unauthorised family members; occupation by early returnees or shifting of boundary marks from their original positioning; and sale of land without knowledge of other surviving relatives (ibid). If left unaddressed, these conflicts are likely to undermine development and the successful implementation of post-conflict reconstruction programmes in the region, and further entrench women's vulnerability (ibid).

Current government efforts
In an effort to stabilise and engender a steady recovery process, the government of Uganda formulated the Peace Recovery and Development Plan (PRDP) in 2007 as a framework to guide the reconstruction process in the region. Among its strategic objectives, the PRDP aims to consolidate state authority; rebuild and empower communities; revitalise the northern economy; and undertake peace building and reconciliation (GoU, 2007: vii-viii). The PRDP has received substantial funding from the donor community.

The PRDP is expected to look at the unique challenges women and men face, which arise out of their gender identities and as impacted upon by the armed conflict and the post conflict reconstruction process, especially regarding land issues. As part of its commitment to gender issues, and women's and other vulnerable groups' interests, the government instituted the 'Women's Task Force for Gender Responsive PRDP'. The Task Force is expected to ensure increased women's active participation in the PRDP planning, implementation and monitoring and evaluation processes. The task force is also expected to influence decision-making to ensure appropriate interventions and resource allocation that address women's needs and gender inequality issues in Northern Uganda.

However, despite these efforts, the PRDP is likely to fall short of addressing women's land interests. First, many studies have noted that the majority of people are ignorant of the PRDP. Even where there have been efforts to sensitise the local population about it, it is questionable whether its content and operationalisation is understood. In addition, land in this region is customarily and not legally managed; culturally women have little say in land matters. Also, mere sensitisation will not suffice as long as land management structures are too weak to handle land conflicts and are not alert to the fact that, despite women having gained new economic and social roles while in camps, society often compels them to revert to their traditional gender roles in the aftermath of war (Watterville 2002; Nakamura 2004).

Secondly, the overall structure and content of the PRDP is couched in gender neutral language. There is no indication of how gender in general, and women's concerns in particular, will prevail upon the various aspects of development programmes in post-conflict reconstruction, and particularly programmes on land (Norad, 2008; Immanuel 2010).

Conclusion
This briefing highlights the challenges facing returnees, and particularly women, in accessing land. Some suggestions for the way forward are:

- The Uganda Constitution and the recently passed National Land Policy both outlaw discrimination, including against women with regard to the acquisition and ownership of property and land. This should open up opportunities for negotiation on how to resettle people on to their land and/or find them alternative land to settle on.
- There is also a need to ensure

good land governance and management practice. Uganda already has supportive legislations and policies regarding land rights. Proper implementation of these could help settle current land-related conflicts.

- Improving women's access to credit facilities and/or training them in relevant skills to engage in economic activities is an alternative measure which post-conflict reconstruction could explore. This could contribute to addressing women's land rights, as well as sustain and build upon the relative economic and social independence women acquired while in the camps. The ability to purchase land would offer women independent access and ownership, as well as strengthen their agency.

Credits

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Further reading

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