



**Women Resisting Large Scale Land Acquisitions:**

**A case of Amuru District, Uganda**

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This document represents part of the author's study programme while at the Institute of Social Studies. The views stated therein are those of the author and not necessarily those of the Institute.

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## List of Acronyms

ACHPR	African Charter on Human and People’s Rights
ADB	Asian Development Bank
AGTER	Association for the Improvement of Land, Water and Natural Resources
AU	African Union
CBR	Centre for Basic Research
CEDAW	Convention on Elimination of Discrimination against Women
CLEP	Commission on Legal Empowerment of the Poor
CSO	Civil Society Organization
DFID	Department for International Development
DLB	District Land Boards
DPC	District Police Commander
FAO	Food and Agriculture Organization of the United Nations
FDI	Foreign Direct Investment
FGD	Focus Group Discussion
FIAN	Food First Information and Action Network
GLP	Global Land Project
GoU	Government of Uganda
Ha	Hectare
HRBA	Human Rights Based Approach
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDA	International Development Agency
IDP	Internationally Displaced People
IDRC	International Development Research Centre
IFAD	United Nations International Fund for Agricultural Development
IFPRI	International Food Policy Research Institute
IGBP	International Geosphere-Biosphere Programme
IHDP	International Human Dimensions Programme
ISS	International Institute of Social Studies
KI	Key Informant
LC	Local Council

LDCs	Least Developed Countries
LEP	Legal Empowerment of the Poor
LRA	Lord Resistance Army
LSLA	Large-scale land acquisition
MP	Member of Parliament
NAPE	National Association of Professional Environmentalists
NFA	National Forestry Company
NFC	New Forest Company
NGO	Non-governmental Organization
NLP	National Land Policy
NRA	National Resistance Army
NULP	Northern Uganda Land Platform
OHCHR	Office of the High Commissioner for Human Rights
PEAP	Poverty Eradication Action Plan
PMA	Plan for Modernization of Agriculture
RDC	Resident District Commissioner
REED	Reduction of Emissions from Deforestation and Degradation
ROL	Rule of Law
TNCs	Transnational Corporations
UDHR	Universal declaration of Human Rights
UGX	Uganda Shillings
ULC	Uganda Land Commission
UN	United Nations
UNDP	United Nations Development Program
UPDF	The Uganda People's Defence Force
USAID	United States Agency for International Development
UWA	Uganda Wildlife Authority
VODP	Vegetable Oil Development Project
WB	World Bank

## **DEDICATION**

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## **Abstract**

Uganda has not been spared by the increased Large Scale Land Acquisitions (LSLAs), big chunks of land continue to be acquired not only by the foreign investors but also the domestic elite groups of people as well as government. The impact of this is quite enormous not only on the side of women basing on the fact that they are the main users of land. This paper uses both primary and secondary data to examine how women in Amuru district are confronting this land acquisitions, this paper examines how the women are using the law to challenge the land acquiring, it does so using social-legal approaches such as 1). Legal consciousness aiming at finding out how women understand and interpret the law, courts of law as well the judges and all those charged with making laws in Uganda. 2) It also goes ahead to use a mobilization approach, this aims at looking how the women are using the law to confront the LSLAs in this district; and lastly is the Legal Empowerment approach which looks at how women actually are mobilised by others, or call it empowered, to claim their rights.

Key findings from this research have shown that women are frustrated with the legal system in Uganda: they contend that they have not been helped enough when it comes to dealing with officials in the legal institution.

Secondly, because of the lack of trust in the legal system, they have tended to use various methods to show their dissatisfaction in the system but all in the name of fighting for their land rights.

Thirdly, is that there are key organizations which have identified this gap of lack of the women's awareness and so they have embarked on training and sensitizations workshops with community leaders.

## **Relevance to Development Studies**

There is a lot of research that has been done on LSLAs in Uganda and a lot more continues to be done, studies have been conducted on how this growing threat of LSLAs is affecting for example livelihoods, and other human rights related issues. , however apparently, there has not been any study especially in Uganda that has looked at how women are using the law in particular to resist LSLAs. Hopefully, this study informs various stakeholders and academics on this new ideas bout women's consciousness and mobilisation strategies towards this phenomena of LSLA.

## **Keywords**

Large scale land acquisition, Resistance, Uganda and Amuru

# Chapter 1 : Introduction

“Trouble will come to those who  
make plans to sin.  
They lie on their beds making their evil plans  
Then when the morning comes, they  
do what they have planned,  
because they have the power to do what they want  
They want fields, so they take them.  
They want houses,  
So they take them  
They cheat a man and take his house and his land”

(KI with Pastor John Odwong on 7th/08/2015 extracted Micah 2:1-2).

## 1.0 Overview

Over the years, Uganda like so many countries across the globe has not been spared from mounting threat of land acquisitions, this upsurge has been brought by increasing demand for agricultural land as well as land for non-food projects such as bio-fuel production especially in the developing countries. Though Men, women and children derive their human rights entitlements from the land, Large Scale Land Acquisitions have adversely affected women more than their counterparts the men and children, the women use land much more than any other people hence this research aimed at examining how women have resisted Large Scale Land Acquisitions in Uganda. This paper has sought to examine the extent to which women using the law to resist Large Scale Land Acquisitions in Amuru district, Uganda.

## 1.1 Statement of the Problem

According to the Uganda National Land Policy (NLP), land is the most ‘basic resource for the space it provides, the environmental resources it contains and supports, it’s the most critical factor and an essential part of the national patrimony’ (GoU, 2013: 1). Furthermore, ‘land is a commercial asset that can be used and traded’ and is therefore a critical factor of production<sup>1</sup>. Land key factor in shaping individual and collective identity through its history, the cultural expressions and idioms with which it is associated<sup>2</sup>. Last but not least, the Government of Uganda emphasizes that land influences spirituality and aesthetic values of all human societies<sup>3</sup>(*ibid*).

Because of this attachment to land, wholly depends on agriculture, the agricultural sector and the related resources contribute to 43 percent of the

Gross Domestic Product (GDP) (Serwajja, 2012: 1, Mabikke 2011: 1), The sector provides 88 percent of on farm and off-farm related employment, and constitute 85 percent of the total export earnings (Rugadya and Kamusiime 2010: 13).

Thus aware of this importance of land to them as a community, on April 14, 2015, a group of elderly Women stripped before a huge gathering of their community and the government ministers, surveyors, soldiers and policemen, off came down their tops, wrappers and skirts, these women remained completely naked, "*Lobowa, Lobowa*" they chanted which translates to mean our Land, our Land in the Lou dialect (Byaruhanga, 2015). Those who remained seated showed support by wailing in unison with the other women as they stripped. On that day the government officials had travelled to Appa village-, Labala parish, in Pabbo sub-county, Amuru District to re-demarcate the land where the women and the whole community live for a national game park (Were, 2015).

This was the second time the women are stripping naked in protest against government's plans to take away the land on which they have lived and derived a living. The first incident took place on April 9, 2012, when 60 to 100 women undressed before a group of officials from one of the powerful sugar companies called the Madhvani Group, and the local administration officials at a place called Kololo in the same District close to South Sudan. The Madhvani group wanted 40,000 ha of land in Kololo to grow sugarcane, but the women were resisting eviction from the land they claim to be rightfully theirs. The proposal to establish the sugarcane industry in Amuru district by the Madhvani Group of companies was an initiative of President Museveni to develop the conflict affected area (Serwajja, 2012:8).

This resistance to land Acquisition comes after the Northern Uganda has experienced more than two decades of violent conflict between the Lord's Resistance Army (LRA) and the Government of Uganda. The people of Acholi land experienced internal displacement on a massive scale which left issues surrounding land in limbo and devastated cultural and traditional practices (Whyte. M *et al*, 2013: 28). This region which was famously known for cash crop production of crops such as tobacco, cotton and rice, has now collapsed due to the over 23 years of the insurgency (Mabikke, 2011: 4).

Meanwhile, the government sees giving away land as a way of transforming its economy from a peasant to a modern and prosperous country with in a period of thirty years and with the hope that this will create jobs, improve access to markets and widen the infrastructure development (Polack, *et al*: 1), other positive arguments forwarded by the proponents on LSLAs consider it as one of the strategies for national development, poverty eradication and in-

creased food security. On the other hand, LSLAs have been criticized by various academicians, researchers and civil society actors for they base their argument on the fact that not all people benefit from the acquisitions, and women in particular are the most affected group.

Kachika stresses that women who are the major land users lose out their strongest rights they have to land use (2011: 10-11), indeed women have been at a greater loss since land is their source of food and income and personal possessions. Without land they might become homeless, malnourished and vulnerable to other exploitations (IJM, 2015: 15, Mabikke, 2011: 14).

It is possible that the giving away of the proposed 40,000 ha of land in Lakang and Kololo will take priority over the rights of the local population. After being evicted their main source of livelihood will be extinguished (Martiniello, 2012: 11), It's against this background that this study sought to use a socio-legal approach to analyse how women are using the law to confront this vice in Amuru District.

## **1.2 Contextual Background of Land Acquisitions in Uganda**

According to Mukwaya *et al*, agriculture continues to be an important economic sector for Uganda, providing 73 percent of the employment (Mukwaya *et al*. 2011: 19), it agriculture provides a livelihood to over 85 percent of Uganda's total population which lives in the rural areas. Farmers produce commodities, most of which for own consumption and a few for exchange. The food crops produced include cooking banana, maize, finger millet, sorghum, cassava, sweet potato, Irish potato, and rice as staples, with a range of fruits, and vegetables as non-staples. This is therefore a sign that land is one of the most important assets both at the national and local levels for it contributes largely to the economy of Uganda. Serwajja equally notes that Land is equally important to households since it forms the centre of livelihood and survival (2012: 1).

In fulfilment of her National Land Policies (NLP) aims of 'ensuring efficient, equitable and sustainable utilization and management of Uganda's land and land-based resources for poverty reduction, wealth creation and overall socio-economic development'(MoLHUD, 2013:4), the Government of Uganda has continued to attract investment, which is both domestic and foreign into her productive sectors including land, by attracting investments, the government is mandated to create an environment which attracts and facilitates investors to access land for a variety of projects including the development of a large scale oil palm plantations, carbon offset tree plantations and following the

recent discovery of oil, for drilling (National Association of Professional Environmentalists (NAPE), 2012: 5), the resultant effects of the above given rise to the spreading land acquisitions in the country. Eria Serwajja notes that the government begun allocating land to both national and international investors as a means to encourage them invest in the country, he notes that in some cases, the government has directly and indirectly facilitated the investors to acquire land in the country (Serwajja, 2012: 6).

Land transactions have increased in the past decade seeing off both private and public entities across the globe securing access to land and other resources in poorer developing countries (Gironde *et al*, 2014: 3). AGTER, an international association created to contribute to improved governance of land, water and natural resources, has noted that many institutions, researchers and civil society organizations (CSOs) in developed and developing countries are concerned about the way ‘appropriation’ and ‘concentration’ of cultivable lands in several regions of the world by large often foreign companies have increased overtime (2010: 3).

Although there are no exact figures for showing Large scale Land Acquisition around the globe today, some scholars and research institutions have come out with estimates, for example Anseeuw *et al*. (2012: 3) have noted that the land rush accounted for 83.2 million hectares from the period of 2001 to 2012 on a global scale, in the same spirit, a study by Oxfam has noted that Land acquisitions have accelerated rapidly in the last ten years and as many as 227 million hectares of land equating it to an area the size of Western Europe have been sold, leased, or licensed since 2001 and this have been acquired mostly by international investors and much of it in sub-Saharan Africa (2011: 1).

Information from the Global Land Project GLP showed that there were 177 land deals reported from the period of 2007 to 2010. This report showed that Ethiopia, Madagascar, and Sudan were the three countries with the highest number of land deals. Ethiopia accounts for 26 land deals with a magnitude of between 2,892,000 ha and 3,524,000 ha. Madagascar is the second with 24 land deals with a magnitude of 2,745,000 ha, Sudan with 20 land deals, Tanzania with 15 land deals and Uganda which is my case study accounted for 7 land deals with 1.874 to 1.904 of the magnitude among other countries as seen in table 1 in the appendix 2 adopted from, Friis and Reenberg, 2010: 11).

In Uganda, LSLAs account for 14.6 percent of the country’s agricultural land (Friis and Reenberg 2010: 18). This upsurge of acquisitions can be traced back to the beginning of the economic reforms in the 1980s in Uganda, therefore these upspring acquisitions come as a result of the government of

Uganda pursuing strategy of neoliberal economic restructuring and privatization of the World Bank (WB) and International Monetary Fund (IMF), this was followed with the establishment of the Uganda Interments Authority to attract foreign direct investments (FDI) (EAFF, 2012: 2), inviting investors was one the ways that the government of Uganda fronted to eradicate poverty through its famous Poverty Eradication Action Plan (PEAP).

Martiniello notes that land acquisition in Uganda includes foreign states and (Trans) National Corporations acquisitions for food and bio-fuel productions, land enclosures driven by the REED carbon capture schemes and forestry creation, demarcations and securing of conservation areas and game reserves for tourist purposes, domestic elite and state-driven acquisitions often to the benefit of high rank government and military officials or to the advantage of locally (nationally) affluent capitalists mostly in the form of commercial agriculture and cattle ranching schemes (2012: 3). 'this movement is driven and associated by the philosophy which has continued to depict Africa as a continent endowed with abundant and unutilized land' (ibid).

Statistics from the Land Matrix, a public database, have shown that between 1000 and 40.000ha have occurred in Uganda involving mainly European companies from Netherlands, the United Kingdom, Germany and Norway, major global financial players such as HSBC, the IFC and WB with Ugandan government through joint ventures (Martiniello, 2012:3, Serwajja, 2012:6).

A recent study conducted by the Centre for Basic Research (CBR), (2014) has shown that for a period of four years (2006-2009), only (17%) of investors acquired land on large scale but from (2011 -2013), LSLAs increased to 57%. Main areas affected include Karamoja (47.7%), followed by Acholi 45.5%, central (3.6%) and Albertine region (2.4%) (Kanyesigye, 2015: 3).

In Northern Uganda where this study was based, there are also indicators of LSLAs in the districts of Nwoya, Gulu, Amuru and Adjumani. The LSLAs in this region have been characterized by private individuals or at times individuals in alliance with foreign investors from countries such as Zimbabwe, Canada, Germany, and South Africa among others (NULP, 2014:20).

Local leaders, security personnel have also been identified to be involved in this process. Among the multinational companies singled out have been the Madhvani group of companies. The history of Madhvani group of companies in Uganda is based on the family status as well as business. As family, the Madhvani are part of the Indian community that returned to Uganda upon being wooed by president Museveni after the overthrow of Amin's regime in 1979. Business wise, having obtained 800 ha of land from the Busoga

kingdom in the 1930, the company went on to establish Kakira Sugar Factory (Martiniello, 2015, 660),

In a bid to expand their businesses, the Madhvani group approached president Museveni in 2006 with a proposal to establish a sugarcane industry in Amuru District, the Amuru Sugar works would be a joint venture between the GoU and the Madhvani Group where by the GoU would hold a 40 percent share in the project on behalf of the public and in particular the people of Amuru, while Madhvani Group will hold 60 percent<sup>1</sup>. Having conducted a feasibility study, Madhvani applied for 40,000 ha of land in Lakang and Kololo villages in Amuru Sub-county for a sugarcane plantation and a factory in 2007, their objective was to create between 7000- 8000, give a livelihood to 7000-10.000 out grower farmers. Out grower farmers would be housed in labour camps each on 10 ha of land, with 8ha under sugarcane and 2ha for food crops<sup>2</sup> (Martiniello, 2012:13). The government through the Amuru District land Board allocated 10,000 ha of land to Madhvani with the outstanding balance of 30,000 ha yet to be acquired.

Although such projects have been praised by various authorities including the Museveni who has continued to support the giveaway of land to investors saying this free lands are major development benefits, they have stressed the economic advantages they the country would reap out of the investments on such land. Museveni while defending the giveaway of land to investors has remarked that “the problem of Africa is not lack of forests but lack of factories’ the failure to take advantage of such developments is “the difference between Europe and Africa”, in his wishful thinking, Museveni has gone ahead to say that “a sugar cane plantation is also an oilfield” (Child, 2009: 248-249). The project on their hand if implemented will see a total number of 20,000 Acholi peasants evicted from their land hence a loss of livelihood (Martiniello, 2012:16). In the same sub-county, the Board unfairly allocated 10,000 ha to general Julius Oketta and 1000 ha to Harriet Aber, the wife of Salim Saleh, the brother of President Museveni<sup>3</sup>. (Lenhart, 2013:80, Demissie, 2015:87).

The situation of Uganda is not different from what is happening elsewhere, Borrás *et al* (2011: 210), have argued that for several years now, a combination of global crises in food, energy, finance, and the environment has driven a dramatic revaluation of land ownership. They contend that powerful transnational and national actors ranging from corporations to national gov-

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<sup>1</sup> <http://www.monitor.co.ug/oped/commentary/-/689364/1322852/-/1291lmfz/-/index.html>. (accessed on 11/10/2015).

<sup>2</sup> *ibid*

<sup>3</sup> KI interview with Hon. Akello Lucy, Woman MP Amuru District, 25<sup>th</sup> 08 2015.



ernments and private equity funds have searched for ‘empty’ land to carry out large scale productions in fuel and food.

Although there is a wide range of scholarly material in the field of LSLAs, very few studies have been conducted showing in the ways in in the case of Uganda and to be particular, how communities are confronting this challenge, the case of women resisting LSLAs will add to the wider spectrum of the knowledge in this field. This research paper will specifically focus on the social-legal approach to discuss how women are using the law to resist LSLAs in Amuru District, Uganda.

### **1.3 Objectives of the Research study**

The overall objective of this is to contribute to the body of knowledge towards use of the law in resisting LSLAs in Uganda, specifically, this study will analyse how women are using the existing laws to counteract LSLAs in Uganda with a case of Amuru District.

### **1.4 Research Questions**

This study was guided by a major research question and sub-questions.

#### **1.4.1 The Main Question**

How are women using the law to resist large scale land acquisitions in Amuru district?

#### **1.4.2 Sub-Research Questions**

- How has LSLAs violated women’s land rights?
- How do women perceive LSLAs
- How are women resisting large scale land acquisitions in Amuru District?
- To what extent are women aware of their rights to land?
- How have women been legally mobilised by others to promote their right to use the land?

### **1.5 Justification of the Study**

My desire to carry out research on this topic is three fold;

First, is because of my work experience, before coming for studies, I was working with Centre for Basic Research (CBR) attached to a research project entitled Interrogating Large Scale Land Acquisitions and its Implications for Women's Land rights in sub-Saharan Africa, this project was funded by International Development Research Centre (IDRC), while on this project, I was able to travel around the affected by land acquisitions, it's in such places as Mubende and Amuru that I came to realize that are trying their best to confront this evil hence the need to investigate how they are using the law to challenge LSLAs.

Secondly, a personal desire having, grown up and lived in a community which has also experienced land acquisitions especially by the domestic actors or relatives, I came to interface with crude reality of women losing the most in this process, they lose the land, they lose a livelihood, by undertaking this study, I wanted to learn how the other women are using the existing laws to challenge the scourge of LSLAs.

Lastly, in their most influential book in social research; *Key Concepts in Social Research*, Geoff Payne and Judy Payne offer some reasons as to why people conduct social research, one of them is the intellectual challenge (Payne and Payne, 2004: 9), in light to my study, I also sought to fill the existing gap in the existing knowledge about LSLAs which I found out is limited especially the literature on women resisting land acquisitions in Uganda. This may have been brought by the fact that studies on land acquisitions and how women confront it have been monopolized by western theorists, who have put their focus on Asian, Europe and Latin America which does not apply to African and in particular Uganda's setting. It is therefore hoped that this study will contribute to the body of knowledge around Women resisting LSLAs in Uganda on the one hand and the promotion of women's struggles to claim for their human rights on the other.

## **1.6 The Structure of the paper**

This paper is organized in five chapters, Chapter one has already presented the problem statement, background to study, research objectives and questions, justification and structure of the study.

Chapter two will present the research strategy which mainly includes, the methodology, methods used in the field as well researcher's position in and out of the field.

Chapter three will present the theoretical framework which includes the main concepts used, women's land rights in Uganda as well as the social legal lenses for framework for analysis in chapter four.

Chapter four will use the theoretical framework in chapter three to analyse the findings from both the field and secondary data.

Chapter five will summarize key arguments and offer conclusions of the study.

## **Chapter 2 : Research Strategy**

### **2.0 Overview**

This chapter outlines the methodology and research tools used in the study. It discusses the sources data, procedure, data collection methods, limitations and analysis.

### **2.1 Methodology**

Because of the sensitivity of the land issue in Uganda, and in particular the northern Uganda, the researcher investigated the women's resistance to land deals using a qualitative methodology. Zina O' Leary notes that using a qualitative methodology brings together the power of both the researcher and the researched (O'Leary, 2010:133). This approach was chosen because the researcher wanted to capture the understanding of how women have used the law to resist land acquisition in their community.

### **2.2 Area of Study**

Payne and Payne define a case study as a "detailed study of a single social unit" (2005:31), they argue that this social unit should be located in one physical place with people of same characteristics. In the same way, this study focused on Amuru district which is located in Northern region of Uganda. According to the Uganda 2014 National Housing and Population provisional Census results, Amuru's annual population growth rates is 2.83 and has a population of 190,516 people out of which the male take 49 % (92502) and the female comprise of 51% (98046) (UBOS, 2015: 20).

Amuru is bordered by River Nile to the West; Adjumani district to the North, Gulu district in the East and Nwoya district to the South (Etti, 2012: 11). It covers 4,852 km<sup>2</sup> of land, most of which is said to be fertile, with large areas unoccupied. There is a widespread suspicion that the land has oil beneath it.

Politically, Amuru district is under a two tier system of governance. On the one hand is the formal government structure, while on the other hand is the traditional/cultural establishment (Serwajja 2012: 11). Administratively, Amuru district is divided into four sub-counties. Each of the four sub counties is governed by a sub-county chairperson. Below the sub-counties are Parishes administered by Parish chiefs. At the bottom of the ladder are villages governed by a council headed by a village chairperson.

In Amuru district, there are five chiefdoms which are administered by a Rwot, these are known as chiefdom chief/clan head. The chiefdoms include Parabong, Toro, Pagak, Boro and Lamogi. The clans or chiefdoms are divided into sub-clans that are represented by one traditional leader (locally known as Rwot -Rwodi for plural) to the council of the chiefdom chief (Paramount chief) (Nabudere, 2013:78).

The reason behind selecting Amuru was because of the intensity of the land acquisitions yet very little information is available unlike Mubende or Nakasongola where there appears to be massive information conducted by several organization such as Action Aid and Oxfam, this site then an interesting avenue for further research.

**Figure 1: Showing Study Area**



Source: Dept. of physical planning Amuru District

## **2.3 Sample and sampling method**

The Researcher used two sampling techniques namely; Snowball sampling and purposive sampling. Snowball technique was used to select 7 female respondents that have openly participated in resisting land acquisition by the grabbers, this is in line with Brayman (2014:100) who argues that snowball technique is where a researcher directly contacts a small group of people who are important to the subject being studied and uses this encounter to reach out to other contacts necessary for research.

I employed this technique because of the reliability through the contacts I had acquired from the local council III of Amuru sub-county where the research was conducted, the Chairperson began by identifying 2 participants who then led me to the rest of respondents hence the first two participants not only identified but also became mobilisers of others for the research.

As much as I needed women's views on this topic of research, I too needed to hear from stakeholders in the district, such as the local council leaders; area members of parliament (MPs), Civil society actors; Resident District commissioner (RDC) among others. This therefore necessitated a purposive sampling technique because these individuals with more knowledge on the topic under research, according to Scheyvens and Storey (2003: 43), purposive sampling occurs "when the researcher makes a judgement on whom to include in the sample", hence this technique was important since it enabled the researcher to carry out key informant interviews with the representatives of the traditional leaders (Rwot Kweris), the Area MPs; representatives of the area land committee; Local council leaders among others.

## **2.4 Subjects for study**

The aim of this study is to gain more knowledge and insight on how women are using the law to resist land acquisitions in Amuru District, Uganda, in order to present a more full analysis of current practices in Uganda, this study concentrated on the different actors involved in land acquisitions, on all levels, at the global level are the foreign governments, foreign private actors or international organizations or institutions. At the national level are the GoU, private actors, and national institutions, organizations and NGOs and lastly were the local level actors including the local government, local elite, local communities, local NGOs and interest groups.

## **2.5 Data sources**

In order to understand women's resistance to land acquisitions in Amuru District, the researcher used a qualitative study and the data was collected from Amuru sub-county a hotly contested area compared to other parts of the district.

### **2.5.1 Secondary Data**

The researcher reviewed literature by various researchers, institutions and media organizations in Uganda and the globe. These included; Centre for Basic research are currently studying Large scale Land acquisitions in Uganda (CBR), Uganda Land Alliance (ULA), Oxfam, Action Aid plus the Uganda Human rights Commission (UHRC), GRAIN, Food and Agriculture Organization (FAO), International Food Policy Research Institute (IFPRI), International Institute for Environment and Development (IIED), World Bank among others. This is because of the continuous citation by the locals over the work these organizations are doing to help them challenge LSLAs.

### **2.5.2 Primary Data**

Much as the researcher reviewed secondary literature, I found a number of gaps in the existing literature in as far as women's resistance to land acquisitions in Uganda is concerned, this made me use primary data, the researcher designed an interview guide which he used as a data collecting tool throughout his study. Data was collected from the women that have resisted land acquisition, local government administration, local council and traditional leaders, civil society actors and other key informants. I used focus group discussions and key informants as data collection instruments.

## **2.6 Data collection techniques**

In order to collect valuable data, the researcher used a number of techniques; these included, semi-structured interviews, focus group discussions (FGDs) and participant observation.

### **2.6.1 Semi-Structured Interviews**

Heslop (2002; 51) defines semi-structured interviews as a 'set of guideline questions used in studying a specific group of people', for my research I developed an interview guide which I used to achieve the overall objective of my study, interviews were conducted with the local women, men, youth as well as the

authorities and civil society to get their experiences and knowledge of how women were resisting land acquisitions in Amuru.

In total 12 participants were interviewed with the use of snowball and purposive sampling method. While using this method, the researcher spent two to three hours interviewing respondents, this method was used because he wanted to leave room for the respondents to roam more freely with their answers concerning subject. Interviews were conducted face to face which increased the trust and confidence of the respondents in the researcher.

The challenge however with this technique was that at times because of the fact that I interviewed local women, especially after their garden work, it could at times become hard to get all the information from them forcing me to set another date for instance weekends through which we could hold extensive discussions with some of them.

## **2.6.2 Focus Group Discussions**

The researcher conducted 6 FGDs with various groups of people such as the women, men, youth as well as traditional and local leaders, this was in a bid to capture local ideas concerning the study topic.

The first and second FGDs were conducted with local women in Kololo and Lakang villages who have resisted openly the land acquisition, the Third and fourth were with local and traditional leaders in Palyechi parish, the fifth was a mixed discussion with the youth (female and male), here the researcher sought to understand their perception as well how they have supported the cause of resisting land acquisition, the sixth was with the elders (men) in the community.

## **2.6.3 Observation**

I also observed emotions and anger of women and men during our interactions. Although these observations are not cited in this paper, they contributed to my knowledge of the community I conducted my study.

## **2.7 Data Analysis**

Analysis is the process of organizing the information collected by relating it to the questions set forth (Laws, 2003: 65), Earl Babbie has argued that analysis that qualitative analysis is an interplay between collected data and theory, data collection (2007:378). After collecting data, I embarked on identifying and classifying the data into groups or concepts and their relationships from



where I re-grouped them into themes responding to the theories taken. I did this to show how the data described in the academic debates did corresponded or not to the realities from the field.

## **2.8 Ethical considerations and Research Limitations**

### **2.8.1 Ethical considerations**

Scheyvens *et al* argues that fieldwork in the third world can at times give rise to a lot of ethical dilemmas which may be brought about by the researcher or the researched (2003:139), they note that ethics in a foreign setting is about building mutual relationships, acting sensitive and with respect to the people you may find down in the field. May defines ethics as “ a set of standards which a particular group or community decides to regulate its behavior- to distinguish what is legitimate or acceptable in the pursuit of their aims from what is not” (May, 1993:41). In conducting my research I followed ethical procedures because without it, I would have succeeded.

I first arrived in Amuru district on 16<sup>th</sup>/07/2015, thereafter, I went to the office of the Resident District Commissioner (RDC), I introduced myself to the authority with a signed introductory letter from the University (Institute of Social Studies-ISS).

The RDC welcomed me and later stamped my original letter which I then made copies to various offices within the District such as the office of chairman Local Council five (LCV), office of the District Police Commander (DPC), the lower LCs as well as the traditional leaders also known as the Rwot Kweris.

However along the way, I was interrupted by a mysterious call which later I came to establish that it was the area Member of Parliament (MP), the MP, demanded to know what I was doing in his area or else he commands the community to beat me up, however I detracted from the field to meet the MP in Kampala which took another week, I met the MP, with my introductory letter and the full proposal which afterwards erased the mindset he had had about me being a government official who had gone to convince the community, the area MP Kilak county allowed me to proceed with my research in his area.

Having been allowed by all authorities to go ahead with my research, I then sought the services of a translator, this person would help to translate for me from Acholi language into English and then from English to Acholi which my respondents understand. According to Jacobsen and Landau note the issue of language use and translation of interviews or questionnaires have been rarely

addressed in social science research (2003:189-190), and that is why show it here for it was important for me to avoid linguistic biases while conducting interviews.

Again just like any researcher, I had planned to seek informed consent from my respondents, according to Heaton, obtaining consent means informing research participants about the nature of study and the possible risks to them, however it became very difficult for the respondents to consent in writing basing on the issue I was dealing with, they are suspicious of any person who come whether on research purposes like me or any other duties requesting to talk with them and thereafter appending signatures to the researcher's documents of any sort, they say these signatures have been later on used by such people as agreements to land sale in some places, this then made me to use oral consent from the respondents while I endeavored to explain the purpose of my research, I also showed them a signed and stamped introductory letter form the institute and assured them that they information they would give would only be used for my study purposes and nothing else. By doing all the above, I was building my respondents confidence in me as a foreign person in their land, I requested for permission before any interviews to record for future references as well thanking them after the discussions.

### **2.8.2 Research Limitations**

The debate around land issues in Uganda is nowadays a risk of life especially in northern Uganda, from the beginning I almost felt like giving up, having been okayed by the highest office. First, was threatened through the call I received to report back to Kampala and see the MP or else I risked being lynched, however after seeing the area MP, I was given a go ahead which then opened away for me.

Second, I also faced a challenge of the language, almost all my female did not know how to speak English, yet even when I had an interpreter, I felt there was no strong attachment between me and them like it would have been if I was speaking Acholi, however my interpreter helped to translate all that was said to me from Acholi to English and then what I asked in English into Acholi.

Third, some respondents suspected me of being a government spy, they resorted to at times keep quite when I asked of some questions, and this can be seen a few days later when the staff of CBR, a research organization conduct-

ing research in the same area were chased away by the local before providing feedback on research they had conducted in 2014.<sup>4</sup>

Forth, during my empirical data collection period, the political situation at the both national and local levels were largely shaped by coming party and general elections which are being held from November to December 2015 for various political parties and early 2016 for general elections. At this stage of party elections is predominantly interesting because so many political changes tend to happen at a faster rate. Political parties are busy mobilizing their officials from all walks of life to manage political campaigns. This in one way or another made my appointments with some officials challenging. Political feelings to activities related to local development, including this research, also became more an issue. I was at times suspected of conducting secret campaigns to support one party. I was also followed several times by police officers and different party groups of people. However, to solve all the above issues, I approached relevant authorities together with giving the community authorities a copy of my introductory letter which had also been stamped on by the office of the RDC, police, LCIII and the LCI of Kololo. This letter was very useful as it helped in increasing trust and confidence from the locals.

## 2.9 Summary

The above chapter has focused on the research strategy that I employed in my research paper, amongst all, it has looked at the methodology, methods for data collection, data analysis and challenges encountered in from the initial stages through the data collection till the final stages of the paper. This then leads us to chapter three where I discuss the theoretical framework for this paper.

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<sup>4</sup> <https://www.youtube.com/watch?v=hapL-Ivs4ck>. Published on Sep 28, 2015.



## **Chapter 3 : Theorising women’s Resistance to Large Scale Land Acquisition**

### **3.0 Overview**

In this chapter, I discuss the key concepts for this paper as defined by various scholars, I define LSLAs and what resistance means which I will again analyse in the next section by looking at why and how women look at these two concepts. I also look women’s land rights in Uganda as promoted by both the international and domestic legislations, and lastly I will also discuss the socio-legal lenses which will be my main basis for analysing my findings in chapter four.

### **3.1 Definition of Key Concepts**

#### **3.1.1 Large Scale Land Acquisition**

Like any other topics within the social sciences, LSLAs has got a number of definitions and the debate is still going on among the academia and as well as research institutions over what the meaning of LSLAs. Both Cotula and Kanyesigye have agreed noted that land grabs have raised concern and debates around the globe today (2014:8, 2015:3), they argue that while some scholars and organizations have preferred to use impartial terms such as large scale land Acquisition, large scale land investments, land deals or appropriation, foreignization of space some are however precise and concise to the what the writer feels. In all these definitions, scholars tend to show, the form of acquisition, actors, scale, purpose for acquiring land among others.

According to Transnational Institute, Land grabbing refers to the” capturing of power to control land and other associated resources like water, minerals or forests, in order to control the benefits of its use” (TNI, 2013: 3), GRAIN defines land grabbing as large scale acquisition on lease, concession, outright purchase, of farmland of more than 10,000 hectares for often 30-39 years or more by states, transnational companies and multinational agencies in another country either through leases, concessions or outright purchase with the aim of producing basic foods for export to the parent country (GRAIN, 2011: 1).

Cotula *et al* defines land acquisition as not only the purchase of “ownership rights, but also the acquisition of use rights, for instance through leases or concessions, whether short or long-term....” (2010:17). Similarly, according to Daniel and Mittal, LSLAs refers to the purchase or lease of vast tracts of land

by wealthier, food insecure nations and private investors from mostly poor, developing countries in order to produce crops for export (2009:1), the difference with this definition is that it's based on the growing interest in large scale land acquisitions by food insecure investor countries that always appear as government-backed investments especially in developing countries.

After their research in their research in Africa, Asia and South America, Borras *et al* defined the 'global land grab' as a catch-all phrase which refers to the explosion of (trans) national commercial land transactions for mainly the large-scale production and export of food and biofuels (2012: 34). The term 'land grab' generally refers to large-scale, cross-border land deals or transactions that are carried out by transnational corporations or initiated by foreign governments (Zoomers, 2010: 429). Visser et al (2012: 900), define land grabbing as 'the large-scale acquisition of land or land-related rights and resources by a corporate, non-profit or public buyer for the purposes of resource extraction geared towards external consumers (whether external simply means off-site or foreign)', writers tend to however emphasize the point of extraction as the major reason for acquiring large scale chunks of land.

Leeuwen *et al.* have for instance studied the continuities in contested land acquisitions in Uganda, this phenomenon in Uganda, According to them, land grabbing in Uganda has become a catchword and thus its used by the media, academics, civil society activists and government in different ways, he points out that land grabbing may range from giving away large expanses of land at the national level to everyday land grabs which happens between neighbours and relatives, he goes to argue that land acquisitions do not just involve international investors but also national and local elites (2014:103), as was shown again by Cotula in his study on *the International Political Economy of the Global Land Rush*, he documents several countries where both nationals and foreigners have been involved in acquiring land for investments in the Asia, Sub Saharan Africa as well as the Latin America (2012:656).

The Tirana Declaration of the International Land Coalition on 26<sup>th</sup> May 2011, defined this phenomenon using various levels: recognizes the phenomenon at multiple levels:

“We denounce all forms of land grabbing, whether international or national. We denounce local-level land grabs, particularly by powerful local elites, within communities or among family members. We denounce large-scale land grabbing, which has accelerated hugely over the past three years, and which we define as acquisitions or concessions that are one or more of the following:

- 1) in violation of human rights, particularly the equal rights of women;
- 2) not based on free, prior and informed consent of the affected land users;

- 3) not based on a thorough assessment, or are in disregard of social, economic and environmental impacts, including the way they are gendered;
- 4) not based on transparent contracts that specify clear and binding commitments about activities, employment and benefits sharing, and;
- 5) not based on effective democratic planning, independent oversight and meaningful participation”<sup>5</sup>.

In summary therefore, what comes out of the few definitions highlighted above are four issues on which scholars are debating, these are scale, purpose, form and characteristic of the land acquisition. For the case of this research paper, I will base my arguments on the definitions given Anseeuw *et al.* whose definition was widely accepted by over 40 grassroots organizations, CSOs, Academic and research institutions from around the world that collaborated in the global research project in 2010 (2012: 11). In their study they concluded that land Acquisitions should look beyond deals themselves to identifying the conditions which shape their good or bad practice (*ibid*).

### 3.1.2 Resistance

As rural areas continue to face increasing land acquisitions by both domestic and foreign investors, they too have devised various ways through which they are confronting this phenomenon, Moreda notes that whenever communities resist large acquisitions, they do it in different ways depending on the prevailing economic and political agencies involved and this also depend on the social structures, strength plus the defensive capacities of those resisting (Moreda, 2015: 519). A clear definition however needs to be addressed of what resistance means in the context of LSLAs, Scott defined resistance as:

“class resistance includes any act (s) by a member (s) of a subordinate class that is or are intended either to mitigate or deny claims made on that class by superordinate classes (for example, landlords, large farmers, the state) or to advance its own claims (for example, work, land, charity, respect) vis-à-vis those superordinate classes” (1985:290).

Benedict Kerkvliet in his study, *the Everyday politics in peasant societies (and ours)* defined resistance as ‘what people do that shows disgust, anger, indignation or opposition to what they regard as unjust, unfair, illegal claims on them by people in higher, more powerful class and status positions or institutions’(2009:233), what comes out of this definition is that resistance is a result

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<sup>5</sup> See International Land Coalition (2011). “Tirana Declaration: Securing land access for the poor in times of intensified natural resources competition.” <http://www.landcoalition.org/aboutus/aom2011/tirana-declaration> (last accessed on 11/09/2015).

one group being subordinated by another super one and in so doing they resist subordination to claim for what they believe they are entitled to.

Thorough his work on the *Weapons of the weak*, James Scott identified a number resistance forms that the peasants who were the powerless group used in Malaysia, these included; verbal characterization of superiors, dissimulation, pilfering, foot dragging, sabotage, false compliance, feigned ignorance, slander, arson, desertion among others (Scott, 1985: XVI), for both Scott and Kerkvliet, resistance involves little or no organization, individualized (Moreda, 2015:525).

### 3.1.3 Summary

The above section has looked at the basic concepts applied in this research, it has explored the various definitions by several scholars and concluded by adopting one by Anseeuw et al which has been widely accepted, the reason for defining this concept was to form a basis through which the women in Amuru perceive LSLAs, and this will be looked at in the next chapter.

Another concept was resistance, this was also defined as per definitions cited by various scholars but the major focus was adopting the arguments by James Scott, who argues that resistance is both covert and or open. This concept will be analysed later while looking at the strategies women are employing to claim their land rights in Amuru District, however although looking at the concepts may seem interesting, these alone may not help to explain the situation of Amuru women, in the next section, I will take you through Uganda's strides in promoting women's land rights, I will look at the legal women's land rights within the legal angles.

## 3.2 Women's Land Rights in Uganda

This section presents the how women's land rights have been promoted with the existing legal and policy frameworks both at the international and national level. At this stage, I will look first at the International laws that Uganda is signatory to and particularly those which could speak to my case study of Amuru. After that I will then narrow my focus to the domestic laws which I will also analyse later in next chapter where I will analyse the legal consciousness of women to the land laws in Uganda.



### **3.2.1 The International and Regional Laws on Women's Land Rights**

Uganda has ratified a number of international human rights instruments which aim at protecting women's land rights. These include; UDHR, ICCPR and ICESCR, CEDAW and lastly the African ACHPRs.

#### **3.2.1.1 Universal Declaration of Human Rights (UDHR)**

According to article 17 of UDHR:

“Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property”.

Article 19 of the UDHR also stipulates the right to freedom of opinion and expression, it states that *‘Everyone shall have the right to freedom of expression and this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice’* (Article 19).

#### **3.2.1.2 International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (ICCPR and ICESCR)**

In 1995 and 1987, Uganda ratified the ICCPR and ICESCR respectively (OHCHR, 2009:12, FIAN, 2012: 4), in both Covenants the right to self-determination is defined for instance:

“the right of all peoples to freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence” (Banning et al, 2004:4, DeSchutter, 2009:12).

ICESCR clearly specifies articles which prohibits the states from violating the rights of its citizens especially the land rights. Article 11, recognises the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions (Banning et al, 2004: 4). This therefore means that if the intended 40,000 hectares of land is given away to the investors, the local population will have nowhere to farm hence will be denied their rights to land and the women are affected much more since they are the ones who engage most with the land (UBOS, 2011, Wanyeki, 2003:309). Therefore having

an adequate standard of living will require that ‘every man, woman and child, alone or in a community with others, have physical and economic access at all times to adequate food or the means for its procurement’ (Banning et al, 2004: 270).

### **3.2.1.3 Convection on the Elimination of All Forms of Discrimination against Women (CEDAW)**

Adopted in 1979, CEDAW is a tool which was developed to achieve the full realization of equal rights for women around the world, by addressing discrimination against women in civil, cultural, economic, political and social domains (Banning et al, 2004: 20, Estrada et al, 2015: 4), among the discriminatory tendencies that women faced was that of rights to land and land use hence, CEDAW was advanced to remove such barriers to land and property rights so that women, their families and communities live better lives. In addressing the plight of women and their fight for their rights to land and property.

CEDAW set out provisions such as Article 2 which obliges all states ‘to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women’<sup>6</sup>. Articles 3, 5, 14, 15 and 16 all relate to women and their land and property rights, these guide how states not only to treat women and men on equal basis before the law as regards property, contracts and other issues but also argues states to promote women’s rights through setting appropriate legal, customs and practises that favour all women both in the urban and rural areas.

CEDAW requires States parties to pursue by all appropriate means and without delay a policy of eliminating discrimination against women, and requires States to ensure through law and other appropriate means, the practical realization of the principle of the equality of men and women.

### **3.2.1.4 African Charter on Human and People’s Rights (ACHPRs)**

Ratified in 1995, article 14 of the ACHPRs guarantee a right to property however, this article has a disadvantage that property can be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.

In general, what I have shown above are the international legal laws that Uganda has adopted and even domesticated all if not some in her constitution as we shall see below.

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<sup>6</sup> CEDAW Articles 2, 14, 15 and 16.

## **3.2.2 Domestic Legal Framework for Addressing Women's Land Rights in Uganda**

Focus in this sub section will be on the constitution of Uganda, the 1998 Land Act, and the 2013 National Land Policy.

### **3.2.2.1 The 1995 Constitution of Uganda**

The 1995 constitution of Uganda has not only been hailed as being particularly gender sensitive and tolerant but also the most female friendly in the world (Pedersen et al, 2012:13, Goetz, 1998:245, ). Rugadya et al also, noted that the constitution of Uganda is one of the most gender neutral constitutions with regard to property rights in Sub-Saharan Africa including land rights, both in content and language (2007:21). Moehler argues that prior to this 1995 constitution, Uganda had had three other constitutions but were 'abrogated, ignored and suspended by the leaders' (2006:281).

From the onset, the constitution through in objective XV of the National Objectives and Directive Principles of State Policy, recognized the role women play in society and this was affirmed by article 33(3) which provides for the state to protect women and their rights, while taking into account their unique status and natural maternal functions in society.

The Constitution also prohibits laws, customs or traditions, which undermine the dignity, welfare or status of women in article 33(6). In article 20, it provides that all persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and is guaranteed equal protection of the law. This means that there should be no such discrimination against women in regards to land and property rights due to custom or tradition (Mushemeza, 2009:176).

Again the in article 237 (1) and (3), the citizens of Uganda are empowered to claim for their rights in all the tenure systems in country whether Mailo, customary, leasehold, and freehold. The constitution states:

"Land in Uganda belongs to the citizens of Uganda and shall vest in them in accordance with the land tenure systems provided for in this Constitution"  
(GoU, Article 237[1]).

The same constitution also protect peoples' land rights against deprivation by non-citizens. The Constitution goes ahead to state that non-citizens may only acquire leases in accordance with the laws prescribed by parliament (GoU, article 237(2) [c]).

On the other hand non-citizens are as defined under the Land Act Cap 227 to include both persons and companies; section 40 (7);

- a) a person who is not a citizen of Uganda as defined by the Constitution;
- b) in the case of a corporate body, a corporate body in which the controlling interest lies with noncitizens;
- c) in the case of bodies where shares are not applicable, where the body's decision making lies with noncitizens;
- d) a company in which the shares are held in trust for non-citizens;
- e) a company incorporated in Uganda whose articles of association do not contain a provision restricting transfer or issue of shares to noncitizens. (The Land Act section 40 [8]).

This means that no foreign investor shall carry on the business of crop production, animal production or acquire or be granted or lease land for the purpose of crop production or animal production in Uganda (Investment Code Act: Section 10(2): Regulation of foreign investment.

In addition, the constitution goes ahead to provide for concrete ownership of the land to the citizens under article 3 (a) which allows all Ugandan Citizens to acquire certificates as documents of proof of ownership of their land as mandated by the parliament, this according to McAuslan, this process should be achieved through adjudication and demarcation of boundaries conducted by the parish land Committees (PLC) which then pass their recommendations to the DLB for approval and certification of the titles to land (2013:85).

Again Article 26 (1) and 26 (2) of the constitution shows how women's land rights have been protected and promoted in Uganda, the Article states:

“Every person has a right to own property either individually or in association with others.” (GoU, 1995, Article 26 [1]).

The above article means that every individual is protected regardless of their gender or marital status since all persons are equal before and under the law as stated in article 21(1) and (2).

### **3.2.2.2 The 1998 Land Act Cap 227**

In 1998 the Land Act through which women parliamentarians lobbied inclusion of clauses that would protect the women, Act provided a system for the

tenure, ownership and management of land, and to improve the delivery of land services to the citizens by decentralizing land administration (Asiimwe, 2001:7).

The Land Act was based on three leading principles: (1) a good land tenure system should support agricultural development through the function of land market which permits those who have rights in land to voluntarily sell their land and for progressive framers to gain access to land; (2) should not force people off the land, particularly those who have no other way to earn a reasonable living or to survive, and (3) should be uniform throughout the country (Adoko and Levine, 2005:9-11).

One of the clauses advanced was that regarding the management of land, the activists suggested that the Uganda Land Commission District land Boards and lower land committees, to have at least one female out of its executive members (Land Act 1998 Cap 56 57, 64 and 65 (2), Tripp, 2004:5).

In all the land act of 1998 was important in promoting the rights of people to land, Alden Wily noted that it recognized all the existing land tenure systems to having equal legal weight and status, it also provided for full registration of all tenure systems, it also transferred land administration out of Government and to the local, district level and lastly was providing local registry customary land at the sub-county level (2003:76).

### **3.2.2.3 The 2013 Uganda National Land Policy**

A pro-poor land policy is one that at a minimum does not undermine, and at a maximum promotes the distinct right of women for their own land rights – as peasants or rural labourers and as women. In many instances, women have access to land resources distinct from men within their households, such as by being a farmworker, a (part-time) farmer, firewood gatherer, and so on (Borras and Franco 2010: 12). Thus because of the limited successes of the 1995 constitution and the Land Act Cap 227 (GoU/MoLHUD, 2013: IV), a land Act needed a guide for it to be implemented.

The Policy was launched 2014 and contains various strategies aimed at achieving its stated aims. The vision of the National Land Policy (NLP) is sustainable and optimal use of land and land-based resources for transformation of Ugandan society and the economy'. The NLP aims at ensuring efficient, equitable and sustainable utilization and management of Uganda's land and land-based resources for poverty reduction, and overall socio-economic development'(MoLHUD, 2011:2).

The Policy begins with reference of thanks to the Constitution and the Land Act Cap 227 for making provisions which protect the rights of women on land. However unlike other national policies, this policy notes that women have totally benefited from these protections as advanced by the Land Act and the constitution, reasons such as customary practices which do not allow to access or inherit land, poverty, among others have been cited. This has a number of statements and strategies for achieving its vision, among them is policy statement 65 which relates directly to LSLAs.

Policy statement No.65 (a) and (b) requires the government to promote children and women's right to own and inherit land and to ensuring that men and women enjoy equal rights to land at all stages; before, during and after marriage. Strategies such as regulation of customary law, review of customary rules on land, restoration of traditional authority in land administration, ensuring full integration of women in decision making structures among others were suggested for achieving the above (MoLHUD/NLP, 2013: Policy statement 65 and strategy [66-68]).

### **3.3 Summary**

This section has fully discussed women's land rights in relation to Uganda's laws both at the national and international laws, we have seen a number of provisions which the country is referring to in order to protect women's land rights. However this can not fully tell what the women of Amuru are doing in relation to LSLAs, this will be explained in the next chapter where I will discuss in reference to the national laws discuss their consciousness and how they perceive these laws and whole legal system.

In the next section, I will now delve into the socio-legal lenses through which this big of my analysis will come. I will look at women's awareness of the law, women's use of the law as well as their empowerment to use the law to claim their rights.

### **3.3 Theorising women's Resistance using Socio-Legal Lenses**

Having looked at how Uganda positions itself in the legal framework at the national, regional and international level while promoting women's rights, I now focus on my theoretical framework which I will use to discuss my findings in chapter four. This section will focus on three approaches that's, legal consciousness, legal mobilization and legal empowerment.

Socio-legal approach is directly linked to the social situation to which the law applies and aims at seeing how the law plays either in the creation and or maintenance of the situation (Schiff,1976: 287), these approaches take place in the way we create we create, use, avoid or not (Kessar,2013:6). Roger Cotterrell notes that Law constitutes society in certain respects as much as the social understanding informs law in certain ways (1998:189), all the ideas addressed by the scholars above tend to point out to one issue, which is the Law, how the is perceived and used, how its mobilised or not and how citizens are empowered to use it.

### 3.3.1 Legal Consciousness

A number of socio-legal scholars have attempted to find ways in which people relate with the law in their daily lives. Research by Kurkchyan (2012: 371) has come out with a findings on what people think about the law, how they use it, and the effect of the complete set of ideas that people have about law on their decisions and actions in everyday life.

Borrowing form the story of Millie Simpson, a woman who drove ten miles each weekday for work and with little pay (Ewick and Silbey, 1991: 732), legal consciousness theory is important in this study since it aims at giving voices to people who are largely voiceless in socio legal scholarship' (Nielsen *et al*, 2006: 6). Studies in law and society have moved away from the normal and usual conception of law to a perspective which now looks at law as one of many competing forces that affect and shape social life (Nielsen, 2000:1058.) The study of legal consciousness is rapidly becoming one of the most popular and most important subjects in socio-legal research, a number of books, articles and conferences have been organized by various institutions and individuals have come out to share their experiences about the law and the legal normative and how these have affected their everyday living (Engel, 1998: 111).

'Legal consciousness' refers to the ways in which people make sense of law and legal institutions, that is, the understandings which give meaning to people's experiences and actions (Ewick, Silbey, 1991: 734). Nielsen sees it as a process which looks at how people act with the law and rather not what they do not think, do not say, and actions they do not take (2000: 346). For Harding Legal consciousness aims at understanding how 'ordinary people approach, use and think about law in their everyday life' (2011: 13) yet for Legal consciousness also means 'all the ideas about the nature, function and operation of law held by anyone in society at a given time.(Hertogh 2004: 460).

Sally Engel Merry has defined legal consciousness is 'the way people conceive of the 'natural' and normal way of doing things, their habitual patterns of talk and action, and their common sense understanding of the world" (1990:5).

Patricia Ewick and Susan Silbey have added their voice to this approach of legal consciousness, like Sally Merry, their definition comes from the ideas of the ordinary citizens living and working in the New Jersey. Their findings were noted in what is now called the *Common Place of the Law from Everyday Life*. From this study, they concluded that legal consciousness is dependent on the legal system and therefore looks at ways in which the law interacts with everyday life (Ewick and Silbey, 1998:35).

Ewick and Silbey's approach of legal consciousness evaluates the ways in which ordinary people understand and are aware of what constitutes 'law' or 'legality' affect and create 'legality' (1998:44). To them legal consciousness falls into three categories that is; *before* law, *with* the law and *against* the law' Before the law sees the law as separate from the society, in this case people are frustrated of the law because the law seems to be powerful. With the law is different, it sees the law as played for personal interests, here individuals use the law to liberate themselves, and lastly against the law works in different ways, rather than bowing down to the power of the law or using the law to champion your interests, these two writers note that being against the law seen as 'something to be avoided and hard to invoke' (1998, 48-192), they argue that those who go *against the law* resist it by use of violence or threats among other tricks (2003: 1336).

Legal consciousness has been criticized by some scholars, Sally Merry puts has put it that being conscious of the law cannot help change any situation, she argues that by thinking and constructing the meanings of the law may not change any conditions but by only creating capacities through which it may be interpreted (Sally, 1990:8), she asserts that law must be accompanied by action or what she refers to as doing, she is urging the community to transform their consciousness of the law into actions. This then leads me to another section which will look at how the law may be put into action. This is how the women of Amuru are using the law to claim for their land rights.

### **3.3.2 Legal Mobilization**

Having looked at the concept of Legal Consciousness, I now turn to the concept of legal mobilization, in this concept I tend to show how citizens elsewhere are strategically using the law into action claim their land rights.

According to Blackstone, Uggen *et al.*, Legal mobilization is how individuals respond when they feel their rights have been violated. They note that legal mobilization goes beyond perception to things we do when we have been wronged by others (2009:631). Charles Epp on the other hand legal refers to legal mobilization as "the process by which individuals make claims about their legal rights and pursue lawsuits to defend or develop those rights" (1998: 18).



Mobilization involves ‘Citizens come together in collective action to highlight grievances or to press demands, which in liberal theory are usually in relation to the state. Here Citizens are seen as individuals who act rationally to advance their own interests and in this process the state is seen as a failure’ (Leach and Scoones, 2007:11). For Vanhala, it goes beyond blaming the state to strategies and tactics aimed at bringing change such as media (Vanhala, 2012: 531). Manfredi, argues that legal mobilization is just a ‘process by which legal norms are invoked to regulate behavior’, it’s a ‘planned effort to influence the course of judicial policy developments to achieve a particular policy goal’ (Manfredi, 2005:10).

McCann (1994:48), argues that legal mobilization is the most significant way through which people’s rights can be realized, using the equal payment movement in the early 1980s, he demonstrates that legal rights discourses can provide reforms for a compelling normative language for not only identifying, interpreting but also challenging injustices in our communities (1994, 48). According to Klaaren et al, legal mobilization involves: (a) Organizational growth and capacity building (b) Increased participation in transnational advocacy networks (c) Broadening activists’ and litigators’ tactical repertoires, including possibilities for synergy (d) Cultivation of symbolic and communicative resources for mobilization and movement- building (2011:3), added to this is Domingo and O’Neil who argue that legal mobilization improve the lives of the poor by:

- contributing to pro-poor change in policy, law and regulation of service delivery across different sectors;
- advancing the realization of rights, and achieving redress for rights violations;
- contesting unjust and illegal practices of resource allocation and power relations, including in relation to land and natural resources;
- enabling citizens to exercise social accountability through legal action (Domingo and O’Neil, 2014:1).

However scholars have argued that for the citizens to enjoy their actions in realising their rights, they need resources, sensitizations and training of the laws to be able to put their apperception of the law, actions their after and reality, Epp has argues that legal mobilization depends on resources and these resources which help in the litigation must come from the support structure of willing and able rights advocacy lawyers, rights advocacy organizations and various sources of financing (1998:18), the reason being that for better litigation, you need resources in terms of time, money to run the court case throughout the period of case hearing which at times the women may not have. McCann has also argued advocates at times differ radically in their understandings about the dynamics prevailing which may create problems for litigation process (1994:35).

Therefore as seen above, it is one thing to be aware for the laws and another to use the law, literature tell us that those who are able to legally mobilize need resources, to facilitate their court process, hire a lawyer, attend court sessions among others, and if you don't have then you may require the free legal services either from government or from the CSO. This process is here by explained in the next section of legal empowerment of women to use the law for claiming their rights.

### 3.3.3 Legal Empowerment

This section looks at how the marginalised or poor of whom are women use the law, legal systems and justice systems to improve their socio-political and economic situations. Because of the failures in the rule of law orthodox in the 1990s, the legal empowerment approach was developed to criticise the alleged top-down approach to justice systems in various countries, it aimed at comforting the frustrated citizens who had lost trust and hopes in the justice sector. Coined in a 2001 Asia Foundation report for the Asian Development Bank (ADB), Legal empowerment gained greater momentum through a 2008 report of the Commission on Legal Empowerment for the Poor (CLEP) (Golub, 2010: 9). Domingo and O'Neil argue that 'As a concept, it was not only important in reorienting the attention of the international community towards the experience of the 'end-users' of law and justice programmes but also the use of the law and legal systems by disadvantaged people to contest the unfair distribution of power and resources is a real-world phenomenon that predates and exists independently of international law and justice assistance' (2014:1 Banik, 2008:13).

According to Bruce et al, (2007:2), Legal empowerment includes legislative, regulatory, judicial, and dispute resolution reforms that empower the poor, this was also stressed by Golub and McQuay who defined it as both a process and a goal and as a process, it involves using the law to increase the disadvantaged groups' control over their lives through education and action (2001:7). The disadvantaged include the poor and all those who face discrimination because of their gender, race, and ethnic identity among others. They argue that the process includes providing basic security, livelihood, and access to resources as well as participation of this group in public decision making process. And as a goal, legal empowerment means the overall achievement of the disadvantaged to manage their lives through the use of the law.

According to the UN general assembly, Legal empowerment is the process through which the poor are protected and enabled to use the law to advance their rights and their interests as citizens and economic actors (UN, 2009:2). Irene Khan in her book the *unheard truth: poverty and human rights* defines it as a 'bottom-up effort to arm those living in poverty with knowledge of their

rights so that they can effectively engage official institutions, such as the land offices, courts of law and so forth'(Khan, 2009 :203).

Cotula et al note that legal services aimed at empowering the women range from developing, testing and implementing legal literacy, training and awareness-raising radio programmes; to supporting community-based paralegals who then help with local conflict resolution and/or defending local rights against powerful outside interests; detecting, demarcating and recording community lands or support locals to negotiation with government and or the private sector; and lastly legal representation communities in courts of law for litigation (2008: 2).

In the same way Mathieu cited in Cotula 2008, see legal empowerment as processes and actions through which people are skilled and become more powerful to be able to use all the available legal institutions and procedures to proclaim, document and fight for their land rights, it may also refer to legal and institutional changes which facilitate simpler and costless procedures accessible for the poor. (2008:25), he notes that for the citizens to be empowered, they should not only be informed about the law, understand what it means, its implications; or be aware of their rights and especially the right to use the existing laws and reigning legal institutions to claim for their rights but also know how to interact with the state institutions and individuals therein since these determine how the law should be addressed as well as knowing how to use the language and other meanings of words as used within the law circles among others.

In summary the theory of legal empowerment ensures growth and development through empowering and reinforcing the voices of individuals and communities, also recognizes that every individual gets access to justice, and that action be taken to eradicate all discrimination against the disadvantaged, it brings the poor whom women play a big part in Uganda to be partners as advanced by Golub, in his article *Beyond rule of law Orthodox: the legal empowerment alternative*. He argues that this approach uses different collection of the legal services such as counselling, mediation, negotiation, litigation for both individuals and the public as well as enhancing people's legal knowledge by training and media, public education, advice, and other mechanisms among others, all these services should aim at ensuring that the poor advance their rights and freedoms for the betterment of their lives (Golub, 2003: 25, Golub, 2005: 7).

This section has indicated that beyond women's awareness of the law, their actions which in many times have failed may require legal services or either government or CSOs since without services as training, counselling, mediation among others, their struggles for land rights may be falling on the rock or deaf ears.

### 3.3.4 Summary

This chapter has looked at conceptual and theoretical framework from the legal to social approaches. However it's important to note at this time that not all the above frameworks will be used for analysis. I will discuss how woman's land rights will be violated in relation to international legal frameworks, why women are resisting LSLAs, how women in Amuru are resisting LSLAs, the extent of the awareness to the national land laws, and lastly how they have been empowered to use to the law to challenge LSLAs.

## **Chapter 4 : Evaluating Women’s Large Scale Land Acquisitions**

### **4.0 Overview**

As discussed in the previous chapter, this section will analyse and discuss the findings from the field, themes such as the human rights violations, reasons for women’s of LSLAs, Women’s awareness of land laws in Uganda, women’s empowerment to use the law, and lastly will be women’s mobilization of the law to claim their land rights.

### **4.1 How Women’s Rights have been violated**

According to Cotula (2013:17), human rights are ‘fundamental goods that are inherent to human dignity, and are recognised to all human beings by international law and national constitutions’. For the case of Amuru, this study found that in as much production has not officially taken off, there are scores of human rights violations caused by the LSLAs. The alienation of 40,000 ha has raised of human rights concerns, among the human rights include the land rights. Land rights here mean rights to hold, access and use land. In an interview with a group of women on 10<sup>th</sup>/08/2015, women reported losing their land rights as enshrined in the constitution, quite different from other studies, I observed the kind of awareness of the whole community when it comes to the issues of land law in Amuru. However section will be looked at in the proceeding section. The women mentioned that by ‘law they have rights over their land on which they have had been living before the LRA conflict with the NRM government of Yoweri Museveni’.

In a KI with the district woman MP, hon. Lucy Akello, she also reported threats to the right of people having enough food, the MP, stressed that this acquisition has threatened many people and so no meaningful farming and raring are taking place, she pointed out that:

“Now days my people they are no longer active in their gardens as they used to be, Amuru has been a food basket for northern Uganda but now people live in fear that even if they go out to their gardens, tomorrow they will be forced out of their land” (KI on 25/08/2015).

Another female respondent reported:

“For us women, land is everything, it’s our most important resource for us and without it there is no life, we are now scared

that if it's taken away, we shall have nowhere to collect fire-wood, nowhere to fetch water from and nowhere to cultivate, therefore if Madhivani wants to take away our land, where shall we go, where shall eat from, where shall we drink water from...." (Interview on 10<sup>th</sup>/08/2015).

This is however contravention of the international legal works to which Uganda is signatory, rights such as the land rights for realisation of the right to food as have been at the core concern of the international legal instruments such as the article 11 of the ICESCR which states that:

"The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement" (Banning *et al*, 2004:4).

Women also reported a violation of their rights such as the right to life and to freely express and associate amongst themselves as stipulated in both the national and international laws, some women reported of having lost their husbands, children while others are still facing sentences in prisons having been arrested while trying to defend their property, this kind of violations have been done by security agents acting on behalf of government,

"We have our children such as Docto mwari, Godfrey Lakonyi, Partrick Omanyi, Kilama Ndiri, Charles Kinyera, Lorent Ngomu, Charles Olur, Ajuleta Lalam, Ibert Oloya and Liberty Ocii who are still in prison since 2012 and we don't know whether they will ever get out"

This is a violation of the right to life too as per the constitution Uganda and the UDHR. For instance the article 22 of Uganda's constitution states:

"No person shall be deprived of life intentionally except in execution of a sentence passed in a fair trial by a court of competent jurisdiction in respect of a criminal offence under the laws of Uganda and the conviction and sentence have been confirmed by the highest appellate court". Article 29 (1) (a) and (d) also recognises and protects the right to freedom of expression as a human right. (GoU, 1995: Article 22).

At the international level, the article 19 of UDHR holds that:

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interfer-

ence and to seek, receive and impart information and ideas through any media and regardless of frontier”<sup>7</sup>

Besides, article 3 of the UDHR also holds that:

“Everyone has the right to life, liberty and security of person”<sup>8</sup>

Again in Article 19 of the ICCPR states:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

In general, this section could have shown various rights violations but space has constrained me from exhausting all, I could have also shown how, it has violated the rights violations in education, health, employment among others but have shown the most pertinent of all violations in Amuru. In the next section. I will now show why women are resisting LSLAs in Amuru district.

## **4.2 Why Women are Resisting LSLAs.**

Women in Amuru have confronted government and the Madhvani group of companies for various reasons. According to the interviews and FGDs conducted with various women, the researcher found out that a good number of women were not happy with the Madhavani and other projects as they kept questioning why the central government and the DLB were interested in their land and not any other land elsewhere, the women seemed not convinced with the intended objectives of the Madhvani group threatening to evict them from their land, and to many of them, this was a shock as they had threatening orders from the authorities asking them to vacate their land without any alternatives.

In an FGD with the local women, they showed disappointment in the DLB for not consulting them on the issue of the land take over. They narrated

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<sup>7</sup> <https://www.article19.org/pages/en/international-guarantee.html>

<sup>8</sup> Ibid

of how the land deal was imposed on them without their consent. One member of the group pointed out that:

“For us women, land is everything, it’s our most important resource for us and without it there is no life, we are now scared that if it’s taken away, we shall have nowhere to collect firewood, nowhere to fetch water from and nowhere to cultivate, therefore if Madhvani wants to take away our land, where shall we go, where shall eat from, where shall we drink water from...”. (FGD on 06<sup>th</sup> 08 2015).

One of the elderly women argued that:

“Our livelihoods depend on land, and when we see Madhvani claiming it for sugarcane production, it becomes an issue. Already we have been negatively affected ever since they announced the giveaway of this land to this company. We do not even have a small space to plant even a garden of vegetables” (FGD, 9<sup>th</sup> /08 /2015).

Another issue raised by the women is neglect of the government towards the people of Acholi, they noted that for so long the government has undermined the Acholi for so long, a female respondent stated that:

“the government desire is to see that our land is given away to this so called investors, he keeps saying they will construct schools, hospitals and roads but where has he been for all that long, we know he wants our land for his people...” (FGD on 5<sup>th</sup>/08/2015).

Ms. Alice Anena, a member of the area land committee (ALC) noted that:

“As far this community is concerned, we don’t have hopes that this project will improve our conditions, we have been forgotten for a very long time and now instead of government building us services, they want to take away our only resource, our land is our life” (KI on 7<sup>th</sup> /08/ 2015).

Another informant pointed that:

“we do not even know what this project is about and how it is going to be of use to us the community who are using this land, they have not even talked about where they will take us from here, we are living in confusion ever since this issue of land acquisition was announced” (Interview on 10<sup>th</sup>/08/2015).

Amuru District Woman MP, Hon. Lucy Akello echoed her voice that the government and the company undermined the power and authority of the local



leaders in the whole process of approving the project proposal to Madhvani, she reported that leaders both at the local council or traditional level are very important in the community because they live with the people hence having power to protect people's land. She noted that these 'leaders are the custodians of all land within their area of jurisdiction, and anyone eager to access land has to seek their approval before' (KI on 25/08/2015).

My conclusion on this matter is that the government failed to follow proper processes of land acquisition as indicated in the constitution of the Republic of Uganda. Chapter 15, article 237, clause 1 and 3 of the constitution states that 'Land in Uganda belongs to the citizens and shall vest in them in accordance with the land tenure systems provided for in the constitution' customary, freehold, Mailo and leasehold' (GoU, 1995). This means that by taking away the customary land as that of Amuru, the government was not only violating the community's rights to hold, use or manage land but also their rights to chapter 4, article 26, clause 1 which states 'every person has a right to own property either individually or in association with others' and clause 2 which states that 'no person shall be compulsorily deprived of property or any interest in or right over property' (GoU, 1995).

### **4.3 How Women are Resisting LSLAs**

Although there are have been pressures from the central government and the army since 2007 and most especially in 2015, the president himself visited forced the signing of the agreement between the locals and his government. The president has consistently argued that that "land is for production not for settlement and mere prestige" (State House, 2015). Such statements by leaders have fueled resistance in Amuru sub-county, increasing incidences of panic, mistrust of the outsiders, killings and various human rights violations. Aware of such evils in their lives, the women have took on the ground to challenge those who want to acquire their land.

From the interview I had with them, women are very actively engaged at various levels, from the lower levels some women are using informal mechanisms to challenge LSLAs, women have been reported to have openly stripped naked not once or twice but are continuing to threaten to do so again in front of government and Madhvani officials for as long as they set a foot in their land. The question one may also ask him or herself when they hear of stripping naked by these women however is: What does stripping naked imply in the LAAs processes and lastly mean to these women?

In an interview with women, they narrated of they incidence of Wednesday, April, 2012, when the then Resident District Commissioner (RDC) Milton

Odongo, Madhvani representatives and local councillors accompanied by soldiers, travelled to Lakang village to persuade the people to vacate land. In an FGD with the local women, one of the women who participated in stripping naked narrated:

“On several occasions we have seen our leaders from the district who have come to force us to leave our land for investors, president Museveni informed us that unless we give our land over to Madhvani cooperation for sugar production, the government would refuse to deliver basic public services accessible elsewhere in the country such as education, clean water, hospitals and other infrastructural services (FGD Women 10 August 2015)”.

For those that could not sit and see their land taken away took to stripping naked in front of government and company officials, while recalling

“We were so shocked to see these people come to us, we knew that the war had resumed, we were scared for our lives” (Abeditho, august2015).

Another female respondent said:

“On that day, we saw them come with a number of armed vehicles, they called us to the trading centre for a meeting, after RDC briefing the gathering, we started to react, and we started to undress while assuring them that we would die for our land”.

Ms. Yolanda Alvaro, who also stripped before the government and Madhvani officials, said she did this to deter them from insisting to acquire their communal land. According to local custom, when a woman strips it is considered a curse. It is the sign of anger and displeasure but an obligation to respect moral obligations towards women in their capacity to give life and nurture.

On the other hand, women reported to also using songs to express their dissatisfaction towards resisting land deals, in an FGD with women on 28<sup>th</sup> august 2015, participants sung songs as summarized by one of below:

*“Ngom kwaro gi cato ku  
Wan wa ribo cingwa pi gwoko ngom  
Ngom kwaro ngom me pit  
Lotino acholi wa rib cing,  
ngom kwaro pe ki cato...” (FGD, 28 August 2015)*

This is translated to mean:

*“Our Ancestral land is not for sale*

*Let's unite to protect our land  
Ancestral land is what feeds us  
Sons of Acholi, lets unite,  
Our ancestral land is not for sale" (translated by Watson  
Oketta, researcher's interpreter).*

The situation above is very different from other countries. Mamonova Natalia (2015:670), has shown that the people of Ukraine have instead welcomed LSLAs in her study. She notes that Ukrainian rural dwellers have shown tolerance and peaceful acceptance of land deals. To explain the Amuru case however, I borrow from the works of James Scott who has written on the weapons of the weak. This paper notes that women are using various mechanisms to resist LSLAs, among them are Such convert expressions are what scholars have come to refer to us today as forms of everyday politics by the citizens while engaging with those in authority to show their disgust, anger, indignation or opposition to what they regard as unjust, unfair, illegal claims on them by people in higher, more powerful class and status positions or institutions (Scott, 1985: 292, Walker 2008:483, Kerkvliet, 2009: 233).

Again Scott argues that the goal of such resistances is not to overthrow the “to overthrow or transform a system of domination but rather to survive...within it” (Scott 1987, 424) but a call to the government to respect their rights as Isaacman puts it that “to ignore the weapons of the weak is to ignore the peasants’ principal arsenal” (1990, 33). This is what the McAdam and Tilly (2004, 9) refer to as ‘collective attribution’ of the local population protesting injustice.

In general, the women in Amuru have tried using all measures they can to resist LSLAs, all the methods they are using has created among them some of solidarity but this alone could not help them as government is determined to give away the 40,000 ha of land to the investors. This then links me to the next analytical approach which looks at the extent to which women are aware of the laws governing the land. Here I will discuss both the national and international laws that Uganda had signed and ratified.

#### **4.4 Women’s Awareness of the Land Laws**

Uganda is regarded to have the based functioning laws which aimed at protecting the women against any forms of discrimination or human rights abuse, when asked whether they are aware of any laws governing land in Uganda, the majority of women seemed to understand the basic laws which are enshrined in the constitution, little was mentioned about the international legal instruments among all the groups of women apart from the woman MP who noted that she has come across of the stated laws, the MP noted:

“Me as a leader I must know all these laws to be able to sensitize my people with the correct information at all times” (KI on 25/08/2015).

Another female respondent argued that she women in Amuru know 50 percent of the laws and stressed that this has been because of the increased community sensitizations by the Uganda Land Alliance (KI on 7th /08/ 2015).

In an FGD at Lakang trading centre, the women stressed that they are aware for a few clauses in the constitution which they easily can refer to when need arises, in that discussion, a member recited article 26 which states that ‘Every person has a right to own property either individually or in association with others’ (FGD on 10<sup>th</sup>/08/15).

In my opinion, centrally to other areas where women have not been empowered and are not aware of their rights, as indicated by Odeny (2013:80, who argues that awareness of the laws by women has been limited by cultural stereotypes as well as lack of sensitizations, for the case of women in Amuru, they have some knowledge of the law although it has not been enough for them to claim their rights as scholars such as Sally Merry (1990:8) who has asserted that knowing law is not enough but requires training and then action to be able to fight for justice. This then leads me to another section which will look at how the women have been empowered legally or otherwise to claim for their rights.

## **4.5 Legal Empowerment of the Women**

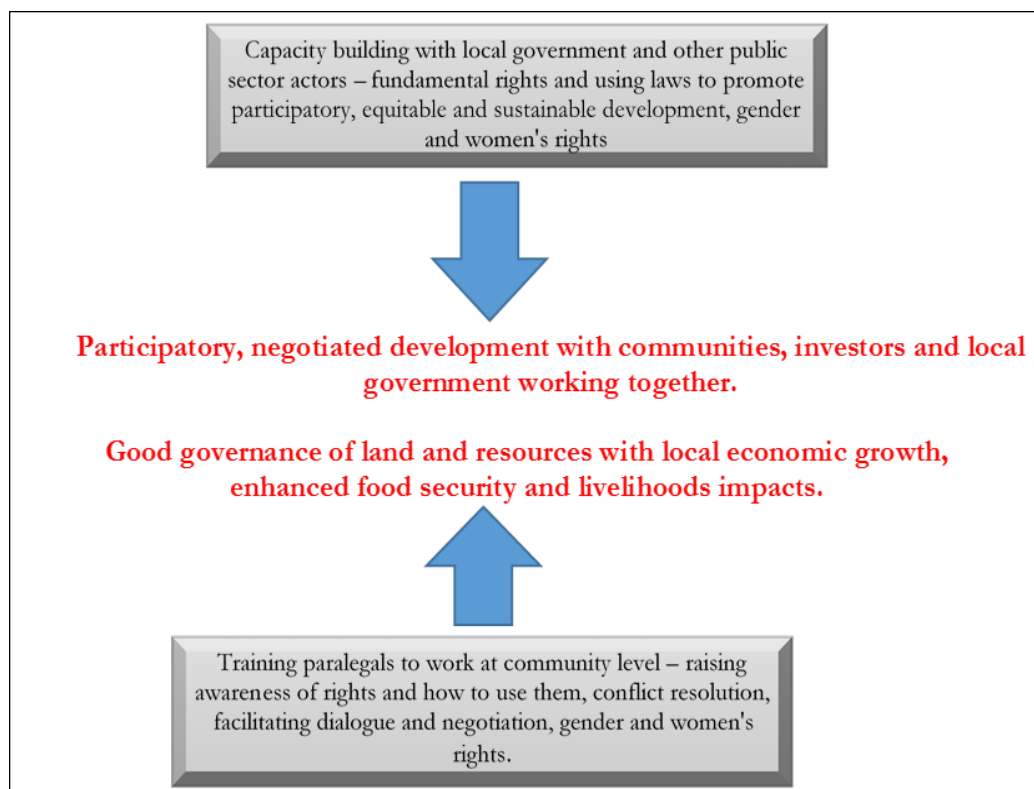
In using this approach my aim was to find out how NGOs in Amuru District have empowered the local community to confront the powerful state, investors and private individuals who want to use their land. While interviewing the community on whether there are organizations that are helping them in their struggles against land acquisition, most of pointed out having been helped by the Uganda Land Alliance (ULA),

In an interview with Mr. Joseph Omara, the advocate ULA, he pointed out that they are carrying out paralegal training in land, natural resources and environment for the community as well as other non-governmental organization (NGO) staff working at community level, and training of district officers. He noted that they are using a twin- track approach of the FAO, he informed me that:

The ‘twin-track approach is a methodology that aims at creating awareness and civic education about land law to the com-

munity and governance structures at the local level” as illustrated below:

**Figure 2: The ‘Twin-Track’ Approach**



*Source: ULA cited from FAO 2014*

Mr. Omara noted that their programmes mainly trains the paralegals, this has aimed at creating a community support programme for protecting women, men, children and other minority groups in Amuru district:

“We identify important people in the community like religious leaders, teachers, retired civil servants, opinion leaders and women leaders, we train and equip them with basic knowledge on land laws and land rights to help them handle land related cases in their respective communities” (KI on 11/08/2015).

“We have developed interesting approaches including theatre and debates at village level through which we identify mostly pressing concerns through community-level discussions where public can talk about their day-to-day problems relating to land” (Ibid).

Pastor John Odwong, the LC1 Kololo village and one of the beneficiaries of this empowerment programme noted:

“We are an important resource to this community having been trained by ULA, our roles include Publicizing information on land and land rights among our communities through sensitization, handling land disputes, monitoring Land rights violations in the communities and referring communities to the rightful Institutions for redress” (KI on 5th 08/2015).

Abwotojok Jenifer a beneficiary of training from the ULA paralegal course had this to say:

“The key issues we are taught is mainly the legal context of women’s land rights. We are shown which legal provisions to use in defence of our rights” (FGD, 06th/08/2015).

At the local government level, the youth chairperson of Amuru Sub-county also reported having benefited from the work of ULA, Mr. Modich Richard reported having received training together with several leaders from the district. He said they were trained on issues of the Constitution and major human rights, including gender and women’s rights.

In all the ULA, has educated local people and especially women and their leaders about their individual and communal rights over land and natural resources. It has given them the tools they required to defend themselves. This therefore is in agreement with the definition of empowerment as argued by Cotula which he developed from the works of Golub and McQuay (2001) where he argues that legal empowerment is ‘the use of legal tools to tackle power asymmetries and help disadvantaged groups have greater control over decisions and processes that affect their lives’ (2008:15), the work of ULA in the Amuru District confirms with several scholars have written about in regards how citizens are empowered to command accountability for the state towards their rights. (Goodwin and Maru, 2014: 9, Domingo, P. and T. O’Neil, 2014: 5, CLEP, 2008: 77, Banik, 2008:13 Bruce et al, 2007:2 , Khan, 2009 :203).

## **4.6 Women’s Legal Mobilization for Land Rights**

Although the High court decided the Lakang case in favor of the respondents and in support of the redevelopment of land (Atkison and Awor, 2013:

61), residents have also used legal means to mobilize for their rights. Represented by the five applicants who include a woman, former Hon. Aciro Concy, Ocula Michael, Penytoo David, Uma Zakeo and Obalim Jack Weleya. These together were part of the Acholi Parliamentary Group (APG) who sought legal means against Amuru District Land Board, Maj. Gen. Oketta Julius, Christine Atimango Odongo (a former candidate for the Gulu Woman MP Seat and Secretary of the District Land Board), Opio Michael (brother of Christine Atimango and chairman District Land Board) and Amuru Sugar Works Ltd (part of Madhvani) (Republic of Uganda, 2012:3).

Mr. David Penytoo, one of the applicants in the law suit says they sought legal redress for two reasons: (i) a declaration that the allocation of Amuru land to the developers by the Amuru District Land Board “is null and void and should be cancelled and/or stopped”; and (ii) “that the said allocation violated the Constitutional Rights of Customary Owners of the land as they were not given a hearing and that it amounted to deprivation of their rights to own property and also amounted to trespass” (Republic of Uganda 2012: 3, New Vision, 2012). Mr. Penytoo also argues that:

“...in 2008 the DLB allocated illegally 500 ha to Atimango, 500 ha to Opio Michael and 10,000ha to Oketta Julius hence by pursuing the legal redress, the plaintiffs were arguing that the customary land owners were not given a hearing at the time of taking away their said land and giving land to Maj. Gen. Oketta Julius, Chrstine Atimango, Opio Michael and Amuru Sugar Works Ltd. No provisions were made for compensation” (KI on 06th/08/2015).

According to the applicants, the chairman of the District Land Board did not allow the public for land inspection and UPDF personnel were threatening the public. The Chairman of the sub county land committee of Amuru announced that he only received one objection from a LCIII Chairman. But the applicants argue that the land for grant of freehold is currently held under unregistered customary tenure and privately owned by the Lamogi clans.

This is in agreement with Lempert and Zemans who argue in support of mobilizing rights by individuals to resolve disputes, in the same way, scholars such as McCann, 1994, EPP, 1998 have supported the idea that legal mobilization can directly or indirectly help to change bad policies by those in authority (1976:173, 1983:697).

In my opinion, although the court ruled against the plaintiffs in the case above, the community including women are determined to mobilise the law so that they contest injustice and redesign power relations and resource allocation, they are also aiming at holding public authorities or private investors

accountable for their poor regulations. This is what Domingo and O'Neil have argued in support of the local population's mobilisations of the law to ensure adequate delivery of justice and other entitlements (2014:4).

In summary, it's vivid that women together with the community are using all possible means to challenge LSLAs, although the court pronounced the case in favor of the respondents, the applicants managed to appeal in the high supreme court of the republic of Uganda as the case awaits to be heard.

## **4.7 Summary**

In this section I have looked at analysed the findings from the field based on the themes on how Human rights have been violated, Reasons for women's of LSLAs, Women's awareness of land laws in Uganda, Women's Empowerment to use the law, and lastly will be women's mobilization of the law to claim their land rights. In the next chapter I will present key arguments of this research and the conclusions.



## Chapter 5 : Conclusions

### 7.1 Conclusion

In this paper, I have tried to show that the Amuru Women, who are now under growing threats from current large-scale land acquisitions, are hostile to such acquisitions and have reacted in various ways to threats of dispossession and displacement that are yet to certainly occur.

The key arguments in this paper have been that women are resisting because of the threat towards their only source of livelihood, which is land. Aware of key basic land laws, women have been empowered to go beyond stripping naked to pursuing law suits in the courts of law.

In conclusion therefore, the emerging dissatisfaction of the Amuru Women which is conveyed in various ways, is in the form of organized and structured large-scale reactions. The research has shown that women are supported by local authorities or civil society organizations in defending their local land rights effectively.

Research has shown that the major aim of the reactions is to challenge the land acquisitions taking place on their ancestral lands. As has been established, their reactions are not only against investors and individual local investors, but also against the state challenging the projects it is proposing in the District. These reactions ranging from covert forms such as blocking the road, singing sad songs, ignoring calls from the government to more open forms like stripping naked, intimidation, threats to encroach onto land already proposed for acquisition by investors, filing of the civil cases in court of law are an element of how the women in Amuru have not been entirely seated but are up to something to challenge those they see claiming their land.

Although it's likely that Amuru land will be given out by the Government through the Amuru DLB to the investors, this research also found out that the community is not about to stop their resistance towards challenging these LSLAs. This is not just because of their implications for displacement, and disruptions of the local population but also because of the absence of clear benefits from the land to be acquired.

Turning to the Laws, this paper has established that Uganda has both national and international laws whereby if implemented would not only safeguard women against losing land in the process of LSLAs but also be able to assert for realistic remedies in case their land is lost to investors.

I believe that the establishment of the Sugarcane industry in Lakang and Kololo villages in Amuru district will not be the ultimate answer to the challenges this district is facing but will instead create more problems of landlines and lack of access to land by women.

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## Appendix 1

### Interview Guideline

#### **Women Resisting Large scale Land Acquisitions: A case study of Amuru District, Uganda.**

My name is Daniel Opio, am a student of Masters of Development Studies, majoring in Social Justice and specializing in Human Rights at the Institute of Social Studies, Hague, The Netherlands. I am conducting the above mentioned study to explore how women in Amuru District have engaged with the processes of Large Scale land Acquisitions. All the information you will provide me will be treated with utmost confidentiality and for only this study. This study will be significant in providing information that will help in facilitating dialogue with various stakeholders and communities.

#### **Key informant Interviews (Government officials)**

##### **Theme I: Situation**

1. Why is the government interested in LSLA?
2. Who are those acquiring large scale land in this area? Elites, Foreign Investors, local businessmen, Public officials, etc
3. What informs the government choice of investors?
4. What kind of land is made available for LSLAs? Private land, Public land, Community land, idle land
5. Are there laws governing land ownership, control and use in Uganda
6. If yes do you know them?
7. Are there laws governing land ownership, control and use in Uganda
8. If yes do you know them?
9. According to you who are the rightful owners of the land on which Madhvahni wants to establish his plantation and the factory?
10. In the process of acquiring land, were the laws of Uganda observed?
11. What would happen to the ownership of the Madhvahni if the laws of the country were observed?
12. How have you used the law to challenge large scale land acquisitions here in Amuru?

##### **Theme II: Accountability: Institutions, legal and policy framework, representation, interaction, information flow, rights, capacity**

1. What is/are the main method(s) of land acquisition: Lease, Multiple contracts Purchase, Others (specify)

2. What formal/informal roles does your institution play in the process of land acquisition in this area? (at Various stages such as initial contact, negotiation, legalising the agreement and implementation/use etc
3. What structures guide large scale land acquisition and what representation do women have in these structures? Do women play a leading role in these structures; why or why not?
4. What are roles of different actors ( government, media, NGO's) in supporting the community
5. What has been communities' response in general and women's response in particular? (what have they considered effective and why and what have they considered not effective and why?)
6. Who are the rights holders? Are the rights holders consulted and do they give informed consent in such deals?
7. What are the types of consultation involved
8. Who were the various actors that government involved in the process of LSLA (probe: role of women; which women were involved?-queen mothers, female landowners, market women, businesswomen, others?)
9. How were they involved (at what stage were they involved; what issues did they raise; and were their (women) issues taken into account?
10. Did the government educate the rights holder to be strong active players in such deals?
11. Was there an agreement/contract document and if so, was this easily accessible to the public? if yes why and if no why not?
12. How can the home government, MP, etc. be effectively accountable to the masses and rights holders particularly.
13. What mechanisms have been put in place to monitor the implementation of the terms of the convention (specify convention)
14. What have been the community responses to these agreements? Who has led them? And with what outcomes?
15. What have been women responses?
16. Should government institutions be involved in situations of private land transactions? (Give reasons)

**Theme III: Governance: Laws, management, institutions and structure, inclusion, fair compensation, land, livelihood and displacement, rules**

1. What are the constitutional provisions/laws stipulating your roles in this process?
2. What legal mechanisms/constitutional provisions detail who you should be working with?
3. To what extent are you able to carry out your duties as stipulated by law?
4. What laws do you use in addressing issues of large scale land transactions?

5. How adequate is the existing legal and policy framework in regulating LSLA in this area? what is the level of women’s involvement, are they consulted, what issues did women raise, what mechanisms were in place to protect their interests, is it necessary to have these mechanisms ( representation, compensation, involvement)
6. What kinds of compensation plans were prepared at government level for local communities and for whom?
7. What were the specific considerations for women?

**Women Resisting Large scale Land Acquisitions: A case study of Amuru District, Uganda.**

**Introduction:**

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**FGD-Local Communities/Women**

1. How did you get this land on which you are staying?
2. What activity were you carrying out on the land before the land deal?
3. What are some of impacts related to land transactions that you have experienced as a community?

n	Positive impacts	Negative impacts
1		
2		
3		
4		
5		
6		

4. Has any community or group been displaced from their land or sources of livelihood so far due to LSLAs?
5. Is there any form of organizing by women to demand accountability for the land transactions?
6. (a) Are there any promises made by the company concerning infra-structural development?  
(c) If Yes in what domain(s)



- (d) Have these promises been realized?
- (e) If No, how do you intend to hold the company responsible/accountable?
7. (a) Who represents the community in the negotiations for land deals?  
Men; Men& women; Chiefs/notables; Local NGOs; others (specify)
- (b) Are their technical skills taken into consideration? (c) If Not Why?
- (c) If men or women; are their levels of education taken into consideration?
- (d) What was the basis for selecting these men and women who represented your community in these negotiations? (Use the table below for question 11)

<b>Characteristics of representatives</b>	<b>Men</b>	<b>Women</b>	<b>Chief / notables</b>	<b>NGOs</b>	<b>others</b>
1.Level of education					
2.position in the community					
3.Special technical skills					
4.Other considerations					

8. (a) Do you think the activities of the companies here might have affected the activities of women? (b) If Yes how? Loss of farmland; loss of or reduction in income; Abandonment of activity; Out-migration;
- Other effect (specify)
9. (a) Are there any formal groupings/structures within the community that can take up action to fight in favour of the women? (b) If Yes Name them (c) How do they carry on with their 'fight'
10. (a) Is there a common fund from which resources (financial) can be drawn to undertake expenses on behalf of the community?
- (b) How workable is it (in terms of contribution, regularity, etc.)?

Very workable                      Workable                      Partially workable  
Not very workable

- (c) Is the fund contributed by both men and women?
11. Are there any institutions like NGOs to which you adhere in times of need (for financial support, building up capacity, liaising with partners/authorities, etc.?)
  12. Were you (probe men and women) satisfied with the terms of the transaction negotiated on your behalf as a community? Why/why not?
  13. What strategies have you used to fight for your interests?
  14. What attempts have you made to bring your concerns (dissatisfaction presumes negative answer) (both in terms of actors involved, terms of transactions, access etc) to the attention of the authorities (formal or informal authorities)?
  15. How successful/unsuccessful have you been?
  16. What, in your opinion, accounts for your success or lack thereof?
  17. Have you as a community registered any resistance with regards to large scale land transactions by women especially?
  18. Is there any form of organizing by women to demand accountability in the land transactions? If so, what kind?
  19. What do you think can be done to ensure that women are included in the processes of Large scale land transactions in this community? (probe in regards to laws, policies and practices)
  20. What recommendations would you give to stop LSLAs in Uganda and Amuru in particular?

## **Women Resisting Large scale Land Acquisitions: A case study of Amuru District, Uganda.**

### **Introduction:**

My name is Daniel Opiyo, am a student of Masters of Development Studies, majoring in Social Justice and specializing in Human Rights at the Institute of SOCIAL Studies, Hague, The Netherlands. I am conducting the above mentioned study to explore how women in Amuru District have engaged with the processes of Large Scale land Acquisitions. All the information you will provide me will be treated with utmost confidentiality and for only this study.

This study will be significant in providing information that will help in facilitating dialogue with various stakeholders and communities.

### **Key Informant Interview (KI) with Traditional and Local Leaders**

1. Who owns this land on which you stay?
2. How much land does the community have? (Unit of measurement=hectares or acres?)
3. How much land do you think is not really needed by your community which can be conveniently given out to investors?
4. How much land has been leased in this community? How is land generally allocated to the community members?
5. To whom have these lands been leased? (Presupposes one lease, foreigners or indigenes?)
6. For how many years has the land been leased?
7. What role did you play in these LSLA deals
8. Did you fully understand the conditions of grants
9. Why did you accept the Land deals
10. What informs your choice of investors?
11. What procedures did you follow coming to an agreement over these LSLA?
12. Who were the various actors? (What is the role of women which women? Leaders?) and what role did they play?
13. What factors determined who was/was not involved?
14. How was your community been compensated for the deal? (Especially women)? Who was compensated? Are you satisfied?
15. Describe briefly the type of development promises made to your community and which ones have been delivered?
16. (a) Are women represented in the Management Board of the companies involved in the land deals?  
b) What percentage of this number is made up of women?
17. How can you and fellow chiefs/leaders use your power and authority to object to such deals if you think it will not be beneficial to your community?
18. List some cases where these power have been used against deals that are not beneficial to your community if any
19. Do you have laws to protect land from being grabbed?
20. What mechanisms have you put in place to protect the rights of the community, and the women in particular and how effective have they been?

### **Women Resisting Large scale Land Acquisitions: A case study of Amuru District, Uganda.**

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### **Key Informant Interview (KI) with Civil Society actors**

1. Name of the organization
2. When it was established
3. Geographical coverage
4. What kinds of activities are you engaged in in relation to LSLA in the community?
5. For how long have you been working in these various communities?
6. How did you decide on the choice-of the communities (how did come up with this idea)
7. What kinds of land laws do you work with in your advocacy efforts?
8. Which state actors do you work with in your advocacy efforts and how?
9. Which other organizations do you work with?
10. Which women organizations do you work with?
11. What prompted your interest in LSLA matters (both local and international factors)?
12. How do you support the affected communities to resist Land acquisition?
13. To what extent have you been successful in your work (i.e. M & E indicators) beyond numbers (public interest litigation, education, mobilization, and advocacy)?
14. What measures are you using to define your success (on issues of particularly legal mobilization and consciousness awareness)?
15. What has been the impact of your work on women and their resistance to Land Acquisition?
16. What in your opinion accounts for your success or lack thereof?
17. what have been the challenges while working on LSLAs issues
18. In your opinion, how will the investment impact on women's land rights?
19. What has been the response of the state, communities (women in particular) and investors to your activities?
20. Do you feel legitimate to represent these communities? Why and why not? (include table of indicators of legitimacy)
21. How have you ensured that the community support this cause?
22. What sustainability plan have you put in place

23. To whom is your organization accountable to? (probe women, investor, government, community)

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### **Key Informant Interviews (KI) with Citizen Action Groups**

1. Name of the group
2. When did it start its activities?
3. Objectives of the group
4. Composition of the group and characteristics of the members: probe for number of male and female, social characteristics (age, ethnicity, migrants, elites, political leaders)
5. Number of communities represented
6. Who is the leader of the group?
7. What motivated the members to start this group? What issues did the group intend to tackle or is handling?
8. What are the community mobilisation strategies and in particular women to fight against injustices and trying to demand for accountability
9. What methods/strategies are you using to make the investors and the existing structures handling LSLA matters from the local to the national level to make them accountable and respond to the demands of the affected populations (e.g. registering grievances with the local authorities, demonstrations and public protests, petitions to parliament, public meetings, legal action, media and other information mechanisms etc
10. What has been the role of women in this struggle to demand for their land rights?
11. Which actors have been in support of your cause (media, politicians, activist NGOs (local and international), legal fraternity). What is their role and nature of support and what they have achieved dissemination?
12. From experience, tell me what has been the outcome of these engagements and reasons
13. What has not worked and why
14. How can we make LSLA more responsive to the needs of the affected populations and in particular women

**Appendix 2: Table 1. Land Resources and land Deals in Africa.**

Recipient country	FAO land resource data (1,000ha)			Land deal as percentage of:		
	<i>Land Area</i>	<i>Agricultural area</i>	<i>Forest</i>	<i>Land area</i>	<i>Agricultural area</i>	<i>Agriculture and forest</i>
Ethiopia	100 000	35 077	12 718	2.9	8.2	6.1
Madagascar	58 154	40 843	12 764	4.7	6.7	5.1
Sudan	237 600	136 773	66 368	1.3	2.3	1.6
Tanzania	88 580	34 200	34 433	1.9	5	2.5
Mali	122 019	39 619	12 372	2	6.1	4.6
Mozambique	78 638	48 800	19 162	13.1	21.1	15.2
Uganda	19 710	12 812	3 454	9.5	14.6	11.5
DR Congo	226 705	22 650	132 971	4.9	48.8	7.1
Nigeria	91 077	78 500	10 270	0.9	1	0.9
Zambia	74 339	25 589	41 562	3	8.8	3.3
Ghana	22 754	14 850	5 286	0.4	0.6	0.4
Malawi	9 408	4 970	3 336	3.3	6.2	3.7
Senegal	19 253	8 637	8 583	2.6	5.9	3.0

*Source: FAOstat, Land resource database, 2010 in Friis and Reenberg, 2010: 12. (N.B. The magnitude of the land deals as a percentage of the total land area, the agricultural area and the agricultural area plus the forest covered area in each of the 13 main recipient countries. Areas as of 2007).*