# The 'Intimate Governance'
# of Land in Northern Uganda

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Abstract

After the war in northern Uganda, conflicts over land became pervasive. Families, clans, and neighbours often relate through tensions and contradictions over customary land and how it is governed. This article discusses the changing gendered dynamics of the governance of customary land amidst land conflicts in a post-war society. Drawing on 14 months of ethnographic fieldwork in Pader District in the Acholi sub-region, carried out between 2014 and 2016, the paper highlights strategies used by different categories of women involved in land conflicts to perform, communicate, and activate their belonging and attachment to land. Relating the notion of property to how women (re-)position themselves in land conflicts and (re-)construct those positions and their identities on and through land demonstrates how these conflicts in post-war northern Ugandan offer women a way of grounding themselves on customary land. The article therefore advances the notion of 'intimate governance' to understand, in particular, women's increasing role in land governance, suggesting that it is becoming (en-)gendered through land conflicts.

Keywords: access, customary land, intimate governance, performing property, women
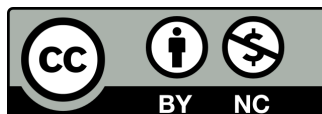
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Acknowledgements

Introduction

Land in northern Uganda is a source of complex social relations due to different kinds of land struggles that began during and in the aftermath of the two-decade war fought between the incumbent government and the Lord's Resistance Army (LRA). The war, fought between 1986 and 2006, culminated in a government-led policy of forced displacement of about 1.7 million people, nearly 90% of the total population of northern Uganda. Concerns around land, particularly ancestral land – *ngom kwaro* – began to take root at the height of the war when rural families and clans were prevented from accessing or occupying their land (Hopwood and Atkinson 2015). With the end of open armed conflict and the expulsion of the LRA from Uganda in 2006, however, a return and resettlement process saw a large part of the previously displaced population unprepared for what lay ahead. Boundary markers had disappeared and the population had increased, thus increasing pressure on land resources. Family and clan compositions had changed, with increased numbers of widows, single mothers, and orphans, whose security on customary land had become unstable.

This article stems from my PhD research, in which I examined how women navigate access to contested land in the Acholi sub-region. I carried out 14 months of ethnographic fieldwork between 2014 and 2016, specifically in Pader District. During this time, I lived with a family in Owele village, doing participant observation to capture everyday lived experiences of land relations after the war. Using the extended case method (see Handelman 2006), I collected ten life histories and conducted eight focus group discussions and 85 in-depth interviews with women, men, community leaders, politicians, NGO officials, and various Acholi traditional leaders, to understand how land conflicts impacted on the governance of customary land, and what role women played in it. At the time of my fieldwork, many of the land conflicts that I followed were actively on-going and warranted my repeated visits to my interlocutors to follow the developments over several months to capture the new dynamics, parties, resolutions, and outcomes of those conflicts. Studying land conflicts over a long period helped me to understand how people who are closely tied to customary land manage their everyday relations despite their competing property claims (see also Bruun et al. 2018).

In an attempt to contribute to the debates about land governance in Africa, and specifically in the Acholi sub-region, this article explores some ideas about women's relationship to customary land. I will focus on what I call the 'intimate governance' of land by investigating different women's relationships to land and how they navigate land conflicts to secure their access to it. My interest in women stems from a widespread belief among many Acholi people that 'women do not own land'. During the course of my fieldwork in Pader, I encountered this narrative many times, from both men and women, and yet my observations and reflexive listening about the practice of women's land governance contradict this statement. If women do not own land, then why was I encountering several incidences of land conflicts between sisters, co-wives, mothers-in-law and their daughters-in-law, and even between elderly women and younger men?

Using three ethnographic cases, I illustrate how women 'perform property' as a way of symbolizing and communicating their relationship to and governance of land. I got to hear their stories, narrated and performed, often with elaborate drama, to different audiences, precisely for the purpose of defending their marital or sometimes even natal land.

Because social harmony is an important element of Acholi society, and land is an important life resource, there has to be a way for women to safeguard their access to land, even when faced with land conflicts and threats of land dispossession. I argue that the (en-)gendering of customary land governance in the

Acholi society has been possible through intimate governance, which both promotes and sometimes threatens social harmony. Intimate governance, and thus its (en-)gendering, depicts how women, who often manage their homesteads and cultivation fields, negotiate access to customary land for, among, and between kith and kin.

Understanding land conflict in northern Uganda

Many of the land issues that I was confronted with were blamed on the two decades of war. A large corpus of the literature on this war focuses on the period between 1986–2006, even though it is widely acknowledged that the war was a continuation of the turbulent political history of the country as a whole (see Atkinson 2010; Branch 2011; Dolan 2009). Several perspectives are given to explain the root causes of the war, including moral (Finnström 2008); historical and economic (Doom and Vlassenroot 1999); ethnic (Branch 2011); and regional (Atkinson 2010). However, what is agreed is that it was complex and brought untold suffering upon the region. To this day, there is evidence of massive destruction of the local economy, subsistence, property, and human lives.

Lubkemann (2008), however, insists on the need to interrogate and separate wars 'of the state' and social-cultural struggles, including gender and generational ones that occur simultaneously – what he calls the "social condition of war" – in trying to understand warscape processes and experiences. Recently, Holly Porter, who did her research on rape and justice in northern Uganda, found that women wanted to share their full experiences and not just what happened to them during the war. They told her, "many researchers want to know about the war but the war is not the beginning and end of Acholi experience" (Porter 2017, 120). It is therefore evident that the war and displacement period marked a dramatic change in the social landscape of the Acholi

society. Social relations between different categories of men, women, youth, and elders are fraught with tensions and contradictions over land, often culminating in land conflicts.

Hopwood and Atkinson (2015) attempt to make some conceptual distinctions between 'land conflicts' and 'land disputes', placing them along a continuum of their effects, ranging from those that pose significant danger to individuals and communities, including loss of farmlands and livelihood opportunities, to the disruption of social harmony, e.g. quarrels between neighbours. While conceptually important, in this article I use the term 'land conflicts' to include all typologies, including 'wrangles', 'disputes', 'quarrels', and anything else that would fit into what would be referred to in the Acholi language as *larro ngom*. Land conflicts create tensions that closely related people have to live with, affecting the balance of social harmony, or *ber bedo* – living together in harmony (see Porter 2017 and Obika et al. 2018).

Over 90 per cent of the land in northern Uganda is held under customary tenure (Kobusingye et al. 2016), with its governance, allocation, and distribution vested in the hands of clans in a system of entrustment (see also Shipton 2007). Land is therefore communally owned and no single individual, man or woman, can claim individual 'ownership' of customary land (Adoko and Levine 2005; Hopwood 2015). Land cannot be sold without the clan or family consent (Ker Kwaro Acholi 2008). Instead, customary tenure is recognized in different forms, including individual family and extended family land, grazing land, and hunting areas. *Ngom kwaro* remains in the clan and lineage, held in perpetuity and passed on through patriliny from father to son, 'kept' by the living on behalf of the dead and the unborn (see ARLPI 2010). There is no question, therefore, that 'social harmony', which Holly Porter describes as "a state of 'normal' relations among the living and the dead, an idea of cosmological equilibrium, and social balance

of power and moral order" (Porter 2017, 3), is vital in land relations.

The return (from encampment) process created 'social dilemmas' (see Lubkemann 2008) about land tenure and how people came to be defined, attached to, or detached from their land. Single mothers, widows, and orphans have become particularly vulnerable to threats of detachment where they fall outside the patrilineal net. The breakdown of family and clan social units during the war and displacement period created a space for future land conflicts, which was easily seen when people returned home to find that their land had been unintentionally or forcefully occupied, or that land boundaries had been dishonoured by neighbouring landowners – kinsmen or even complete strangers. In particular, the social fabric that takes care of various needs of women and children within a communal network had weakened, creating a kind of scramble for land access, identity, and belonging (Obika et al. 2018), as we shall see from the following cases.

Access trouble: Two cases

I met Betty in February 2015. Betty was a 50-year-old widow, with two daughters and one son. During the war, she left her marital home in Ogom and moved to Pader camp. When the war intensified, she fled, together with her family, to Bweyale, a town located to the south of Pader District. After the war, Betty returned with her children to Ogom. Her marital home was on land that belonged to her deceased mother-in-law's kin. Her eldest brother-in-law, who had been a government soldier, had also died and his widow, Margaret, Betty's co-wife (or rather sister-in-law in English language) was living close to Betty on the land.

Betty and Margaret's deceased mother-in-law, Christine, had been allocated this land by her father when she returned

home in the 1960s due to domestic problems at her marital home. But Christine's husband had followed her, reconciled with her and settled on Christine's father's land. Christine and her husband had both passed away before the war and had been buried on the land. Betty's husband had inherited part of Christine's land, and when he died during the war, the land reverted to Betty and her children – at least according to Acholi custom. The same applied to Margaret.

However, Betty and Margaret both felt uncertain as to whether they would be allowed to remain on the land. Henry, a classificatory son, had returned to the land earlier than the two widows, and being the eldest male in the sub-clan – *doggola* – had established 'ownership' over all the land. When Betty and Margaret returned later and at different times, they found that Henry had taken over their former homesteads, which he had allocated to other family members, his explanation being that he thought that they had died during the war. Furthermore, Henry claimed that the two women did not, after all, belong on the land because it had belonged to their husbands' mother's father's clan and not to their husbands' (father's) clan.

Despite assurances from clan elders, Betty and Margaret faced several threats of losing their land. Both Betty and Margaret were living on the same customary land in Ogom, in their former homesteads, where they had lived with their husbands before the war. After repeated visits in 2015 and 2016, Betty informed me that their case had moved to the magistrate's court in Pader Town. The hearing had been postponed several times and the lawyer's fees were expensive. Betty and Margaret had tried going through mediation, agreeing to mediators

from NGOs in the area that dealt with land issues, clan elders, the police, and a minister from their local church. None of these institutions had worked to resolve their land conflict and by the time I was leaving the field, their case had stalled and the parties were at an impasse. Betty's fields had been completely seized by Henry and his household and some of Margaret's former fields had been sold by Henry to the local council chairman without any consultation with the clan, *kaka*.

Many debates on gender and customary land, and on women's rights to land, focus on the gender differentiated access to land, pointing out the hierarchically ordered rights, with men having primary rights (to transfer, bequeath, or dispose) and women secondary ones, with a lack of autonomy and a peripheral position in land ownership (Paradza 2011; Rose 2002; Whitehead and Tsikata 2003; Behrman et al. 2012; Joireman 2008); women's control over land is restricted due to inheritance systems and marital status (Awumbila and Tsikata 2010; Ossome 2014). In most customary regimes in Africa, patriarchy, patriliny, and the extended family structures define who belongs to the community (Moyo 2008) and who does not, with senior males holding significant powers over property.

But as Betty and Margaret's story shows, there are ambiguities present in land and property rights in Africa today. Mamdani (2013) notes that these ambiguities can be understood from the perspective that 'custom' and what is 'customary' varies in meaning and understanding, and changes over time, customary rules being neither homogeneous nor static. Customary land tenure relations have been portrayed as being oral, fluid, flexible, negotiable, and context-specific (Cotula et al. 2004). However, Peters (2004, 270) underscores the need to pay closer attention to the deepening rifts between and within kin-based and other groups and how they have caused the expropriation of land. She calls for a more holistic view that places emphasis on "who benefits and who loses from instances of 'negotiability'" in different contexts. Peter's key argument is that struggles over land are premised on social relations of domination and develop in ways that more often than not reinforce social differentiation, inequality, and exclusion based on, *inter alia*, clan, gender, and generation.

In Acholi society, women's relationships to land are fundamentally shaped by kinship structures and patri-/virilocal postmarital residence. Acholi women (mothers, daughters, sisters, and wives), have access and usufruct rights to land through their male counterparts, the security of this access being dependent on the stability of these relationships. Although rare, it is not unheard of to find Acholi men settling among their wife's kin, as Christine's husband did. Sometimes men also face challenges with land access and tenure security. A man's father-in-law may welcome him to stay on his land, even though it will be said that two different clans will be living on the land – the husband's clan and his father-in-law's clan. This was precisely the challenge that befell Betty and Margaret when they returned to Ogom after the war. In the absence of their husbands and biological sons, their positions as clan wives and mothers became shaky. Henry, their classificatory son, reminded them that their husbands' father had left his ancestral land elsewhere and had followed his wife, Christine, to her father's home. He therefore advised them to go and ask for land among their father-in-law's kin. This, however, was not a possibility for either woman because they did not know any other home apart from the one they were both married into in Ogom.

Even though the social dilemmas of land are shared, they impact different categories of women in Acholi society in varied ways. Some women fall outside the 'patrilineal net', e.g. those women who are not formally married, even though, as we see from the case of Betty and Margaret above, being formally

married does not necessarily guarantee land tenure security. As we shall see later, being widowed, divorced, or separated does not always translate into land tenure insecurity either. Indeed, multiple rights to customary land exist and are enjoyed by various individuals (Cotula et al. 2004), with multiple strategies and pathways for access (Rose 2002), not necessarily through marriage or descent systems. Below is an example of two sisters' struggles and strategies for land access.

> Atim and Awor are two sisters who returned to their natal home after the war. They had both been married and divorced. Atim left her three children with her ex-husband, while Awor returned home with all of her five sons. In the absence of their parents, Atim and Awor soon began quarrelling and competing for the land, which was a small plot, their shared homestead. After her divorce, Atim had lived with a government soldier and they had two sons at her natal home, which had been part of a camp. The man, however, had neither married her nor introduced her to his clan. When the Ugandan army went to fight terrorism in Somalia, Atim's new 'husband' left and was never heard from again. Atim was therefore stuck with two sons and few prospects for supporting them. When I met her in 2014, Atim was making ends meet by 'borrowing' land from friends who had extra and had taken pity on her, or sometimes by renting land from another landowner for a small fee for a planting season or two. Awor, on the other hand, was resourceful and apart from having a small business in Pader market, was still able to access cultivation land at her husband's home. She was allowed access because she was the one looking after the children. From

> her savings, Awor also purchased a small plot of land outside Pader Town.

Awor seemed to have several avenues of land access – as a clan mother on her sons' father's land; as a daughter on her father's land, and as a businesswoman, being able to purchase a small plot of her own. On the other hand, despite feeling stuck, Atim was able to rely on the favours of neighbours and friends to get land to cultivate crops that could feed her children throughout the year.

Without the protection of fathers, brothers, or husbands, many of the women in my study used their ingenuity to ensure their families' survival. Several creative strategies can be seen at play. Betty and Margaret opted to involve several institutions, including clan leaders, church leaders, and the police to claim rights to land. This had not yielded an official decision in their favour. However, because they had the support of the majority of these mediators, they were managing to stay on their marital land, albeit in an impasse with Henry. Awor was able to maintain good relations with her former husband and therefore had access to his land to cultivate for the sake of their children. Atim, on the other hand, maintained good non-kin relations and was rewarded with access to land that she could rent or borrow. These cases give us a glimpse into intimate governance by women. In the next section, I discuss how property is performed as a strategy to safeguard access to land.

Performing property: Identities and positions

To understand how women like Betty, Margaret, Atim, and Awor stake their claims to land or get access to land, it is necessary to examine the idea of property. How does the notion facilitate the intimate governance of customary land? Property researchers have theorized and conceptualized different ways of understanding property. Bruun et al. (2018) remind us of Thomas C. Grey's (1980) classic

point about property being understood not just as a "thing owned", but also as a "complex bundle of rights that regulate the relations between people with respect to things" (see also Lund 2011; Sikor and Lund 2009). Property can be understood from a legal standpoint, as social processes (Rose 1994, 2006; Cooper 2007), or in relation to belonging and governance (Cooper 2007) and gender (Behrman et al. 2012; Doss et al. 2013; Manji 2000, 2003; Tripp 2004). Here I wish to draw attention to how the complex bundle of rights to land is not a given, but a social process which is gendered, and where belonging to both clan and society is at stake.

Rose (1994, 2006) has argued that property is established through processes of communication and symbolism between social actors, and is a sociable institution, an expressive enterprise hinging on signals and communication. According to her, the institution of property is performed through various practices and acts of persuasion. One's property exists because other people accept it and agree to honour it, making it susceptible to a change in meaning, in a "language that shapes physical spaces over time" (Rose 2006, 3; see also Ribot and Peluso 2003). Inspired by Rose, I see Betty, Margaret, Atim, and Awor as engaged in practices of 'performing property' – highlighting both the agency of these processes and their uncertainties.

Next, I will delve further into the cases described to explore how the idea of property is used, communicated, and performed, giving women in Acholi society the opportunity to position themselves in specific ways within various social fora when faced with the social dilemmas of land access.

In the case of the two sisters, Atim and Awor, at some point, the Pader Town Council, which is in charge of overseeing the development of the town, informed residents that landowners should develop their land with permanent structures (as opposed to mud huts and shelters). Anyone who could not do this risked losing their land. The sisters did not have the resources to begin developing their land but decided, in spite of their own conflict, to quickly cement their mother's grave. Their mother had been dead for several years, buried in an unmarked grave, which they traced to a location behind Atim's hut. The grave was now used to create evidence, with the cement acting as a kind of 'permanent structure' and a mark of land ownership. The Acholi generally believe that land belongs to the ancestors, the living (generations present), and those who are yet to be born (future generations). The living are entrusted to protect it both for those who have passed and for those yet to come, linking kith and kin on land, through time and space. Meinert et al. (2017) discuss how 'governing with graves' is used as a form of communication, to say more than just 'someone has died'. Graves become land markers for those who claim descent from them, and cement, well, cements these claims.

For Betty and Margaret (the co-wives), telling their stories and linking the past to their present and future was an important part of performing property. Narratives about how they came to be on the land in Ogom, stories of marriage, raising children, and cultivating several fields, all formed parts of their narratives. Details of how the two women had been battling with Henry, their son, for several years, were told over and over again to different people and groups, to the point where their stories were in sync and unfolded with elaborate drama. Rose (2006, 6) also reminds us that property begins in a social context with an audience that "has to 'get it'".

Porter (2017) found it worthwhile to pay attention to how women garnered support, and to their strategic efforts to influence the procedural course of events that affected them, observing that widely shared Acholi principles such as gender hierarchies were not always applied in a straightforward way. I observed that women who ably talked about land matters (and the conflicts they faced) in front of several audiences, including me as a researcher, had gained a certain experience,

seniority, and status in their homes and communities. The fight for land is not only about land *per se*, it is also about status, attachment, and belonging. Women in Acholi society use their different statuses and positions to make and stake their claims (and counter claims) to land as clan wives or mothers of clan sons, sometimes employing patrilineal arguments to support these claims (Obika et al. 2018). In trying to define what land means to them, women often (re-)define their own positions and identities in order to legitimatize those claims.

When a woman first opens up previously unused land and begins to cultivate it, it becomes her *okang*, her field. Over the years, those around her will accept it and acknowledge it as hers (Obika et al. 2018). Opening up a field and working it is a kind of language or 'communication' to others that that particular land belongs to her. Among the Acholi, the 'language of land', and in particular of fields, *poti*, is specific to and strategically used by women. Outside of her home, the field is another space where a woman spends much of her time and invests her labour over the years, as a wife, mother, and member of a specific clan or social group. Women's positions, identities, and belonging are tied to where they settle (residence) and have their *poti* (as a daughter or wife).

Where people's attachment to land is questioned or challenged, new identities and positions are cultivated. Positions tend to be situational and malleable, and are often contested and re-negotiated. In the case of Betty and Margaret, their son, Henry, positions himself strategically. When he returned from the camps before Betty and Margaret, Henry established himself as the head of their *dog-gola* (sub-clan), and therefore as the one with authority to make decisions regarding the land. Even though his position was not contested, instead of taking care of the needs of vulnerable clan members like Betty and Margaret, Henry started selling off *ngom kwaro,* ancestral land, 'illegally', according to one clan

elder, and raised the stakes by surrounding himself with powerful allies. He sold land to two local council (LC) chairmen[1], including one who had previously been involved in trying to resolve their land conflict. I suggest that Henry's idea of owning land (or property) is performed with wit and brute force for different audiences. Betty complained that Henry was openly hostile to clan elders and often did not show up to mediation meetings. Even though his claim to the land had the effect of excluding Betty and Margaret, and alienating him from the clan, Ribot and Peluso (2003, 172) have argued that "access via the negotiation of other social relations of friendship, trust, reciprocity, patronage, dependence and obligation form critical strands in access webs", something Henry gains by making alliances with LC members.

In trying to maintain social harmony, respect patrilineal land arrangements, and still be able to secure their land access, Betty and Margaret performed through storytelling and speaking about their experiences as widows, clan mothers, and long-standing members of their community. They became characters playing different roles in their own stories. To NGOs like the Uganda Land Alliance (ULA), they performed as vulnerable widows, to the different clans and their *dog-gola*, their characters switched to clan wives and mothers of clansmen, whose land must be protected for their children's future use. Performing property is done through different kinds of narratives and storytelling mechanisms in order to solicit empathy from various audiences, such as formal and informal courts, and to give justification to land claims. This points to how property is performed intersubjectively among plural actors in concert (see also Polleta et al. 2011).

Narratives and storytelling reveal historical perspectives, and the retelling of history can be a discursive way of controlling or

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[1] The local council chairman is a political position at the village, sub-county, or district level.

maintaining access to land. Another case in point is a land conflict between two elderly widows, Akech and Apiyo:

> Akech and Apiyo were neighbours. Their husbands, who were both deceased, had been good friends. According to Apiyo, her husband had invited Akech's husband to stay on the land many years ago. In the past, it was not uncommon for friends to give each other 'refuge' on their land. Akech and her husband had moved to the land and raised their children. After the war and their subsequent return from the camps, however, Akech and Apiyo (and their families) were soon in conflict over the land. Akech claimed that with her husband now deceased, Apiyo and her sons were trying to chase her away from the only home she had known for decades. Apiyo, on the other hand, maintained that Akech and her late husband had only been 'guests' on the land and now it was time for them to leave because Apiyo's expanded family needed the extra land for cultivation and for their own survival. Akech refused to leave and took the matter to various courts. After more than five years, the case was still pending.

It was fascinating to hear both women, Akech in her late eighties and Apiyo in her late seventies, give historical accounts of their land. Having spent several months in the Ogom community, I was privy to some of the gossip and opinions about this particular land conflict. Some women in the neighbourhood insisted that Apiyo was a witch and a greedy woman who was using her son (a local politician) to grab other people's land. In fact, Apiyo's family was before several courts, with nine different parties all living in the same geographical location. Other women dismissed Akech as a drunk and a nuisance who hurled insults at passers-by all day, while seated under the mango tree in front of her hut. Most

people, however, sided with Akech, arguing that Apiyo's son was using force and politics to take land from vulnerable people. I spoke to Apiyo's son, who made a decent case about his father's ownership of the land, arguing that he, as the eldest son, was struggling to recover it from encroachers. Being an educated man and a politician with a regular income, he had managed to get the courts to put an injunction on the land, restraining many families from accessing it, thus drawing anger and bitterness from individuals and destabilizing community harmony.

We must pay close attention to the way in which multiple voices come together as one voice in a kind of performance. History plays an important role in how people position themselves and the identities they construct for themselves (Osterud 2011). Apiyo and her son speak with one voice about the history of the land and their ownership of it. To illustrate another kind of intersubjective property performance, during a group discussion with elders and community leaders in Te-lela village in 2015, an argument started about who should own land in Uganda. One middle-aged woman sub-county representative said "the government will give land to investors. Didn't you hear about the case where women undressed in protest?"

On 17th April 2015, in Apaa, Amuru District, a land boundary dispute, which had caused tension between Amuru and Ajumani Districts, resulted in protests by elderly women, some of whom stripped naked, while others bared their breasts, in frustration and anger over the dispossession of their ancestral land, in the presence of high-ranking government officials. This caused a political stir and, for a while, it worked to save their land. In Africa, women's naked protests date back to pre-colonial times, with evidence from Zambia, Guinea, Nigeria, Cameroon, Kenya, and Tanzania (Ebila and Tripp 2017, 3). The nakedness of a woman draws on the cultural symbolism of motherhood and in Acholi society is related to curses. It has therefore been

used as a political weapon, often as a last recourse, by a mother protecting the land. This symbolic communication, performed intersubjectively, has been one way of safeguarding land in northern Uganda.

In his study of warscapes in West Africa, Mats Utas (2005) observed how former female combatants tactically 'self-staged' as victims of war in order to navigate post-war social terrains. Porter agrees with Utas' observations, finding commonalities in the tactics and strategies employed by women in postwar Acholi society. "Through a show of conformity to social expectations of one's place in life (…) a woman may garner public support and thus increase her capacity to manoeuvre in social situations" (Porter 2017, 38). However, she also found some unsettling assumptions that 'women' as "a monolithic whole either accept or seek the subversion of unequal and gendered orderings…" (Porter 2017, 41). Gendered hierarchies are, however, constantly contested and negotiated, revealing Acholi women's modes of existing within patriarchal land relations and land governance practices. My findings agree with Porter's in the sense that where women's patrilineal arguments for their land ownership fail, they will employ other strategies, sometimes showing a departure from the patrilineal norm, a tense and contradictory kind of intimate governance.

Governing land is not only about managing, allocating, and using land, but involves how resources (including human beings) are organized and mobilized both to include and to exclude others, which often results in land conflicts. The process of governing land involves active negotiation, contestation, coercion, and force, as seen in the cases above. Women position themselves and construct those positions as a way of grounding themselves, literally and figuratively, on the land, with and through other people. The use of permanent structures (graves), stories, and protest are some of the ways that women govern land and secure their access to it.

An intimate governance of land in Acholi society

The notion of intimate governance helps us to understand the practice of managing land relations by, between, and through people who are tied to land through clanship, kinship, or even friendship. In the previous section I showed how property is performed for the purpose of communicating that 'this land is mine'. As earlier stated, women's influence is felt in their homesteads and in their cultivation fields.

When Betty's son, Peter, came to Ogom to visit her in 2016, he tried to spearhead a negotiation with Henry. Peter suggested to Henry that they should go and divide the fields, without involving their mothers and wives, who would otherwise ruin the process. Peter had hoped to appeal to Henry's sense of being in control as head of their *dog-gola*, a position that would give Henry the much sought-after legitimate power and authority to govern the contested land. Henry agreed to this arrangement and apologized for his bad behaviour towards his 'mothers', Betty and Margaret. It seemed that the prolonged impasse would come to an end through the division of the land amongst the various claimants, until, suddenly, Henry changed his mind and cancelled the negotiations. Peter's suggestion of 'leaving the women behind' gives some insight into the kinds of cultural discourses that relegate women to the home as a private space and not to being involved in land governance.

Sometimes my male interlocutors reminisced about the 'good old days' when the spaces that women and men occupied were defined and separated, as one elder told me:

> Yes, there is a difference between women today and in the past. Women used not to have authority over land, cows, and other things. The man would have most of the power and a woman would only use what was allocated to her by her husband. If a man died, the woman remained on the land but the land and authority would be

in the hands of the dead man's brother. If brothers were not there, then the male children would take over. If there were no sons then close male relatives in the clan would manage the land. But these days, women say they own land and this is bringing land conflicts (In-depth interview with elder, Owele village, 19.03.2014).

There was a certain nostalgia and a tendency to idealize the past when my older interlocutors told their remarkable stories. However, it is also evident in these stories and performances that things have changed, particularly in the practice of governing customary land. When a woman says she 'owns' land, what exactly does she mean? I argue that in Acholi society today, there is *intimate governance* practised in land relations. The different ethnographic cases that I followed over time revealed a shift in how customary land relations are governed and how women came to be part of that governance. When these cases move from the household to the *dog-gola*, clan, LC1, NGOs, Police, and to the Magistrate's court and back, being performed for various audiences, there is an (en)gendering of land governance with the active participation of women.

It is often the case in Acholi society that individual voices are submerged in favour of collective ones with established hierarchal systems. However, what is evident here is individual women, as well as collective groups of women, actively raising their voices and participating in governing customary land, despite these hierarchies or the perception that 'women in Acholi do not own land'. Women actively participate in land conflicts and their resolution. Women are not just victims of land conflicts but are sometimes involved as offenders, i.e. grabbing land from other men and women. Many of my elderly women interlocutors were witnesses in a land conflict resolution or mediation process. In particular, they were called to bear witness to the land boundaries of fields of other women. These women claimed to know these land boundaries because when they were younger, they would dig in each other's fields in their *pwur aleya* – communal digging groups. However, it was also the case that some elderly women were involved in land grabbing, as in the case of Apiyo, who was said to be influencing her son to dispossess neighbours of their land. Other stories were told of mothers-in-law forcing their sons' partners off family fields, especially if those 'daughters-in-law' were not formally married.

In the case of Atim and Awor, two divorced sisters who had returned to their natal home, not having biological brothers to manage the land presented a problem. They were under 'attack' from several fronts, including from neighbours and clan brothers who wanted them off the land, so that it could be governed by men. The two sisters and their children lived with tension on the land, but for the purposes of protecting their land (or their deceased father's land), they kept referring to the clan elders for help and even marked it with a cement grave to show their presence on the land.

Betty, Margaret, and Akech were elderly widows who did not have the protection of a male presence on the land that they were trying desperately to safeguard. With their older sons away in different parts of the country, they became vulnerable to land grabbing. However, their different strategies of historical storytelling and garnering community support, using their positions as elderly women, clan wives, and mothers, seemed to keep them on their land, albeit with tension. Apiyo, on the other hand, teamed up with her powerful son against Akech. One woman told me *it pe yommo wic* – 'the ear does not surpass the head' – when she was explaining that women will fight for their land by privately whispering in their sons' ears, giving them information because they (the mothers) know the land, although the men are more legitimate fighters in public land claims and contests.

But also, what is more intimate than the naked body of an elderly woman in Acholi culture? For this to be used as a 'weapon', a curse against the dispossession of land or for the protection of land rights, is very telling. Used as a last resort, the women of Apaa were able to safeguard their land, at least for the moment, against government supported investors. I suggest that the nakedness of a woman in the protection of her home is a kind of governance that depicts the intimacy between the human body and the land.

Families, clans, and neighbours live together on customary land, but their right to the land is often fraught. The tensions and disputes over land are managed in different ways involving various social fora. From the ethnographic cases presented, what we begin to see is evidence of individual women taking charge of securing their access to land, employing different strategies in what we can call an intimate governance of customary land in Acholi society.

Conclusion

Land conflicts expose the production of different gender hierarchies when people use their abilities to control or maintain access to land. A closer look at these land conflicts also reveals that the problem of land is one that is shared between men and women. Women have often been perceived as passive victims of conflicts, including land conflicts. But looking at the intimate governance of land through the experiences of women in post-war Acholi society reveals women's active participation in land governance. Ossome (2014) reminds us that women's claims to land are stronger and more diverse than usually presented, their strength lying precisely in their social embeddedness, which has formerly been criticized as the reason for women's weak land rights. There is a diversity of women's land claims within the socially embedded Acholi customary tenure system, and different categories of women are able to negotiate, manoeuvre, and find pathways to land access in various ways, within and around their social networks.

In Acholi society, women's active involvement in land matters, as described above, reveals a shift in land governance practices, thus suggesting an engendering of land governance that is intimate in nature. Property is performed and one individual or group makes communication to another about who 'owns' it; here, women take an active part. The construction, negotiation, manipulation, and contest of identities and positions play an important role in land access and security.

The intimate governance of customary land becomes a way for us to understand how closely related individuals and neighbours live with tension together on customary land. These tense land relations go on for many years, with uncertain resolutions, giving people a space to continue living on the land while employing different strategies to maintain their access to it.

References

Acholi Religious Leaders Peace Initiative (ARLPI). 2010. *Resolving Land Conflict in Acholi Land: A Guide for Community-based Stakeholders*. Gulu: ARLPI.

Adoko, Judy, and Simon Levine. 2005. "Land Rights: Where We Are and Where We Need to Go." Kampala: *Land and Equity Movement in Uganda (LEMU).*

Atkinson, Ronald R. 2010. *The Roots of Ethnicity: Origins of the Acholi of Uganda* (2nd edn.). Kampala: Fountain Publishers.

Awumbila, Mariama, and Dzodzi Tsikata. 2010. "Economic Liberalisation, Changing Resource Tenures and Gendered Livelihoods: A Study of Small-scale Gold Mining and Mangrove Exploitation in Rural Ghana." In *Land Tenure, Gender and Globalisation Research and Analysis from Africa, Asia and Latin America,* edited by Dzodzi Tsikata and Pamela Golah, 99–142. Ottawa: IDRC.

Behrman, Julia, Ruth Meinzen-Dick, and Agnes Quisumbing. 2012. "The Gender Implications of Large-scale Land Deals." *The Journal of Peasant Studies* 39, no. 1: 49–79.

Branch, Adam. 2011. *Displacing Human Rights: War and Intervention in Northern Uganda*. Oxford: Oxford University Press.

Bruun, Maja Hoder, Patrick J. Cockburn, Bjarke Skærland Risager, and Mikkel Thorup. 2018. *Contested Property Claims, What Disagreement Tells Us About Ownership*. Routledge: Oxon and New York: Taylor and Francis Group.

Cooper, Davina. 2007. "Opening Up Ownership: Community Belonging, Belongings, and the Productive Life of Property." *Law and Social Inquiry* 32, no. 3: 625–664.

Cotula, Lorenzo, Camilla Toulmin, and Ced Hesse. 2004. *Land Tenure and Administration in Africa: Lessons of Experience and Emerging Issues*. London: International Institute for Environment and Development.

Dolan, Chris. 2009. *Social Torture: The Case of Northern Uganda, 1986-2006*. New York: Berghahn Books.

Doom, Ruddy, and Koen Vlassenroot. 1999. "Kony's Message: A New Koine? The Lord's Resistance Army in Northern Uganda." *African Affairs* 98: 5–36.

Doss, Cheryl, Ruth Meinzen-Dick, and Allan Bomuhangi. 2013. "Who Owns the Land? Perspectives From Rural Ugandans and Implications for Large-scale Land Acquisitions." *Feminist Economics* 2013: 1–27.

Ebila, Florence, and Aili M. Tripp. 2017. "Naked Transgressions: Gendered Symbolism in Ugandan Land Protests." *Politics, Groups, and Identities* 2017: 1–22.

Finnström, Sverker. 2008. *Living with Bad Surroundings: War, History and Everyday Moments in Northern Uganda.* Durham: Duke University Press.

Handelman, Don. 2006. "The Extended Case: Interactional Foundations and Prospective dimensions." In *The Manchester School: Practice and Ethnographic Praxis in Anthropology*, edited by T.M.S. Evens and Don Handelman. New York: Berghahn Books.

Hopwood, Julian. 2015. "Women's Land Claims in the Acholi Region of Northern Uganda: What Can Be Learned From What is Contested." *International Journal on Minority and Group Rights* 22: 387–409.

Hopwood, Julian, and Ronald R. Atkinson. 2015. "Developing a Land Conflict Monitoring and Mapping Tool for the Acholi Sub-region of Northern Uganda." *Justice and Security Research Programme Working Paper* 28.

Joireman, Sandra F. 2008. "The Mystery of Capital Formation in Sub-Saharan Africa: Women, Property Rights and Customary Law." *World Development* 36, no. 7: 1233–1246.

Ker Kwaro Acholi. 2008. *Cik me Loyo ki Kit me Tic Ngom Kwaro i Acholi: Principles and Practices of Customary Tenure in Acholiland*. Gulu.

Kobusingye, Doreen N., Mathjis van Leeuwen, and Han van Dijk. 2016. "Where Do I Report My Land Dispute? The Impact of Institutional Proliferation on Land Governance in Post-Conflict Northern Uganda." *Journal of Legal Pluralism and Unofficial Law* 48, no. 2: 238–255.

Lentz, Carola. 2005. "First Comers and Late-Comers: The Role of Narratives in Land Claims." In *Competing Jurisdictions: Settling Land Claims in Africa*, edited by Sandra Evers, Marja Spierenburg, and Harry Wels, 157-180. Leiden: Brill.

Lubkemann, Stephen C. 2008. *Culture in Chaos: An Anthropology of the Social Condition in War*. Chicago: University of Chicago Press

Lund, Christian. 2011. "Property and Citizenship: Conceptually Connecting Land Rights and Belonging in Africa." *Africa Spectrum* 46, no. 3: 71–75.

Mamdani, Mahmood. 2013. *The Contemporary Ugandan Discourse on Customary Tenure: Some Theoretical Considerations*. Working Paper No. 13. Kampala: Makerere Institute of Social Research.

Manji, Ambreena. 2000. "'Her Name is Kamundage': Rethinking Women and Property Among the Haya of Tanzania." *Africa* 70, no. 3: 482–500.

Manji, Ambreena. 2003. "Capital, Labour and Land Relations in Africa: A Gender Analysis of the World Bank's Policy Research Report on Land Institutions and Land Policy." *Third World Quarterly* 24, no. 1: 97–114.

Meinert, Lotte, Rane Willerslev, and Sophie Hooge Seebach. 2017. "Cement, Graves, and Pillars in Land Disputes in Northern Uganda". *African Studies Review* 60, no. 3: 37–57.

Moyo, Sam. 2008. *African Land Questions, Agrarian Transitions and the State: Contradictions of Neo-Liberal Land Reforms*. Dakar: CODESRIA.

Obika, Julaina A., Ben Adol Otto, Sulayman Mpisi Babiiha, and Michael Whyte. 2018. "Contesting Claims to Gardens and Land: Gendered Practice in Post-War Northern Uganda." In *Contested Property Claims: What Disagreement Tells Us About Ownership*, edited by Maja Hojer Bruun, Patrick J. L. Cockburn, Bjarke Skærlund, and Mikkel Thorup, 205–220. New York: Routledge.

Ossome, Lyn. 2014. "Can the Law Secure Women's Rights to Land in Africa? Revisiting tensions Between Culture and Land Commercialization." *Feminist Economics* 20, no. 1: 155–177.

Osterud, Grey. 2011. "Inheriting, Marrying, and Founding Farms: Women's Place on the Land." *Women's History Review* 20, no. 2: 265–281.

Paradza, Gaynor G. 2011. *Innovations for Securing Women's Access to Land in East Africa.* Working Paper, International Land Coalition.

Peters, Pauline E. 2004. "Inequality and Social Conflict Over Land in Africa." *Journal of Agrarian Change* 4, no. 3: 269–314.

Polleta, Francesca, Pang Ching Bobby Chen, Beth Gharrity Gardner, and Alice Motes. 2011. "The Sociology of Storytelling." *Annual Review of Sociology* 37: 109–130.

Porter, Holly. 2017. *After Rape: Violence, Justice and Social Harmony in Uganda*. Cambridge: Cambridge University Press.

Ribot, Jesse C., and Nancy Lee Peluso. 2003. "A Theory of Access." *Rural Sociology* 68, no. 2: 153–181.

Rose, Carol M. 1994. *Property and Persuasion: Essays on the History, Theory, and Rhetoric of Ownership*. Boulder: Westview.

Rose, Carol M. 2006. "Introduction: Property and Language, or, the Ghost of the Fifth Panel." *Yale Journal of Law and the Humanities* 1: 1–28.

Rose, Laurel L. 2002. "Women's Strategies for Customary Land Access in Swaziland and Malawi: A Comparative Study." *Africa Today* 49, no. 2: 123–149.

Shipton, Parker. 2007. *The Nature of Entrustment: Intimacy, Exchange, and the Sacred in Africa*. New Haven and London: Yale University Press.

Sikor, Thomas, and Christian Lund. 2009. "Access and Property: A Question of Power and Authority." *Development and Change* 40, no. 1: 1–22.

Tripp, Aili Mari. 2004. "Women's Movements, Customary Law, and Land Rights in Africa: The Case of Uganda." *African Studies Quarterly* 7, no. 4: 1–19.

Utas, Mats. 2005. "West-African Warscapes: Victimcy, Girlfriending, Soldiering: Tactic Agency in a Young Woman's Social Navigation of the Liberian War Zone." *Anthropological Quarterly* 78, no. 2: 403–430.

Whitehead, Anne, and Dzodzi Tsikata. 2003. "Policy Discourses on Women's Land Rights in Sub-Saharan Africa: The Implications of the Re-turn to the Customary." *Journal of Agrarian Change* 3, no. 1: 67–112.