In 2014, Omony painted the words ‘NOT FOR SALE’ on a building in the trading centre near his family home. His father was going away for training for a whole year, and he had heard rumours that his father’s brothers had designs on the building and plot belonging to his parents. Omony’s family did not stay in the building but rented it out to others, who used it for doing business. Oomy painted the words to signal to the brothers: ‘we heard what you want to do, so don’t try to sell our property’. Of course, it was also to scare off potential buyers; that is the main point, Oomy said. The sign appeared to be effective. Oomy heard no more rumours about his father’s brothers’ plans, and he felt confident that the land was protected. As he said: ‘Our family is very stable, and we are well-known in the trading centre, which safeguards the land against any sales.’ In this case, the sign created a kind of presence in the absence of Oomy’s father. Of course, the presence of a sign was different from the presence of a person, but it conveyed a clear message to the brothers as well as to the people in the community and potential buyers: this place is not for sale no matter what you might have been told.

As part of our collective research project on land issues in northern Uganda, Mette Lind Kusk collected material about the signs in and around Gulu town stating ‘Land not for Sale’. There were different versions of these signs, sometimes even including a telephone number, roughly painted on the side of a building, or simply stuck on a stake in the ground. We found it puzzling that people would advertise something that was not for sale. Soon we discovered that the signs usually pointed to tensions (Kusk and Meinert 2022). These signs of trouble flag
a central theme of this book: the problem of trust and mistrust that permeates land matters in northern Uganda. Often, as in Omony’s case, there was mistrust among family members. Concerns revolved around land that several actors were claiming – individually and collectively. Some signs were about land that was considered clan land with communal access rights, which some individual family members were trying to sell secretly for their own advantage. Such covert sales, where the seller’s authority to sell is questionable, have been reported from West Africa as well (Colin and Woodhouse 2010: 8). But whether land issues involved relatives, neighbours, external ‘developers’, or government, questions of trust and mistrust were pervasive.

There is an impressive and growing literature on land conflict: large-scale land-grabbing by wealthy and powerful institutions (Cotula 2013; Ansoms and Hilhorst 2014; Batterbury and Ndi 2018); land concentration and transfers (Schlee 2021); enclosure (Galaty 2021); expropriation and dispossession (Hendricks, Ntsebeza and Helliker 2013; Ashami and Lydall 2021). Much less scholarly attention has been paid to small-scale land disputes among people with roughly similar amounts of power. Yet these small scale-disputes often play a central role in everyday lives: they disrupt fundamental social relationships and livelihoods; they are personal and experiential. Even in cases of powerful actors enforcing claims, there is always an element of personal interaction – with middlemen, with government authorities, even with wild animals. In this book, we pay close attention to small-scale disputes and the play of social connections in interventions by powerful parties – all in the context of historical transitions after violent conflict. We claim that questions of trust and mistrust are central to understanding the dynamics of land disputes and their connections to societal changes. We explore these matters within three topical areas: claims and transactions; intimate governing of land; and imagining development.

We see in Omony’s case an attempt to confirm a claim to a plot of land and to prevent transactions in the form of sale. As would also be the case for agricultural land, he thinks the plot should not be alienated but kept in trust for the family and himself. Entrustment of land for the next generations is a fundamental ideal in much of northern Uganda, but suspicion and mistrust often flavour practices of enthrustment.

The signs about land not for sale strongly reflect the second topical area of the book: intimate governing. Land is governed not only through official institutions and according to legislation but also, and mainly, through intimate and familial relationships. In this sense, Oomy’s sign was not only a sign to potential buyers but equally an intimate governing tool that signalled to his uncles that they had no authority to sell the land. Cases in our book highlight how land rights were almost always negotiated in interpersonal relationships, often of kinship and marriage. Inevitably, family and neighbour conflicts over land were also conflicts about other issues, which further complicated resolution.
The third topical area of the book, *imagining development*, is also pertinent to Omony’s sign because the sign indicates that these are times of transition when land has new potential for generating money and some kind of development. The sign confirms that there *is* a market in land in these places – land is being sold both to locals and to outsiders with disagreements to follow. Not only people disagreed about land use and development. Animals and humans also came into conflict over access to land. National parks and forest reserves were meant to conserve nature by separating humans and wildlife. Yet elephants, buffalos and baboons do not read human signs or respect human fences. Nor do people neighbouring these lands always share government values of developing tourism and maintaining forests for national purposes.

The big picture of historical transformation in landholding is a mixed one. Some land is *NOT* for sale; at least there is a strong ideal that ancestral land should not be sold but kept within the patrilineal descent group in trust for future generations. But land *IS* for sale, and as we shall see, there are many people who wish to buy a piece of land to call ‘mine’ rather than ‘ours’. In the parts of Acholiland where much of our research took place, fragmentation and individualization of land were stronger tendencies than concentration of large areas in fewer hands.

**Land and Conflict in Northern Uganda**

At the national level, Uganda has seen a series of shifts in land legislation. Batungi (2008) recognizes six different land reforms: from the colonial period, when land formally belonged to the Crown, to the present era, when the Constitution of 1995 and the Land Act of 1997 declared that land belongs to the citizens under four different forms of tenure (see the appendix on land legislation). Importantly, however, Batungi also notes that throughout these legal changes the fundamental characteristics of land tenure have not changed since colonial times: ‘... all customary land tenure systems, which account for 85 per cent of the total land mass of Uganda are still unregulated and completely outside the statutory framework of the country’ (Batungi 2008: 79). We will argue that they are indeed regulated, or governed, even though they are outside the national statutory framework. But we appreciate Batungi’s point that changes in land legislation that sound immensely significant are not necessarily felt on the ground by ordinary people dealing with land issues.

Customary tenure is even more prevalent in northern Uganda than the national average – in 2007 one estimate put it at 95 per cent (Foley 2007: 33). By its nature, it is flexible and varied, subject to informal arrangements. Customary land is a default category; it is land that is not officially registered. In contrast, freehold land is transacted in writing; it should be recorded in the National Lands Registry and confirmed by a title deed. Most land sales are not formalized in this
Rather they are part of the vernacular land market, witnessed by neighbours or local officials, often noted on a piece of paper, but never subjected to the cadastral requirements of the District Land Board and National Lands Registry.

The parts of northern Uganda where our research took place are distant from the centre of Uganda, both geographically and politically. The Acholi and Karamoja sub-regions are closer to Kenya and South Sudan than to Kampala. As border areas, they have been subject to raids and influxes of refugees, both of which have implications for land use. Since colonial times, Karamoja has been neglected by central government as remote and inhabited by ‘warlike pastoralists who refused to be governed’ like the rest of the nation (Mamdani 1982). Like pastoralists in other parts of eastern Africa, they were labelled backward and incapable of using their land productively (Gabbert 2021). The people of the Acholi sub-region have felt themselves largely excluded from the political life of the nation, especially since 1986 with the accession to power of the National Resistance Movement. Like the people of Karamoja, they are sensitive to being exploited by the centre – for their underground resources of oil and minerals or for the land itself.

Two fundamental characteristics of these areas have a bearing on land issues. The first is that they have long been less densely populated than many other parts of the country (Hopwood and Atkinson 2013). In the late colonial period, the Acholi sub-region was characterized as ‘under-populated’; indeed Girling (1960: 183) wrote that the low population density was one of the factors inhibiting social and economic change. Although Acholi people have long been wary of outsiders (the British, the Langi) having designs on their territory (Lagace 2016), many of our interlocutors spoke of earlier times when their forefathers had plenty of land and welcomed in-laws and friends to settle with them. This assumption of abundant land that could be given away to strengthen social relations has disappeared today. Land is no longer seen as a collective resource that is only valuable together with labour; today it is potentially an individual resource (Kusk 2018).

The Karamoja sub-region is even less densely populated in part because of geography; unlike the Acholi and Langi areas, much of the land is not well suited for cultivation. Pastoralism, which does not support a heavy population, has played a predominant role. This more mobile form of land use entails a different relation to land and territory and different kinds of conflicts, often over water and grazing. Even the indigenous Ik community, who inhabit the mountains in Kaabong District of Karamoja and pursue agriculture as well as hunting and gathering, move their villages frequently. Their area is not densely populated either, but they have seasonal tensions with pastoralists from the surrounding plains, who bring their animals to Ik territory in times of drought.

The existence of vast areas of unsettled or lightly settled land in these parts of northern Uganda is reinforced by the presence of two major national parks, Kidepo and Murchison Falls, and large forest reserves. Together with the impor-
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The significance of grazing and hunting, the parks and forest reserves provide an impression that there are immense stretches of unoccupied land in these parts of an otherwise quite densely populated country. This has led to conflicts with large-scale investors. Developers could invoke the trope of uninhabited territory: ‘In a perfectly designed terra nullius pattern, land together with its inhabitants was declared empty by planners who then made it available for industrial uses and commodification’ (Gabbert 2021: 8).

A second distinguishing characteristic of the parts of northern Uganda we studied is that they were recovering from long periods of violent conflict during the years 2013–2016 when we undertook fieldwork. In the Acholi and Lango sub-regions, the war between the national army (the Uganda People’s Defence

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**Map 0.1.** Sub-regions of Uganda with districts in Acholi, Karamoja and Lango regions. Map based on Uganda Bureau of Statistics © Moesgaard Museum, Graphics Department.
Forces) and the Lord’s Resistance Army (LRA) was pursued at varying intensities from 1986. Over 90 per cent of the population were forcibly interned in Internally Displaced Persons (IDP) camps and not allowed to use their land. The families upon whose land the IDP camps were located likewise lost control of their land for the duration of the war. With the ceasefire in 2006, the vast majority of those interned began to return to their rural homes. Many became embroiled in conflicts over land in the places where they went back to resume their livelihoods. Elders who knew the old boundaries had died; some women who had formed relationships in the camps were not welcomed to their partners’ homes; their children did not have socially recognized fathers, so the sons had weak claims on paternal land (Whyte et al. 2013). During the war and encampment, people lost all their livestock and other property; they had not been able to generate income. Their only remaining asset was the land, and they were repeatedly warned to care for it and not to sell it.

In the Karamoja sub-region, which had long been ransacked by mutual raids between armed groups from Karamoja, Kenya and South Sudan, disarmament efforts had been ongoing. The latest initiative, the Karamoja Integrated Disarmament and Development Programme 2007/2008–2009/2010, was quite successful in some ways, so armed conflict had declined noticeably. Yet the effect of disarmament included increased sedentarization, shifts away from pastoral livelihoods and changing gender roles (Stites and Akabwai 2010). Although few people in Karamoja had been formally displaced from their land, all had been through an extended period of insecurity that involved great uncertainty about access to and safety in territories.

In both sub-regions, the relatively marked and concentrated transition from violent conflict to comparative peace ushered in an era of development expectations. While development is an ideal all over Uganda, the rhythm of efforts and activities has been different in those parts of the country where it seems to have been put on hold by protracted conflict and then made possible at a turning point when new horizons opened. Both the people who had lived through the hard times and outside donors and investors saw opportunities and needs that had implications for land use. There was thus a relatively sharp change in the significance of land as new economic possibilities arose and land was increasingly commodified.

These historical conditions were very effective in fostering mistrust (Meinert 2012; Gade, Willerslev and Meinert 2015). During the prolonged periods of violence, people felt they could not trust either government authorities or those who were attacking them. They could not rely on government institutions. Particularly in the Acholi sub-region, apprehension focused on land; rumours circulated about plots to grab the land over which people had lost control (Dolan 2009; Hopwood and Atkinson 2013; Lenhart 2013; Whyte et al. 2014). As peace and security were established, mistrust accompanied attempts to re-secure
land rights. Individuals, families and kin groups vied with one another amid suspicions and doubt about belonging and boundaries. Development interventions evoked mistrust as well; in situations where most people were impoverished, an influx of resources available to some and not others brought suspicion. When development initiatives required land, who could be trusted to represent local landholders?

Ethnographic Journeys

It was in this setting of recent conflict, transition, development initiatives and heightened tensions over land that we undertook a set of related ethnographic journeys. ‘We’ are a team of researchers from Gulu University in Uganda and Aarhus and Copenhagen universities in Denmark. From 2013 to 2018 we cooperated on a project we called ‘Governing Transition in Northern Uganda: Trust and Land’, in which we followed land conflicts and tensions as they evolved over time. Ethnographic approaches predominated, since the majority of us were anthropologists. However, there were scholars of law, philosophy and political science among our number as well.

In our research, we have followed the principles of multisitedness and multisightedness. We worked with various related topics at different locations in the Acholi, Lango and Karamoja sub-regions of northern Uganda, some in rural areas and some in towns. And we consciously tried to make use of the different perspectives we brought as men and women, older and younger, senior scholars and PhD students, from Uganda and Denmark. This book is conceived as a ‘polygraph’, on the model developed in an earlier project (Whyte 2014). That is, it has multiple writers addressing roughly similar material and common themes about which they have maintained a dialogue over several years. All of the chapters are co-authored, and all of the cases have been discussed jointly. Mette Lind Kusk made drawings of the cases introducing each part of the book, and these facilitated our analyses by pointing us towards key issues.

The researchers reviewed policy documents on land administration and litigation; some followed how land was used in political campaigning during the 2016 national and district elections (Meinert and Kjær 2017). Parts of the data collection were participatory in the sense that researchers asked respondents to draw maps, make timelines and do transect walks. We explored the semantics of land use and landholding in the relevant local languages. During our annual workshops, we invited policymakers and practitioners to participate and discuss our material as well as land issues they found pertinent. Based on our cases and these discussions and analyses, we developed and disseminated a set of policy briefs on various land issues (see www.Trustland.me).

One method predominated over all others: assembling extended cases. Every researcher followed a few selected land conflicts closely. We talked to a primary
interlocutor and wherever possible to others involved in the tensions or open conflicts over a specific piece of land. We returned regularly in the mode of episodic fieldwork (M. Whyte 2013) to update ourselves on what had happened since the last visit. Staying for longer or shorter periods in the locality, we tried to get a sense of the immediate context in which the land struggle was taking place. Thus, rather than simply mapping governance structures and kinds of land conflicts and adjudication institutions at one point in time, we have followed transactions and disputes as they unfolded. This processual approach has allowed us to see how cases change over time, how they often get stuck or escalate, how they sometimes dissolve or are given up, and how they are occasionally resolved through a variety of social and legal processes.

Our case approach has yielded a personal and interpersonal perspective on land issues. Even when we are dealing with large-scale issues such as conservation or mineral extraction, we tell the story through the experiences of positioned actors, individual persons interacting with other positioned persons. In this way, we offer a complement to the research on land conflicts in Africa that focuses on more general patterns – for example, the displacement of pastoralists from their territories (Gabbert et al. 2021), the role of the state (Lund 2016; Van Leeuwen 2017; Kandal 2018) and land grabbing for investment (Cotula 2013). We show how these macro forces impinge on people’s lives and how they are dealt with as people try to secure their livelihoods.

In organizing this book, we have selected a set of cases as springboards – one to open each of the three parts and one to open each chapter. We present them in detail, as the researchers learned about them. They are close-up and personal, providing a more intimate view than most descriptions of land conflicts in Africa. The strongest example is the frank autoethnographic case provided by Stephen Langole in Chapter 1 on Multiplicity. This case-based approach is part of the reason why mistrust emerged so clearly in our material. People talked about their experiences of claims and conflicts and what they thought about the others with whom they were interacting around land. They complained about secretiveness and wondered about intentions. They told us about tentative plans and doubts. We are conscious of the fact that their stories are about conflicts; by their nature they are likely to reflect mistrust. Still, we think they also reveal something about trust. Partly by negative implication, the suspicions and assessments of unreliability suggest which ideals of trust have been betrayed. Partly by the positive attempts to mediate and enhance trust, the practices of building confidence show what it involves.

After the cases that introduce each chapter, we begin by briefly answering the question ‘of what is this a case?’ With inspiration from Christian Lund (2014), we consider the general pattern of which the case is a specific example, and we suggest what concepts the case may be taken to instantiate concretely. This allows us to progressively contextualize the case while at the same time focus in on par-
ticular analytical themes. Of course, rich cases can be mined for many analytical points, and we refer to them back and forth across chapters.

**Trust and Mistrust**

‘Fiduciary culture’ (from Latin *fiducia* – trust) is the concept Parker Shipton (2007) introduced to capture the importance of trust among the Luo of western Kenya – and by extension in many African societies. Delayed reciprocity and generalized exchange involve trust; people give things, blessings, knowledge and rights to dependents with the assurance that others also give to them. They should care for what they have been given and pass things on. Entrustment is the keeping of something in care for further transmission in the future. The primary example of entrustment is the stewardship of land. Received from previous generations, it should be preserved for children and grandchildren to use. Shipton contrasts the notion of landholding through entrustment with ‘ownership’ in the sense of complete rights, including the right to alienate land for good. In entrustment, rights to land are embedded in social relations such that the belonging or attachment of people and land are intertwined. The entrustment view does not place the significance of land primarily in terms of its economic value but in the context of other values: social identity, belonging and generational succession. Trust in access to land involves trust in other people. Precisely because trust is such an important ideal, mistrust is ever present, especially under the historical conditions prevailing in northern Uganda. The kinds of trust and mistrust entailed in the entrustment of land constitute one major focus of our studies. However, our considerations encompass the play of trust in other kinds of land governing as well. In addition to bonds of reciprocity with intimate others, organizations and state hierarchy are governance mechanisms (Hydén 2006; Rhodes 2007). People’s past experiences with these forms of governance are likely to affect trust relationships (Rothstein and Stolle 2008). Ruling elites may affect trust by the way in which they enforce existing rules; impartial enforcement of the rule of law is likely to enhance trust in the legal system, whereas favouring certain groups undermines trust (Evans 1996; Hydén 2006). Trust is normally regarded as an essential element of state legitimacy and a prerequisite for social interaction. Trust in institutions is also argued to have an important bearing on the outlook people have on livelihood investments (Fukuyama 1995). There is a common understanding that if only rules are set and enacted in an impartial and fair manner, trust will tend to increase, and if rules are twisted or enacted in ways that favour some over others, mistrust will grow (Rothstein and Stolle 2008; Hydén 2006). But what if there are multiple sets of rules? What if people do not agree about impartiality and fairness?

The plural legal situation in northern Uganda includes a variety of entities, from clan elders to high court and civil society organizations, and here people...
compare institutions, rules and possibilities in terms of competence, fairness, transparency and probity. It is sometimes argued that plurality of legal systems undermines confidence in each. Yet, cases in this book point to possible mutual recognition and collaboration between the legal systems. Customary fora sometimes refer to the statutory system when clan or family negotiations have come to a standstill and vice versa. Rather than describing a situation where plural legal systems undermine each other, we see a situation of legal pluralism, where actors from different systems often recognize and refer to each other – not in total agreement and support – but with some level of both trust and mistrust, and with an understanding that some cases are a better fit for other systems.

While much scholarly focus has been on the political, social and existential dimensions of trust (Løgstrup 1956; Luhmann 1979; Giddens 1990), less attention has been devoted to the role of scepticism and mistrust in governance. Yet there is a tradition in anthropology that explores widespread examples of mistrust, suspicion, scepticism, ambiguity, opacity, deception and doubt as assumptions and ontologies in social life (Douglas 1992; Geshiere 1997; Whyte 1997; Meinert 2012; Bubandt 2014; Gade, Willerslev and Meinert 2015; Carey 2017). These ‘systems of mistrust’ might be more complicated than systems of trust, as argued by Luhmann (1979). They play important roles in governance and development and do not only undermine efforts at cooperation and change. Sometimes mistrust and suspicion are warranted as forms of sanction against antisocial or corrupt behaviour.

Following this scholarly tradition, we recognize that in northern Uganda both trust and mistrust are defining features – sometimes even cosmological principles – that guide social action with respect to land and resources. Entrustment of land is the traditional and guiding principle for most land transmissions, but mistrust is also a traditional and normal part of these transmissions and of social life. New forms of trust and mistrust are appearing with the commercialization of land, and they do not simply lead to amelioration of relations – they create new complications. Trust and mistrust differ in regard to abstract and formal institutions and rules, and concrete face-to-face relations (Giddens 1990). In this book, we attend to the significance of social position for trust and mistrust in institutions and social relations between men and women, youth and elders, insiders and outsiders, elites and ordinary people. We examine the trust and mistrust that people and various systems have in different kinds of evidence about land rights (such as graves, oral accounts, or paper titles). We assume that casting doubt on the fairness, honesty, reliability and effectiveness of persons and institutions can be a first step towards demanding justice and rights. Lack of confidence in poorly functioning and inequitable institutions is merited. The problem in northern Uganda today is one of balance between, on the one hand, excessive mistrust accumulated during decades of insecurity and stirred up by certain politicians, and, on the other, exaggerated trust in leaders and institutions that neglect the human
Doubt and suspicion may be necessary first steps to making institutions trustworthy because they can set in motion processes by which governance is challenged and potentially improved.

**Claims and Transactions**

Claims to customary land are primarily based on descent and marriage. The transaction of such land is not usually recorded on paper. Parents show their children and daughters-in-law where to make their gardens. Brothers agree to let their sisters use some land if they have left their husbands. In contrast, freehold land is transacted in writing, recorded at the National Lands Registry and certified by a title deed. That requires a survey and the placement of mark stones – a complicated and costly process. Many think of land that is purchased in the presence of witnesses and with an improvised paper document as freehold land. Formally, it is not, although such a transaction has a certain validity, and the paper and witnesses can be mobilized as evidence. Most purchases of land are of this type and are increasingly common in the Acholi and Lango sub-regions.

Claims are made explicit when disputes erupt. The conflicts we encountered were mainly concerned with questions of belonging and boundaries. Although boundary disputes were very common, questions of belonging were the most serious: to whom does the land belong and who belongs to the land? They were considered in various fora; some were statutory like the Magistrates’ Court and the Local Council Courts, and some were de facto like traditional authorities and NGOs. This composite set of possible ways to resolve land conflicts allowed parties to choose a forum that was convenient and in which they had some modicum of trust. Of course, it was often only one of the parties to a conflict who made a choice, after which the other party would be called for a hearing. Since the possibility of actually enforcing a decision was small, chances for resolution were greatest when both parties accepted it. This meant talking it through and involving other relatives and neighbours. Therefore, it was very common for conflicts to be referred back to the immediate local level. Even the Magistrates’ Court sometimes sent cases back for resolution by local councils or traditional authorities. Conflicts often dragged on for years and sometimes never found a resolution. Or if a decision was reached, it might never be implemented. But no matter what forum deliberated, certain kinds of evidence were used in arguing a claim. Formal title deeds and mark stones, generated bureaucratically at considerable expense, were rare; even the Magistrates’ Court was concerned with evidence of a more personal and informal kind.

The most important was the spoken word: of the claimant and of other knowledgeable people. The words of the elderly carried special weight; they were reckoned to be familiar with genealogical connections and to have witnessed how land was used in the past. In a statutory forum, the statements of the parties...
involved, and their witnesses, might be transcribed to create a paper record. In addition to words, material indications of use formed evidence. Most important was the presence of graves on the land. The assumption was that people were buried on their own land. This is one of the reasons why so many of the dead buried in the IDP camps were exhumed and reburied at home after the camps were closed (Meinert and Whyte 2013). A cemented grave incised with the names of the dead was reckoned to be even stronger evidence of belonging than an ordinary grave with its mound of earth and stones. The spirits of the dead that might linger about burials gave graves a special status as markers of belonging. Other material evidence of use that might be adduced included the remains of a house foundation and trees that a named person had planted. Even old gardens left evidence in the form of trenches and raised rows where weeds had been piled.

The kinds of claims that people make to land and their assumptions about landholding are revealed when transactions are made and when conflicts are negotiated. Not only are transactions and conflicts illuminating; they are often also transformative. This is evident in ‘A Disputed Land Sale’, which opens Claims to Land, Part I of our book. The case was brought by Elisabeth against her own daughter to be settled in the office of the Resident District Commissioner. The daughter had sold the land without her mother’s permission. There seemed little disagreement about the facts of the case: Elisabeth had inherited the plot from her husband and allowed a grandson to stay on it. No evidence was adduced, even though the plot was freehold and had been transacted with the approval of the Local Council chairman. The dispute revolved around what was to be done. In the year following the meeting in the RDC’s office, Elisabeth received payment but cut off her relationship to her daughter, who had betrayed her trust.

The disputed land concerned a plot in an urban area on which neither Elisabeth nor her daughter were actually residing. This kind of situation is analysed in a broader perspective in Chapter 1 on Multiplicity. In his extraordinary personal essay, our colleague Stephen Langole reviews the status of his six landholdings in and around Gulu and reflects on the mistrust that colours all of them. His autoethnography allows us to consider the variety that is often glossed over in writings about land in Africa. We discuss three kinds of multiplicity evident in Stephen’s land claims: multiple forms of tenure and modes of access; multiple locations and uses; and multiple relational positions. The single category ‘customary tenure’ covers a multiplicity of arrangements involving different combinations of entitlements. The ways in which land is used are fundamental for how it is perceived and claimed. In towns and small urban centres, land is divided into plots; some buildings are for businesses, some for accommodation. In rural areas, there is land for farming, of course, but also for houses, graves, grazing and hunting. Having land claims in different locations for different purposes allows
diversification of livelihood strategies and some security in case of problems with one of the claims. Because of the embeddedness of land in social relations, plural land claims mean a multiplicity of relational positions – to parents and siblings, maternal relatives, in-laws, neighbours and friends. Even in relation to one claim, a person may be dealing with several different stakeholders, as indeed was evident in ‘A Disputed Land Sale’.

The multiplicity of stakeholders was marked in the case of ‘Selling Land to Foreigners for a Wind Turbine’, which forms a prologue to Chapter 2 on Transactions. In Ik County in the Karamoja sub-region, foreign investors had to identify ‘original owners’ in order to buy a piece of land for erecting a wind turbine. The transaction dragged on and had to be repeated. Using the case as a point of departure, we discuss the nature of transactions, comparing the vernacular to the formal land market. Whether they are informal sales or other transmissions of land access, most transactions are grounded and embodied in the sense that they take place on the land in question. The parties walk on the land, look at trees and stones, and are in bodily contact with one another. This contrasts with the abstract, disembodied and sometimes distant dealings with representations of land in the form of maps and deeds. The actors involved in transactions are crucial; the question is always who has authority to decide about the transaction and who can represent the various stakeholders involved. Mistrust arises easily around this question. The formal sale of land assumes a temporality of finality; once the transaction is completed, the land belongs to another party in perpetuity. In contrast, most everyday transmissions of land keep open the possibility of adjustment. Contrasting perceptions of the temporality of transactions and failure to communicate clearly on this point can also be a source of mistrust.

Conflicts over land were rife during the time of our fieldwork. Most were among intimates, who had to find ways of managing disputes with people they knew well. Chapter 3 on Conflicts starts with the case of ‘Navigating Legal Pluralism’, which pits a widow, Sylvia, against her dead husband’s brother, who is her immediate neighbour. The authors provide an overview of legal pluralism on two dimensions: normative pluralism, which consists of the fora mandated by law to resolve conflicts; and empirical pluralism, the instances that are actually used in practice, which include officials like the Resident District Commissioner and NGOs working with land issues. The District Magistrates’ Court has an enormous backlog of cases, litigation is expensive, and few cases are actually resolved there. Sylvia navigates this pluralism in revealing ways, stating explicitly which fora are more trustworthy in her eyes. While emphasis is often on the competition between different institutions in a pluralistic system, the chapter shows how they supplement and sometimes support one another. The most local forum for dispute resolution is often the most effective because it takes account of the preceding social conflicts that so often underlie a land wrangle.
Intimate Governing of Land

Governance may be defined as the way in which ‘rules of the game’ are managed by particular actors (Kjær 2004). Governance usually refers to the processes by which political, social, economic and judicial rules evolve and are affected by individuals and groups. In this sense, governance always happens through relations. A common understanding of governance is that it is carried out by elected governments and implemented through formal institutions. We expand this understanding of governance to include the management of ‘rules of the game’ by informal actors and institutions such as families and clans because these entities are the most common fora through which land is managed. We highlight this as a process by using the verbal form ‘governing’. Because most land issues involve intimate others, their governing takes place among relatives and neighbours.

Considering conflicts between groups over land, Schlee (2008) suggests that it is important to focus not only on the object of conflict, often an economic asset, but on the sociology of conflict. Who is set in opposition to whom? What are the criteria of identification with the opposing groups? Ethnicity? Religion? Class? Descent? In a sense, the opposition between economic and sociological approaches to land conflict was obviated by the scholars of African land tenure, who emphasized that claims to land were embedded in social relations (Granovetter 1985; Hann 1998; Shipton 2009; Chauveau and Colin 2010). Yet the questions remain about which social relations are mobilized in land issues and how. This is not only a matter of identifying lineage membership. As Schlee (2008: 59) points out, social formations in conflicts are about action and agency as well as structure and categories.

Where access to land is through people, land disputes are interpersonal conflicts, and interpersonal tensions can turn into land conflicts. Through pursuing and sometimes mediating land conflicts, people are revising social relations. Land conflicts are often about the nature of relationships. It is generally accepted that men have claims through their fathers and women have use rights through their husbands and residual rights to use the land of their fathers and brothers. This simple formula can be highly complicated in practice. Who is a father? The man who begot you, the man who claimed you through making payments to your mother’s family, or the man who stands in for your dead biological or social father? Abstract principles are often ignored, and disagreements arise about their interpretation. Women have rights to remain on their fathers’ land and to return there to use it if they divorce. Otherwise, they use their husbands’ land, even after his death. But what if they are not formally married? Or what if, as widows, they form new partnerships with men not of their dead husbands’ kin group? Children who have not been claimed by their genitors are considered to belong to their mothers’ kin group. Still, if they are boys, they are considered nephews rather than sons and are seen as belonging properly to another clan.
Claims through people are not simply claims based on formal principles of genealogy and marriage ceremonies. They also depend on relatedness in the sense of how relationships have been practised through time – agency and action in Schlee’s (2008) terms. The quality of a relationship (to a brother, to a husband’s mother) depends on time spent together, familiarity, sharing of resources, respect and other things. Presence or absence is one important dimension of claims through people. ‘Missing links’, where a connecting person has died or lives elsewhere, may render a relationship weaker; the classic case is the widow, who must relate to her husband’s brothers and parents in the absence of the man who was her link to his family (Whyte et al. 2014). But the inside-outsider (or outside-insider) is also a person whose relationship to the family and family land is strongly affected by having been away. A brother who is well educated, has a job in town and spent time away from the family land may not be welcome if he returns to claim his share.

Intimate governing is characterized by virtue and intimidation. The virtue may be broadly referred to in the Acholi region as ber bedo, a concept that implies living in harmony with neighbours, kin, friends, patrons or just playing by the rules or norms of the society (Porter 2012). There are other tactics that may be used to win; for example, a person may use his/her good character, reputation or generosity to win support or popularity. This may be through attending to community problems – for example, through burial support – and attending community functions or offering material support and services to the community. Such a person of good character may be easily accommodated in the society and entitled to land. A widow who keeps her dignity and sticks to the upbringing of her children in the clan would have a good reputation, but one who has questionable male relationships, is lazy, drinks too much, or is considered antisocial may not get enough support to continue using the clan land. The morality question goes for men as well, but more attention tends to be placed on the conduct of women. Virtue may also be linked to suspicion of witchcraft. If a person is suspected to be a witch, then he or she may be excluded from the community. Equally, those related or linked to people thought to practice witchcraft are treated with suspicion and not well accommodated in the society. Access to land therefore tends to be connected to virtue but also to several other things.

Through use of threats, a person may hold on to land. When people feel threatened about land, they may choose to leave it, sell it, buy land elsewhere or simply migrate. In some cases, the threat may translate into physical violence. Mere suspicion that something bad will happen to them may cause a person to lose land. Avoidance of conflict to a large extent determines access to land. To avoid conflict, people may simply choose to leave land. In all these games, of course, there are losers and winners. These are the dynamics in intimate governing that are less talked about, but they matter and need to be understood, and that is what this book sets out to do.
Part II of the book on intimate governing begins with the case of ‘Disputed Land and Broken Graves’, about a man, Edward, who offered land to a younger man, Oyo, treating him almost like a son. But the young man transgressed all the morals of intergenerational relations by destroying the graves of Edward’s ancestors. Relations between generations are fundamental in access to land. The ideal of entrustment together with the principle of patrilineal devolution of land provide the general assumptions about generational transmission of land rights. However, the years of conflict and changes in marriage have complicated these assumptions (to which there were always exceptions anyway). Chapter 4 on Generations sets off with ‘The Insecure Nephew’, about Daniel and his brothers, who stay with their mother on the land of her brother. They do not count on being able to use his land in the future; it should go to his sons, not his nephews. In considering generations, we distinguish between three different understandings of the term. The first is genealogical and points to filiation to parents and the link to previous generations through descent. The significance of graves, which appear in many of the cases we followed, is testimony to the connection between genealogical generations and land claims. While patrilineal claims on land are normal and normative, filiation to mothers and their families plays an increasingly important part in land issues. The reasons for this lie in changes in political economy, captured in the idea of historical generations, the second understanding of the term. Conflict, internment and impoverishment have led to the weakening of the patrilineal ideal or at least to the necessity of alternative modes of accessing land for the generation that came of age during war. This leads us to a third understanding of generation – as the production of new social forms. Despite the general acclamation of patrilineally held ancestral land, many people struggle to obtain ‘my land’ in addition to, or instead of, ‘our land’.

Patriliny and filiation are inextricably entwined with gender, the topic of Chapter 5. It begins with the case of two sisters, Atim and Awor, who live first in harmony and later in bitterness on the land of their father, having left their husbands. They are involved in intimate governing, working out the ‘rules of the game’ in a situation where it is not quite clear what rules should apply. Historical changes in the Acholi sub-region have affected gender relations just as they have transformed relations between generations. The war and encampment weakened the situation of many men, and women are taking on more responsibility for household livelihoods even though their claims to land are less clear cut. Despite, or because of, the inequities in patriliny and virilocality, women are finding diverse ways of accessing land. Since land access is so thoroughly embedded in social relations, they must cultivate relationships as well as cultivate the land itself. This may mean showing generosity by letting others use land. Or remaining on good terms with lineage elders who can defend your claims. Governing processes among intimates are also matters of morality and character; when the sisters Atim and Awor could no longer live in harmony, the male elders dropped support of
their land claims. Navigating access through other people constantly raises questions of trust and mistrust. Suspicion is expressed in allegations of witchcraft, not uncommon in conflicts over land.

Because land access is embedded in social relations, it raises questions of attachments to persons and groups. We think of these attachments in terms of belonging rather than identification: identification suggests a more structural or cognitive approach (Schlee 2008: 15); belonging implies the emotional component in identifying with people or place. It also points more towards the continuing practice of affinity, the ongoing effort to maintain an attachment. Chapter 6 on Belonging begins with ‘The Land Conflict at Ogul’, a clash between Acholi and Langi over an area where people had long farmed side by side in harmony. With the intervention of a respected high court judge, who has roots in the area, ethnic belonging was countered by neighbourhood belonging. We consider the meanings of belonging as membership, (being a part of) and property, as in rights over something. And we discuss the ways this distinction tends to break down when land belongs to people, and people belong to land. Belonging is exclusive as well as inclusive, and in some situations, emphasis is put on one dimension of belonging in order to exclude others with possible claims to land. ‘Patrilineal fundamentalism’ is one example, where daughters’ children or ‘previously welcomed people’ from other clans are excluded. Belonging can be stated categorically, but in connection with land, it must be practised – through use, cultivating relationships, and burial on the land.

**Imagining Development**

‘Not for sale’ notices are signs of trouble within families, as we have suggested above. They indicate suspicion and mistrust of intimate others, who might try to sell property without the consent of other stakeholders. But the idea that land should not be sold is broader. When the LRA war ended, people in the Acholi sub-region were advised to move back to care for their customary land; leaders held meetings and went on radio to give the message that customary land, especially ancestral land, must not be sold. Here too, the warning ‘not for sale’ or ‘don’t sell’ was a sign of worry about the opposite – that land was increasingly being bought and sold. The commodification of land was given a push by encampment in the Acholi sub-region and gathered momentum with the end of violent conflict there and in Karamoja. During the time of our research, land was assuming new potential as a source of cash through sale or rent. It had exchange as well as use value; it could generate money as well as subsistence and a sense of connection to generations past and future.

A market for renting land emerged around the IDP camps, where interned people were willing to pay customary landholders to grow some crops on the periphery of the camp (Hopwood and Atkinson 2013). Those who fled to towns had to rent accommodation and sometimes a bit of land to farm. When the
camps were closed, the owners of the land where they had been located could charge rent to displaced people who wanted to remain. As the former IDP camps grew into small urban centres with ambitions to become Town Boards and Town Councils, the value of plots along the roads became apparent to all. Most important, people who wanted to rebuild their lives, send children to school or establish a business had no assets except the land. Many were interested in selling, and there were buyers with cash.

Small urban centres planned streets and markets and divided up plots for building commercial and residential buildings. Families holding land in such areas were encouraged to sell off some plots to generate funds for putting up proper structures on their remaining plots. Land in the new Town Boards and Town Councils was definitely for sale; development there required the commodification of customary land. As several of our cases testify, locations in towns and trading centres, even locations along roads, were often the object of dispute. What was development for one party appeared a lost opportunity for another.

Some of these conflicts were between individuals or families and institutions such as schools and churches. Land that had once been given to institutions was being claimed by the descendants of the original donors. Those men, and they were always men, had seen schools and churches and health facilities as incarnations of development for their clans and communities. Their descendants saw the institutions as occupying land that should have been kept in trust for them. Or at least that is what they claimed. Others thought they were merely greedy and opportunistic.

In colonial times, large areas of northern Uganda had been gazetted as forest and game reserves and national parks. In a sense, these reserves were also a kind of entrustment in that they were meant to protect natural resources for future generations. The national parks were also a source of revenue and are increasingly so, as tourism has become an important source of income for Uganda. As the human population grows and people are farming close to the boundaries of parks, there are more problems with animals destroying gardens. This has been exacerbated in the case of Murchison Falls National Park, where oil exploration and its infrastructure have disturbed the movements of elephants. Conflicts between local residents and the Uganda Wildlife Authority reflect differing ideals of stewardship and development.

Oil is not the only natural resource whose exploitation leads to land conflicts. In the Karamoja sub-region, gold has long been mined; cement enterprises have been extracting limestone for nearly two decades. Now marble is being mined, and there are deposits of silver, iron ore, copper and other minerals as well. The national government has rights over underground resources and grants exploration licences to businesses wishing to survey mining potential. These enterprises do not have to negotiate with the customary owners of the land unless they get a mining lease.
There is an enormous gap between the local people and the outsiders, both foreigners and nationals, who wish to engage in extraction – for their own profit and for the development of Karamoja. Into this gap, development brokers insert themselves. Some are inside-outsiders, educated Karamojong who speak both local and international languages, literally and figuratively. While they do not live as pastoralists, they identify with local communities. The locals see some as a kind of foreigner, elites who might be out to enrich themselves at the expense of uneducated locals. Other inside-outsiders are seen as helpful allies in dealing with high-powered outsiders.

Here as in other development situations, uncertainty and opacity characterize relations between local landholders and those who come with development initiatives. Communication is a key issue. Who speaks for the local community? Who should be involved in negotiations? Where land is held communally, or where extended families hold use rights ‘in perpetuity’, such questions may not have clear answers. In any case, mistrust flourishes. A common remark is to the effect that ‘we are not against development, but we want to be consulted’.

Signposts are emblematic of the era and idea of development in Uganda, and particular parts of northern Uganda are heavily ‘forested’ by signposts from NGOs, donors and development projects imagining and implementing particular ideas about development. The informal land signposts, like Omony’s, mark conflicting imaginations of development. Often these signs are indications that individuals, families and institutions disagree about the development of land. Far from all disagreements and disputes over land are ‘signposted’; many conflicts are hidden, silent, long-lasting and never resolved.

‘Development cannot stand on air; it must stand on land.’ This commonly heard statement underlines the need for land if development projects are to go ahead. It also implies that development is imagined as physical infrastructure in the form of buildings, roads, markets, mines, masts, electricity poles and perhaps bounded areas for commercial farms and game parks. Since early on, institutional buildings have been iconic images of development. The case that opens Part III of the book, ‘Claiming “Their” School’, describes land struggles around a kind of institution that is eminently ‘developmental’. Two churches claim the same school and the land upon which it was built. As an ideal, development is almost universally appreciated; this was the case after independence, and it has been even more intensely desired since the end of hostilities made striving after progressive change possible. Development is an almost unassailable argument for initiatives that involve land. The problems arise in the implementation. Development for whom? Who wins and who loses?

Development as an ideal and reality is the topic of Chapter 7 on Aspirations. It begins with the case of ‘Plotting Development’, about the efforts of a small urban centre to achieve the formal status of Town Board. This entailed dividing up land owned by the sub-county and selling off plots to buyers who could de-
velop them by building shops or rectangular permanent houses. But efforts were hindered by a man who claimed that part of the sub-county land being sold still belonged to his family. The pattern of reclaiming land or disputing the boundaries of land given to an institution by a forefather with visions of development is common. Partly this type of conflict reflects different views of the temporality of transactions. Descendants of the original donor feel they have continuing claims on the land.

It is striking that many of the land conflicts we followed occurred in small urban centres or Gulu town. In these locations, land is for sale, and there is a general perception that development happens there, where there are health facilities, shops and markets, and transport, electricity and other services. Whereas rural ancestral land is linked to the forefathers who entrusted it to the present holders, land in or near urban centres, even small ones, is infused with anticipation about the future. In practice, future development plans that involved land were pervaded with mistrust. A major complaint was that development actors were secretive; they did not communicate their plans, consult or discuss, much less listen to the views and wishes of others whose land claims were at stake.

While most of the land tensions we studied involved people who knew each other, large-scale conflicts tended to concern developers from outside – whether government officials or private investors. In order to gain access to land, they needed a broker, someone who could ask for permission and manage relations to local landholders. Development initiatives sometimes evoked engagement by NGOs, which took on the task of advocacy or mediation between the developers and the locals. Brokers were usually inside-outsiders – that is, people with local connections who spoke the local language and knew the local situation. At the same time, they had education, experience outside the local context, spoke international languages and had a degree of sophistication that made them ‘elite’ within the local context. Chapter 8, Inside-Outsiders, opens with the case of ‘Middlemen for Marble Miners’ in Karamoja. While the state owns underground minerals in Uganda, the holders of the land’s surface must allow access to those who would exploit what is beneath. Local people are often hired to work in mineral extraction as well. A variety of inside-outsiders act as middlemen between mineral companies and locals.

At the outset, elites with local connections are at the forefront in imagining the potentials that the land may hold. In other settings, the potential could be timber, oil, agro-business or tourism. It is not unusual for politicians and other elites to take initiatives to exploit potential in their home areas. The middlemen are needed to create connections between insiders and outsiders and to establish some form of trust so that interaction can happen. Yet, whether facilitating development enterprises or trying to protect local people from being cheated, inside-outsiders carve out a place for themselves between the local and the national or international. In doing so, they are commonly the objects of mistrust. Their
negotiations with the investors are invisible to landholders, and there is suspicion that they are acting for their own benefit rather than that of the local community. The middle position places the inside-outsiders in dilemmas frequently related to the mistrust with which they are viewed. They speak for the locals, but which locals? The problem of representation is amplified when a broker decides whom to contact.

Just as the state holds ownership rights to underground resources, it also has rights to the wildlife within national parks and the resources within national forests. Two kinds of justification underpin state ownership of these resources. One concerns a kind of entrustment at a national and international scale; animals, plants and their biodiversity should be reserved, kept in stewardship for future generations. The other is that parks and forests promote development; wildlife tourism is important for the Ugandan economy, and forest concessions bring income to the state. Chapter 9 on Conservation discusses the consequences of these policies for those who were displaced by them and now live nearby. It opens with the case of ‘Human-Wildlife Conflicts over Land’, in which Christopher and his family return to their ancestral land after internment in an IDP camp only to be forced off by the wild animals from the park that destroy their crops. His story and the experiences of many others in the area were that rights to use the land were seriously curtailed, not only by animals but also by the park rangers. The state treated ownership as exclusive monopoly on all rights to resources, while the local residents understood landholding as a bundle of rights including entitlement to hunt and collect water, firewood and wild plants.

The original transactions that established national parks and forests were abstract, remote and disembedded from interaction in the local community. They were cadastral in the sense that the state mapped, delineated boundaries and registered its claims. They concerned whole territories that had been used in various ways by local groups of people. The conflicts that emerged later were more about usage of the land than actual territory: the elephants trampling gardens of maize; tree planting and coffee projects that destroyed gardens people had made in the forest. Local people were not reclaiming former territories now converted to national parks and forests. Rather they were in conflict with wildlife and state agents about use of the land within and outside the boundaries. As with other development projects, failure to consult different parties and disappointment with management by the authorities have brought mistrust. The people of Lawaca, including Christopher, finally took matters into their own hands and found a way of again using the land to which they belonged.

**Conclusion: Trust and Transitions**

In this book, we offer accounts of land issues from northern Uganda during a particular passage of its history. In the aftermath of violent conflict and displace-
ment, people were trying to establish continuity with earlier times when land was less problematic and also to realize divergent imaginations of development as land was becoming more commercialized. Widespread experiences of both neglect and aggressive interventions by government, together with a kind of paranoia about land, relatively abrupt opening of development opportunities, and pre-existing tendency to doubt the reliability of others have promoted mistrust during these times of transition.

By documenting the experiences of individuals and families around land, we show how and why and where mistrust emerges. The same cases reveal how attempts to increase trust are made through discussion, mediation and everyday recognition and confirmation of belonging. We concentrate mainly on the personal interactions within which most land issues play out. Thus, our book is not so much about large-scale land grabs and dealings with anonymous institutions and actors. Rather we stay close to the ground and to people who use the ground.

Where land is embedded in social relations, governing of land, to a large extent, is also a matter of social interactions. In most cases, land is only one aspect of social relations so that land use and land conflict are unavoidably entangled with other dimensions of relationship to kin and neighbours. Even responses to development enterprises initiated at a distance inspire varying degrees of trust and mistrust among intimate others. We hope that this book will contribute to a more nuanced understanding of how these processes unfold.

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Notes

1. When areas that had been gazetted as forest or game reserves are de-gazetted and not claimed as customary land, the land devolves to the District Land Board, which can lease it to generate income. Leasehold was involved in the two large-scale land conflicts for which Acholiland is (in)famous: the Apaa dispute on the border between Adjumani and Amuru districts (Lenhart 2013; Sjögren 2015; Kobusingye et al. 2017; Serwaja 2018), and the Madhvani case in Amuru District (Serwaja 2012; Mariniello 2015). In both instances, areas that had been evacuated in the colonial period because of tsetse fly were later gazetted as game reserves and then de-gazetted. When the District Land Boards tried to lease them out, locals claimed them as customary land.

2. The project was funded under a grant from the Committee for Development Research under the Danish Foreign Ministry, for which we are immensely grateful.

3. During the period of our fieldwork, it was possible to apply for a Certificate of Customary Tenure, which was a simpler process than obtaining freehold on a piece of land. It did not necessitate a survey, but the certification required that members of the Area Land Commit-
tee inspect the land, draw a map, and that neighbours sign an agreement that there were not outstanding boundary disputes. The issue was: whose name(s) to put on the certificate? It could be an individual or the members of a lineage, family or household. There has been criticism of this procedure as having the inherent possibility that one or a few individuals might obtain legal rights to customary land to the exclusion of others, especially since such a Certificate could be converted to freehold at a later time.

References


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Introduction 25


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Part I

Claims to Land