Regional difference in land tenure security in Uganda

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Abstract:

This study aimed at analyzing regional differences in land tenure security using 2019 AIDA project cross-sectional data set. The study found that Kanungu (South-Western region) had higher levels of tenure security in terms high land documentation, unconditional ability to sell/mortgage land, perceived security of land access and lower levels of past land conflicts compared to Nakasongola (Central region) and Nwoya (Northern region).

Keywords: Land tenure security, Land conflict, Land documentation, Land rights, Uganda

1.1. Introduction

In the wake of the 2007/8 global food and energy crisis, developing countries' rural hinterlands especially of SSA became the target of land acquisitions from multinational investors, national elites, and urban middle classes (Anseeuw, Jayne, Kachule, & Kotsopoulos, 2016; German, 2015). And rural spaces have been grappling with increased commercialization since then (Ansoms, Wagemakers, Madison Walker, & Murison, 2014). The unprecedented acquisition of land in the remotest areas in SSA raised concerns for smallholder livelihood especially loss of land(Daley & Pallas, 2014). And it has been associated with land loss, land conflicts and tenure insecurity (Aha & Ayitey, 2017; Hufe & Heuermann, 2017; Oberlack, Tejada, Messerli, Rist, & Giger, 2016).

In their review, Hufe & Heuermann (2017) point out that the positive outcomes of large-scale land acquisitions (LSLAs) employment creation and provision of public goods and services were offset by negative outcomes such as land conflicts, environmental degradation and inadequate compensation. Oberlack et al. (2016) review also found that LSLAs increased livelihood vulnerability mainly through loss of access to land and natural resources and increasing conflict in their livelihood contexts.

However, though the LSLAs outcomes have been the most studied, Anseeuw et al. (2016) and Jayne et al. (2015) show that medium-scale land acquisitions are also important in altering land tenure and access for local people. Anseeuw et al. (2016) found that medium-scale acquisitions in customary land tenure systems were dominated by urban-professionals and businesspeople who often transferred it into long-term leasehold tenure in Malawi. While Jayne et al. (2015:197) noted that "medium-scale farmers tend to dominate farm lobby groups and influence agricultural policies and public expenditures to agriculture in their favor." Furthermore, large or foreign acquisitions are often preceded by localized land grabbing from relatives and elites (Mabikke, 2011). Thus, though foreign or large-scale land-based investments can lead to adverse livelihood outcomes such as land conflicts and dispossession. Their presence or rumors of their arrival can trigger processes of land grabbing as national and local elites seek to profit from increasing land values. Medium-scale land acquisitions are not less harmful as they usually involve non-local individuals or companies that may have no regards to local customary rules and conflict resolution mechanisms. Because of the difficulty in isolating development outcomes due to foreign, large-scale, medium or even small scale land acquisitions whether agricultural or non-agricultural. The study will use a more neutral word 'land-based investments/acquisitions/ investors/acquirers.'

In addition, the outcomes of land-based acquisitions (LBAs) are highly contextual in terms of social, spatial and temporal dimensions (German, 2015). German (2015:2) noted that "crops, business models, corporate personas, communities, host country governments and climates all exhibit a certain degree of 'agency' in shaping

outcomes of LBAs." Oberlack et al. (2016) identified different factors that contribute to adverse livelihood outcomes of LBAs which include: fragmented state responsibility, declining acceptance of local leaders, lack of prior knowledge of the land deal, unclear land boundaries, history of conflict or resentment, absence of land cadaster, control asymmetry at the community level, land scarcity, government support, elites' personal entitlement, migrant status, leaders' negotiation skills, centralization of state authority, local high dependency on land, marginalization of women, low local skills, community poverty, land as a State property, low trust in government, differential interests in land among local community members, low social capital of land users, ambiguous land classification and advocacy support for a section of land users. Furthermore, LBAs are attracted to the communities with low population density, high rainfall, low educated leaders and land availability (Osabuohien, 2014) and which have experienced violent civil conflicts (Oberlack et al., 2016).

But despite the importance of contextual factors in influencing outcomes of LBAs, (Yengoh & Armah, 2016) for example noted that "evidence on whether differences in land tenure are important for preventing land grabs is still thin." Hence, basing on the given background, we examine regional (district) differences in social cohesion, poverty, land tenure systems and land tenure security. We are mostly focused on finding out why South-Western region of Uganda generally had higher levels of tenure security. Though the study does not focus on a particular LBA across the sampled districts, the authors are mindful of the fact that many rural hinterlands have experienced increased commercialization of their land 10 years after the 2007/2008 global food and energy crisis (Ansoms et al., 2014). The study is based on a cross-section quantitative datasets from Kanungu (South-Western), Nakasongola (Central) and Nwoya (Northern region) districts of Uganda collected in early 2019.

1.2. Land tenure security concepts

"Tenure security of an individual or entity has been defined as the ''bundle of land rights" held, with ''rights" being described along several dimensions (e.g., type and breadth, duration, and certainty of exercise)" (Place, 2009:1327). In Uganda and SSA in general, land is largely customary and a piece of land can accommodate different individuals exercising different rights (Burke and Kobusingye, 2014). That is outright land ownership is less common (Burke and Kobusingye, 2014). Therefore, it is more appropriate to measure tenure security as a bundle of rights (Burke & Kobusingye, 2014; Doss et al., 2014).

The bundle of rights contains land ownership rights, land access rights and land control rights (Burke & Kobusingye, 2014). For example, a land parcel can be owned by a husband as the case in many patrilineal land inheritance systems. But the wife accesses it to grow food crops for both household consumption and selling. And, in many cases, the husband can decide how the output (food and cash) from this same parcel which a woman cultivated is utilized, or the woman can decide or in other cases they decide jointly. This constitutes control or the management arm of land tenure security. Though land tenure security constitutes different elements, land ownership offers the most tenure security. As it has a strong bearing on land access and control.

However, land tenure security in many developing countries with poor land cadasters is about perceptions and feelings rather than legality of tenure (Broegaard, 2005; Van Geldervan, 2007), so is land ownership. Despite the engendered notion that women do not own land in patrilineal customary tenure systems. Sixty-three percent of women in Northern Uganda asserted that they own land (Burke & Kobusingye, 2014). That land which belonged to their husbands or clans also belonged to them as well (ibid, *emphasis added*). And "a key aspect of their land ownership was absolute security of tenure in perpetuity, free from trespass and encroachment" (Burke and Kobusingye, 2014: 28). This indicates that as long as these rural women have perpetual access to land, they equate that to tenure security or land ownership even if they cannot alienate it in anyway.

Because of the tenuousness of defining land ownership, access and control; it is appropriate to break the bundle of rights into smaller units classified as: (i) access, the right to be the land such as the right to walk across a field; (ii) withdrawal, the right to take something from the land, such as to collect water, firewood and other produce; (iii) management, the right to change the land in some way, such as to plant crops or trees, clear bush, or make improvements on land; (iv) exclusion, the right to prevent others from using land and (v) alienation, the right to transfer land to others through rental, bequeath or sale (Doss et al., 2014: 80).

Soliciting land rights of an individual or a group holds constitutes the breadth of tenure security; but to have a complete understanding of tenure security; we also have to ask about how long the land rights are expected to be held. This can be temporal or permanent. And secondly, the assurance that land rights are free from any threat from other people during the specified period, the land rights holder expects to hold the rights. Hence the key components of tenure security include breadth, length and assurance (Doss et al., 2014; Place, 2009; Place & Swallow, 2000).

The assurance component of tenure security has received much more attention in literature due to its effect on land economic decisions. If land rights are insecure, that is there is a looming fear of losing rights unexpectedly, it will discourage land investments. And even those who have rights to alienate will find it difficult to find a buyer since the buyer also wants secure land rights. Earlier studies on tenure security were focused on land titles as being synonymous with tenure security; but more recent ones are focusing on perceived tenure security (Broegaard, 2005; Deininger et al., 2018; Ghebru & Lambrecht, 2017; Linkow, 2016; Persha et al., 2015; Ravnborg et al., 2013) in contexts of legal pluralism (Doss et al.,2014) and coexistence of different land tenure systems (Ravnborg et al., 2013) and poor implementation of land laws (Nolte, 2014).

Perceived tenure security has recently found its place as one of the indicators used to measure and track Sustainable Development Goals (1.4.2) (Land Portal, 2018) despite being regarded as a poor predictor of economic outcomes (Fenske, 2011).

Measurement of assurance component of tenure security varies from study to study (see Arnot et al., 2011: 301-302). Both legal and perceived tenure security are important. Because in some cases, landowners may have land titles, yet they perceive their land rights to be insecure as Broegaard (2005) finds in Nicaragua.

Focusing only on legal land titles or documents can be myopic as other informal documents such as sales agreements were found to provide solid tenure security perceptions due to legitimacy associated with land market transactions (Broegaard, 2013: 73). More recently, agenda 2030 provides us with a global way of measuring tenure security to achieve indicators 1.4.2 and 5a (Land Portal, 2018). The indicators focus on two aspects of tenure security that advance the concept of the continuum of tenure rights–tenure security based on legally recognized documents and tenure security based on perceptions. The two aspects of tenure security advanced in agenda 2030 are (i) the proportion of adult population with documented tenure rights that are legally recognized by governments, (ii) the proportion of adult population who perceive their tenure rights as legally secure, regardless of whether these rights are documented (Land Portal, 2018).

The emphasis on perceived tenure security comes from the recognition that the way land rights holders think about rights determines the type of activities and extent of undertaking to maximally benefit from the land and the opportunities that can be explored with their bundle of right (Wallace & Williamson, 2006). That is, perceived tenure security is important in landowner's economic decisions (Broegaard, 2013; Ghebru & Lamrecht, 2017; Linkow, 2016; Ravnborg et al., 2013). "The constrain on the expected returns to productivity-enhancing investment in agriculture is the belief on the part of the investor that she/he will not investment due to expropriation or conflict" (Linkow, 2016:308). And PRIndex (2018:3) further stress the importance of perceived tenure security this way, "one of the most fundamental way of understanding the strength of property rights is through citizen's perceptions of them."

However, considering that there are different land rights, an individual can possess, perceived tenure security has been mostly studied with reference to what is termed

as maximum tenure security (Brasselle, Gaspart, & Platteau, 2002), that is fear of loss of land or expropriation from different agents categorized as external and internal or private and public (collective) (Ghebru & Girmachew, 2018; Ghebru, Koru, & Taffesse, 2016; Stickler, Huntington, & Ewing, 2018). We study land tenure security using indicators such as possession of land documents regardless of their legality, past land conflict experience, perceived tenure security including ability to sell/mortgage, bequeath and expected use of land in 5 years.

1.3. Land tenure in Uganda

Land administration is legally organized around four major tenure systems in Uganda: Customary, freehold, mailo and leasehold (see Box 1 and Fig 1.1). The most dominant land tenure is customary but varies across the country. For example, customary land tenure in South-Western is more individualized than that of Northern or Eastern region (Rugadya et al., 2020). Majority of customary land tenure is not formally registered but current land law (see The 1998 Land Act and 2013 National Land Policy of Uganda) provide for its formal registration through issuance of Certificates of Customary Ownership (CCO) which can be upgraded to freehold titles. The Western region has the highest proportion of freehold title (see Fig 1.1). The high and moderate percentage of freehold titles in Western and Eastern region respectively could be attributed to the introduction of land formalization in the region in the 1950s.

Per cent of parcels per tenure form by region

Region	Tenure form						All tenure forms
	Customary	Freehold	Mailo	Leasehold	Squatter[a]	Unknown	
Northern (n=13,520 parcels)	90.6	5.2	0.1	1.8	1.2	1.0	100.0
Central (n=8,248 parcels)	25.9	22.8	29.2	6.6	14.9	0.6	100.0
Eastern (n=16,291 parcels)	81.4	13.6	0.6	2.3	1.4	0.6	100.0
Western (n=14,597 parcels)	62.7	29.1	1.6	2.0	3.5	1.2	100.0
All regions (N=52,656 parcels)	69.9	17.2	5.3	2.7	4.0	0.9	100.0

Fig 1.1: Land tenure systems from 2008/2009 Uganda Census of Agriculture, Ravnborg et al. (2013)

Efforts to formalize customary land outside Buganda (which was then dominated by mailo tenure), were catalyzed by the publication of the East African Royal Commission (EARC) report in 1955 (Mugambwa, 2007). It reported that customary tenure was encouraging a subsistence economy and its communal nature was discouraging investment and rights holders could not use their lands to get loans (Mugambwa, 2007). The report went ahead and recommended States to adopt land policies that promote individualization of landownership and land transfer, and argued against leaving customary tenure to evolve on its own under the influence of modernization. Only three districts –Bugishu (currently part of Eastern region) Kigezi and Ankole (all in South-Western region) accepted the State to pilot its systematic land demarcation initiatives (Mugambwa, 2007).

Mailo tenure on the other hand, is predominant in Central Uganda (Fig 1.1). Mailo is a formalized tenure or the native freehold of Uganda (MLHUD, 2013a). Its problem lies in having two parties claiming a plot of land, one with land title ownership and the other with occupancy rights. It allows tenants (bibanja holders) to transfer land rights through inheritance and trading as the title holders (Pedersen et al., 2012; Chalin et al., 2015). And when a landowner dies, conflicts that arise during division of land among heirs have a ripple effect on bibanja holders and the same can be said of land transactions which bring about new property owners (Chalin et al., 2015).

Box 1: Formally recognized tenure systems in Uganda

Freehold tenure is a classic, individualized type of land tenure. Until independence in 1962, it was given as a grant to the citizens of Uganda as well as to existing institutions by the colonial government. After independence freehold interests were abolished and all land was declared public and was vested in the state. Freehold tenure was converted into leaseholds. All this changed with the 1995 Constitution and the 1998 Land Act, which aim at gradually making freehold tenure the predominant form of land ownership in Uganda.

Leasehold has, since independence in 1962, been granted, providing for access to public land, through a time-bound contract. An owner of land under freehold or a district may grant land under leasehold. For public lands typical lease periods are 5, 45, or 99 years. In return, the tenant – the leaseholder – usually pays an annual rent or service as specified in the leasehold agreement. In contrast to other forms of land tenure, leasehold is open also to non-Ugandan citizens.

The *mailo* system was introduced by the colonial authorities in mutual agreement with the Buganda Kingdom in 1900. It gave the King and the feudal landlords freehold rights over large tracts of land, often inhabited by poorer subjects, who then became tenants of *kibanja*. This type of tenure system is prevalent in some regions of Uganda, for example Buganda, Bunyoro, Toro, Ankole and Bugisu. The 1995 constitution guarantees the security of occupancy of tenants and other 'bona fide' occupants, who have occupied, used or developed land unchallenged by the owner for at least 12 years. Recent legislation (the Land Amendment Acts of 2004 and 2010) has further strengthened the security of tenure of tenants vis-à-vis that of the landlords by controlling the land rents and protecting tenants from eviction. The *mailo* landowners and the Baganda leaders have opposed the national government's efforts to gain control over land administration.

Customary tenure: With the Constitution (1995) and the Land Act (1998), customary tenure is recognised on a par with freehold and leasehold. Under this type of tenure people may own or have the rights to use land, but they do not have land titles. The systems vary from one place to another. Whereas pastoralist communities tend to manage the land on a communal basis, other communities allocate individual plots to their members, with known and defined boundaries marked by ridges, trenches, trees, etc.

Adapted from Ravnborg et al., 2013

The Land Amendment Acts of 2010 and 2004(see Box 1) contains provisions aimed at that aimed at controlling the land rents and protecting tenants on mailo tenure from eviction by landlords. However, those provisions created a sense of urgency among many landlords and kibanja holders to leave the Mailo tenure and migrate to freehold tenure (Chalin et al., 2015). This might explain the relatively high percentage of freehold titles in Central Uganda (see Fig 1.1). And though the land law has a provision for the landlord to give the tenants the first opportunity to buy the land on which they have occupancy rights, in many cases the tenants cannot afford the price of titled land. In such a case a tenant has to give up a large portion of the land and remain with about a quarter of their original land with a title (Chalin et al., 2015). The land law also provides for acquisition of Certificates of Occupancy by bonafide/bibanja holders with permission from the mailo title holder (MLHUD, 2013b).

2. Study Methodology

This study is based on quantitative cross-sectional data for 'Agricultural Investors as Development Actors' (AIDA) project that was collected between March and April 2019 from Kanungu (Southern Uganda), Nakasongola (Central Uganda), and Nwoya (Northern Uganda) districts. The data contains information for 399, 394 and 389 households/individuals and 674, 527 and 502 land parcels accessed by either the respondent or the household in Kanungu, Nakasongola and Nwoya respectively[1]. For the Map of Uganda showing study districts and areas (see Nakanwagi & Morokong, 2021: Fig. 1; Ravnborg et al., 2021).

[1] For more information on how the survey was conducted, See Ravborg, H.M., Bashaasha, B., Broeggard, R.B., et al. (2021). "Tracing the development outcomes of Agricultural Investments in six research locations in Tanzania and Uganda: Questionnaire survey design and sample characterisation."

2.1. Description of the study areas

Kanungu: Kanungu is found in South-Western part of Uganda and of the three study districts, it is the only with international border–bordering the Democratic Republic of Congo. It's hilly terrain (Barasa et al., 2010) coupled with a high population density of 198 persons per Km2 (Uganda Bureau of Statistics (UBOS), 2016) compared to the other study districts. It is a less target for large-scale land acquisitions due to small land sizes and the difficulty in operating large-scale agricultural mechanization. Thus, even large tea processing factories depend on thousands of out growers for their raw materials–tea leaves. The district boasts of some of the biggest tea factories in Uganda –Kayonza Tea Growers and Kikinzi Development Company where about 120,000 farmers participate as tea out growers (Rumanzi, 2012). These factories are operated by Ugandan investors and Kayonza tea growers is managed by a cooperative.

However, as a host to Bwindi Impenetrable National Park World Heritage site, a famous destination for gorilla tracking by foreign tourists. Most of the land-based investments are tourism related such as setting up lodges as informed by respondents during 2017 AIDA project exploratory visit. Tree plantations were also highlighted by the respondents during the exploratory fieldwork as important commercial land-based investments. Most of these investments are undertaken by indigenous people who work in Kampala–Uganda's Capital City and other major town centers or within the district.

Though increased land demand for commercial agriculture is often associated with land conflicts (Hufe & Heuermann, 2017; Oberlack et al., 2016). There was no respondent (s) during the exploratory field work who indicated that land conflicts had increased as a result of commercial farms or tourism lodges in the area. They also indicated that there were no land conflicts due to forced land sales as owners willingly sell their land. Land is held in customary private ownership although there are few relatively well-off farmers with titles (Kanungu district local government, 2012). Grazing lands are communally owned, and land fragmentation is a common feature with an average household land size of 5 acres (Kanungu district local

government, 2012). Customary land tenure systems in South-Western Uganda are more individualized as compared to the more communal ones of Northern Uganda (Rugadya et al., 2020).

Respondents informed the research team during the 2017 AIDA project exploratory field work that land acquisition is mainly through inheritances and purchases. Both means of acquisition tend to favor males than females. The team was also informed by a group of women that in Kanungu *"land belongs to the man"* even when the woman has bought it. And that while males who have good relationships with their parent(s) can be given a piece of land or more if they are deemed responsible especially those who are married, the same is not true for females. Females get a house plot after death of the parents as a group for use in case of marriage failures. In case of land purchases, one of the respondents informed us that the wife usually acts as a witness on the purchase agreement and not part of the owner. He further mentioned that women can pose a problem for men when they want to sell the 'family' land. Thus, some men prefer to leave women out of land transactions.

The Bakiga–dominant ethnic tribe in Kanungu have always documented land whenever a transaction (monetary or non-monetary (donation, inheritance) took place. It is common for even women to hold inheritance agreements to their land (McDonald, 2011). Both sales agreements and the Wills are usually stamped by leaders of village local council. The LC3 chairperson of Butogota Town Council (Interview 08/11/2017) informed us that purchase and customary (inheritance) land agreements can be used to get bank loans. He also informed the team that though there are few land titles in the area, there was increasing applications for Certificates of Customary Ownership (CCOs).

The sentiments about land titling is that it is costly and cumbersome which is not feasible for small land sizes. One respondent mentioned that getting a land title costs about 4 M UGX and would rather spend the money on buying another piece of land. McDonald (2011) found that the expensive nature of formal land certification was discouraging landowners from seeking titles in Kanungu. But though land titles are

costly, we were informed by a property broker that titled land fetches double the selling price of untitled land in any location in Kanungu.

Nwoya: it is a member of the Acholi sub region in Northern Uganda. Of the three districts, it is the one which has had a recent experience of a civil war which ended in 2006 after 20 years. As highlighted earlier, return to normal was marred by post-war land conflicts. Mugizi & Matsumoto (2020) found that households that had been displaced to distant places during the war had higher incidences and fear of land conflicts. The land conflicts in Northern Uganda were found also to have negative effects on agricultural productivity (Mugizi & Matsumoto, 2020).

Furthermore, before IDPs had resettled on their lands (Kligerman, 2009). Amuru district, a member of the Acholi Sub-region and from which Nwoya was broken in 2010 (Sjögren, 2015) found itself at the center of a highly contested perceived land grab of 40000 ha to Amuru Sugar Works ltd of Madhvani Group that was being facilitated by government (Martiniello, 2015). Anying & Gausset (2017) noted that this contestation coupled with difficulty in accessing land during the prolonged stay in IDP camps convinced Acholi that land had become a commodity.

Amuru district has also been contesting for a 40 Km^2 tract of land with Uganda Wildlife Authority (UWA) and Adjuman district (this belongs to a different tribe) (Tumushabe & Tatwangire, 2017). The contestation which started in 2011 resulted in death, imprisonment, evictions, displacement and house(huts) demolition at a large scale (Kobusingye et al., 2017). Ethnic tensions spread to Nwoya District in the sub counties of Anaka, Purongo, and Alero (Lenhart, 2013). The discovery and exploration of oil in the Acholi sub-region's districts of Amuru, Nwoya and Lamwo are fueling disputes and evictions (Advisory Consortium on Conflict Sensitivity (ACCS), 2013). However, though Nwoya district, borders Murchison Falls National Park, tourism investments are less pronounced compared to those of Kanungu.

Besides what has been going on its former district, Nwoya has had its own experiences with large scale land-based investments. Its flat terrain that is suitable for mechanization, makes it more attractive to large scale agricultural investments (Otto, 2017). Its low population density of 29 persons/KM^2 (UBOS, 2016) also makes

it a target for large-scale LBAs. Tractors used in ploughing are a common sight in the area. Some of the respondents in Lungulu Sub-county (it was part of Alero sub-county until 2015) during the 2017 AIDA project exploratory field work indicated that they used tractors in ploughing and others mentioned tractor services was one of the benefits of large-scale investments in the area. By 2017, Nwoya was a host to about 26 commercial farms operating between 200 and 7500 acres (Otto, 2017).

And though the sub-region has been at the centre of land disputes especially with large scale acquirers, its administrators promote large scale agricultural investments through identifying land for investors (PPU, 2017). Most of large scale agricultural investments (LSAIs) in Nwoya are located in Lungulu and Purongo sub counties (interview with one of the LC1s in Lungulu sub county, 13/11/2017) due to public tenure which allows easier land access by foreigners compared to customary (Lungulu sub-county Area Land Committee member interview, 13/11/2017). Majority of the large or medium-scale LBAs are owned by non-locals from outside the country and other parts of the country, and they are more plantation-based dealing in legumes and cereals. Investors who do not own land in the area have to lease land from customary owners and sublease on public land–public landowners lease the land from the government.

Due to land tenure challenges in Nwoya and the Acholi sub-region as a result of post war land struggles and increased large scale land acquisition from non-locals and elites who seek to expand their boundaries to profit more from increasing land values. Land formalization and registration by NGOs and government have been emphasized in the area. Nwoya is one the recipients of land titling and formalization programs in the last decade (Adoko, 2017; Rugadya et al. 2020). The study sub-county of Alero (greater Alero as of 2014) has been one the benefactors of the land titling and formalization program implementation by Dutch International Agency (ZOA).

Nakasongola: Is located in Central Uganda of the three districts, it lies in the cattle corridor zone and “has one of the highest cattle densities in Uganda with over 150 cattle per km2 with 30– 50 cattle per household” (Majalija et al., 2020). Majority of

cattle farmers graze communally with exception of a small segment of the wealthy. Farmers move their cattle towards L. Kyoga in search pasture and water in the dry season (Majalija et al., 2020).

However, due to changing land ownership that arise from fencing, competition from other land uses such as crop production and increasing population. Animal mobility is being delineated as coping strategy for drought among livestock farmers not only in Nakasongola but as well as in other parts of the cattle corridor (Byenkya, Mugerwa, Barasa, & Zziwa, 2014). The competing changes between pasture and crop farming in Nakasongola is demonstrated in Fig 2.2. It shows a dramatic decrease and increase in grasslands and small-scale farming between 2002 and 2013. The movement of pastoralists with their animals can spark conflicts with cultivators (Byenkya et al., 2014) and land fencing in traditional communal system by the wealthy encloses resources which can cause conflicts (Oberlack et al., 2016).

Land use/ cover types	1986		2000		2013		Percent change in land use/cover		
	Area (km^2)	Percent Cover	Area (km^2)	Percent Cover	Area (km^2)	Percent Cover	1986 – 2000	2000 - 2013	1986-2013
Open water	247.6	7.1	263.1	7.5	260.8	7.4	6.3	-0.87	5.3
Bare ground	409.7	11.7	407.2	11.6	1273.7	36.2	-0.61	212.8	210.9
Grasslands	790.5	22.5	915.6	26.1	31.3	0.9	15.8	-96.6	-96.1
Bushland	1128.4	32.2	1123.1	32	839.7	23.9	-0.47	-25.2	-25.6
Wetland	285.6	8.1	248.2	7.1	293.4	8.3	-13.1	18.2	2.7
Small scale farming	635.1	18.1	542.5	15.5	805.3	22.9	-14.6	48.4	26.8
Forest	12.2	0.3	9	0.3	10.1	0.3	-26.2	12.2	-17.2

Fig 2.2: Land use and land cover for Nakasongola District in 1986, 2000 and 2013 in the rangelands of Uganda (Byenkya et al., 2014).

Nakasongola is one the districts with recognized commercial production of charcoal which led to accelerated deforestation (NDC & NEMA[2], 2008). Forest clearance is also carried out to pave way for human settlement (NDC & NEMA, 2008). The low population density of Nakasongola at 55 persons per square kilometer and flatlands also like Nwoya make it a target for migrants and land-based investors. It has

[2] Nakasongola District Council & The National Environment Management

various large scale LBAs investments including multimillion wood processing plant (Uganda Media Centre, 2019) and it is also earmarked for an industrial business park (Serwanga, 2019).

Nakasongola is different from the other two districts in terms of land tenure. It is dominated by Mailo tenure, which suffers from competing land rights claims from occupants and title owners who are both recognized by the law as highlighted earlier. According to EPCR (2008) cited by Pedersen et al. (2012), 90 percent of the land in Nakasongola is owned by absentee landlords, posing tenure uncertainties for the current occupants.

2.2. Data analysis

The data used in this analysis was categorical, thus frequencies are used in characterization of selected respondent demographic factors and household poverty indicators. Cross-tabulation analysis (Pearson chi-square test) was used to correlate district (region) and selected demographic characteristics and poverty indicators. All the analysis of primary data presented in this study was carried out using STATA.

3. Characterization of respondent demographic characteristics

Results on selected demographic characteristics presented in this study are based on 399, 394 and 389 households/individuals of Kanungu, Nakasongola and Nwoya and in cases where the number is less, that should be taken as a missing value.

3.1. Sex of the respondent

Of the three study areas, Nakasongola had a lower percentage of female respondents. While Kanungu and Nwoya had almost similar percentages of female respondents (see Table 3.1). A chi-square test of independence showed that relationship between gender composition and study district was significant, χ^2 (2, N=1182) = 6.7756, $p < 0.05$.

Table 3.1. Sex of the respondent

District		Sex of respondent		
		Male	Female	Total
Kanungu	Freq.	191	208	399
	%	47.87	52.13	100
Nakasongola	Freq.	216	178	394
	%	54.82	45.18	100
Nwoya	Freq.	179	210	389
	%	46.02	53.98	100
All districts	Freq.	586	596	1,182
	%	49.58	50.42	100

Source: 2019 AIDA Survey

3.2. Marital status of the respondent

Nakasongola study area had the least percentage of respondents that were married or cohabiting. The difference in marital status across the three study areas was significant $\chi 2$ (2, N=1182) = 11.7866, $p < 0.01$.

Table 3.2: Respondent marital status

District		Respondent is married or cohabits		
		No	Yes	Total
Kanungu	Freq.	115	284	399
	%	28.82	71.18	100
Nakasongola	Freq.	153	241	394
	%	38.83	61.17	100
Nwoya	Freq.	113	276	389
	%	29.05	70.95	100
All districts	Freq.	381	801	1,182
	%	32.23	67.77	100

Source: 2019 AIDA Survey

3.3. Migrant status of the respondent

Results in Table 3.3 show that Kanungu had the lowest percentage of households that were not born in the study or neighboring village of the three study districts. The relationship between household migrant status and district was significant, χ^2 (2, N=1182) = 48.9432, $p < 0.001$.

Table 3.3. Respondent was not born in this or neighboring village

District		Respondent is migrant		
		No	Yes	Total
Kanungu	Freq.	334	65	399
	%	83.71	16.29	100
Nakasongola	Freq.	244	150	394
	%	61.93	38.07	100
Nwoya	Freq.	264	124	388
	%	68.04	31.96	100
All districts	Freq.	842	339	1,181
	%	71.3	28.7	100

Source: 2019 AIDA Survey

3.4. Respondent is the household head

In all study areas, results in Table 3.4 show that over 60 per cent of the respondents were household heads. And the relationship between study area and respondent being household head was not statistically significant, χ^2 (2, N=1182) = 5.0210, p < 0.1. Respondent characteristics such as gender, marital and migrant status were correlated with being a household head for each study area (see Table 3.5.1a-3.5.1c). Results show that most of male the respondents were household heads while percentage of female respondents that were household heads or non-household heads was almost similar in all study areas. Furthermore, non-migrant and unmarried respondents were significantly more likely to be household heads in Nwoya.

Table 3.4. Respondent is household head

District		Respondent is household		
		No	Yes	Total
Kanungu	Freq.	155	244	399
	%	38.85	61.15	100
Nakasongola	Freq.	124	270	394
	%	31.47	68.53	100
Nwoya	Freq.	131	258	389
	%	33.68	66.32	100

All districts	Freq.	410	772	1,182
	%	34.69	65.31	100

Source: 2019 AIDA Survey

3.5.1a. Respondent is household and its correlates for Kanungu

Respondent Characteristics		Respondent is household		
		No %	Yes%	Total
Respondent gender ***	Male	20.94	79.06	191
	Female	55.29	44.71	208
Respondent is married ^{ns}	No	44.35	55.65	115
	Yes	36.62	63.38	284
Respondent is migrant ^{ns}	No	38.62	61.38	334
	Yes	40	60	65

Source: 2019 AIDA Survey, ***Correlation significant at p=0.001 (Pearson's Chi-Square test), ** p=0.01, * p =0.05 and ^{ns} if p>0.05

3.5.1b. Respondent is household and its correlates for Nakasongola

Respondent Characteristics		Respondent is household		
		No %	Yes%	Total
Respondent gender ***	Male	13.89	86.11	216
	Female	52.81	47.19	178
Respondent is married ^{ns}	No	30.72	69.28	153
	Yes	31.95	68.05	241
Respondent is migrant ^{ns}	No	29.1	70.9	244
	Yes	35.33	64.67	150

Source: 2019 AIDA Survey, ***Correlation significant at p=0.001 (Pearson's Chi-Square test), ** p=0.01, * p =0.05 and ^{ns} if p>0.05

3.5.1c. Respondent is household and its correlates for Nwoya

Respondent Characteristics		Respondent is household		
		No %	Yes%	Total
Respondent gender ***	Male	11.17	88.83	179
	Female	52.86	47.14	210
Respondent is married***	No	18.58	81.42	113
	Yes	39.86	60.14	276
Respondent is migrant ***	No	27.65	72.35	264
	Yes	46.77	53.23	124

Source: 2019 AIDA Survey, ***Correlation significant at p=0.001 (Pearson's Chi-Square test), ** p=0.01, * p =0.05 and ^{Ns} if p>0.05

4. Household poverty indicators and relationship with demographic factors

The information on poverty indicators used in this study is found in the in 2019 AIDA survey data.[3] The data contains a number of poverty indicators but chose to use those that deal with land access, food and education (in)security, high land dependence such as type of livestock owned and type of non-farm income generating activity. Results on selected household poverty indicators are also based on 399, 394 and 389 households/individuals of Kanungu, Nakasongola and Nwoya and in cases where the number is less, that should be taken as a missing value.

4.1. Type of livestock owned

Nakasongola, a cattle corridor district where cattle keeping is an important livelihood strategy (NDC & NEMA, 2008), had the highest percentage of households that owned oxen or cattle as shown in Table 4.1. The lower levels of cattle/oxen ownership in Kanungu could be due to lower levels of landholdings as evidenced in Table 5.1. While those of Nwoya could be explained by the loss of cattle incurred by Acholi sub-region during a 20-year long political war (Anying & Gausset, 2017). Results of lower levels of cattle ownership and higher levels of smaller livestock like sheep, goats and chicken in Kanungu are also supported by Tumusiime & Vedeld (2015), who found that households surrounding Bwindi Impenetrable National Park kept small ruminant animals as compared to cattle. The relationship between type of livestock owned and district of residence was significant χ^2 (4, N=1177) = 164.2009, $p < 0.001$.

Table 4.1: Type of livestock

District	Type of livestock owned by household			
	Oxen/cattle	Small ruminants only	None	Total

[3] For information on how poverty profile and indicators were developed, see Ravnborg et al. (2021: 36). "Tracing the development outcomes of agricultural investments in six research locations in Tanzania and Uganda: Questionnaire Survey Design and Sample Characterization."

Kanungu	Freq.	28	239	129	396
	%	7.07	60.35	32.58	100
Nakasongola	Freq.	146	153	94	393
	%	37.15	38.93	23.92	100
Nwoya	Freq.	46	274	68	388
	%	11.86	70.62	17.53	100
All districts	Freq.	220	666	291	1,177
	%	18.69	56.58	24.72	100

Source: 2019 AIDA survey

4.2. Access to non-farm income

Results in Table 4.2 show that the percentage of households that had access to high entry off-farm income generating opportunities in Kanungu and Nakasongola were similar and twice those of Nwoya. But nonetheless Nwoya households had a high participation in low entry cost non-farm income source. The relationship between type of non-farm income owned or accessed and district of residence was significant χ^2 (4, N=1,182) = 30.5060, p < 0.001.

Table 4.2: Type of non-farm income accessed

		Type of non-farm income by household			
District		High entry cost non-farm income source [e]	Low entry cost non-farm income source [d]	None	Total
Kanungu	Freq.	113	165	121	399
	%	28.32	41.35	30.33	100
Nakasongola	Freq.	110	188	96	394
	%	27.92	47.72	24.37	100
Nwoya	Freq.	57	210	122	389
	%	14.65	53.98	31.36	100
All districts	Freq.	280	563	339	1,182
	%	23.69	47.63	28.68	100

Source: 2019 AIDA survey, *[e] Somebody in the household has a 'high entry cost' non-agricultural source of income, like being a professional, being permanently employed, owning a shop, business (trading, e.g. timber, agricultural produce, charcoal, transport), renting out rooms, etc. , [d] Somebody in the household has a non-agricultural source of income like tailoring, crafts making, brewing beer, providing transport by driving boda boda, making and selling food etc., or the household receives remittances from family members working elsewhere*

4.3. Food Insufficiency

Kanungu and Nwoya study areas comparatively had lower levels of households that did not experience food insufficiency in Table 4.3. The lower levels of food security in the two study areas as compared to Nakasongola could be due to land access

challenges. Kanungu comparatively had the least levels of land access as compared to rest (see Table 4.5) while land access in Nwoya is challenged by post war land conflicts. The difference in food security across the study areas was significant, χ^2 (4, N=1174) = 50.6851, p < 0.001

Table 4.3: Period of insufficient food within the last year

District		Period of food insufficiency within last year			
		None	Less than 2 months	More than 2 months	Total
Kanungu	Freq.	124	138	133	395
	%	31.39	34.94	33.67	100
Nakasongola	Freq.	206	109	78	393
	%	52.42	27.74	19.85	100
Nwoya	Freq.	128	156	102	386
	%	33.16	40.41	26.42	100
All districts	Freq.	458	403	313	1,174
	%	39.01	34.33	26.66	100

Source: 2019 AIDA survey

4.4. Household Education security

Results in Table 4.4. show that households Nwoya district had the highest percentage of households with children between the ages of 6-12 that were not in school and lower percentages of children or household members who had completed secondary school or higher. The lower levels of education in Nwoya could also be due to war disruptions the region experienced for 20 years. The difference in schooling of household members or children across the study districts was significant χ^2 (4, N=1,182) = 39.5407, p < 0.001.

Table 4.4: Household educational security

		Household educational security			
District		Had/has HH members in secondary school or higher [Y]	All children between 6-12 years attend school [X]	Children between 6-12 years do not attend school [Z]	Total
Kanungu	Freq.	136	236	27	399
	%	34.09	59.15	6.77	100

Nakasongola	Freq.	103	256	35	394
	%	26.14	64.97	8.88	100
Nwoya	Freq.	85	232	72	389
	%	21.85	59.64	18.51	100
Total	Freq.	324	724	134	1,182
	%	27.41	61.25	11.34	100

Source: 2019 AIDA survey, *[Y] Have or have had children at secondary school or higher, and do not have children (girls or boys), including orphans, between 6 and 12 years who are not attending school, [X] Do not have children, including orphans, between 6 and 12 years who are not attending school, [Z] Have children (including orphans) between 6 and 12 years who are not attending school*

4.5. Household land access

Results in Table 4.5 show that households in Kanungu generally had lower levels of land access compared to Nakasongola and Nwoya. Results of lower landholdings in Kanungu are not surprising, considering its population density of 198 persons/Km^2 which is almost 4 and 6 times that of Nakasongola and Nwoya respectively (Uganda Bureau of Statistics, 2016) and a hilly terrain (Barasa, Egeru, Okello, & Mutozo, 2010). The relationship between land access levels and district of residence was significant χ^2 (4, N=1182) = 48.8206, p < 0.001.

Table 4.5: Correlates of household land access

		Household land access			
District		More than 5 acres	Between 1-5 acres	None or less than 1 acre	Total
Kanungu	Freq.	116	239	44	399
	%	29.07	59.9	11.03	100
Nakasongola	Freq.	169	167	58	394
	%	42.89	42.39	14.72	100
Nwoya	Freq.	195	166	28	389
	%	50.13	42.67	7.2	100
All districts	Freq.	480	572	130	1,182
	%	40.61	48.39	11	100

Source: 2019 AIDA survey

5. Land tenure and tenure security

Results of land tenure variables used in this study were based on information on the most important parcel of the respondent or household. AIDA 2019 questionnaire survey contains two sections that ask separately about the 'most important' parcel accessed for the respondent and then for household. The 'most important parcel' as

perceived by the respondent because the questionnaire does not provide any attribute the respondent can use to decide the most important parcel. The information on the most important parcel for the respondent and household was combined during data cleaning and editing. Cleaned data as of May 2021 contains information for 1703 (674 for Kanungu, 527 for Nakasongola and 502 for Nwoya) important land parcels for the respondent and, or the household.

5.1. Land tenure form

The relationship between district of residence and parcel land tenure form in Table 5.1 was significant χ^2 (14, N=1703) = 1.4e+03, p < 0.001. Table 5.1 also show that the most dominant land tenure system in Kanungu and Nwoya was customary at about 78 and 91 percent respectively. While in Nakasongola, Kibanja and Mailo tenure dominated at about 54 and 25 percent respectively.

Table 5.1. Type of land tenure

		Land tenure form								
District		Customary	Freehold	Leasehold	Mailo	Kibanja	Public land	Don't know	Rental / borrowed	Total parcels
Kanungu	Freq.	524	101	1	28	2	2	12	4	674
	%	77.74	14.99	0.15	4.15	0.3	0.3	1.78	0.59	100
Nakasongola	Freq.	24	21	14	133	285	10	4	36	527
	%	4.55	3.98	2.66	25.24	54.08	1.9	0.76	6.83	100
Nwoya	Freq.	456	15	3	2	0	3	14	9	502
	%	90.84	2.99	0.6	0.4	0	0.6	2.79	1.79	100
All districts	Freq.	1,004	137	18	163	287	15	30	49	1,703
	%	58.95	8.04	1.06	9.57	16.85	0.88	1.76	2.88	100

Source: 2019 AIDA survey

Freehold which is regarded as the land tenure of the future (MLHUD, 2013a) accounted for only about 8 percent in the whole sample with the highest percentage of about 15% found in Kanungu. Leasehold tenure under which foreigners can hold land (MLHUD, 2013a) accounted for only 1% in the whole sample. While Mailo and Kibanja land tenure forms were dominant in Nakasongola. The results on the dominant land tenure are in line with existing literature. Land tenure in Kanungu is largely customary (Kanungu district local government, 2012). Land tenure results

for Nwoya are comparable to those of Amuru in 2012 (Ravnborg et al., 2013). Ravnborg et al. (2013) show that customary land tenure back then counted for about 94 percent of all sampled parcels. However, though both Kanungu and Nwoya have customary tenure, Kanungu's customary land tenure is more individualized than that of Nwoya (Rugadya, Kamusiime & Kajumba, 2020). This is evidenced by the higher proportions of purchased land in Kanungu at 50.15% compared to Nwoya's 6.97% (see Table 8.1). Ravnborg et al. (2013) a found a high prevalence of Kibanja at about 56% in Masaka, a district in Central Uganda like Nakasongola.

5.2. Land acquisition mode

Table 5.2 results show that land inheritance and purchases where the most important means of acquiring land in the three study areas. Majority of the land parcels (about 83%) in Nwoya district were acquired through land inheritance. The results on inheritance as the largest source of land acquisition in Nwoya are comparable to 87.9% that Ravnborg et al. (2013) found for Amuru district in 2012 survey. However, the increased reliance on the land market for land acquisition evidenced by comparatively higher percentages of purchases and rentals of 6.61% and 7.67% respectively in Nwoya compared to 1.8% and 3.7% respectively that Ravnborg et al. (2013) found for Amuru in 2012 survey show that land tenure in Acholi is transiting from re-establishment to market based.

Table 5.2. Parcel acquisition mode by study district

District		Land acquisition mode							
		Inherited	Purchased	Donation	Renting/ sharecrop	Borrowed	Allocation/ cleared	Unknown/ Others	Total
Kanungu	Freq.	300	338	6	11	7	6	6	674
	%	44.51	50.15	0.89	1.63	1.04	0.89	0.89	100
Nakasongola	Freq.	94	283	20	33	70	14	13	527
	%	17.84	53.7	3.8	6.26	13.28	2.66	2.47	100
Nwoya	Freq.	416	35	4	17	17	4	9	502
	%	82.87	6.97	0.8	3.39	3.39	0.8	1.79	100
All districts	Freq.	810	656	30	61	94	24	28	1,703
	%	47.56	38.52	1.76	3.58	5.52	1.41	1.64	100

Source: 2019 AIDA survey

Land inheritance and purchases are both important avenues of acquiring land in Kanungu at about 45 and 50 percent respectively. On the other hand, the land market is the most dominant avenue of acquiring land in Nakasongola through purchases, rentals and borrowing as indicated by 53.7, 6.3 and 13.3 percent respectively. The high proportion of land purchases in Kanungu despite being dominated by customary land tenure could be due to land scarcity in the district evidenced by lower levels of land access (see Table 4.5). The high proportion of land purchases in Nakasongola are expected as previous land studies have found land markets to be active especially in central Uganda (Balaand et al., 2000; Deininger & Mpuga, 2003). Ravnborg et al. (2013) also found about 64% of land purchases in Masaka which is found Central region. The difference in modes of land acquisition across the different districts was significant χ^2 (12, N=1703) = 550.5868, p<0.001.

5.3. Land documentation

Table 5.3a show that the difference in possession of land documents for accessed parcels was significant χ^2 (2, N=1693) = 556.4856, p < 0.001. Overall, Kanungu had highest percentage of parcels with any form of documentation and Nwoya had the least. Purchase agreements constitute the largest share of land documentation in Kanungu and Nakasongola (see Table 5.3b). There is also a high adoption of inheritance agreements in Kanungu as compared to other study districts. Customary Certificates of Ownership (CCO) are the most common type of land documents in the sample, followed by purchase agreements in Nwoya.

Table 5.3a Possession of land documents across the districts

		Parcel possesses any land document		
District		**No**	**Yes**	**Total**
Kanungu	Freq.	114	556	670
	%	17.01	82.99	100
Nakasongola	Freq.	174	350	524
	%	33.21	66.79	100
Nwoya	Freq.	421	78	499
	%	84.37	15.63	100
All districts	Freq.	709	984	1,693
	%	41.88	58.12	100

Source: 2019 AIDA surveyq

Table 5.3b. Type of land documents (multiple answers for those with Yes in Table 5.3a)

	Kanungu (Parcels=556)			Nakasongola (Parcels=350)			Nwoya (Parcels= 78)		
Types of documents	Freq.	% of answers	% of cases	Freq.	% of answers	% of cases	Freq.	% of answers	% of cases
Customary certificate [a]	99	15.71	17.81	24	6.59	6.87	40	50.63	51.28
Freehold [a]	13	2.06	2.34	16	4.40	4.57	2	2.53	2.56
Mailo [a]	0	0	0	17	4.67	4.86	1	1.27	1.28
Government leasehold [a]	0	0	0	10	2.75	2.86	1	1.27	1.28
Freehold grant letter	1	0.16	0.18	5	1.37	1.43	0	0	0
Written Will	12	1.90	2.16	5	1.37	1.43	0	0	0
Inheritance agreement	172	27.30	30.94	21	5.77	6	3	3.79	3.85
Purchase agreement	320	50.79	57.55	237	65.11	67.71	24	30.38	30.77
Tenant agreement	0	0	0	6	1.65	1.71	2	2.53	2.56
Rental agreement	2	0.32	0.36	7	1.92	2	4	5.06	5.13
Sharecropping	1	0.16	0.18	1	0.27	0.29	0	0	0
Receipts	2	0.32	0.36	1	0.27	0.29	0	0	0
Cadastral Map	3	0.48	0.54	0	0	0	0	0	0
CCO application	0	0	0	2	0.55	0.57	0	0	0
Unknown	5	0.79	0.89	12	3.30	3.43	2	2.53	2.56
Total parcels	630	99.99	113.31	364	99.99	104.02	79	99.99	101.27

Source: 2019 AIDA survey, [a] formal certificate/title

5.4. Physical land demarcations

The percentage of parcels with physical demarcations were roughly similar in Kanungu and Nakasongola which was about 84%, while that of Nwoya was about 58% (see Table 5.4a). The difference in physical demarcations across the study districts was significant χ^2 (2, N=1700) = 134.1360, p<0.001. Hedges were the most used physical demarcations in Kanungu, while in Nakasongola and Nwoya, it was trees. Trees also constituted a considerable percentage in Kanungu as shown in Table 5.4b.

Table 5.4a. Parcel physical signs demarcations

		Parcel physical signs demarcations		
District		No	Yes	Total
Kanungu	Freq.	106	566	672
	%	15.77	84.23	100
Nakasongola	Freq.	86	440	526
	%	16.35	83.65	100
Nwoya	Freq.	212	290	502

	%	42.23	57.77	100
All districts	Freq.	404	1,296	1,700
	%	23.76	76.24	100

Source: 2019 AIDA survey

Table 5.4b. Type of physical demarcations (Multiple answers if Table 5.4a is 'Yes')

	Kanungu (Parcels=566)			Nakasongola (Parcels=440)			Nwoya (Parcels=290)		
Types of physical demarcations	Freq.	% of answers	% of cases	Freq.	% of answers	% of cases	Freq.	% of answers	% of cases
Trees	194	34.28	34.28	295	66.89	67.05	206	71.03	71.03
Hedges	319	56.36	56.36	57	12.93	12.95	36	12.41	12.41
Land scape	23	4.06	4.06	37	8.39	8.41	1	0.34	0.34
Streams	9	1.59	1.59	0	0	0	34	11.72	11.72
Ridges	8	1.41	1.41	0	0	0	0	0	0
Rocks	5	0.88	0.88	24	5.44	5.45	5	1.72	1.72
Buildings	2	0.35	0.35	3	0.68	0.68	0	0	0
Boundary posts	2	0.35	0.35	20	4.54	4.55	3	1.03	1.03
Other signs	0	0	0	4	0.91	0.91	5	1.72	1.72
Don't remember	4	0.71	0.17	1	0.23	0.23	0	0	0
Total parcels	566	99.99	99.99	441	100.01	100.23	290	99.97	99.97

Source: 2019 AIDA survey

5.5. Type of Land conflict mediation Institutions

Legal pluralism defines Uganda's land tenure jurisdiction. That is more than one institution can have authority over legal rights and multiple bodies can be engaged in dispute resolution (MLHUD, n.d[4]). In Uganda three main institutions recognized in land conflict resolution are: formal courts, local council courts and traditional authority (Anying & Gausset, 2017). However, it is only the formal courts that have legal rights to pass judgment and the rest perform only a meditative role (Anying & Gausset, 2017). That is customary or traditional land dispute resolution mechanisms are not fully embedded in formal body (MLHUD, n.d)

Escalating land conflicts and evictions have caused government in recent years to emphasize "the re-institution of the administrative Land Tribunals, creation of a special division in the Magistrates courts and High Court, recognition of the dual operation of the customary and statutory in land rights administration, land

[4] LAND & PROPERTY OWNERSHIP: THE GENDER STRATEGY FOR NATIONAL LAND POLICY IMPLEMENTATION

management and land dispute resolution" (MLHUD, 2013a). Apart from those that are officially recognized; NGOs, religious leaders, elected and appointed government leaders from Sub County to District level are other individuals or institutions that are involved in land dispute resolution (Anying & Gausset, 2017; Joireman, 2018).

Informal conflict resolution mechanisms which only apply alternative dispute resolution or play meditative roles are cheaper, and are sought first by land rights holders when a conflict arise (Anying & Gausset, 2017). However, even within the informal conflict resolution mechanisms alternatives, still the social, economic and political status of the individual will determine the one that is contacted (Anying & Gausset, 2017). Furthermore, one will contact institution with higher possibilities of getting the desired outcome (Anying & Gausset, 2017). Local or customary institutions can collude with elites in disadvantaging the vulnerable in land conflicts (van Leween, 2014) and thus may be less approached by women or migrants with limited social capital. Elected village local councils can fail to provide more accessible justice to the poor, and protection of women's customary rights as they charge exorbitant case handling fees or collude with their relatives (Khadiagala, 2001). Due to the different avenues where conflict redress can be sought, individuals can forum shop until they get a desired outcome. The poor usually start with the more accessible and less costly institution at the local level and progress to higher authority (Anying & Gausset, 2017). The higher authority can be informal or formal.

The information reported in Tables 5.5a-5.5c also render support to existing literature as far as land conflict mechanisms are concerned in Uganda. The results are based on the question in 2019 AIDA survey which asks, "in case somebody would question/challenge your rights to your/household most important parcel, who would you call upon ***First, second, third*** time to help in confirming or supporting your land rights.

Table 5.5a. First institution to report to report dispute

		First Institution to report dispute							
District		Customary	Family	Private individuals	Lower LC	Upper LC & public office	Court-based	NGO	Total
Kanungu	Freq.	39	144	36	435	12	4	3	673
	%	5.79	21.4	5.35	64.64	1.78	0.59	0.45	100
Nakasongola	Freq.	30	75	89	254	20	40	19	527
	%	5.69	14.23	16.89	48.2	3.8	7.59	3.61	100
Nwoya	Freq.	278	44	41	75	13	3	47	501
	%	55.49	8.78	8.18	14.97	2.59	0.6	9.38	100
All districts	Freq.	347	263	166	764	45	47	69	1,701
	%	20.4	15.46	9.76	44.91	2.65	2.76	4.06	100

Source: 2019 AIDA survey

Tables 5.5a-5.5c presents results of the institutions that would be consulted to mediate land disputes. Results in Table 5.5a show that Nwoya with a high proportion of customary land tenure (see Table 5.1) has a high percentage of land parcels for which the respondent or household would first seek customary leaders' mediation in case somebody challenged or questioned their rights to the parcel. Though Kanungu has a considerable proportion of parcels under customary tenure (77.74%), it has a dismal reliance on customary leaders but lower (village) local government council leaders and family. Nakasongola whose land tenure is largely mailo and *Kibanja* also relies more on (village) local government council leaders, private individuals and family to mediate land disagreements. Nwoya compared to the other regions has a high reliance on NGOs as far as conflict resolution is concerned. This is probably because NGOs have been at the forefront of promoting land documentation and rights sensitization in Northern Uganda (Adoko, 2017; McKibben & Bean, 2010; Rugadya et al. 2020). The difference in the type of institution one would first seek help in case of a land disagreement across the study districts is significant χ^2 (12, N=1701) =786.4603, $p < 0.001$.

Table 5.5b show that individuals or households would look more to upper local government leaders (e.g. Sub county, district levels) as the second stop in land conflict mediation in all study areas. However, we also observe increased and decreased reliance on local government council leaders and customary leaders in dispute redress in Nwoya. The difference in the type of institution one would first

seek help in case of a land disagreement across the study districts is significant $\chi 2$ (14, N= 1,558) = 465.9473, $p < 0.001$.

Generally, Table 5.5c results show there is an increased tendency to seek mediation help from upper local government leaders as the land conflict escalates in all study areas. Though dismal, results show an increased use of formal court systems.

5.5b. Second institution to report dispute

		Second institution to report dispute								
District		Customary	Family	Private individuals	Lower LC	Upper LC & public office	Court-based	NGO	Others	Total
Kanungu	Freq.	26	144	59	296	59	17	3	0	604
	%	4.3	23.84	9.77	49.01	9.77	2.81	0.5	0	100
Nakasongola	Freq.	19	47	37	243	61	18	32	1	458
	%	4.15	10.26	8.08	53.06	13.32	3.93	6.99	0.22	100
Nwoya	Freq.	211	25	19	193	29	1	18	0	496
	%	42.54	5.04	3.83	38.91	5.85	0.2	3.63	0	100
All districts	Freq.	256	216	115	732	149	36	53	1	1,558
	%	16.43	13.86	7.38	46.98	9.56	2.31	3.4	0.06	100

Source: 2019 AIDA survey

5.5c. Third institution to report dispute

		Third institution to report dispute							
Districts		Customary	Family	Private individuals	Lower LC	Upper LC & public office	Court-based	NGO	Total
Kanungu	Freq.	29	67	135	109	199	22	6	567
	%	5.11	11.82	23.81	19.22	35.1	3.88	1.06	100
Nakasongola	Freq.	23	30	61	115	150	25	38	442
	%	5.2	6.79	13.8	26.02	33.94	5.66	8.6	100
Nwoya	Freq.	87	24	38	224	98	7	16	494
	%	17.61	4.86	7.69	45.34	19.84	1.42	3.24	100
All areas	Freq.	139	121	234	448	447	54	60	1,503
	%	9.25	8.05	15.57	29.81	29.74	3.59	3.99	100

Source: 2019 AIDA survey

5.6. Past land conflict experience, source and causes

Table 5.6a present results on whether during the past five years, anybody has made claims on the respondent or household important parcel. Results show that past land conflict experiences were about 6%, 13% and 19% in Kanungu, Nakasongola and Nwoya respectively. The difference in past land conflict experience across the three

study areas was significant χ^2 (2, N=1702) = 50.8371, p< 0.001. The comparatively lower levels of past land disputes among land parcels in Kanungu compared to those of Nakasongola and Nwoya is probably due to the higher levels of land documentation (see Table 5.3a), stronger family structure and more homogenous societies as evidenced by higher levels of married respondents and lower levels of migrants of about 16.3% (see Table 3.2 and 3.3) despite its higher population density. Mwesigye & Matsumoto (2016) showed that incidences of land conflicts are higher in immigrant and ethnically diverse communities in Uganda and are less likely to consult informal conflict resolution mechanisms to solve land conflicts. In fact, McDonald (2011) found high respect for elders in land conflict disputation among the women interviewees in Kanungu.

Table 5.6a: Land conflicts experience on parcels in past 5 years across study areas

District		Experienced a land conflict in past 5 years		
		No	Yes	Total
Kanungu	Freq.	636	38	674
	%	94.36	5.64	100
Nakasongola	Freq.	457	69	526
	%	86.88	13.12	100
Nwoya	Freq.	406	96	502
	%	80.88	19.12	100
All districts	Freq.	1,499	203	1,702
	%	88.07	11.93	100

Source: 2019 AIDA survey

Communities in Kanungu have largely been stable as compared to those of Nwoya for example and thus benefit more from continued occupation which has been noted to discourage disputation (Barry & Danso, 2014; Deininger & Castagnini, 2006). Kanungu's fragmented small land sizes and a land scape of flat-topped hills (Barasa et al., 2010) could also be a factor in lower levels of land conflicts as they are not enticing to land acquisition from outsiders who mainly seek to profit from increasing land values.

But for areas like Nwoya and Nakasongola with low population densities with flatter landscapes and higher land access, makes them attractive to foreign investments and vulnerable to local elite land grabbing. The increased land demand for large scale

investments cause land tenure insecurity for the vulnerable as elites and army grab land to profit from increasing land values. High military officers have also been implicated for land grabbing in Acholi (Mabikke, 2011; Amone & Lakwo, 2014).

In addition to low land documentation as mentioned earlier, land tenure in Nwoya or Acholi sub-region and has been undergoing re-establishment (Ravnborg et al. 2013) marred by struggles to have a lion share as far as landholdings are concerned (Burke & Egaru, 2011; Hopwood, 2015; Joireman, 2018; McKibben & Bean, 2010; Rugadya et al., 2008) may further explain the higher incidences of land conflicts. The higher incidences of past land disputes could also be explained by the loss of oral land ownership records and boundaries due to death of elders during the war (Joireman, 2018), and decline in the clan's authority, capacity and benevolence to protect those who are most vulnerable (Kandel, 2017; McKibben & Bean, 2010). That is, even if local council and customary leaders are institutions that land rights holders would most likely call upon in case their land is disputed (see Ravnborg et al., 2013; Tables 5.5a-5.5c). They are not perceived to be secure which leads to forum shopping (Anying & Gausset, 2017; Joireman, 2018; Kobusingye, Van Leeuwen, & Van Dijk, 2016).

The level of past land conflicts in Nakasongola despite the relatively higher land documentation could also ne due to its mailo-kibanja which suffers from competing land rights claims from occupants and title owners who are both recognized by the law. Both occupants and title holders have transferable rights through inheritance and trading as the title holders (Pedersen et al., 2012; Chalin et al., 2015). According to EPCR (2008) cited by Pedersen et al. (2012), 90 percent of the land in Nakasongola is owned by absentee landlords, posing tenure uncertainties for the current occupants.

Results in Table 5.6b show variation in agents of land conflicts. Family members within and from outside the household and village mates were reported as the most agents of land conflicts. The problematic family members in Nwoya and Nakasongola on the other hand, were those relatives from outside the household. Both Nwoya and

Nakasongola had higher percentages of land conflicts due to village outsiders as compared to Kanungu.

The results in Tables 5.6b further confirm that agents of land conflicts or tenure insecurity are more internal/close in the family or village than they are external. Burke & Kobusingye (2014: 42) study covering selected districts of greater Northern Uganda found that 72 percent of land conflicts are localized. That is 18 percent occurred within the household, extended family (29%), 25 percent within same clan in comparison with 23 percent of conflicts with other clans and 5 percent for conflicts involving government. Deininger & Castagnini (2006) found also that most land conflicts are with internal actors; that is 48 percent of land conflicts involved neighbors, 29 percent involved family members, landlord-tenant constituted 18 percent and only 5 percent involving government or institutions. For landowners who do not reside in areas where their land is located are at a risk of their land being taken over by relatives who consider absentee landlords residing in urban areas as wealth with no need of land (Kandel, 2017); or their land may be encroached on by their neighbors if land is not located in their natal village.

Besides the Ugandan context, internal actors (family members and other households in the village/neighbors) were perceived to pose the greatest risk to respondents' land use and access as compared to external actors (neighboring villagers, investors and regional elites) across four SSA countries (Ethiopia, Guine, Liberia and Zambia) (Stickler, Huntington & Ewing, 2018). Mabikke (2011) argues that domestic land grabs which are usually a precursor for foreign large-scale land acquisitions. Noting further that "land grabbing is broader than "foreign" land acquisitions; it involves the active role played by domestic elites, government bureaucrats, family members and clan heads who assume power and certainly misuse it to grab land from vulnerable groups" (Mabikke, 2011:15).

Table 5.6b: Who made a claim on the parcel in the past 5 years (Multiple choice if 'Yes' in Table 5.6a)

	Kanungu (Respondents=38)			Nakasongola (Respondents=69)			Nwoya (Respondents= 96)		
Who made claim on respondent's important parcel in past 5 years?	Freq.	% of answers	% of cases	Freq.	% of answers	% of cases	Freq.	% of answers	% of cases
Household member	8	20.51	21.05	2	2.86	2.89	1	1.04	1.04
Relative outside household	12	30.77	31.58	8	11.43	11.59	32	33.33	33.33
In-laws	0	0	0	2	2.86	2.89	1	1.04	1.04
Renter/borrower	0	0	0	1	1.43	1.45	1	1.04	1.04
Other village mates	15	38.46	39.47	17	24.29	24.64	43	44.79	44.79
From neighboring village	2	5.13	5.26	11	15.71	15.94	14	14.58	14.58
From neighboring trading center	2	5.13	5.26	13	18.57	18.84	3	3.13	3.13
A foreign agricultural investor	0	0	0	0	0	0	0	0	0
Government personnel	0	0	0	3	4.29	4.35	0	0	0
Military	0	0	0	0	0	0	0	0	0
Unknown	0	0	0	13	18.57	18.84	1	1.04	1.04
Total parcels	39	100	102.62	70	100.01	101.43	96	99.99	99.99

Source: 2019 AIDA survey

Table 5.6c: Causes of land dispute experienced on important parcel (multiple answers Multiple choice if 'Yes' in Table 5.6a)

	Kanungu (Respondents=38)			Nakasongola (Respondents=69)			Nwoya (Respondents= 96)		
What caused the dispute?	Freq.	% of answers	% of cases	Freq.	% of answers	% of cases	Freq.	% of answers	% of cases
Boundary	25	60.98	65.79	21	28	30.43	57	47.11	59.38
Land use related	3	7.31	7.89	11	14.67	15.94	28	23.14	29.17
Fire	0	0	0	0	0	0	0	0	0
Harvesting	0	0	0	0	0	0	0	0	0
Death of spouse	0	0	0	2	2.67	2.91	0	0	0
Disputed ownership in family	6	14.63	15.79	6	8	11.59	2	1.65	2.08
Former ownership claims	7	17.07	18.42	28	37.33	40.58	17	14.05	17.71
Ownership claims from user	0	0	0	5	6.67	7.25	16	13.22	16.67
Disputed family kinship	0	0	0	1	1.33	1.45	1	0.83	1.04
Unknown	0	0	0	1	1.33	1.45	0	0	0
Total parcels	41	99.99	107.89	75	100	111.6	121	100	126.05

Source: 2019 AIDA survey

Experienced land conflicts in the past 5 years were mostly as a result of unclear boundaries, land use claims disputed ownership in family, and former ownership claims. Boundary related conflicts were the most prevalent in Kanungu and Nwoya

while former ownership claims were in Nakasongola (see Table 5.6c). The result on former ownership claims as being the most source of land disputes in Nakasongola than elsewhere is not surprising. According to EPCR (2008) cited by Pedersen et al. (2012), 90 percent of the land in Nakasongola is owned by absentee landlords, posing tenure uncertainties for the current occupants. High boundary disputes in predominantly customary tenure systems of Kanungu and Nwoya could be due to higher proportions of land inheritances or family land ownership as compared to Nakasongola. Boundary problems in Nwoya could also be due to the postwar struggles.

5.7. Perceived right of expected use of land parcel in the next 5 years

Table 5.7 present results on the expected use of land 5 years from the survey time. Results show that there is a high perceived tenure security in terms of expected use of the parcel in question either for the individual or household in the next five years due to higher percentage of parcels under 'Yes'. The level of perceived tenure security was higher in Nwoya and comparatively similar in Kanungu and Nakasongola. Ravnborg et al. (2013) also found similar levels (85.3%) of perceived tenure security with respect to expected use of the parcel in the next 5 years in Amuru (Nwoya neighbor). However, they observed higher levels (82.3%) on mailo tenure in Masaka (ibid) as compared to mailo tenure of Nakasongola as observed in this study (76.62%). District difference in expected use of the parcel in the next 5 years was significant $\chi 2$ (4, N=1697) =38.8044, $p < 0.001$.

Table 5.7. Respondent or household expects to use land in next five years

District		Expects to use land in the next 5 years			
		No/Not sure	Depends on others	Yes	Total
Kanungu	Freq.	70	87	514	671
	%	10.43	12.97	76.6	100
Nakasongola	Freq.	86	37	403	526
	%	16.35	7.03	76.62	100
Nwoya	Freq.	30	47	423	500
	%	6	9.4	84.6	100
All districts	Freq.	186	171	1,340	1,697
	%	10.96	10.08	78.96	100

Source: 2019 AIDA Survey

5.8. Perceived right of bequeathing parcel to close relatives

Table 5.8 also show that sampled households or individuals in Nwoya have high levels of perceived land rights as far as ability to bequeath their most important parcels is concerned. The result of 81.64% significantly differ from that Ravnborg et al. (2013) in neighboring Amuru district of 62.2%. Nakasongola had the least percentage of parcels the respondent or household had total decision making when it comes to bequeathing land. The difference in past land conflict experience across the three study areas was significant χ^2 (4, N=1699) = 100.6823, p < 0.001.

Table 5.8. Ability to bequeath land to children or relatives

District		Ability to bequeath land children or relatives			
		No/Not sure	Depends on others	Yes	Total parcels
Kanungu	Freq.	112	107	454	673
	%	16.64	15.9	67.46	100
Nakasongola	Freq.	163	40	322	525
	%	31.05	7.62	61.33	100
Nwoya	Freq.	53	39	409	501
	%	10.58	7.78	81.64	100
All districts	Freq.	328	186	1,185	1,699
	%	19.31	10.95	69.75	100

Source: 2019 AIDA survey

5.9. Perceived ability to sell or mortgage the land

Kanungu had the highest levels of perceived ability to sell or mortgage land without the need to consult others at 25.93% as compared to 16.73% and 12.15% for Nakasongola and Nwoya respectively (See in Table 5.9). Compared to results of Doss, Meinzen-Dick, & Bomuhangi (2014) and Ravnborg et al. (2013), rights of land alienation have increased.

Table 5.9 Perceived ability to sell or mortgage the land across study areas

District		**Ability to sell or mortgage land in need**			
		No/Not sure	Depends on others	Yes	Total
Kanungu	Freq.	446	51	174	671
	%	66.47	7.6	25.93	100
Nakasongola	Freq.	411	27	88	526
	%	78.14	5.13	16.73	100
Nwoya	Freq.	381	60	61	502

	%	75.9	11.95	12.15	100
All districts	Freq.	1,238	138	323	1,699
	%	72.87	8.12	19.01	100

Source: 2019 AIDA survey

5.10. Perceived access security of the parcel

Results in Table 5.10 present results on whether the respondent or household felt secure in accessing the 'most important' parcel. Results show that Kanungu which had the lowest levels of past land conflicts and highest percentage of parcels that could be sold or mortgaged unconditionally, still had the highest levels of perceived security of parcel access of about 92.73% (combined very secure and secure categories). Though Nakasongola had lower and higher percentage of parcels that were reported to have experienced a conflict in the past 5 years and that could be sold unconditionally compared to Nwoya. It had the lowest levels of perceived tenure security of about 67.74%, yet Nwoya had 83.07%. The correlation between perceived security in access the parcel and the study district was significant χ^2 (10, N=1703) = 153.6616, p < 0.001.

Table 5.10. Perceived tenure (in)security across the study areas

District	How secure do you feel in your or household access of the parcel						
		Very Secure	Secure	Somewhat secure	Not that Secure	Very Insecure	Don't Know	Total
Kanungu	Freq.	381	244	21	21	5	2	674
	%	56.53	36.2	3.12	3.12	0.74	0.3	100
Nakasongola	Freq.	205	152	92	38	25	15	527
	%	38.9	28.84	17.46	7.21	4.74	2.85	100
Nwoya	Freq.	217	200	59	16	2	8	502
	%	43.23	39.84	11.75	3.19	0.4	1.59	100
All districts	Freq.	803	596	172	75	32	25	1,703
	%	47.15	35	10.1	4.4	1.88	1.47	100

Source: 2019 AIDA survey

Conclusion

This study aimed at analyzing regional differences in land tenure security. Kanungu had higher levels of tenure security as evidenced by high land documentation (Table 5.3a), unconditional ability to sell/mortgage land (Table 5.9), perceived security of land access (Table 5.10) and lower levels of past land conflicts (Table 5.6a). The higher levels of land tenure security in Kanungu despite its higher population density could possibly be due to the following:

(i) more cohesive societies as evidenced by lower levels migrant respondents and respectively (see Tables 3.2 and 3.3). Communities with lower ethnic variation have been found to be less prone to conflicts as they have higher respect for local leadership in conflict resolution (Mwesigye & Matsumoto, 2016). As noted earlier McDonald (2011) found high respect for elders in land conflict disputation in Kanungu. We also find higher consultation of family elders in conflict resolution in Kanungu as compared to other areas (Tables 5.5a-5.5c).

(ii) Kanungu has a higher level of village local council leaders' engagement in land documentation awareness (Nakanwagi & Morokong, 2021) which might explain its higher land documentation possession (Table 5.3a) and higher levels of freehold tenure (5.1).

(iii) Kanungu as part of Kigezi region has had a long history of land documentation (Mugambwa, 2007) which may also explain higher levels of inheritance agreements (Table 5.3b).

(iv) Kanungu has smaller landholdings and access (see Table 4.5), this when coupled with a hilly terrain (Barasa et al., 2010) contribute to land tenure security by discouraging large scale-LBAs. Kanungu also had lower levels of cattle ownership (Table 4.1) which mitigate conflicts arising from livestock herding (Byenkya, Mugerwa, Barasa, & Zziwa, 2014; Linkow, 2016). But it had a higher percentage of adults with more than primary formal schooling (Table 4.4) which enables rights holders to defend their rights.

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