

Chapter 1

Multiplicity

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An Autoethnographic Account of Stephen's Multiple Land Claims

My experience, based on the way people who are intimately connected to me contest my ownership and control of land, demonstrates the difficulty in trusting anybody on matters of land. My interest is to get private land (*ngom ma alone iye kena*) in different locations, where I can claim ownership and full rights as a kind of insurance given the land greed that I think is unfolding in Acholiland. If I lose some land, some will still remain. Private land, to me, is land that I have rights over as an individual, am free to sell, transfer or mortgage without interference from any other person. I hope to acquire freehold titles for all my land, but I am put off by the bureaucratic challenges.

This autoethnographic account is based on personal reflections about my quest to possess private land free from any other claims, even from people who are intimately close to me like my wife and children. The personal narrative illuminates the challenges associated with land ownership in post-war northern Uganda. These challenges stem from complex negotiations involving multiple stakeholders and changing cultural traditions. I engage in Systematic Sociological Introspection (SSI), whereby I rely on data from personal diary entries, records of periodic informal encounters, 'land sales' agreements and other land transaction documents to recall personal sentiments that inform my narrative. The purpose of autoethnographic research and personal narrative is to identify issues through personal engagement with the data. Through an examination of my own case, I

seek to develop a deeper understanding of conflict relating to land ownership in northern Uganda.

I currently lay claim to six pieces of land dotted around the countryside, but none of these are secure or free from conflict or encumbrances.

Land 1 is my current residence in town, about a quarter of an acre that I acquired from four different owners between 1991 and 2001. This is the only plot for which I applied to secure a title. I followed all the required procedures, beginning with a survey and placement of mark stones, inspection by the Area Land Committees in the presence of neighbours, payment of fees to the Division, and approval by the District Land Board. However, in the final stage at the Central Land Registry, an error was detected: the same Plot number (Plot 7) was allocated to two other plots in the area, and one of the applicants already had a title to Plot 7. The application was returned to the District Cartographer for correction. The Cartographer acknowledged the error and wrote to the Commissioner of Surveys and Mapping to draw a fresh Deed Plan with a new plot number allocated to me. This took a month and required additional fees. The struggle to get the land title continued three years on.

Before I surveyed this land, I planted some flowery thorny shrubs to mark the boundary, which borders a blind lady's land. The lady contested the boundary and did not accept the Local Council ruling that favoured me. When I surveyed the land, I left a portion to the lady to avoid the conflict. Additionally, I am concerned that a richer neighbour who requested to purchase the land may cause me some harm because I refused his request.

My brother and sister-in-law also claim a stake in the house that I built here in 1991, based on the premise that she cooked for the builders and her husband supervised the building process. They 'temporarily' settled on the land during the war but now refuse to leave. In yet another case, my cousin's daughter, who lost her parents and was supported through her education by my sister, has made a request to erect a small building on Land 1 for my sister. I acquiesced and the building is halfway finished.

Land 2 is five acres of farmland, where I built a one-room house. It is about 23 kms from Gulu Town. This land was originally given to my father by an uncle of his in the 1960s and passed on to me. I grew some crops on this land in 2009–2010 but gave up because I could not find labour to continue farming. I made a contract with a man that stated he could live here on the condition that he grows some crops for me, for which I will pay him. He decided to dig only for himself, but I have allowed him to stay on the land for the purpose of securing the land boundaries.

My late father left Land 2 in the 1970s, allowing his cousin-brother (his father's brother's son) to temporarily live there with the understanding that the land still belonged to his family. However, when I claimed the land after the

end of the civil war in 2006, my father's cousin-brother claimed ownership. The clansmen, the traditional land mediator (*Rwot Kweri*) and Local Council levels all ruled it is my land. My father's cousin-brother vows to appeal the case. In 2010, my door was split and later a mysterious fire burnt down my hut.

To the south of this land, a neighbour refused to recognize a vitex tree as the previous boundary; an elderly neighbour to the east accepted the boundary, but her children contested it despite clear boundary markers.

Land 3 is only 20 by 30 metres in Gulu town. I bought it for UGX 3,600,000 in 2009 after a brother-in-law convinced me that it was a good investment. I built a small one-room temporary structure that I hire out for UGX 40,000 monthly. In addition to the temporary building, there are two huts. To keep the plot, I allowed a nephew who had taken refuge in Kigumba 120 kms away during the war to temporarily settle in the huts upon his return in 2010. Three years later, when I asked my nephew to leave as I prepared to develop the land, he flatly refused, saying he resented 'being sent away like a dog'. His bicycle repair business in the premises was doing well. He traced a grave in the compound with a stick and told me: 'You should know that your real land is this size. If you insist on sending away nephews, then you should stop producing girl-children.' I had to involve the *Rwot Kweri* to make the nephew vacate.

This land is adjacent to Gulu Railways Station, where Uganda Railways Corporation (URC) is plotting re-development. In 2015, URC sent their officials to re-survey the land. The officials organized a meeting with the 'landowners' in the area, and part of the land was marked for a road passage. The Corporation promised compensation but is yet to deliver.

The portion that remains free of URC interest is still big enough for some business. A neighbour who admired the plot came and negotiated with me to put up a small metal fabrication workshop in the plot. I thought it was a good idea to team up together, and we started erecting a structure for the workshop. We could neither agree on the building design nor the contractors, but the breaking point was when the neighbour fixed a kiosk in the plot without informing me. I told him to remove his share of infrastructure and the kiosk from the plot. He removed them but took my metallic frames as well.

I bought Land 4 through the connection of a cousin in 2010. It is located about 40 kms from Gulu Town and, at 40 acres, it is my largest claim. So far, I have paid UGX 10,000,000 for 20 acres. Later, the land seller informed me that if I wanted to secure the land, I should pay an additional UGX 15m because the rate had been revised in their family meeting.

In addition to my own 20 cattle, 8 goats and 13 sheep, I also take care of an additional 20 cattle, 10 goats and 3 sheep for my relatives. When I bought it, it was in an area sparsely settled, quite free from livestock farmer/crop cultivator conflict. This land initially had distant neighbours, but as fate would have it, a

neighbour was allocated land where I had hoped to expand my ranch. Within a short while, two of my cows were cut in the tail. The suspect was the new neighbour. The cows were treated by a veterinary officer and survived.

My relatives feel entitled to keep their livestock on my farm, but they neither contribute to the regular treatment of the animals or contribute much to the salary of the herdsman. My wife has advised me to begin thinking of buying alternative cattle-keeping land, but I am afraid that no land seems free of encumbrances or conflict.

Land 5 is two acres located about 10 kms from Gulu Town. I do some farming here. It is ideal because it is easily accessible from my residence in town and casual labourers are easier to come by near the town. I bought it for UGX 4,600,000 from two brothers in 2014. A rich neighbour came and bought adjacent land. He surveyed his land and put mark stones at the edge of my garden without consulting me, as he should. The rich man left the land for his relatives in the neighbourhood to grow their crops. They created a footpath across my garden and even trampled my groundnut crops. When I complained, one of them mockingly said I am 'a poor man who cannot afford to survey his land.' At the western boundary, another neighbour who is a tipper lorry driver, created a way through a portion of my land to reach his own land. My complaints to him fell on deaf ears.

Land 6, my ancestral land, is 10 acres and located 30 kms from Gulu Town. I lay claim to this land along with my siblings. None of my siblings is currently settled there. This is where my grandfather and father were buried, and it will hopefully be my long home too. My mother died in 2010 at a time I was in Denmark. My people saw that the village land with no structures could not support the funeral that would attract multitudes and decided to temporarily bury her on my residential land in Gulu. Her remains will eventually be taken to our ancestral land, together with those from four other graves on Land 1. It becomes even more urgent now that Gulu is becoming a city. The good news is that now there is a house being painted on Land 6 (the long home), and I will spend a good percentage of my time in that house.

I have been interested in farming Land 6 but the only available labourers are my kin, who are unwilling to work the land even for pay. I built a small two-roomed house on this land for labourers, and in 2014 I met a man who was interested in keeping the place on the condition he was allowed to farm it. I planted some 200 pine trees on this land and assigned him to guard them from bush fires. The trees got burnt, and in 2015 the man locked the house and vanished along with the keys.

The boundaries to Land 6 are being contested on all four sides. A cousin-brother to my father (a lineage father to me) is contesting the boundaries to the east and south of the land. He asserts that when I was young my aunt adjusted the boundary to the land and encroached into his western boundary. He dug his

garden extending westwards to within a few meters of the graves of my father and grandfather, which were originally located in the middle of the compound before war displaced residents. Where we had a hut in what was the eastern part of our land had been turned into parts of the garden, and the hut's marks remain in evidence. To the south of what was our land, the lineage father had shifted his home, encroaching a few more meters into what we thought belonged to us. The case was heard when the clan met in 2015 but remains unresolved.

On the northern boundary of the land, another lineage father built a make-shift church on what was our farmland. During the meeting of 2015, he agreed to remove the church and hand back the portion of land, but to date the church is intact. He had also sold off about three acres of the land. He brazenly told me that since I am educated and have good income, I can afford to buy land elsewhere.

To the west, a neighbour planted a banana plant and claimed that was the boundary. All my siblings remember we used to have a garden beyond this banana plant without any contestation. My siblings have not been very useful in pressing for this claim, which incidentally ties us to our legitimate lineage and identities. I am on the verge of giving up on this land altogether.

I can conclude that my land claims are intertwined with relationship issues (*ber bedo* – staying well with intimates and neighbours); *ber bedo*, I believe, is the principle that guides customary landholdings, yet I intend to convert these lands attached to customary norms into private freeholdings. The stories, therefore, demonstrate the complexity of converting customary landholdings (which are more communal) into private (individual) freeholdings. No one has expressed this complexity more clearly than the Nwoya District Land Board chairman, whom I quote here:

Customary land is more a communal land, to be passed to the future generation, so how do you certify communal interest even for those who are not yet born, and those in the diaspora, and you do not know that that is their interest in the first place? How do you gain consensus of all stakeholders? How do you accommodate the interests of nephews, nieces and sisters? How do you include all of them in the application form for the certificate? You exclude some of them, yet they could be included in the customary sense.

Going by the customary landholding mindset, it would be 'illegal' to buy the lands that I purport to have bought unless people begin to accept the principle of commodity land. As it is, it appears that landholding is something that is to be constantly negotiated and accommodative of other interests. My attempts to buy and privatize land, therefore, amount to attempts to create outsiders who feel they are insiders. It is, in fact, a deception that I can acquire 'private' land that

I can pass on to my children – free of encumbrances. My nephew may be quite correct in stating that my ‘real land’ is the size of the grave that he traced.

Of What Is This a Case?

Stephen Langole’s unusual and thought-provoking autoethnography of land claims counters the usual image of landholding in northern Uganda: that a person or a family has but one piece of land or one claim. Stephen has six and makes the point that having land in different locations provides insurance in the face of the land greed that is widespread in Acholiland. We may ask, in Christian Lund’s (2014) words: ‘Of what is this a case?’ Part of the answer is that we have found this to be a specific case of a general pattern of multiple claims. Persons and families often have land claims in several places, even if they only have rights to use the land for a season or two. Shipton (2009: 118–20) found a similar pattern of multiple plot landholding among Luo people of western Kenya. He argued that this should not be seen as inefficient ‘fragmentation’ but rather as a deliberate strategy of diversification for ecological and social reasons.

Aside from empirical generalizability, Stephen’s case raises another more conceptual issue that is another part of the answer. All his land claims were contested. As Shipton (2009: 120) also noted, the disadvantage of the strategy of multiplicity is that dispersed landholdings mean ‘increased likelihood of boundary disagreements with neighbours (since there are more boundaries with more neighbours)’. In detailing the conflicts, Stephen shows how each concrete dispute involves different relationships. Moreover, these relations change over time. He takes different positions vis-à-vis the contenders but always sticks to the same position with regard to the land – that it is his alone, except for Land 6 where he admits his siblings have stakes. More abstractly, we can say that people with several land claims take a multiplicity of relational positions, each grounded in a given context. They are multiply embedded in social relationships. It follows from the notion of relational positions that the parties involved might have different perceptions of the situation. Stephen makes it very clear that his neighbours and relatives feel they have claims and that he should not press them because he has more resources than they do.

Recent research on land issues in Africa points to the variety within what is glossed as ‘customary tenure’. Summing up this research, Peters (2013: 547) writes of ‘overlapping and multiple rights and uses of land’ . . . and of ‘the rise of multiple forms of land transfers (rentals, leasing, sales)’. In this chapter, we address multiplicity of three different kinds: of acquisition and tenure; of location and use; and of relational positions. It is not merely our point that landholding is complex. By attending to multiplicity within this threefold framework, we attempt to make it more manageable and more amenable to analysis. In some instances, multiplicity refers to diversity, as when a variety of landholdings serves

different uses. In other instances, multiplicity simply means plurality, as when the same land is embedded in many relationships.

Multiple Tenures and Modes of Access

Stephen's hope is to acquire freehold titles for all of the land he claims, but so far, he has only set this process in motion for the land where he resides in Gulu town. Freehold would give him the greatest legal individual control over the land. As stated in the Land Act, freehold tenure:

- (a) involves the holding of registered land in perpetuity or for a period less than perpetuity which may be fixed by a condition;
 - (b) enables the holder to exercise, subject to the law, full powers of ownership of land, including but not necessarily limited to –
 - (i) Using and developing the land for any lawful purpose;
 - (ii) taking and using any and all produce from the land;
 - (iii) entering into any transaction in connection with the land, including but not limited to selling, leasing, mortgaging or pledging, subdividing creating rights and interests for other people in the land and creating trusts of the land;
 - (iv) disposing of the land to any person either as a gift *inter vivos* or by will.
- (The Land Act 1998 with amendments in 2001, 2004, 2010, Part II, section 3)

In other words, the freehold owner is free to do what he likes with the land. He (the male pronoun is intentional, since far fewer women hold freehold title) is not encumbered by obligations to others.

Individual registered ownership under freehold title was promoted by colonial governments from the 1930s as a way of strengthening agricultural efficiency and economic development through providing security of tenure. In many African states, land reform policies of the 1960s and 1970s were based on the same logic. Since the late 1980s, the rhetoric of donor agencies, including the World Bank, has changed somewhat, with more emphasis on pro-poor land security and other forms of registration including communal rights (Peters 2009: 1318). De Soto's (2000) trumpet call for individual titling has been criticized on the basis of empirical evidence and concerns for equity (Musembi 2007; Shipton 2009). Yet despite the shift of rhetoric and the differences in land reform policies across Africa, independent states have generally pursued policies that liberalize land tenure to allow individual rather than communal landholding (Manji 2006: 46).

Uganda is no exception. The Constitution of 1995 and the Land Act of 1998 favour freehold, especially with provisions for converting customary tenure to

freehold (Manji 2006; Okuku 2006; Joireman 2007; Batungi 2008). However, in most parts of the country, freehold title is rare. As Joireman suggests, changing the law on property rights makes little immediate difference if institutions for implementation and enforcement are neglected. Impediments to the implementation of freehold include bureaucratic obstructionism, underfunding and understaffing of Land Boards, and corruption.

In Uganda, the government bureaucracy is infamous for its corruption and the additional 'fees' that are necessary to obtain proper documentation of land-ownership or land transfer, unless one is willing to wait years for access to a certificate of title. There are multiple instances of citizen complaints regarding delays of up to five years in the titling of land or requests for bribes from bureaucrats responsible for filing the title (Joireman 2007: 473). Against this background, it is understandable that Stephen's first attempt to obtain freehold title has still not borne fruit after three years.

Another hindrance that Joireman does not mention is the cost of the survey that is necessary in order to obtain title. One of Stephen's antagonists derided him as too poor to afford mark stones. Indeed, surveys and the placement of mark stones are expensive, a fact that contradicts the claim that individual titling is pro-poor. Moreover, they arouse suspicion in some quarters. They seem to indicate a lack of trust, and ambitions to acquire land for investment. The Nwoya District Land Board Chairman explained:

In the past, giving was without documents. It was giving in an Acholi way. There was a certain guy in Koro who was given land by an old man. The guy called a surveyor. The giver asks why. People who bring surveyors are the ones who will take other people's land. The guy said I'm only going to survey the portion you gave me. The old guy said now you are becoming greedy. I don't trust you. They don't understand what surveying means. They think a survey will always include more land. You can put a permanent building, but don't survey. People who are illiterate know that surveying is for 500 acres, or 1000, for big farms. And yet he has only given one acre. You cannot survey that. They don't understand what you will do with the survey and that the survey has excluded theirs. They fear that much more land will be included than the piece given.

Surveying is sensitive; Stephen remarks that his rich neighbour at Land 5 surveyed his land and put mark stones at the edge of Stephen's land without consulting him as he should.

All of Stephen's holdings fall legally under the category of Customary Tenure, which means that they are regulated according to local practice. This includes land considered to belong to individuals or households as well as land held collectively by lineages or clans. The Land Act states that customary tenure includes:

applying local customary regulation and management to individual and household ownership, use and occupation of, and transactions in, land; providing for communal ownership and use of land in which parcels of land may be recognised as subdivisions belonging to a person, a family or a traditional institution.

In terms of legal tenure, Stephen has only one kind of land. But within the statutory category Customary Tenure, multiplicity reigns. Customary regulation rests largely on what is considered valid as a claim, whether it be inheritance, purchase, borrowing, hiring, bestowal, marriage or sustained use. Stephen obtained land through inheritance from his father, who in turn had been given Land 2; his claim to Land 6 was through membership in a patrilineage that held ancestral land. However, most of his land was purchased. In his autoethnography, Stephen initially puts ‘land sales’ in scare quotes to mark that such transactions are not formally recognized in the land registry even though they are usually witnessed and recorded on paper. Given that this ‘sold’ land does not fall within any of the other three categories of land tenure, it must be considered ‘customary land’ subject to local recognition and regulation.

It is striking that the broad category ‘Customary Tenure’ although statutory in that it is recognized in the Constitution is seldom certified by government. Attempts to introduce Certificates of Customary Ownership have not as yet been widely accepted in northern Uganda. That would be a kind of state authorization of ownership over a delineated piece of land. But as the Nwoya District Land Board Chairman said, it is difficult to reconcile such certification with the many potential stakeholders. Some organizations have spoken very critically of Certificates of Customary Ownership (Adoko 2017).

The ‘sale’ and lease of customary land is not a new phenomenon, but it is increasing rapidly across Africa, as documented in a special issue of the journal *Africa* on ‘Interpreting Land Markets’. The editors review the literature on what is variously called ‘vernacular’, ‘informal’ or ‘clandestine’ markets and point out that there is often recourse to ‘informal formalization’, where witnesses and written records mimic formal procedures for land sale registration (Colin and Woodhouse 2010: 7). “These ‘informal’ documents and other means of recording land transfers . . . depart from the oral methods prevalent among customary systems, and represent more definite signs of boundaries and exclusion’ (Peters 2013: 552). While much of the research on vernacular markets concerns pioneer areas of newly opened land or parts of West Africa where migrants from outside are acquiring property, it is evident that informal sales of customary land are also common in Uganda, in areas where these conditions do not obtain.

Two other modes of acquiring land – borrowing and renting – are very common but seldom documented.¹ According to Stephen, he had lent (‘temporar-

ily’) parts of Lands 1 and 3 to relatives, who later refused to leave. He was also hiring out a building on Land 3. Other examples from our TrustLand research showed that women and young people who had difficulty accessing family land borrowed or rented elsewhere (Chapters 4 and 5). Families forced to leave their ancestral land because of ravaging elephants rented places in a nearby trading centre (Chapter 9). In most of these cases, people did not give up their claims to one piece of land in favour of another. They maintained multiple land claims (Obika et al. 2018).

Again, this pattern is increasingly widespread across Africa. Colin and Woodhouse (2010: 4–5) draw attention to the variety of rental and sharecropping arrangements and note that this temporary transfer of rights may offer better prospects for improved efficiency in land use than freehold title. It is flexible and avoids the sensitive move of selling land. However, this very flexibility allows problems of interpretation (Peters 2013: 552). Different parties may have different perceptions of the conditions of an arrangement, especially in northern Uganda, where borrowing land is common as well as renting and sharecropping. Are gifts of produce after harvest payment or appreciation? What happens, as in the case of Stephen’s Land 2, when a man allowed to cultivate the land does not grow crops for the owner as stipulated in the agreement? The flexibility of such arrangements is beneficial and sometimes problematic in the parts of northern Uganda hosting refugee settlements. Members of the host community lend or rent agricultural land to the refugees but sometimes withdraw it after one season so that the refugees do not continue to profit from the labour they invested to clear it. Some members of the Adjumani Elders Forum suggest making written agreements about the nature and duration of refugee rights to use the land (Pauolino Vusso, personal communication, 2019).

If landholding and access are thought of in terms of ‘bundles of rights’, then freehold would entail having virtually the entire bundle. Under customary tenure, the multiple rights are disaggregated. The right to use, to sell, to give away, to harvest tree crops or to gather firewood are not necessarily held by the same party (Shipton and Goheen 1992; Doss, Meinzen-Dick and Bomuhangi 2014). Nor do the parties always agree on who has which right and for how long.

Multiple Locations and Uses

In describing his six pieces of land, Stephen states where each plot is located and what it is used for. His land claims are spread out geographically, in part because he wants land for different purposes, and he has the resources to pursue both rural and urban projects. He mentions land for residence, business, and rental in town, and for agriculture, grazing, a pine plantation and burial in various country locations. But having land for different purposes turns out to be not uncommon even for rural people.

Distinguishing kinds of land according to use is well established in Acholi discourse and practice.

Ngom kwaro, which relates to patrilineal descent, may be contrasted with a family of Acholi terms for different kinds of land-in-use. Words such as *tim dwar* (hunting grounds) and *olet* (grazing land) point towards use as a fundamental characteristic of an area. While hunting and grazing are traditionally male occupations, two terms are particularly important for understanding women's land use. 'Garden' (*poto*, pl. *poti*) is used by Acholi when speaking English to indicate a field used for cultivation in one season or over years. . . . women have a strong attachment to the gardens where they invest their labour and grow food. *Okang*, on the other hand, refers to garden use-history and denotes a garden opened by a particular woman on virgin land. Creating a new garden out of bush is demanding, and when people speak of a piece of land as the *okang* of their mother or grandmother, they implicitly recognize the work she did to establish a new garden. (Obika et al. 2018: 208)

Use is a more dynamic, processual criterion than ownership, which suggests continuity until an intentional transfer occurs. Maintaining multiple land claims involves keeping them active. This is why Stephen invites people to stay on his land and use it, with the understanding, of course, that they will vacate it when he is ready to use it himself (for example, on Land 2 he allows a man to stay and farm 'for the purpose of securing the land boundaries', in the same way mothers keep the land claims of their sons credible by farming the land).

The crucial element of use in relation to land claims emerges during attempts to resolve disputes. The evidence brought forward at in situ gatherings of local authorities is usually a combination of physical marks in the landscape and oral testimony about their history. For example, in 2014 the chairman of the Awach Sub-county Court Committee told Susan Whyte, Mette Kusk and Alice Adongpiny about a case the committee had recently heard:

The evidence that made Ojok win were mango and pine trees planted by his father, his [the father's] grave and the brothers' graves, and a drainage, *wang kigingi*. An old foundation of a house, *wi obu*, was also there. The Sub-county Court Committee moved around in the area to see this, and the neighbours confirmed it. If two persons claim the same tree, the neighbours will confirm who is right. People will point fingers if somebody tries to claim land that did not used to be theirs.

. . . The *wang kigingi* are made because people throw weeds to one side of their fields. This makes a ridge and a natural drainage along the side of the ridge when rain comes. Neighbours with adjacent fields do not

throw weeds on the same *kigingi*; if one throws to the east, the other does the same. It now helps as proof when people are in conflict over land, but it has not been created purposefully as a boundary.

The *wang kigingi* were not boundary indicators like the mark stones of the surveyor. They were built up organically through use – by people weeding their gardens. Memories of use figured in considerations of land claims in many of the narratives we heard: ‘yes, we used to eat mangos from that tree of Okumu’s on our way to school’; ‘Tito had a sweet potato garden there – I remember that it was a problem for him that men drinking at the nearby market used to urinate in his sweet potatoes.’

Graves are the most common marks of use adduced in land disputes, given that the dead are not buried in churchyards or public cemeteries but rest in family land. Graves are evident as mounds, often with a few stones or bricks to mark them. In the past, people used to plant *kituba* trees at graves, which signalled the burial for many years after the mound of earth had disappeared. Today, those who can afford it make graves permanent as rectangles of cement; the ancestral residents of ‘the long home’ (Land 6) are identified by names and years of birth and death that were scratched into wet cement. While graves are established naturally as part of life courses and not as mark stones in land claims, there is a growing awareness that they affirm a family’s link to the land. Perhaps the marking of graves is taking on greater significance in light of growing worries over land, as Shipton (2009: 96) has argued for the Luo of western Kenya.

Stephen hopes that Land 6, his ancestral land, will be his ‘long home’ someday, but for now he is thinking of diversity in agricultural and income enterprises on different kinds of land. This logic is evident more widely in people’s livelihood strategies. Income diversification is common. Bryceson (2002) writes of ‘the scramble in Africa’ for non-agricultural sources of livelihood as exports of agricultural commodities decline. At the same time, she notes that agricultural foundations and the production of subsistence crops remain important for household economies. The pattern of diversification in northern Uganda encompasses both agricultural and non-agricultural activities. People like Stephen who have a regular salary invest in livestock and tree plantations and renting out buildings. Atim and Awor (Chapter 5) are trading fish in the market as well as cultivating land where they can. Daniel (Chapter 4) raises pigs and cabbages and worked for an oil company for a period. Brickmaking and charcoal burning are often combined with subsistence agriculture, as is distilling and selling snacks. This kind of multiplicity means that it is useful to have different kinds of land in different locations.

Rural land serves many purposes in addition to agriculture, as Ferguson (2013) has emphasized. A rural homestead is a base for migrants and people who have retired after working elsewhere. It is a platform for trade and small businesses, often with links to urban centres. It is a place where sick and disabled

family members can be cared for. Importantly for our arguments in this book, it is an anchor for belonging, as shown in Chapter 6. Ferguson argues that rural land is a basis for distribution as well as production; rural homesteads are where resources are shared and where those who have more will assist those who have less. This is certainly true in Stephen's case.

Multiple Relational Positions

Karl Marx is often credited with the insight that property is not a thing but a social relation between an object and an 'owner' and a group willing to recognize the relation between them. But it was Sir Henry Maine (1861), writing around the same time about property as a 'bundle of rights', who more directly influenced anthropological approaches. The appreciation of multiplicity captured in the 'bundle' metaphor has been evident in anthropological writings on property, law and social relations for many decades (F. von Benda-Beckman, K. von Benda-Beckmann, and Wiber 2006: 32, note 16).

The notion of property as bundles of rights can be a way of analysing social relations. Hann (1998: 7), for example, proposes that we should analyse property as 'the distribution of social entitlements', inviting us to consider who has which kinds of entitlements vis-à-vis whom. For him, the notion of social 'embeddedness' is key. Here he is inspired by Karl Polanyi (1944), who first used this concept to underline the ways in which, historically, property and economic processes were deeply entwined with social relations and cultural practices. The idea was elaborated by Granovetter (1985) and adapted by anthropologists studying changes in land tenure in Africa (Colin and Woodhouse 2010; Chauveau and Colin 2010). In relation to land, social embeddedness is the opposite of freehold; land is not free of the claims, entitlements and encumbrances of socially significant others. It cannot be separated from social life and transacted as an independent commodity with absolute property rights (see Chapter 2).

We would like to take these notions of bundles and embeddedness a step further by looking at the practice of negotiating entitlements. Privileges regarding land are not just distributed in some set way according to the elements in an agreed bundle. They are firmly asserted, obliquely denied, grudgingly allowed or generously shared. Access to land, whether by purchase, inheritance or loan, is through social relations, often intimate ones. It is worked out through interaction with multiple others. In this approach, we follow the direction of Cockburn and colleagues to move from thinking about bundles of rights to bundles of relations to performative property practices. They write of '... a processual or performative perspective on ownership: property relations are not static but need to be communicated, performed or claimed – actively made and repeated – in order to function' (Cockburn et al. 2018: 8). As their collection demonstrates, these processes are often most visible in contests over property claims.

The conventional image of Acholi society is that patrilineages have land in a given village to which sons, and to some lesser extent daughters, have entitlements. While this picture is generally a fair representation, it does not capture the multiplicity of possibilities that are being worked out by people in different positions and situations. Stephen is a recognized member of a landholding patrilineage, but when he attempted to assert his entitlement, his father's cousin-brother told him that since he was educated and had a good income he could afford to buy land elsewhere. As we will see in Chapter 4, some potential members of a patrilineage are not able to realize their claims because their paternity has not been recognized. Moreover, people can obtain access through links other than membership in a patrilineal descent group. They may mobilize some kind of entitlement through maternal relatives, or because a father or grandfather was given land by a member of another patrilineage, such as an in-law. Stephen mentions that Land 2 was a gift to his father. Among the cases in the chapters to follow, there are similar examples. Atim and Awor (Chapter 5) were living on a plot given to their father's brother by a friend. Daniel and his brothers (Chapter 4) were staying with their mother on her brother's land.

A study on changes in landholding in formerly rural areas around Kampala found an increase in freehold tenure (through conversion from *mailo* land – see the appendix on land legislation), with people with resources buying land for housing developments or large commercial farms. At the same time, those who have continued with smaller scale agriculture have activated multiple forms of access. The researchers identified twenty different types of access mobilized through social connections.

To negotiate land access, it is essential to have a network of acquaintances, even though mutual aid is today more restricted. An accumulation of forms of land access appears to be the rule more than the exception and it is instructive to relate it to marital or family trajectories (for example, the arrival of a new wife may motivate the acquisition of an extra plot or extra plots might be acquired through wives' acquaintances). (Chalin, Golaz and Médard 2015: 566)

The 'bundle of rights' is large, and the 'distribution of social entitlements' is broad, but they must be negotiated and readjusted as time passes.

People assume a multiplicity of relational positions in pursuing, maintaining, accepting and denying land claims. They engage specific others on grounds that have moral, practical and micro-historical dimensions. Stephen's case illustrates this very well. He interacts as a neighbour with the blind lady, who refused to accept the ruling of the Local Council concerning their boundary on Land 1. His generosity in conceding to her demand might be taken as an example of the

moral good of harmonious living (*ber bedo*), which features in several of the other cases we studied (see ‘The Land Conflict at Ogul’ in Chapter 6 and Obika et al. 2018). Concerning the same land, Stephen interacts as sibling with his brother and sister-in-law who make claims because of the work they have invested in building the house. He positions himself as senior family member towards the cousin’s daughter whom he allowed to put up a small building for his sister on the land. On Land 2, Stephen takes the position of employer towards a man he contracted to farm for him, but the man realizes his entitlement to use the land without fulfilling the agreement to grow crops for Stephen. On Land 3, he interacts as business partner with a man who attempts to expand the entitlement beyond their metal fabrication workshop to include use of the land for a kiosk. This development leads to the end of the partnership and the man’s entitlement.

Stephen allows people to realize entitlements to use land even as he laments that they are taking advantage of him. Land 4, the grazing land, is a good example. His relatives are keeping as much livestock there as he does but without contributing to the expenses. They have negotiated a social entitlement to use the land (and herdsman) of their kinsman, but Stephen has now grown unhappy about the situation, and his wife, with whom he assumes another relational position, is advising him to end the arrangement.

To say that land claims involve multiple relational positions is to acknowledge that land is embedded in social relations, which in turn involves elements of trust, morality, interest, sentiment and interpersonal history. Relations change over time and thus affect the status of land entitlements. In some cases, it is not that relations become tense because of land conflicts but that relations have already been damaged by tensions that have flared up over other conflicts. Several of the actors in this volume recognize this. In Chapter 3, the land conflict between Sylvia and Lanyuru is linked to Lanyuru’s bitterness that Sylvia refused to be inherited by him when her husband died.

Specific conflicts between men and women over gardens and land rights are often about more than boundaries. They are disputes about status, identity, even legitimacy . . . It was a premise of the Contested Property Claims Project that contesting claims can compel social actors to ‘reason about the institution of property.’ Our cases suggest that what our interlocutors ‘reason about’ are the social and historical links that mark their ability to have access to property. (Obika et al. 2018: 209)

The reasoning employed in relation to land access shows that the links are sometimes uncertain and undependable, rendering access insecure.

Sara Berry found a similar multiplicity and uncertainty in relationships among Yorùbá farmers:

kin-based relations do not provide much security either. People cling to them because trade and politics are risky too . . . Most of my informants said that their primary strategy for surviving or getting ahead has been to keep their options open, which implies both supporting one's kin and exploiting them. . . . The multiplication of options served, in turn, to increase uncertainty and inhibit productive investment. (Berry 1985: 83)

Stephen writes that his experience demonstrates the difficulty in trusting anybody on matters of land. Therefore, he wants multiple pieces of land for insurance; if he loses some to his untrustworthy relatives and neighbours, others will remain. Here he seems to link multiplicity with the risk of duplicity. In a similar vein, the chairman of the Awach Sub-county Court Committee pinpointed mistrust as a constant, when recounting a land dispute where the two parties had seemingly accepted a reconciliation. 'Are they now on good terms?' we asked. Our interlocutor replied: 'They stay well, but you do not know what is inside, deep in the heart. In Acholi: *Gibedo maber, ento pe ingeyo ngo ma i cwinygi* – you never know another person's heart.' The multiple relationships in which land claims are embedded must be activated and considered, not to know their nature for certain but to maintain or revise working assumptions about their viability.

Trust entails a degree of certainty about persons, relationships and situations. Stephen does not feel certain about the present or the future. He cannot count on his family and neighbours; even conditions may change as when neighbouring land is sold or land is subject to compulsory acquisition by the railways. Stephen's strategy is one of insurance rather than assurance; in the face of contingency and uncertainty, he seeks security through multiplicity rather than relying on one trusted and certain relationship (Whyte 2009).

Conclusion

In this chapter, we started with the straightforward point that many people, like Stephen, have claims on more than one piece of land. We used his case to discuss three kinds of multiplicity in landholding. Under multiple forms of tenure and modes of acquisition, we showed that even though the great majority of land in northern Uganda is held under Customary Tenure, multiplicity reigns within that one category. Contrary to the exclusive focus on descent and marriage as the channels through which people access land, we emphasized informal sales on the vernacular land market and the importance of lending, renting and giving as modes of land transaction. A second kind of multiplicity concerns locations and uses. While agriculture in rural areas is the most demanding in terms of extent, land is also important for residence, burial and business. It provides the basis for social life and enterprise in urban centres and country settings. Here multiplicity permits diversity. Finally, we considered the multiplicity of relations around land

that follows from its social embeddedness. Even freehold land, which should in principle be less entangled with obligations to intimate others, is not free of social relations, as we saw in ‘A Disputed Land Sale’, which opened Part I of the book. The land in question was freehold, but the conflict was seen as a betrayal of the trust that should obtain between a mother and daughter.

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Note

1. Of course, encroachment and theft are also modes of acquiring land, but here we only consider those recognized as licit.

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