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Abstract

Contemporary gender and development programs in Sub-Saharan Africa often rely on Eurocentric frameworks that view gender solely through the lens of patriarchal dominance, frequently overlooking the nuance of indigenous safety nets. This article challenges these binary models by examining how customary land stewardship systems inform male participation and household livelihood resilience in Uganda. Drawing on qualitative doctoral field data from Omugo Sub-County, Terego District, the study utilizes an Indigenous Narrative Research Design (INRD) consisting of Kwete sharing circles, council of elders' dialogues, key informant interviews, and Parish Development Model (PDM) group narrative sessions. The 77 participants comprised of 39 women and 38 men. The empirical evidence reveals that customary Lugbara land distribution is inherently relational rather than exclusively male-dominated. Historically, land access and usage rights flowed through matri-central allocations and maternal lineage provisions, embedding vital social safety nets for vulnerable or returning women. This customary architecture stands in direct tension with recent national legal instruments, particularly the Succession (Amendment) Act, 2022, which enforces individualistic, gender-neutral statutory divisions. However, top-down statutory legal interventions and external rights-focused programming have inadvertently disrupted this architecture, correlating locally with rising marital separation, land litigation, and the marginalization of young men from land access. By centering the indigenous philosophy of Ama-tualu (relational interconnectedness), this article argues for a paradigm shift away from adversarial, individualized land tenure models toward relational gender reciprocity. Ultimately, the study proposes a braided model of legal recognition that codifies indigenous safety-net obligations rather than displacing them, offering a transferable framework for rethinking gendered land security across agrarian Sub-Saharan Africa.

Keywords: Ama-tualu; Customary Land Tenure; Indigenous Narrative Research Design; Lugbara; Livelihood Resilience; Uganda.

“When the question: who owns a piece of land is asked in Africa, such a question bares within itself the answer because there is a preconceived assumption”

1. Introduction

The assumption that land ownership is a single, simple, straightforward, and locatable fact that can be captured in one individual male name springs from decades of standardized development programming cutting across rural Sub-Saharan Africa (Deininger, 2003; Whitehead & Tsikata, 2003). The correction which is immediately necessary ‘be it spousal co-ownership clauses, daughter-inheritance mandates, or individual titling is assumed to flow in one direction only, toward women, generally understood as the categorically landless party. This article drawn from a research work begins with the premise that such an understanding cannot survive contact with the people it is meant to describe.

A development or livelihood officer working for a non-governmental organization across six sub-counties of Terego District, Odupi, Omugo, Bileafe, Aiivu, Katrini, and Uriama, reported to the doctoral researcher on whose fieldwork this article draws. His organization’s own consultations with clan elders had repeatedly contradicted the working assumption his colleagues carried into the field namely; that land, as the primary household asset among the Lugbara, is exclusively owned and inherited by men. This article takes this moment of apparent contradiction as its point of departure to engage two connected questions:

1. What kind of land system is actually operating among the Lugbara of Omugo Sub-County, if not the male-monopoly model that development discourse habitually assumes?
2. What happens, empirically and not only in principle, when statutory and non-governmental interventions premised on that monopoly model are layered onto a system that was never organized that way to begin with?

This field contradiction occurs precisely as local community realities collide with sweeping statutory reforms at the national level, most notably the Succession (Amendment) Act, 2022, which imposes individualistic property divisions across rural jurisdictions. The subsequent testimony of a mixed Council of Clan Elders and of men’s and women’s Kwete-sharing circles in Terego district subsequently tell a different and considerably more intricate story, one in which women are not marginal to land but structurally central to how it moves between generations.

The first question demands a carefully, tailored reconstruction of what elders and the NGO officer actually described: an unfolding, maternally anchored sequence in which a man’s land, itself received through his mother, is redistributed to his wife or wives at marriage, farmed by her and her children as their portion, and, should the marriage collapse, backed by a standing obligation on the woman’s brothers to allocate her a piece of natal land for her and her children’s resettlement. The second question requires attending to what participants in the research describe as a harmful policy drift: the promotion, without local translation, of unconditional daughter-inheritance from paternal land, and its apparent contribution to rising marital breakdown, land disputes between young women returning home and their brothers’ wives, and importantly the corresponding disenfranchisement of young men left unable to secure land for the families they are expected to found.

The argument advanced here is not that customary tenure should be sentimentalized as inherently prefect or just, nor that statutory reform toward women’s land rights is misguided in principle but that policy built on a flattened, ahistorical picture of “customary male ownership”

will misdiagnose the problem it sets out to solve, and that misdiagnosis carries real social costs that fall, ironically, on women and men alike. To make this argument, the article draws on legal pluralism (Griffiths, 1986; von Benda-Beckmann, 2002) and the bundle-of-rights tradition in institutional property theory (Ostrom, 1990; Schlager & Ostrom, 1992) to reconstruct Lugbara land practice as a coherent, internally regulated system of entitlement rather than an absence of rights awaiting correction.

The article which springs from the research proposes two conceptual solutions: matri-filial trusteeship, a category of land-holder standing between owner and dependent that existing property models do not name well, and temporal-relational entitlement, a model of tenure security understood as an unfolding life-course trajectory rather than a permanent, registrable status. The article further sets out the theoretical framework, the study's data and method, literature on gender, customary tenure, and land reform in sub-Saharan Africa, situating the Ugandan case within it, findings on Lugbara land stewardship and its disruption. It discusses these findings against the theoretical framework, and concludes exploring implications for policy and further research.

2. Methodology

This article is a secondary, theoretically oriented re-analysis of ethnographic material gathered during a broader doctoral study of gender, masculinity, and household livelihood resilience conducted in Omugo Sub-County, Terego District, in Uganda's West Nile region, in 2025. The parent study employed an Indigenous Narrative Research Design, combining participant observation, semi-structured interview conversations, and culturally embedded Kwete-sharing circles, a locally rooted method in which knowledge is exchanged around the shared drinking of a traditional, nutritious brew rather than through the extractive format of a conventional focus group. The article draws specifically and exclusively on the land-stewardship strand of that data set: testimony from a district-level NGO gender and livelihood officer whose organization had surveyed customary land arrangements across six sub-counties of Terego District; testimony from a mixed-gender Council of Clan Elders convened in Bura Parish; and corroborating narrative from a Parish Development Model group in Duku Parish and from men's and women's Kwete-sharing circles in Angazi and Bura Parishes. The study involved 77 interlocutors, 39 women and 38 men.

Participants were purposively and, in the case of the elder-identified Kwete circles, snowball-sampled, following protocols of informed consent, pseudonymization, and community co-authorship consistent with indigenous research ethics (Chilisa, 2020; Wilson, 2008). All quoted or paraphrased material below has been reworked from the original field notes and transcripts into new prose for the purposes of this article, and no verbatim sentences from the parent thesis are reproduced. Analytically, the data were coded thematically around the operational rights identified by Schlager and Ostrom (1992), access, withdrawal, management, exclusion, and alienation, and around the temporal markers elders themselves used to narrate land transmission, namely marriage, motherhood, widowhood, divorce, and return. This dual coding strategy allowed the article to move between a synchronic account of who holds which rights and a diachronic account of how those rights shift across a woman's life course, which is exactly the analytic move the theoretical framework above requires.

The analytic strategy also required a degree of methodological humility about the limits of reading land practice off narrative testimony alone. Where elders, the NGO officer, and Kwete-circle participants converged independently on the same description of the matri-filial cascade and the safety-net obligation, without having prepared their accounts beforehand, that convergence was treated as strong corroborative evidence of a genuinely shared normative order rather than an idiosyncratic or self-serving account offered by any single respondent category. Where accounts diverged, most notably around the precise severity and prevalence of the disruption, the article has been careful to report the divergence as a consistent qualitative signal rather than to overstate it as a settled quantitative fact.

One plain limitation registered here is that, because the underlying data were generated for a different primary purpose, namely an inquiry into *Ama-tualu* narratives in gender discourses, masculinity and men's contribution to household resilience. The land-stewardship material, though rich and consistent across independent respondent categories, was not the original study's central focus and was not accompanied by a formal land-dispute case register or comparative quantitative baseline in the doctoral thesis. The claims made in this article about connection between statutory inheritance promotion and rising marital separation are therefore, drawn from convergent qualitative testimony across elders, officials, and Kwete sharing circle members, household heads and PDM groups rather than from administrative or judicial records, and should be read as a strong, triangulated field signal warranting further quantitative investigation rather than as an established statistical finding.

3. Critical Literature Review

The Pluralist Statutory Framework for Land Distribution and its Limits

Land is the basis of family life in rural Uganda. It feeds households, anchors identity, and ties families to their ancestors and neighbors. Among the Lugbara of Omugo Sub-County, Terego District, decisions about who may use land, and under what conditions, have long followed customary rules. Many development programs overlook these rules. This article argues that overlooking them is a mistake, and that it weakens the very land security these programs aim to improve. The article centers on the Lugbara philosophy of *Ama-tualu*. In this view, men and women are not rivals competing for a fixed set of land rights. They are partners in a system of mutual obligation. Land is held, shared, and protected through relationships between husbands and wives, between fathers and daughters, between brothers and sisters, and between families and the wider community. Customary leaders guide how land is allocated, moral rules keep behavior in check, and the community shares responsibility for people who might otherwise be left without support.

This article argues that gender and land should be understood through *relational reciprocity* rather than through *adversarial* models. Adversarial models treat women's gains as men's losses. I argue that lasting household resilience depends on bringing together three things: customary governance, moral regulation, and shared care of land and other resources. Local development policy should build on these, not push them aside. The question behind this article is how land security for women, and for households more broadly, can be strengthened without

breaking the local systems that already provide protection. The answer I defend is that real security comes from working with existing obligations, not from replacing them.

The evidence for this claim originates from the article's close look at one example namely: Outside programs have promoted unconditional inheritance of land by daughters through the father's line. This was introduced without first understanding how Lugbara customary arrangements already protect women and balance the claims of different family members. In the local setting studied here, this change correlates with three developments: more marital separation, more land disputes inside families, and growing exclusion of young men from access to land. This empirical reality mirrors wider national observations following the enactment of the Succession (Amendment) Act, 2022, where abrupt statutory changes to estate transmission rules have frequently triggered intense family land litigation when decoupled from customary mediation channels (Republic of Uganda, 2022; see also Adoko & Levine, 2008). I treat these as patterns observed in this setting, not as proof that one thing caused the other. They do suggest that good intentions are not enough when a policy ignores how a community already works. I propose a *braided model of legal recognition*. Instead of displacing indigenous safety-net obligations, state law would recognize and write them down, so that customary and statutory protections support one another. The framework is developed from the Lugbara case. It may also help others think about gendered land security across farming communities in sub-Saharan Africa.

The Formalization Orthodoxy and its Gendered Blind Spot

In the 1990s and 2000s, most land policy for Africa, led by the World Bank, rested on a simple idea. Without individual, registered title, people would not invest in their land, and women would stay dependent on men. Giving people formal, tradable title would fix both problems, because women could then hold land in their own right (Deininger, 2003). Whitehead and Tsikata (2003) challenged this view. They showed that it made three shaky assumptions. The first was that customary systems are all alike. The second was that they treat all women as dependents. The third was that a name on a certificate automatically helps the person named, whatever the power relations around them. Their main point is useful for this article: you cannot judge whether a land system is fair to women just by asking whether it is "customary" or "statutory". You have to look at the local rights, duties, and ways of enforcing them that sit underneath the label. I agree with this point and build on it. But Whitehead and Tsikata show *that* local detail matters without describing what the detail looks like in a particular place. This article tries to fill that gap for the Lugbara.

The Customary-Statutory Impasse

A second group of writers asks whether customary tenure should be protected or dismantled for the sake of gender equality. Agarwal (1994) argued, from South Asia, that women gain bargaining power, physical safety, and protection if a marriage breaks down only when they hold *independent* land rights, not just use rights that come through a husband. This is an important benchmark, and it is often used to judge African customary systems harshly. Its limit is that it assumes the main alternative to use rights through a husband is a legal title held in the woman's own name. It does not ask whether a community has other ways of protecting women.

Yngstrom (2002) pushes back on this. She argues that treating the household as the basic unit of analysis hides the wider kin and lineage relations through which African women's land claims are actually made and sometimes protected. This supports my approach, since the Lugbara material shows that women's security runs through these wider relationships. However, Yngstrom mainly warns against a mistake. She does not say how a researcher should map the protections that exist.

Two other writers explain why simple reform so often goes wrong. Peters (2004) found that land reforms meant to clarify rights often make conflict worse. Different claimants pick whichever set of rules favors them most, so competing normative orders are used against each other. Platteau (1996) challenged the "evolutionary theory of land rights", the belief that customary tenure is a primitive stage that naturally gives way to individual title as land becomes scarcer and more commercial. He showed that this is neither inevitable nor always good, especially for the poor and for women. Once land is registered in a male relative's name, women's customary claims can disappear completely. Together, these two warn that reform can be harmful, and they help explain the rise in family land disputes I report in Terego District. Still, neither says what a better approach would look like. They criticize reform more than they offer a replacement.

Uganda's Pluralist Law and its Limits

Uganda is a good place to test these debates because its own law is already plural. The 1995 Constitution and the 1998 Land Act recognise customary tenure as one of four valid ways of holding land, alongside freehold, leasehold, and mailo (Republic of Uganda, 1995, 1998). Tripp (2004) describes a puzzle. Uganda has one of Africa's most active women's movements, yet in 1998 it failed to win a clause requiring a spouse's consent before land could be sold or transferred. Customary and parliamentary groups joined forces to oppose it, because they saw it as an outside attack on kin-based land governance. Tripp's account shows a pattern that runs through this literature. Reforms framed around individual women's rights, in the language of liberal property law, tend to collide with the relational logic through which rural land systems spread security. They do not build on it. The Terego material in this article shows the same collision at sub-county level, nearly three decades later. Tripp's case also reveals a limit. It shows customary leaders resisting reform, but it tells us little about what protections for women actually exist inside the customary system, which is what this article examines.

The Bridge this Article Closes

Read together, this literature has been unusually good at documenting the failures of both poles of the customary-versus-statutory debate, and unusually thin on systems that sit awkwardly between them. Few studies examine cases in which a nominally patrilineal system already contains an internal, women-centred redistribution mechanism functioning as an indigenous corrective, still less cases in which statutory reform, introduced in ignorance of that mechanism, actively undermines it. Meinen-Dick and Mwangi (2009) come closest, warning that formalization programmes routinely "cut the web of interests" that sustain multiple, overlapping legitimate claims to the same parcel, collapsing a socially distributed set of rights into a single legal name, usually male, and thereby extinguishing precisely the kind of secondary and contingent female

claims this article documents among the Lugbara. The present study extends that warning with granular ethnographic evidence, and, more importantly, supplies a name and a conceptual structure, “matri-filial trusteeship” and “temporal-relational entitlement”, for the kind of arrangement that formalization logic is liable to erase without ever registering that it existed.

Meinzen-Dick and Mwangi (2009) come closest. They warn that formalization programs tend to cut through the web of overlapping interests that supports several legitimate claims to one parcel. A set of socially shared rights becomes a single legal name, usually a man’s. That wipes out the secondary and conditional claims held by women, which is what I document among the Lugbara. Their warning, however, stays general. This article takes their warning further in two ways. First, it supplies detailed ethnographic evidence from Omugo. Second, it gives the arrangement a name and a structure: *matri-filial trusteeship* and *temporal-relational entitlement*. These concepts describe what formalization logic can erase without ever noticing it was there. They also support the braided model of legal recognition proposed later, which writes down existing obligations instead of replacing them.

4. Findings

The Matri-filial Cascade: How Land Actually Moves

In different interactions with the interlocutors including Elders, the NGO officer, government officials at district and sub-county levels, household heads, PDM groups and Kwete-circle participants all described land the same way. It is not a plot given once to a male household head. It is passed down through mothers, from one generation to the next. The NGO officer drew this from his organization’s own survey across several parishes. When a Lugbara man marries, he divides the land he got from his own mother and gives a portion to his wife. If he has more than one wife, each gets a portion in turn. The children of each wife live off that wife’s portion, in case of separation or death of a wife, her land remains till her children inherit it, in a way it protects orphans. The same thing happens to the next generation of sons, who receive land through their own mothers. Institutional stakeholders clustered these dynamics as an integrated system of generational equity rather than individual property. A district official, Bandu, characterized this mechanism as a form of “social justice” wherein land belongs structurally to women:

A man only inherits pieces of land that were given to his mother, [and] girls have a delayed land ownership which they are to acquire after marriage... Children get land through their mother not from their father (Audio Recordings across the interlocutors: September 2025)

Lugbara society is patrilineal, meaning descent is traced through the father. But the land itself moves through women. This is why I describe a “matrilineal current” running inside a patrilineal system. It matters because it shows that women are not outsiders to the land system. They are central to how land passes between generations. Anyone who sees Lugbara custom as simply “men own, women depend” is missing how the system works.

Deferred Inheritance: A Delay, Not A Denial

A daughter's claim to her father's land is not cancelled. It is put on hold. When a woman marries, she manages land within her husband's family. Her claim to her own father's land waits in reserve. The NGO officer and the mixed Council of Elders both stressed that this waiting period is essential to how the system works. Her claim can stay dormant because she is already farming productively on her husband's side. A woman holds two claims at once. One is active (her husband's family land) and one is in reserve (her father's land). Which one she uses depends on what happens in her marriage. As verified by a local NGO representative, and supported by other participants, this institutional structure ensures that *"a girl's inheritance of land is only delayed from her father's house because, she will inherit all the lands of her husband as soon as she marries."* So, the custom does not leave women landless. It spreads their security across two families and across their lifetime. This is what I call *"temporal-relational entitlement:"* a right that exists through time and relationships, not as a fixed parcel with her name on it.

The NGO officer, government officials, Kwete circles, PDM groups, and the elders, speaking separately, described the same rule. If a marriage fails and a woman returns to her father's home, her brothers must give her enough family land to resettle herself and her children. Participants did not describe this as a favor or a kindness. They described it as a duty, enforced by the Council of Elders, who also govern land matters more widely. This is reinforced by the empirical observation of the sibling obligation on the ground: *"In case a lady returns home, her brothers usually give her a portion of the land for her to settle with her children... That she must survive."* This is the strongest evidence against reading Lugbara custom as female landlessness. The rule works like insurance built into the land system itself. A woman has a minimum level of land access whether or not her marriage succeeds. She does not need a personal title deed from the start to be protected. This is the *"indigenous safety-net obligation"* that my braided legal model proposes to recognise and write down, not replace.

Material Constraints: Fragmentation and Financial Risk

While the matri-filial cascade structurally guarantees lifecycle land security, its contemporary operation is severely constrained by demographic and macroeconomic pressures. High population density across the sub-county has triggered intense land fragmentation. As documented by an Omugo sub-county official, a severe population boom across civic jurisdictions has *"reduced [family land] to less than an acre per family for cultivation,"* forcing households to subsist on highly restricted plots. Simultaneously, the infiltration of individualized microfinance credit lines has introduced acute asset vulnerability into the customary tenure system. According to Jandu a government official, traditionally, strict governance rules regulated by the household head protected the lineage estate from external loss. He highlighted that when individual credit lines target women without engaging customary oversight, holdings face acute foreclosure risks. Delineating these risk-mitigation parameters, Jandu explained:

In the process of acquiring loans, a woman is not allowed to use the land as collateral unless with the permission from her husband... Land is an identity of the clan; it cannot be given to anybody as collateral for fear that should the woman fail to pay the loan; the land can be taken by the loaning institution. When these boundaries are breached, household security is compromised (Audio Recording: September 2025)

However, sharing group data from the PDM groups and Women Kwete circles and all women participants acknowledge that individual women frequently circumvent these lineage safeguards by securing formal credit lines secretly, driven by microfinance narratives that deceptively promise loan access without collateral requirements. Prompting Ayikoru, a government female official to state that: *“The only challenge women have is direct property ownership especially if women will have total ownership and control over land, that will be the end and death of men.”* (Field Notes: September 2025). When defaults occur, lending institutions target the family’s primary agricultural plot. This institutional pressure forces household heads to liquidate ancestral holdings to prevent their spouses from facing state incarceration. As narrated by Kelvin, a local household head, out of *“fear of his wife going to jail, the man gives in and sell the customary land to clear the unknown loan, yet land is our identity.”* This has resulted in widespread property loss and localized landlessness.

Why This System Should Be Documented

Participants were explicit, unprompted, about why this architecture needed to be understood correctly by outsiders, offering what amounted to a six-part policy argument in their own words. Documenting the system accurately, they argued;

- i. First corrects a binary and inaccurate picture of gendered land access that outside actors otherwise import wholesale;
- ii. Second, reduces avoidable land disputes and legal misunderstanding by aligning external interventions with actual customary boundaries rather than imagined ones;
- iii. Third, protects what might be called epistemic sovereignty, preventing external organizations from introducing parallel inheritance models that directly contradict indigenous understanding;
- iv. Fourth, improves the practical design of livelihood programming by giving NGOs and local government an accurate map of who actually controls which resources;
- v. Fifth, closes what participants across the study repeatedly termed an institutional blind spot, the tendency of development actors to underestimate the sophistication of indigenous governance; and
- vi. Sixth, most pragmatically, secures the long-term sustainability of development interventions themselves, which succeed or fail depending on whether they integrate rather than override existing indigenous values.

This acute institutional need for empirical grounding is directly reflected in the warning from Bandu, a prominent government official, who observed that outside donors *“come write proposals, get funding and are done without influencing any transformation,”* precisely because they operate without access to locally verified structural data. Consequently, sub-county and district authorities argue that this documentation is required to move away from uncoordinated

frameworks that, as Bandu noted, have “*created more problems than solving*” by failing to observe local systems holistically. These reasons come from the community itself, not from me. That matters because it shows local people already see their system as organized and worth protecting. They are asking for recognition, not for exemption from change. This backs the article’s claim that policy should work with existing arrangements.

5. Discussion

The Disruption: Unconditional Inheritance for Daughters

Participants named one specific source of harm. NGOs and government programs have been promoting a model where daughters receive land directly from their father as an unconditional right. This unmediated intervention aligns closely with the statutory mainstreaming of the Succession (Amendment) Act, 2022. This mandates that 75% of an intestate estate be divided equally among lineal descendants regardless of gender or customary status. Heavily backed by rights-focused NGO programming from organizations like ESAFF Uganda, they frame customary lineage systems as archaic barriers to gender equity, this legal shift finds its judicial enforcement in the landmark precedent of *Law & Advocacy for Women in Uganda v. Attorney General* (Constitutional Petitions No. 13 of 2005 and No. 5 of 2006).

By giving daughters an absolute, individualistic claim that statutory courts consistently uphold. These external interventions bypass the fluid, relationship-dependent protections of the *Ama-tualu* framework. They flatten the customary arrangements historically preserved for incoming wives and structurally marginalizing young men from local land access. This was introduced without reference to the safety-net rules described above. Speakers included clan elders of both sexes, the Duku Parish PDM group, Kwete circles, NGO staff, and district and sub-county officials. I observed that many were visibly anxious, and several repeated points others had already made, as though worried they would not be heard. According to their shared account, the change goes together with three developments: More marital separation: Younger women now expect a land claim from their father whatever happens in the marriage, so they leave their husbands more readily. More births outside formal unions: Participants linked this to a belief that a father’s land can replace marriage as an economic base. More family land disputes: Women who return to, or never fully leave, their father’s home claim parcels that custom had set aside for their brothers’ incoming wives.

Participants also said that statutory courts consistently rule in favour of these young women. As a result, young men find themselves shut out of land through both customary and statutory routes, just when they are expected to marry and set up their own households. The testimony points to a clear pattern. The reform was meant to strengthen families, but it was introduced without fitting into the rules that already balanced everyone’s claims. The result described is not simply that women gained and men lost. It is a wider upset that harms both. Conflict rises inside a system that used to distribute land fairly predictably.

A growing group of young men cannot do what local custom expects of them. This fits wider research on the social costs of gender reform that is badly sequenced or introduced without local support (Cornwall, 2016; Kabeer, 1999). These are patterns reported by participants. They

are not measured proof that the reform caused them. I therefore describe them as *correlating* with the reform. The strength of the evidence is that people from very different roles told the same story independently. Its limit is that it rests on testimony, not on before-and-after counts of separations or disputes. A follow-up study with such figures would test this claim more firmly.

Seeing Women's Rights in Parts, Not as All-or-Nothing

Development discussion often asks a yes-or-no question: do women have land rights or not? Schlager and Ostrom (1992) offer a better tool. They split "ownership" into separate rights: access, withdrawal, management, exclusion, and alienation (the power to sell or give away land). Through this lens, Lugbara wives hold several of these rights. They have lasting access and withdrawal rights over a parcel from the day they marry. They manage how it is farmed and how it is shared among their children. Through the deferred claim on their father's land and the brothers' safety-net duty, they also hold something close to a contingent claim to be given land under set conditions. What they do not hold is the unilateral right to sell or give away land without family approval. This is the exact operational point where the individualistic mandate of the Succession (Amendment) Act, 2022, breaks the web of interests, as the state views property through a single, static legal claim rather than a distributed matrix of relational duties. Titling programs usually treat that one right as the whole meaning of "rights". This is where the harm comes from. The reform assumed women had nothing, but women already held several rights in a different form. It was built to fill an emptiness that was not there.

Two points of caution. First, my earlier wording of "four of five rights" needs care. Exclusion rights (the power to keep others off the land) are not discussed in the findings, and the "contingent claim" is only close to an alienation right, not the same thing. I should either present evidence on exclusion or say "most, in some form". Second, holding a right "in some form" is not the same as holding it securely. Whether these rights hold up in practice depends on enforcement, which I take up in later.

Naming What Policy Cannot See: Matri-filial Trusteeship

Schlager and Ostrom's categories (owner, proprietor, claimant, authorized user) describe how much one person holds at one moment. They do not describe a person who is both an end point and a channel. A Lugbara wife's holding stops with her for her working life, yet it also passes through her to her children, and that passing-on is the whole purpose of her holding it. A good comparison is a trustee in law: someone who manages an asset for named beneficiaries, here her children, without the power to dispose of it for her own purposes. I call this *matri-filial trusteeship*. Naming it matters because titling forms have no space for it. A certificate must name one holder. Name the husband, and the wife's real management role disappears. Name the wife, and an inherited, relationship-based duty becomes an individual title that can be sold, cut off from the duties that gave it force.

A legal trust is enforceable by its beneficiaries. I should say whether Lugbara children, or the Council of Elders on their behalf, can hold a mother to account if she misuses the land. If this is not clear from the data, I should call it an analogy and not a precise parallel. Most land-security measures ask whether a parcel is registered, mapped, and titled, yes or no (Deininger, 2003). That

is a snapshot. It fits poorly with a system where protection is deliberately spread across a woman's life as daughter, wife, mother, and, if needed, returnee. A glance at marriage seems to show she gave up her father's land. A picture after a divorce but before she has gone home may seem to show she has no land at all. Both readings are wrong. The deferred claim and the brothers' duty are not extras around her security. They are part of it. This is what I call *temporal-relational entitlement*. The practical lesson is that surveys built around one-time indicators can misread systems like this one.

Competing Explanations: Did The Reform Really Cause This?

This is the most serious test. Participants link the promotion of unconditional daughter inheritance to more marital separation, more land disputes, and more landless young men. But other forces could explain some or all of this. I consider five. Population growth shrinks the land each family has. That alone could produce more disputes and leave young men without plots, whatever the inheritance rules. This is a strong rival, and I cannot rule it out. It is also not fully separate from my argument.

Scarcity is the very condition under which a rule that sends parcels to returning daughters, instead of incoming wives, would hurt most. I should check whether Omugo's land has also come under strain from refugee settlement in the district, which may be an additional source of pressure, and say so if it has. Money pressures, changing livelihoods, and migration for work can strain marriages everywhere. Silberschmidt (2001) found just this in Kenya and Tanzania. It could likely be a contributing factor. It cannot explain why participants themselves connected the pattern to the inheritance reform, but it could explain part of the rise in separation. Attitudes to marriage, bridewealth, and births outside unions may be shifting for reasons unrelated to land. *Assessment*: plausible, and not testable with my data. I should say that participants' link between paternal land and births outside union is their interpretation, not a demonstrated cause.

If the Council of Elders had already lost influence, the safety net would have been fragile before any reform. If true, it would not weaken my argument about what the reform did, but it would change the policy message, since rights would then need stronger enforcement. The problem may lie less in the idea of daughters inheriting than in introducing it with no link to existing obligations. This is closest to my view. I am not claiming that women should not inherit from their fathers. I am claiming that it matters how and alongside what the right is introduced.

Finally, I would conclude that the evidence supports a cautious claim: the reform, introduced without engaging local safety-net rules, plausibly made existing pressures worse. It does not support the stronger claim that the reform alone caused them. What makes my reading stronger than the alternatives is that people in very different roles described the same pathway independently, and that it links the three outcomes through one mechanism. What would test it more firmly: comparing parishes with more and less reform activity, and gathering before-and-after records of separations and disputes from clan or court files.

A strong argument names what it takes for granted. Mine depends on at least these: That what elders and the NGO officer describe is how the system actually works, not only how they wish it worked. That the safety-net duty is honoured often enough to count as real protection. That

the matri-filial cascade is common across clans and parishes, not just in the places studied. That participants' link between the reform and the changes they report is accurate enough to treat as evidence. I treat the first two as reasonable but not proven, and have dealt with them directly.

Possible Objections and My Responses

"You are romanticizing custom." This is the most likely objection. Agarwal (1994) would say that rights resting on a brother's duty, not on a woman's own claim, depend on goodwill. I accept part of this. The safety net is only as strong as the brothers' willingness and the elders' power to enforce it. My evidence is also drawn mainly from elders and an NGO officer, who may present the system in its best light. I do not say the system is fair or free of failure. I say it provides real, locally enforced protection that reform has not replaced. Where it fails, as when brothers refuse or cannot give land, this is exactly where law could add something. "Women's own voices are missing." If women's accounts of whether the safety net worked for them are thin in the data, I should state that as a limit. It is also where future work should begin. "Young men losing land is not a loss, since men held unfair power." The ethnography does not show men losing power over women's land. It shows a scarcity effect: when land goes to daughters under a rule built around individual claims, less is left for the next generation of sons. I am not arguing that women's gain is a problem. I argue that a limited resource has been redistributed without accounting for who depended on it, and that the loss to young men then feeds back into household and community stability. "Courts ruled for women, so the law is working." In strict rights terms, those rulings may be defensible. My point concerns outcomes across the whole system. A ruling can be correct case by case while the wider pattern produces more conflict.

Chanock (1985) and Mamdani (1996) warn that today's "customary law" is often not an untouched inheritance from before colonial rule. It may have been shaped, and sometimes hardened, by colonial and later institutions. My data cannot show that the matri-filial cascade is precolonial or more authentic. To claim so would repeat the mistake I criticize in development discourse, which treats one historical arrangement as timeless. What I can say is narrower. Elders and the NGO officer describe the system as living and defended, not as a memory. It already performs the function the reform was meant to perform: it guarantees women a floor of land access that does not depend on one man's goodwill. The lesson is not that custom should never change. It is that reform should start from an accurate account of what is actually there, not from an inherited assumption about what African custom must be.

What Follows for Policy: Braided Legal Recognition

The policy conclusion is neither "protect custom as it is" nor "replace it with statute". I propose braided legal recognition: writing the safety-net duty of brothers to returning sisters into Uganda's already plural land law as an enforceable statutory right that sits beside customary practice. This closes the gaps custom leaves, such as when brothers refuse, without discarding the relationships that give women's claims their local legitimacy. It builds on Meinzen-Dick and Mwangi's (2009) call to formalize in ways that respect overlapping claims.

I believe I must address the risk Codification possess as it can freeze a living practice and distort it, which is exactly what Chanock describes. I answer this in three ways. The law should

recognize the duty, not describe every detail of local practice. It should be written with elders and women of the community in the room. And it should leave space for local variation, since the safety net may work differently across clans. This delicate balance is highly critical because current judicial patterns following the Law & Advocacy for Women in Uganda verses Attorney General precedent tend to favor a zero-sum, rights-based individualization that completely flattens relationally distributed claims (Constitutional Court of Uganda, 2007; see also Adoko & Levine, 2008; Meinzen-Dick & Mwangi, 2009).

By prioritizing absolute statutory individualization over overlapping user rights, contemporary judicial enforcement inadvertently treats customary protections not as functional safety nets, but as illegal constraints on individual ownership. Devereux and Sabates-Wheeler (2004) help here. The clan guarantee of resettlement land for a woman whose marriage ends is a local risk-sharing arrangement, a kind of insurance. Development actors strengthening women's land rights may have been competing with an existing protection and not filling an empty space. Read this way, rising separation and disputes look less like a puzzle. They are what we would expect when an insurance system is weakened without something replacing it.

This suggests a second test for land reforms. Alongside a rights test (does this woman now hold individual title?), we should ask an insurance test (does the system still guarantee a defined benefit in a defined situation, backed by an authority able to enforce it?). On my evidence, the pre-reform Lugbara system seems to have passed the second test better than the reform passed either, but I should word this carefully. This rests on testimony, not on measured outcomes.

Where My Claims Stop

The concepts offered here (matri-filial trusteeship, temporal-relational entitlement, and land as kinship commons) are tools for analysis, not claims about all African land tenure. They depend on three conditions: an elder authority that people respect and that can enforce the safety net; enough land for the cascade to reach the next generation; and a shared belief that the deferred claim will be honoured. Each is already under strain in parts of Omugo. Where one weakens, a woman's entitlement becomes more like a promise that depends on goodwill. Berry (1993) reminds us that no condition is permanent, so this is a system under constant negotiation. That does not undermine the framework. It means any future law must fit local variation, not assume the safety net works equally across every clan and parish in Terego.

6. Conclusion

This article set out from a single, deceptively simple correction offered by an NGO officer and a Council of Clan Elders in Terego District: that Lugbara land, contrary to standard development assumption, is not exclusively owned and inherited by men. Taken seriously and followed through, that correction dismantles a good deal more than a factual error. It shows that Lugbara women hold a genuine, codified, and enforceable set of land entitlements, organized not as a fixed title but as a matri-filial trusteeship unfolding across the life course, protected at its weakest point, the collapse of a marriage, by a standing obligation on natal kin that functions as indigenous social insurance. It shows, further, that a well-intentioned statutory and non-governmental push toward unconditional paternal-line inheritance for daughters, introduced without engaging this

architecture, has plausibly contributed to marital breakdown, escalating domestic land disputes, and a marginalized cohort of young men unable to establish independent households, an outcome that serves neither the women nor the men the reform was designed to protect.

The theoretical vocabulary offered here, “matri-filial trusteeship” and “temporal-relational entitlement,” is proposed not as a description unique to the Lugbara but as a transferable lens for other agrarian societies. In societies where land security is distributed across kin relationships and life stages rather than concentrated in a single, individually held title. For policy, the implication is a call for what this article has termed “braided legal recognition”, statutory codification of specific indigenous protective mechanisms rather than their replacement by imported inheritance models calibrated to a different kind of society altogether. For research, the priority now is to move beyond the qualitative, triangulated signal presented here toward a systematic, comparative mapping of land-dispute and marital-separation trends across Terego District’s clans and parishes before and after the relevant policy interventions. Other studies can also lean toward parallel studies in other Ugandan and East African societies organized around comparable matri-filial or matri-filial-adjacent land logics. This would be encouraging, but partial picture assembled in this article can be tested, refined, and, where warranted, extended into the kind of legally binding, ethnographically grounded reform its own participants were, in the end, already calling for.

References

- Adoko, J., & Levine, S. (2008). How can we turn legal provisions into lived realities? Enforcing women's land rights in Uganda. Land and Equity Movement in Uganda (LEMU).
- Agarwal, B. (1994). *A field of one's own: Gender and land rights in South Asia*. Cambridge University Press.
- Berry, S. (1993). *No condition is permanent: The social dynamics of agrarian change in Sub-Saharan Africa*. University of Wisconsin Press.
- Chanock, M. (1985). *Law, custom, and social order: The colonial experience in Malawi and Zambia*. Cambridge University Press.
- Chilisa, B. (2020). *Indigenous research methodologies* (2nd ed.). SAGE Publications.
- Constitutional Court of Uganda. (2007). *Law & Advocacy for Women in Uganda v. Attorney General* (Constitutional Petitions No. 13 of 2005 & No. 5 of 2006) UGCC 1.
- Cornwall, A. (2016). Women’s empowerment: What works? *Journal of International Development*, 28(3), 342–359. doi.org
- Deininger, K. (2003). *Land policies for growth and poverty reduction*. World Bank and Oxford University Press.
- Devereux, S., & Sabates-Wheeler, R. (2004). *Transformative social protection* (IDS Working Paper 232). Institute of Development Studies.
- Griffiths, J. (1986). What is legal pluralism? *Journal of Legal Pluralism and Unofficial Law*, 18(24), 1–55. doi.org
- Kabeer, N. (1999). Resources, agency, achievements: Reflections on the measurement of women’s empowerment. *Development and Change*, 30(3), 435–464. doi.org

- Mamdani, M. (1996). *Citizen and subject: Contemporary Africa and the legacy of late colonialism*. Princeton University Press.
- Meinzen-Dick, R., & Mwangi, E. (2009). Cutting the web of interests: Pitfalls of formalizing property rights. *Land Use Policy*, 26(1), 36–43. doi.org
- Ostrom, E. (1990). *Governing the commons: The evolution of institutions for collective action*. Cambridge University Press.
- Peters, P. E. (2004). Inequality and social conflict over land in Africa. *Journal of Agrarian Change*, 4(3), 269–314. doi.org
- Platteau, J. P. (1996). The evolutionary theory of land rights as applied to Sub-Saharan Africa: A critical assessment. *Development and Change*, 27(1), 29–86. doi.org
- Republic of Uganda. (1995). *Constitution of the Republic of Uganda*. Government Printer.
- Republic of Uganda. (1998). *The Land Act, Cap 227*. Government Printer.
- Republic of Uganda. (2022). *The Succession (Amendment) Act, 2022*. Government Printer.
- Schlager, E., & Ostrom, E. (1992). Property-rights regimes and natural resources: A conceptual analysis. *Land Economics*, 68(3), 249–262. doi.org
- Silberschmidt, M. (2001). Disempowerment of men in rural and urban East Africa: Implications for male mate selection and sexual behavior. *World Development*, 29(4), 657–671. doi.org
- Tripp, A. M. (2004). Women's movements and land rights in Uganda: The challenge of modernizing feminism. *Eastern Africa Social Science Research Review*, 20(1), 1–19. doi.org
- von Benda-Beckmann, F. (2002). Who's afraid of legal pluralism? *Journal of Legal Pluralism and Unofficial Law*, 34(47), 37–82. doi.org
- Whitehead, A., & Tsikata, D. (2003). Policy discourses on women's land rights in Sub-Saharan Africa: The implications of the return to the customary. *Journal of Agrarian Change*, 3(1-2), 67–112. doi.org
- Wilson, S. (2008). *Research is ceremony: Indigenous research methods*. Fernwood Publishing.