

TEMPLATE: STAKEHOLDER ANALYSIS

INTRODUCTION

The purpose of this analysis is to identify the different stakeholders in the quest to improve the tenure security/land rights of women in the intervention area. The analysis is framed to show the value of engaging specific individuals and institutions that have influence and a role to play with regard to land rights matters at household and community levels.

Prior to this analysis, a baseline study should be undertaken in order to determine which stakeholders need to be engaged in order for the project to gain traction.

You can use this template to record and track stakeholders at various levels in the community. For your reference, we've also included the shareholder analysis that was produced as part of the original project in Uganda.

STAKEHOLDER TRACKING TEMPLATE

STAKEHOLDER	INFLUENCE	IMPORTANT ISSUES TO CONSIDER

STAKEHOLDER ANALYSIS: UGANDA

Prior to this analysis, a baseline study was undertaken among the pilot participants in Pader; among others, the baseline found/concluded that:

1. Nearly all land rights violations/ insecure tenure manifestations experienced by the enrolled pilot participants are perpetrated by either natal or marital family members.
2. The single most prevalent aspiration of the pilot participants was to increase the amount of land they can access regularly for productive/ cultivation purposes either through negotiating for more allotment from within the extended family or through purchasing additional land from other community members.

These conclusions point to the realization that the project may not realize sustainable achievements, if it does not engage with family/ community members and structures with authority/ influence on land.

The Acholi people generally subsist in homesteads comprised of households of closely related family members. In terms of land holdings, the collection of households (homestead) collectively uses what is termed as family land. However within homestead land is land allocated to each household.

It should be understood that at a micro level (homestead and household), the 'won ot' i.e. head of household and the 'won-gang'/ 'ladit paco' head of family/ lineage are very important to upholding the land rights of a woman; whether that is a married woman or a daughter. And, usually it is these individuals who are appointed as 'logwok paco' or 'logwok ot', meaning protector by the kaka- clan or the ladit paco-homestead head to protect the interests of the widow and her children.

The above description of who holds authority on apportioning/ granting land and who makes decisions on land when a person dies is critical in understanding the power dynamics involved. When land rights or tenure security is violated these individuals are culpable at a micro level. Evidence gathered in focus group discussions at the time of baseline showed that once interpersonal relations between the woman in question and these individuals break down then vulnerability increases.

In terms of programme implementation these individuals are important and they present the first line of intervention targets that the programme should engage with for sustainable improvement of women land rights/ tenure security. These individuals are as many as the homesteads are, implementation could select satellite homesteads within each pilot group to engage.

The baseline FGDs also showed that beyond these individuals with overt authority over land and land rights at homestead and household levels; other familial relations are important to the level of vulnerability women may have. Important among these relations at the natal home are relations with brothers that remain behind as the woman leaves to get married. The health of these relationships determines whether the woman will be able to return in the event of marriage breaking down. Even when these relationships are healthy return may not be possible simply because the period between leaving and returning is so big such that unless land was initially allocated to daughters such that they can claim it on return, there may simply be no land to return to. This reveals a point of lobby for the project as elders are engaged, the practice should change such that when sons are being allocated land

SAMPLE: STAKEHOLDER ANALYSIS - UGANDA

then some could be reserved for daughters either collectively or individually; and, the custody of this land clearly stated. From the M&E perspective success in the short term on this, would be looked at as documented agreement or consensus among the elders to commit to change the practice and rules to accommodate this.

At the marital home on the other hand, the situation is more complicated, the health of relationships with almost everybody in the family is important. At the marital home, competition among family members to access more land for agriculture determines a lot and the position of the husband in the family is therefore important. As indicated earlier, when widowhood sets in, a protector is appointed, it is important for the project to understand the role of the protector and to help enrolled women learn how best to engage the allocated protectors; previously these individuals would inherit the widows in question, the baseline FGDs revealed that this rarely happens now particularly with the HIV/AIDS scourge. It would also be important for the project to seek out some protectors and help them come to terms with their roles and responsibilities with regard to the land rights/tenure security of women.

Beyond these relationships, the actions of the kaka, the family head and the household head either in terms of allocating land or appointing a protector are always witnessed by the Rwot Kweri- the chief of hoes. This is an elected cultural office at the grassroots in the community among the Acholi people. This individual handles any matter concerning land irrespective of whether the matter is determined at family/ cultural level or eventually makes it into the formal public justice system and even when it does, this individual is still an important witness to what happens there. The baseline FGDs revealed that these are the individuals to whom women usually go to seek initial recourse in the event of any matter associated with land. But, it was also established that they are lacking in their knowledge of land rights. The project could also target these individuals.

In undertaking this analysis, the most outstanding realization is the depth of gender bias, the cultural and familial structures that women are likely to interact with on land rights issues are almost entirely constituted and ran by men. This analysis identified one particular structure that needs revival and could champion the cause for better/ improved land rights for women. This is the office of the Rwot Okoro- the Chief of Snail Shells; this is an elected woman who leads women in the community on matters of common interest to them, currently this is reduced to collective cultivation, culturally the role was much broader and the office was equal in strength to that of the Rwot Kweri. This is the entry point in influencing cultural rules and making the elders' council more responsive to the plight of women with land rights problems because the Rwot Okoro sit on these councils. The project could seek out these women and empower them to be able to exert some influence in the council of elders. The subsequent table breaks down the authority structures that the pilot participants interact with on a regularly basis that the project should consider as priority to interface with.

SAMPLE: STAKEHOLDER ANALYSIS - UGANDA

STAKEHOLDER	INFLUENCE	IMPORTANT ISSUES TO CONSIDER
the 'won ot' head of the household	<ul style="list-style-type: none"> Controls household land; Allocates what a woman uses on a regular basis Can be appointed protector in the event of widowhood by the 'won-gang' 	<ul style="list-style-type: none"> They have the power to directly influence the amount of land an individual woman has access to; but, they are also the first line of perpetrators in the violation of land rights and can have undue influence on the head of the homestead. They present a good opportunity if engaged of realizing the aspiration to access more land and putting in the practice the allocation of land to daughters either individually or collectively. Even when a will is to be written, it their prerogative. Have no formal forum in which they meet and can be reached, the project would have to mobilize them through the enrolled women.
the 'won-gang' or 'ladit paco' Head of the family/ homestead	<ul style="list-style-type: none"> Controls homestead land; Allocates what individual households will use in a household set up; Can appoint a protector in case a household head dies and be appointed as protector by the kaka. First intra familial point of recourse in the event of divorce/ separation or intra familial land conflict 	<ul style="list-style-type: none"> Have the power to directly influence the manner in which women land rights are considered at family level; they are the ultimate guardians of 'fairness' according to Acholi cultural rules on land. They present the most plausible opportunity for changing familial practices around women land rights, their opinion or decision is usually final in the homestead. They have no formal forum in which they meet and can be reached, the project would have to mobilize them through the enrolled women
Rwot Kweri (Chief of Hoes)	<ul style="list-style-type: none"> Taken as custodians of facts They witness land allocations/ demarcations The 'won-gang' or 'ladit paco/dogola' and the 'won-ot' always make decisions on land in their presence. Usually mediate in land conflicts. 	<ul style="list-style-type: none"> Though elected, they operate by cultural rules and are trusted more than statutory institutions at community level, despite this they do not have sanction powers (legitimate institutions but not legal). The ability of a woman to enforce her land rights and/ or make a claim that is well grounded must be backed up by testimony of the Rwot Kweri whether this is before customary authorities or statutory authorities especially in the LC system. They usually meet as part of the elders council or clan council of a particular locality. In practice several Rwot Kweri areas make an LC 1 and usually the LCs relay on them to administer their areas.
Rwot Okoro (Chief of Snails Shells)	<ul style="list-style-type: none"> They sit on the elders council of a particular locality. They represent the interest of women on the elders councils. 	<ul style="list-style-type: none"> Are elected by fellow women and wherever there is a Rwot Kweri, there is also a counterpart Rwot Okoro. Their influence is reducing, not because they are irrelevant but because they are being sidelined and perhaps less charismatic women occupy these positions. They present an opportunity to renew the influence of women in the elder's councils especially when a land rights matter involving a woman is being considered. As the baseline results show enforcement of rights is influenced by several issues including fear and the thinking that the elders council may be inconsiderate; however the presence of these women especially if it is known that they have been trained and have wider knowledge on land rights may inspire confidence among women of a more responsive recourse environment. The mobilization of these women can take the same course as that of Rwot Kweris.

SAMPLE: STAKEHOLDER ANALYSIS - UGANDA

It should be noted that other customary institutions exist within the Acholi cultural set up. However, these institutions are far withdrawn from the day to day living circumstances of ordinary Acholi women. The holders of these positions are important lobby options if the overall cultural dispensation on land rights is to become responsive to the plight of women with experiences of tenure insecurity and/or those with secure tenure aspirations. These are explained below:

STAKEHOLDER	INFLUENCE	IMPORTANT ISSUES TO CONSIDER
Ladit Dog-gola (Sub Clan Chief)	<ul style="list-style-type: none"> • They handle referrals from the Rwot Kweri. • Manage open access resources belonging to the clan they are concerned with. • Are empowered to set up cultural codes of conduct to guide families in the use and protecting of common lands and knowledge on its boundaries. 	<ul style="list-style-type: none"> • This position is generally withdrawn from the ordinary people and although they are supposed to handle referrals, in most situations, cases from the Rwot Kweri matters get into the formal public justice system starting with the LC 1. • They are the major referral point when it comes to land management especially for open access lands that are clan controlled, this would make them important where women want more land for cultivation outside what homesteads can avail, in this respect they are relevant to the project
Ladit kaka Madit (Clan Chief)	<ul style="list-style-type: none"> • The influence is similar to that of the ladit dogola 	<ul style="list-style-type: none"> • They are mainly concerned with land disputes among the sub clans in the community. The issues to consider are the same as that of the ladit dogola.
Ker Kal Kwaro Acholi	<ul style="list-style-type: none"> • They the custodian of land in Acholi and they guide, determine on who should own land and how it should be managed. 	<ul style="list-style-type: none"> • They would make the ultimate decision to change cultural rules regarding women land rights and tenure security.
Rwot Moo (Acholi Paramount Chief)	<ul style="list-style-type: none"> • The Paramount Chief is custodian of the cultural code on land rights. 	<ul style="list-style-type: none"> • Performs the function of Chief Arbiter in land disputes and Chief Superintendent for land administration and management matters under the traditional / customary system.

From a statutory point of view, the land act, 1998 mandates local council two (LC 2) as the point of first instance to handle a land matter; however in practice, people are still going to local council one (LC 1), under customary circumstances an equivalent of LC 1 was Rwot Nyampara but this position is nonexistent now. There was no equivalent of LC 2 under the customary system, at Local Council three (LC 3), is the sub county chief the equivalent of the Jago under the customary system. Under the land act, the sub county chief is also the recorder of all land transactions/ matters in the sub county; this is the office that is mandated to issue certificates of customary ownership, a significant transformation that will effectively individualize customary tenure.

SAMPLE: STAKEHOLDER ANALYSIS - UGANDA

At the same time at sub county is the LC 3 Court that handles appeals from LC 2. The distinct branches of land management and land administration manifest clearly at this level. It is at this level that one will also find the area land committee. The project could engage with these structures in a selective manner; it is important to understand that all statutory bodies have a mandatory a third inclusion of women and these women could be the targets of the project. These structures and their functions are explained below.

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LC 1 Equivalent to Rwot Nyampara (Village Chief)	<ul style="list-style-type: none"> • Mediation between conflicting parties • Usually make and witness land transaction agreements 	<ul style="list-style-type: none"> • They are influential especially on the issue of compensation or if a land matter involved any form of violence. • No land boundary survey or adjudication process is legal/ legitimate according to the registration of titles act, if conducted in the absence of the Local Council 1.
Sub county Chief (Equivalent to Jago)	<ul style="list-style-type: none"> • This is the office of the recorder of land transactions. • Is mandated to issue certificates of customary ownership. 	<ul style="list-style-type: none"> • The function of issuing certificates of customary ownership is important, while customary tenure regards heads of households and homesteads as custodians of land, entering their names alone on these documents will disenfranchise vulnerable household and homestead members especially women. This initiative is taking root in the whole of northern Uganda. This makes this office important for the project.
Area Land Committee	<ul style="list-style-type: none"> • They work with the office of the recorder and the district land board and land office to process applications for land, especially where land is to be registered in any form. 	<ul style="list-style-type: none"> • Are very important in both sporadic and systematic applications for land registration; they can question individualization or exclusion of certain claims on land. • Have the power to ensure that women consent to land transactions on family land. • The project could target only the women who sit on the area committee.
Sub-County court committee (LC 3 Court)	<ul style="list-style-type: none"> • Dispute resolution Legal option 	<ul style="list-style-type: none"> • Keeps records of land disputes and provides case write –ups for those who wish to appeal their cases out of the local council system into the judiciary. • Again only women in the committee could be targeted by the project.

It is important to understand that cases are at times appealed out of the LC system into the judiciary starting with sub county level magistrates courts, these had earlier been replaced by land tribunals and although the land policy talks of their reinstatement, the position is not yet clear on what will happen but the project may not be able to influence matters in the judiciary at pilot stage, this can be achieved after documentation of results.

In the local government there are offices that are critical in the quest for better land rights for women; these include the land office/ district land board, the probation office and the police especially the family desk.

SAMPLE: STAKEHOLDER ANALYSIS - UGANDA

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- The probation office although concerned with child welfare matters plays a critical role when a matter of disinheritance arises or when a mother is denied land to cultivate and sustain her children.*
- The land office on the other has the ultimate authority especially when land registration is being sought; again critical is the keenness to enforce the consent clause of the land act and the ability to question whether all interests within the family are on board with a land matter before them.*
- The family desks of the Uganda police are important partners especially where land rights matters have resulted into abuse of any sort among the parties involved.*

NGOs and other institutions are playing a role in the quest for better land rights among women; In Pader district there several civil society actors; important about their interventions are the following issues:

- Most are working on land from the problem solving point of view; that is why many have either paralegals or actual lawyers manning their activities. They do not entirely blend in the idea of aspirations as this project does. They operate from the context of having solutions; not the beneficiaries generating solutions.*
- The church is a partner not engaged by many intervening on land rights matters; yet, they are very critical in creating a pathway to tenure security through formalization of marriages. In the FGDs, a point was raised as to why the church doesn't relax rules such that church marriages are conducted at the time when traditional marriage ceremonies are being held; controversial but an opinion that cause serious lobby engagements with the church.*

From this analysis it is apparent that:

- 1. There are stakeholders beyond the enrolled women who are worthwhile engaging. The primary implementing partner should review this write up and devise a strategy to select and engage with the stakeholders.*
- 2. There are many individuals and structures with influence on land and the project cannot interface with all of them; the most critical and with potential to help the cause of the project, are those that the enrolled pilot participants interact with on a regular basis.*
- 3. In the time frame of the project, the national level stakeholders like the ministry responsible for lands, the Justice, law and order secretariat and the ministry of gender labour and social development may not be engaged but are of critical interest once the lessons learned from the pilot are well documented.*