

JSRP Paper 28

Developing a Land Conflict Monitoring and Mapping Tool for the Acholi Sub-Region of Northern Uganda

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November 2015

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INTRODUCTION

Well before the effective ending of the protracted Lord's Resistance Army (LRA) insurgency in northern Uganda in July 2006, and at a time when the entire rural population was displaced into camps, concerns had emerged around land, in particular in the Acholi sub-region, where the war had been most intense and longest lasting (Adoko & Levine 2004). Through forced displacement, almost all rural Acholi families has been prevented from occupying their land for many years, years in which numbers had grown substantially but in which social structures had been undermined, and elders able to transmit knowledge and understanding about customary land across generations had died.

The predatory attitude of government, military and Acholi elites towards Acholi land had also become apparent through a number of dubious land acquisitions which had taken place in spite of the on-going war. Also, the government had signalled its enthusiasm for large scale commercial sugar cane farming in the region, triggering a confrontation with Acholi political leaders (Okello-Okello 2007).

On top of these concerns, a range of potential land conflict triggers in Acholi had been identified. These included:

- massive potential for confusion about individuals' rights to land access in the context of displacement and lack of continuity of occupation;
- similarly great potential for confusion as to the location of boundaries within and between customary land parcels;
- potential for land grabbing in the context of this confusion;
- high population growth, making pre-displacement land distributions potentially inadequate to meet particular demands on return;
- loss of social capital and undermining of socio-cultural norms around which communal land holding had functioned;
- undermining and loss of respect for the cultural authorities responsible for managing customary land;
- lack of a formal legal regime able or motivated to protect the customary land rights of communities or individuals; and
- commoditisation of land through urbanisation, increased road access, agricultural development and oil and other mineral exploration / exploitation.

Research conducted during the period of mass return of the rural population from the IDP camps between 2008 and 2010 found very high levels of land conflict (McKibben & Bean 2010; Pham & Vinck 2010, World Bank 2009). This tapped into wider policy concerns: land conflict and insecurity are seen as problematic throughout Sub-Saharan Africa, in a context where perhaps as much as 90% of land is both unregistered and communally owned or controlled (Deininger 2003). In post-conflict Acholiland the risks of high levels of land conflict were believed to be a potential driver of political instability and further armed conflict by the United Nations in Uganda, which sought to address them through the UN Peacebuilding Programme (UNPBP), implemented in 2011-13. An element of this programme was devoted to furthering understanding of potential conflict drivers, including land conflict, and a need was identified "to enhance understanding of land conflicts and through this to inform land access policy, advocacy and other relevant interventions". This was to be achieved through "developing and maintaining a common tool to be used by UN,

government, and other partners interested in land”. The proposed Land Conflict Monitoring and Mapping Tool (LCMMT) was intended to provide updated quantitative data; and also to provide a quantitative and qualitative analysis of trends on land disputes across Acholi sub-region.

In order to achieve these goals it was desirable for the tool go beyond a simple enumeration of land conflicts and trends, and seek to situate the conflicts identified within issues pertinent to the broader debate on land security in Africa. This debate, focusing on the relative merits of customary and formal tenure, and on the inevitability or otherwise of evolution from collective to individual tenure, has often been conducted in the absence of empirical evidence, certainly on the scale the LCMMT hoped to achieve, and this seemed to be an opportunity to capture information about the context of conflicts. There is no question that a very high proportion of rural land in northern Uganda is technically ‘customary’, one of four land tenures recognised in the Ugandan Land Act 1998 (see for example Ravnborg et al (2013, 5) using figures based on the Uganda Census of Agriculture 2008/9). However ‘customary’ is the default position for any land that is not freehold, leasehold or *mailo* (this last category being specific to Uganda’s Central region). As only a tiny proportion of land is registered as freehold or leasehold in Acholi, the remainder is inevitably *customary* from the point of view of formal law. What exactly this means in practice is deeply unclear, a situation not limited to Uganda, but common to most applications of the notions of customary land and customary law in Sub-Saharan Africa, as Johan Pottier describes (2006, 55).

While ethnographic studies from the past have described Acholi customary land holding and management, the most recent of these to do so in detail is Girling’s (1960; based on field research undertaken in the early 1950s). Subsequent efforts to address Acholi customary landholding principles and practices are limited to a publication by the Acholi customary organisation representing the pre-colonial chiefdoms, Ker Kwaro Acholi (2008). However this is a problematic document, extremely limited in detail while being disputed in some of its broad strokes. In practice, at this point, there is no accepted record of what the custom of Acholi - in terms of land holding – is in the early years of 21st Century. This is important: hundreds of thousands of individuals’ rights of access to and security on the land on which many of them depend for survival, are conditional on the details of this custom.

In order to succeed, the tool needed to capture a class of land disputes to a consistent and ideally considerable depth across the entire Acholi Sub-region, an area of 28,000 square kilometres occupied by over 1.4 million people. Identifying sources for such data presented a major challenge. Formal sources proved inadequate. Magistrates courts, while overwhelmed by the volume of land-related cases were nonetheless dealing with very small overall numbers (in comparison to, say, Pham & Vinck’s 2010 findings of over 50,000 households affected by land disputes in Acholi in 2006-2010), and these related mainly to those where one or both parties had sufficient, and hence substantial, resources necessary to engage with the formal legal system. NGOs emerged as having small and often particular case loads, usually geographically, and sometimes type specific. No organisation or government agency was attempting to collect data on land conflict across the sub-region.

Earlier research undertaken under the UNPBP had shown large numbers of disputes, mainly dealt with at clan, village or parish level, but with remarkably high levels of

successful resolution (Burke & Egaru 2011; these high rates of resolution had also been suggested by the earlier findings of Pham & Vinck 2010).¹ However given that Acholi contains over 300 rural parishes, over 3,000 rural villages and many times this number of landholding clan entities, it was not immediately apparent how information could be comprehensively mapped, as opposed to sampled, given the resources available.

These factors interacted with issues of defining land conflicts and land disputes. Minor disputes relating in some way to land are ubiquitous, whereas the tool was concerned with disputes that posed a significant danger of some sort to individuals or communities: land conflict as a potential conflict driver, and so demanding a policy response. These threats might be of actual or potential violence, or loss of access to farmland or other important livelihood resources; however, more subtle issues of disruption of social harmony, undermining well-being and handicapping development were also important to capture from a policy perspective.

The notion of 'land disputes' qualifies as a fuzzy concept. A quarrel between neighbours on any matter may easily acquire a land dimension if not resolved. Politicians and community leaders may incite community land conflict as a vehicle to pursue other power or resource goals. A boundary misunderstanding that is quickly and amicably resolved by the parties themselves or by local mediation may get recorded in a land dispute sampling exercise that included the individuals concerned, but would not be recognised as significant by local leaders, or at least those leaders above a certain level. Asking land dispute actors at a more local level – village or sub-village level - would almost certainly generate higher numbers of disputes, while sampling individuals would most likely generate higher numbers still. A consequence is that it is unlikely that different methodologies for measuring land disputes will glean directly comparable results.

The methodology finally selected involved seeking data at rural Parish level. A Parish is an administrative division, with typically of the order of 5,000 inhabitants, under the administration of an elected council (Local Council 2 / LCII). Parishes are made up of Villages or Sub-wards under the administration of an elected Local Council 1 / LCI, the smallest government administrative entity. LCII courts were also generally understood to be the first formal land dispute resolution bodies.² It was decided to focus exclusively on rural parishes on the basis that the nature of land administration, landholding and land disputes in urban areas is quite different to that in rural areas and would necessitate an entirely different methodology to monitor and map. Moreover a large majority of the Acholi population is rural.

¹ Pham & Vinck's 2010 population-based survey was the third they had undertaken in northern Uganda, and covered a wide range of issues, touching on land conflict as experienced by individual respondents. Burke & Elegu's interesting study (2011) focussed on dispute resolution processes and actors. Their findings suggested both very high numbers of disputes – an average of 38 cases per LCII court each year suggest around 11,000 cases per year in this context alone, with presumably many others using other resolution forums or none. However they also found very high resolution rates.

² LCII courts were suspended by central government in 2013 following legal challenges to their legitimacy, as there have been no elections since 2002. In fact the responsibilities of local courts have changed repeatedly over the years and in 2006 legislation required land disputes confined to a single LCI administrative area to be heard by the LCI court (GoU 2006). However the LCIs and IIs who provided the data for the LCMMT were apparently unaware of this.

The rural Parish-level focus provided a parameter and definition of sorts for the disputes we were measuring: those that were known about and considered problematic at Parish level. However, success depended on consistency that in turn depended on our respondents grasping the purpose of the exercise and responding in approximately the same way across the sub-region. It is possible that numbers will have been distorted by the fact that Parish-level leaders are also local residents, and thus may include village, sub-village, and family level disputes from their own locales that would not otherwise qualify as Parish-level events. However, we concluded that such distortions are likely to play out fairly consistently, while having groups of on average three from each parish, representing different sectors (customary and local council) would reduce these. Typically, a Parish has a population of around 5,000 people and on average is made up of ten Villages, although this varies dramatically across the sub-region, with fewer, larger villages in the western and northern districts. It was our assumption that while leaders of such a population would be very unlikely to know every adult or every nuclear household, they would be aware of all clan and extended family groups within the area, and would be part of a network of local leaders and family heads responsible for addressing problem conflicts. In this way, they would become aware of most land conflicts that were protracted or causing concern at lower levels.

Building on this concept, five research tools were developed:³

1. Parish-level Disputes Form (PDF) seeking overview information on numbers of recent and current disputes, numbers of disputes involving violence, numbers of disputes involving 10+ households; and organisations or individuals important in resolving land disputes;
2. Individual Dispute Questionnaire (IDQ) aiming at capturing detailed information on as many recent or current disputes as each parish group could manage to complete;
3. Parish Village List (PVL) form to identify all villages in each parish;
4. Village-level Form (VLF) on land tenure, land use, and any clan(s) associated with the village and with recognised land rights there;
5. Outline parish maps on which participants were asked to draw approximate village boundaries and, where possible, additional detail including clan distribution.

Data was collected through a team of Acholi-speaking researchers mobilising groups from each parish, typically consisting of the LCII Chairperson, an elder with broad local knowledge of customary land issues and a third person with local land expertise from either the customary or LC sectors. These individuals were identified with the help of Sub-county (LCIII) authorities and brought together for one or two days in each of two research rounds in Sub-county-wide meetings. While LCII Chairs were invited to bring records of the land cases heard by their courts with them, this rarely happened, probably because in most cases such records did not exist.

³ All forms were revised as a result of learning from the first data collection round. In particular the original version of the Parish-level Dispute form had generated sometimes ambiguous and hard to interpret responses, while the outline parish maps were geo-referenced in the second round to allow for digitisation. Final versions of the principle research tools in English and Luo are available as Appendix 1 to the Final Report: Land Conflict Monitoring and Mapping Tool (Hopwood & Atkinson 2013, 75).

The methodology had the strength that the informants generally had extensive knowledge of land matters and specifically land disputes and customary land holdings in their Parishes. On the other hand, it is important to recognise that these informants often had little education, were sometimes neither literate nor numerate, and were usually providing information from memory. In this context it is important to understand that information especially around dates, time periods and specific numbers is likely to be impressionistic rather than precise. Notwithstanding these limitations, we are aware of no source of more accurate information on these matters.

Two rounds of data collection were undertaken: in February / March 2012 and in August / September 2012.

FINDINGS

Three distinct data sets were generated using the above-described tools in the two data-collection rounds. Very large quantities of data were collected, which at the time of writing have been only partially analysed. The findings described below were derived from a first analysis exercise undertaken to produce a final report on the project for the UN Peacebuilding Programme.⁴

Results suggest that the methodology was mostly successful in eliciting understanding of the brief, and consequently consistent, information from respondents. While results across the region varied substantially, so did results within sub-counties, where respondents from the different parishes had been briefed together by the same researcher.

The first data set, Parish-level Disputes (PDF), provides broad information on the number of individual land disputes by parish showing trends over time including resolution rates, disaggregated into disputes involving violence and disputes involving 10+ households.

The second data set, the Individual Dispute Questionnaires (IDQ), provides detailed information on 1,349 discrete disputes.

The third, the Village-level (VLF) data set, provides information on landholding, land use and clan association in over 2,000 villages.

Land dispute numbers and trends

The Parish-level dispute form sought to elicit information on the number of disputes over the preceding half-year, including how many had been resolved, how many had involved violence and how many had involved ten or more households. Second round data was collected in 61 of 62 rural sub-counties in Acholi (the exception being Atiak Sub-county in Amuru), including 287 of 305 rural parishes (94% coverage). Missing parishes are largely concentrated in Amuru district (where methodologically

⁴ Findings from an analysis of the LCMMT data relating to disputes involving women has now been published: see Hopwood 2015.

unavoidable local government cooperation was less forthcoming than elsewhere), but also include two in Agago and one each in Gulu, Lamwo and Pader.

District	Ongoing disputes (Sept. 2012)	Resolved disputes last 6 mos.	Total disputes last 6 mos.	% of disputes resolved	Ongoing disputes with violence	Violent disputes resolved last 6 mos.	Total disputes with violence	% of violent disputes resolved	Ongoing disputes with 10+ h/h	Resolved disputes with 10+ h/h	Total disputes with 10+ h/h	% of resolved 10+ h/h disputes
Agago	219	233	452	52%	23	7	30	23%	10	3	13	23%
Amuru	31	218	249	88%	13	32	45	71%	3	14	17	82%
Gulu	273	223	496	45%	94	55	149	37%	28	10	38	26%
Kitgum	170	81	251	32%	27	4	31	13%	41	10	51	20%
Lamwo	81	55	136	40%	34	10	44	23%	31	10	41	24%
Nwoya	60	79	139	57%	29	20	49	41%	11	6	17	35%
Pader	248	140	388	36%	46	12	58	21%	43	9	52	17%
	1,082	1,029	2,111	49%	266	140	406	35%	167	62	229	27%

Table 1: Aggregated 2nd round rural land dispute data (extrapolated for missing parishes)⁵

Table 1 shows findings aggregated to district level. A wide variation of dispute numbers and resolution rates emerges across the seven Acholi districts. Analysing dispute numbers in relation to estimated population/households clarifies this picture as shown in Figure 1 below.

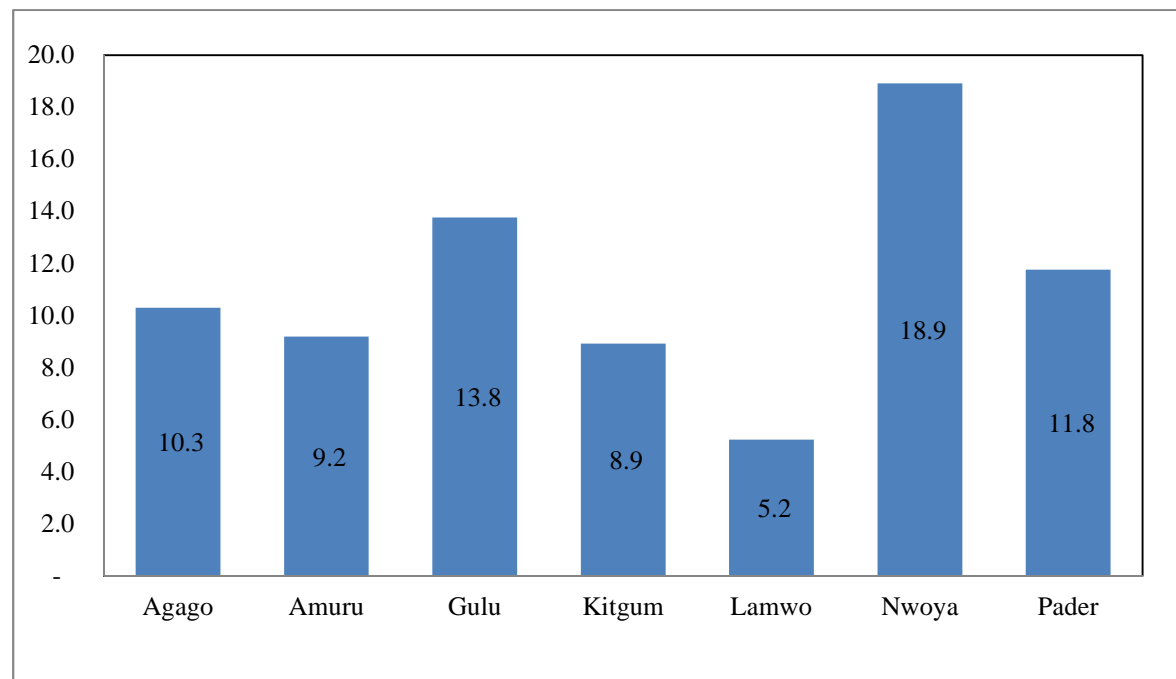


Figure 1: Number of rural land disputes per 1,000 rural households

⁵ Table 1 is derived from data from, and Figures 1-7 are reproduced from, Hopwood & Atkinson 2013.

Dispute resolution rates were assessed through the direct responses shown in the above table, triangulated by comparing current and resolved disputes recorded in round 1 in February / March 2012 with current resolved disputes recorded in round 2 in August / September 2012.⁶ In Agago a drop of 34% in numbers of current disputes over the six months between the two data collection rounds was observed, while the resolution rate for the preceding half year remained constant at 52%. In Kitgum, current disputes declined by 27%, while the resolution rate over the preceding six months reduced from 40% to 32%. In Nwoya, current disputes dropped by 54% between the rounds, with resolution rates dropping from 67% to 57%. In Pader, uniquely, five out of seven sub-counties compared showed a rise in current disputes between the two rounds averaging 20% across the district, with a decline in resolution rates from 46% to 36%. The total for the compared sub-counties in four districts was 948 current disputes in February / March 2012 and 626 current disputes in August / September 2012, a decrease of 34%.

In addition to the overall data on dispute numbers and resolution rates, specific information on disputes involving violence against people or property, and disputes involving ten or more households, was collected (these categories frequently overlapped). Gulu District had the highest total of violent disputes at 149 (30% of all disputes). However Nwoya, with 49 (35.3%) and Lamwo with 44 (32.4%) had higher proportions of violent disputes, while Kitgum (12.4%) and Agago (6.6%) had both the lowest numbers and percentages of violent disputes relative to total disputes. The overall Acholi total of 406 violent disputes represents 19.2% of total disputes.

In the case of rural land disputes involving ten or more households, overall numbers and percentages are lower. Agago District is again the lowest, with 13 10+ h/h disputes (2.9%). Amuru (6.8%), Gulu (7.7%), Nwoya (12.4%), Pader (13.4%) and Kitgum (20.3%) show higher proportions of large scale disputes; with Lamwo at a very high 30.1%.

Disputes involving violence and large numbers of households are a minority, yet are likely to have a much greater impact on affected parties. Unsurprisingly resolution rates are lower as this impact is likely to make them more resistant to resolution. Overall, for the period April-September 2012 the resolution rate for rural land disputes generally (48.7%) was higher than for disputes involving violence (34.5%) and for ten or more households (27.1%).

This data set includes information on dispute resolution resources in each parish whether institutions, organisations, or individuals. In over 45% of parishes cultural and traditional leaders were identified; 30% listed local councillors (I, II or III) or LC courts (II or III); and 15% listed civil society organisations/NGOs, nearly half of which specified religious leaders or even more specifically, the Acholi Religious Leaders Peace Initiative, an NGO active in mediating major land disputes. It should be remembered that our informants were themselves cultural leaders and local councillors, which might influence their perceptions, though the balance of responses is interesting. Only 6% mentioned other government bodies, for example district leaders or land boards, and only 2% mentioned magistrates' courts.

⁶ Due to incomplete data collection across the sub-region in round 1 (with no data for Gulu or Lamwo districts and partial data for Amuru), and difficulties in matching data in parts of Agago and Pader due to the creation of new parishes and sub-counties, this triangulation could only be undertaken in respect of certain specific sub-counties.

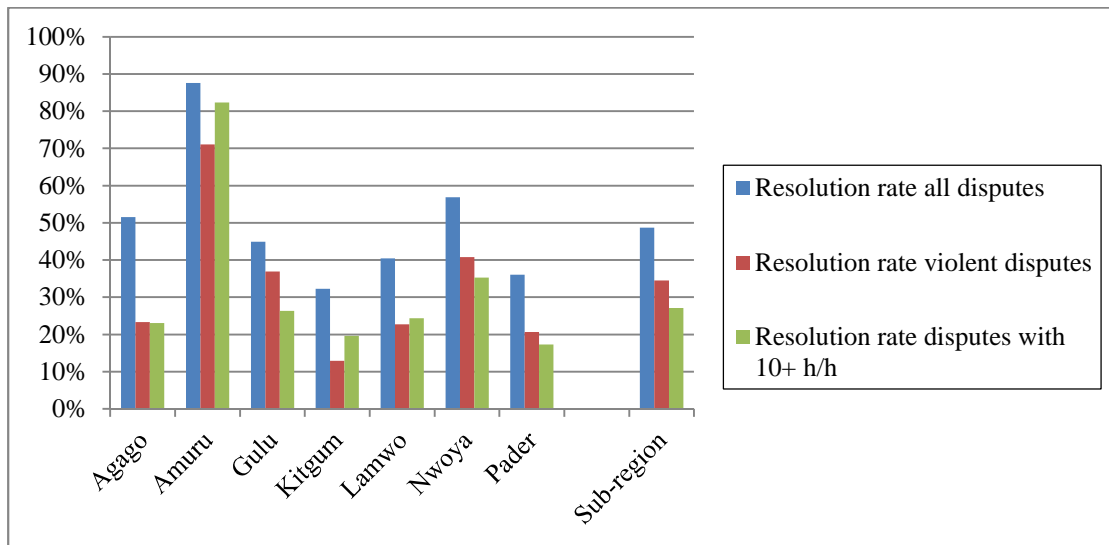


Figure 2: Resolution rates for the period Apr-Sept 2012 - total rural land disputes, disputes with violence, and disputes with 10+ households per district

Land dispute characteristics

A total of 1,349 records of individual disputes (Individual Dispute Questionnaires – IDQs) were collected in the two data collection rounds: 603 in round one, of which 379 were ongoing, 119 resolved, and 105 with unclear or lacking data; 746 in round two, of which 540 were ongoing, 130 resolved, and 76 unclear or lacking data. The 540 second round IDQs are quantitatively useful inasmuch as they describe almost exactly half (49.9%) of the 1,082 on-going disputes captured in the Parish-level dispute data set (though not all IDQs are complete, leading to slightly small sample sizes in relation to specific issues). In establishing whether the IDQs are representative it was found that they reported on 54% of violent disputes and 53% of the 10+ household disputes captured in the other data set suggesting that they lean slightly towards more serious disputes but are broadly representative in these, and by inference other dispute characteristics.

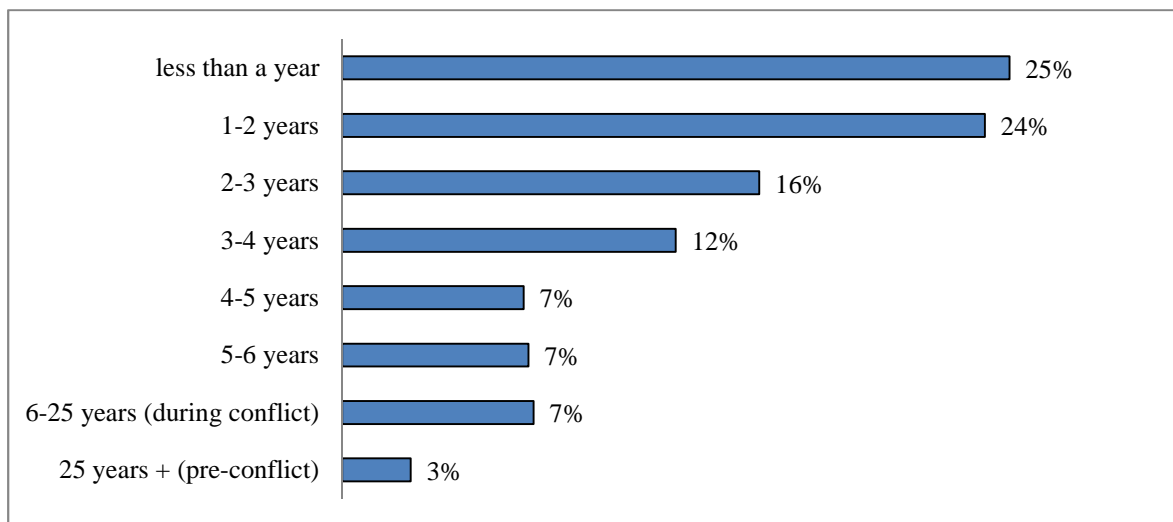


Figure 3: Duration of IDQ-reported on-going disputes in Sept 2012 (n = 531)

Figure 3 shows the duration of the IDQ-captured second round on-going disputes where a start date was provided (531 or 49% of the total on-going disputes identified through the first data set). About 10% date from before the end of the conflict in 2006, a time when much and sometimes all the rural population was displaced. In fact 3% date from before the start of the conflict in 1986; 42% date from the period 2007-2011 when mass return from the IDP camps was in process; and 49% from the period 2011 to August 2012.

In comparing more recent disputes with older ones, the latter are more likely to be violent, involve multiple households or both, reflecting the earlier finding that such disputes are resolved at a slower rate. Hence 24% of more recent disputes (2010 onwards) involve violence compared with 33% of disputes that started earlier.

A total of 17,774 households were reported as involved in the 540 on-going second round IDQs, though estimates in respect of larger disputes in particular are bound to be highly approximate. Disputes that started prior to 2010 (192 / 36%) involved 10,086 of these, averaging 53 households per dispute; this contrasts with the more recent 2010-onwards disputes (348 / 64%) which involve 7,201 households – 21 per dispute. This finding seems to confirm the finding using the PDF data set that disputes involving larger numbers of households are typically longer-lasting and resolved at a slower rate than smaller disputes. As already stated, these figures are likely to be extremely imprecise. It is also unlikely that they can be usefully extrapolated to the whole of Acholi (which would imply over 30,000 households involved in / affected by current disputes at the time of the second round data collection). This is because, while the IDQ data set broadly corresponds to the aggregated category of 10 + households in the PDF data set, there is a probable bias in the former towards reporting on the largest and most serious disputes. 35 (6%) of current second round IDQs reported more than 100 households involved, and 4 (0.07%) more than 1,000 households.

These very large disputes are highly localised and make extrapolation from any sample problematic. The nature of household ‘involvement’ is likely to cover a spectrum. Those at the severe extreme would include the long-standing conflict in Mucwini, where (as of 2008) there had been substantial violence and large numbers of households reported being denied access to their pre-displacement land (Justice and Reconciliation Project 2008; Refugee Law Project 2012); and Akaa, where many hundreds of households have been evicted (Acholi Religious Leaders Peace Initiative 2011). At the other end of the spectrum would be mostly non-violent disputes such as those between whole kinship groups (clan or sub-clan), but that revolve around a border disagreement that directly and seriously impacts only a relatively small number of households in the disputed area, or between a clan and a household or family over the latter’s right to sell communal land that they occupy.

The above findings are in relation to the 540 second round current IDQs. Other results from the total of 1,349 IDQs were analysed, although their representativeness is harder to assess. In 147 IDQs recording violence, 1,416 violent incidents were noted, the types of violence being shown in Figure 4 below.

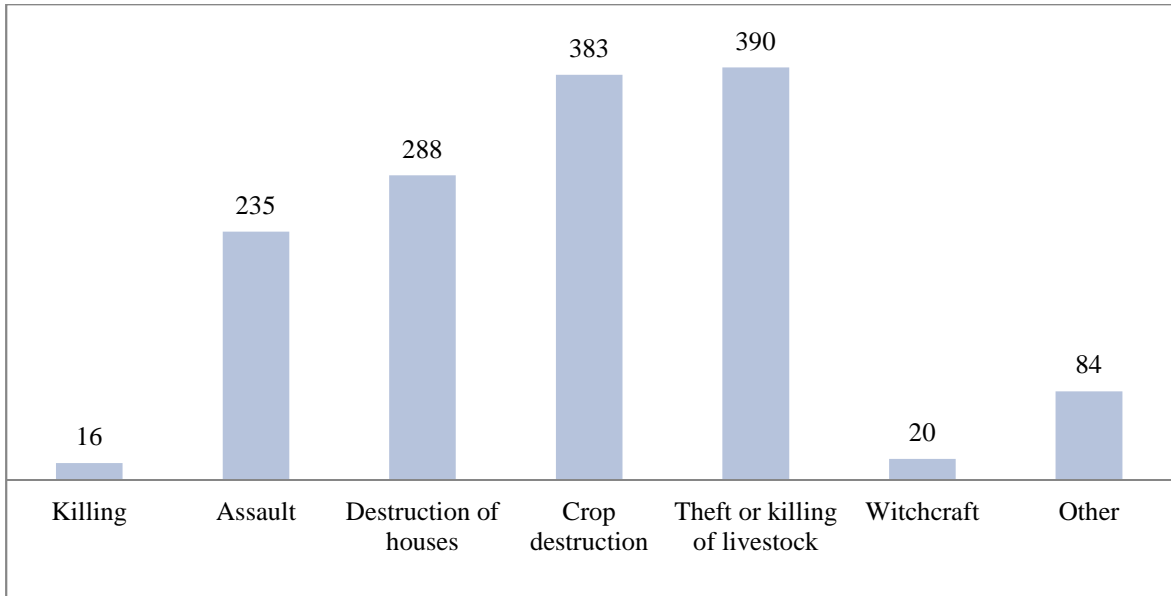


Figure 4: Incidents of violence by type in 147 violent disputes from a total of 1,349 IDQs

In respect of the total of 72 disputes involving more than 100 households in the full 1,349 IDQ data set (5%), the geographical spread is worth attention. A total of 33 of these are in Lamwo District, 13 in Amuru, 11 in Kitgum, 7 in Agago, 6 in Pader and only one each in Gulu and Nwoya.

Considering the relatedness of the disputing parties, shown in Figure 5 below, IDQs showed that in around two-thirds of disputes the parties were from the same chiefdom and in well over half, from the same clan. One third of disputes were between members of the same extended family.

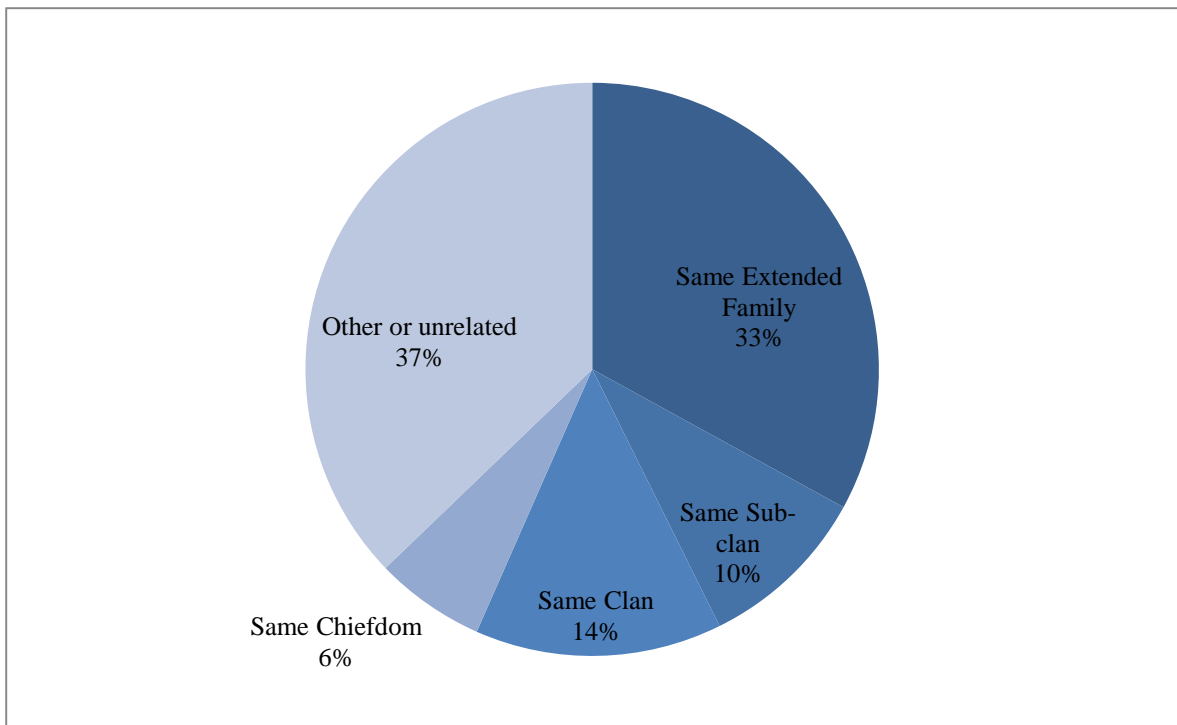


Figure 5: Closest relationship between opposing parties in land disputes (n = 1,349)

In 163 of the total 1,349 IDQs, about 12%, one or both of the principle parties was identified as female; in 24 (2%) both principle parties were women, or female headed households (FHHs). Such disputes are smaller than overall, on average involving 6.7 households, with female headed parties averaging 2.5 households. They are also more likely to be within families, with over 85% of dispute parties having a patrilineal or marital relationship.

Findings revealed a number of points in relation to women's land rights. As Pottier points out, much can be learned about women's customary rights by considering what is being contested (2006, 67).⁷ Nearly half (45%) of all IDQs reporting on a dispute involving a FHH related to a woman's right to inherit land, not just from her husband but also from patrilineal and even matrilineal forebears. A pattern emerged of men seeking to evict their brothers' widows, but of these attempts being challenged by the women concerned. In a large majority of these cases elders and/or LC courts found in favour of the women.

In about 20% of FHH related cases, the FHH is reported as the aggressor or land-grabber, in most cases seeking to evict someone they claim is a 'guest' – someone from another clan who occupies land 'given' by the host clan, though sometimes several generations ago. Descriptions of disputes suggest that women, whether they have married into a clan and inherited from a husband or occupy their patrilineal clan land, have stronger claims than those of 'guests'.

In other cases FHHs and guests have attempted or succeeded in selling customary land. This would seem to be a relatively common strategy, employed by those who feel their land rights are insecure and hence seek to protect themselves by monetising the land they occupy.

Land organisation and land use

A total of 3,028 rural Villages (Local Council 1 / LCI, the smallest formal government jurisdictions) were identified throughout the seven Acholi districts in the two research rounds, with more detailed information gathered on 2,375 (78%) of these.

Extrapolating from this more detailed data, land is held and controlled communally in over 90% of rural Acholi villages. Identification of the communal body controlling the land included clans (*kaka*) (46%), sub-clans (*doggola kaka*) (26%), and extended families (*dog gang*) (18%). These terms are not always differentiable, and are not necessarily used consistently to suggest a group incorporating a particular number of generations. All however suggest communal land control. The remainder was either individualised land, or organised on a non-kin basis (though possibly communally in some instances).

⁷ This idea is developed in Hopwood 2015.

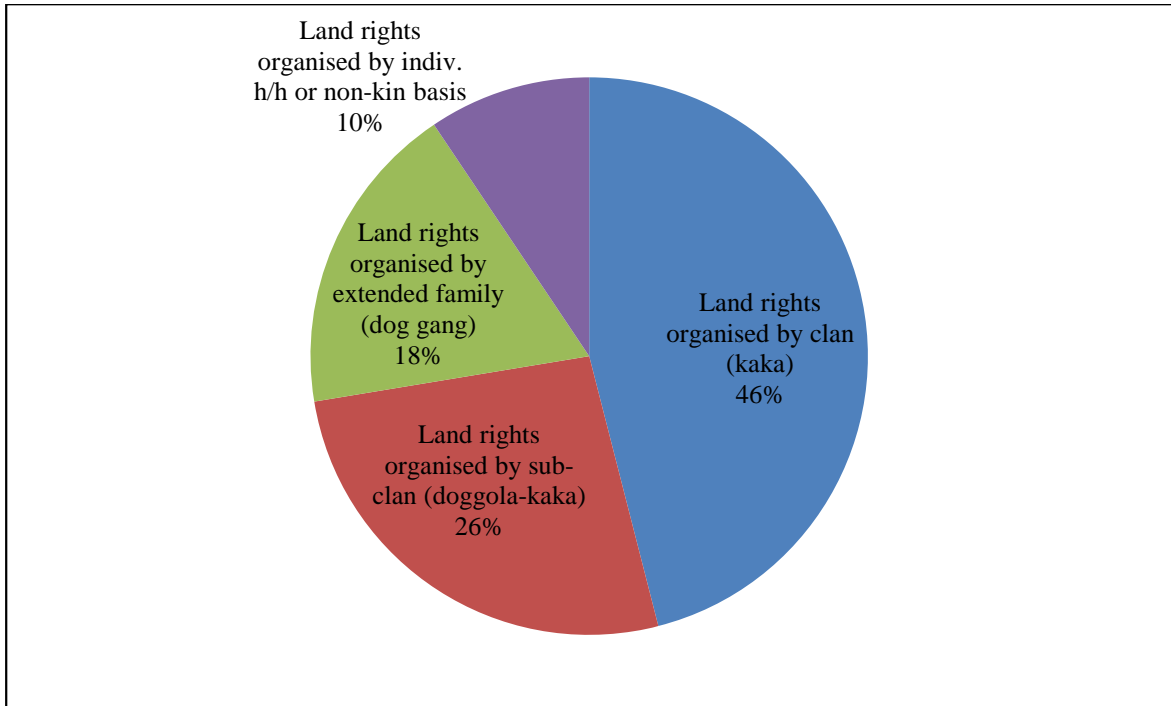


Figure 6: Land organisation of villages (n = 2,097)

As well as seeking information on land organisation, village level information collected included numbers and names of clans associated with villages; and 253 hand drawn maps (of variable quality) of parishes showing approximate village boundaries, and sub-village divisions where these occurred. These have been digitised to allow presentation of a range of data in map form. They reveal the extraordinarily detailed knowledge that our informants, Parish-level leaders, possess.

A further question was on agriculture: over half of villages were reported to be using exclusively, or mainly, shifting agriculture, with 30% now primarily permanent plots and the remaining 18% a mixture of the two, as shown below in Figure 8.

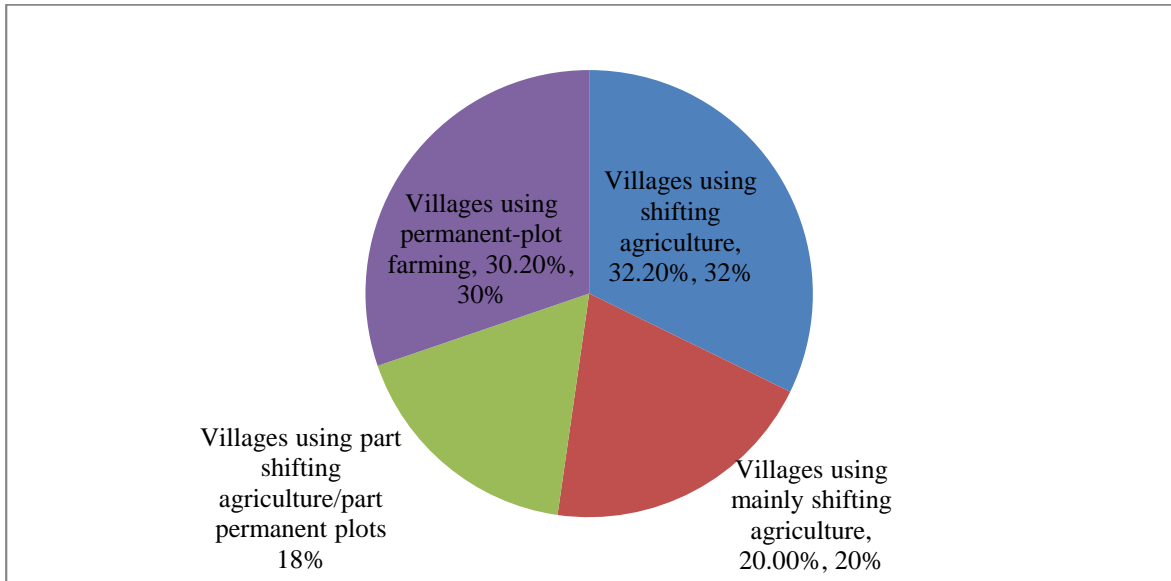


Figure 7: Land use in villages (n = 2,097)

DISCUSSION

Our findings are that numbers of land disputes declined during the period from October 2011 to September 2012. Dispute resolution rates were high, if falling in response to lower overall numbers; and the findings suggest that fewer new disputes are starting. Overall, a strong trend in the direction of reducing numbers of land disputes has been identified.

However the figure of 1,100 ongoing disputes identified in August/September 2012 is substantial, especially when perhaps twenty or more times this number of households – over 100,000 adults and children - are affected to some degree by these disputes. It is nonetheless important to recognise that for a majority of these people, the impact may be small and relatively brief. However many of the larger and some of the small disputes are highly resistant to resolution, and these can represent major threats to the well-being, livelihoods and sometimes lives of those affected.

Land conflict is endemic in Sub-Saharan Africa, where few administrations have found answers to safeguarding the land rights and access of the majorities occupying customary communal land. Acholiland would seem to be atypical in that land conflict is reducing, and this deserves further investigation. A probable explanation is that land conflict peaked in the chaos of return from long displacement in the IDP camps, but is now settling down to a steady state.

A more positive description of this process might be that certain threats identified earlier are being, or have been, addressed by communities, specifically: confusion about individuals' rights to land; confusion as to the location of boundaries of divisions within and between customary land parcels; scope for land grabbing in the context of this confusion; the undermining of social capital and socio-cultural norms around which communal land holding had functioned; and the undermining and loss of respect for the cultural authorities responsible for managing customary land. However other threats persist and may be beyond the power of rural communities to correct.

One of the most important findings of this research is that over 90% of land is controlled communally according to the understanding of local authorities, both cultural and elected. The particular significance of this is that while there has long been an acknowledgement that most land in northern Uganda is 'customary', its enduring communal nature has been ignored or denied. This is perhaps because in some other areas of the north and many other parts of Uganda, land has become more individualised to specific families due to population pressures. In Acholi, while it seems that the size and nature of the communal bodies controlling land varies considerably, a more traditional picture of control at clan level is still widely found. Our findings on reducing levels of disputes could suggest that these communal land authorities are re-establishing themselves and are to some extent effective at resolving or mitigating land conflict internally. It also strongly suggests that finding effective means of increasing land security and access in Acholi is dependent on a much greater understanding than currently exists into the nature and practices of these land holding kin-based entities.

Findings suggest that the available resources for local dispute resolution in the form of LC mediation and courts, and customary processes are significantly effective in many Parishes, though it must be the case that the quality and integrity of local

leadership is very variable (high resolution rates do not necessarily point to fair decision-making, but might instead be achieved through consistently finding in favour of stronger parties). However the best means of developing capacity and addressing issues of poor leadership are not clear. A number of initiatives have been attempted by development agencies, but generally these focus on Ugandan national land law, which has little to say about customary land rights or holdings, about which we found communities and local actors to be very well informed at a local level. Without much greater clarity around how formal and customary law can interact, it is challenging to know how to support these community land dispute resolution actors. Nonetheless, many respondents concluded with pleas for support and guidance, particularly from the non-governmental sector, which was seen as independent of vested interests and less corrupt than government or customary institutions. Demands for such support revealed that issuing judgments can expose local land adjudicators, whether from the customary or LC sectors, to threats of revenge from dissatisfied parties: the fact that LCs are now only authorised to mediate rather than reach judgments may in fact have long been the norm, and is very possibly more desirable in a majority of cases. The idea that there are clear customary rules that could be applied if only someone would disseminate them is apparently appealing, if probably without foundation. Given the nature of custom and Acholi society it is likely that elders traditionally tended towards mediation based on compromise, while using normative principles to identify stronger and weaker claims.

There has also been a degree of confusion discernible in some interventions about the legitimacy and authority of different cultural and customary leaders. While there is little contemporary information about these issues, the difference between clans and their leaders/elders, and the heads of the pre-colonial royal (*kal*) chiefdoms or domains (currently represented by the constitutionally recognised cultural organisation Ker Kwaro Acholi) needs to be understood and considered in any land related intervention. Customary land allocation and internal management of the land rights and access of individuals and families was traditionally a matter for clans. The role of chiefs (*rwodi moo*) in respect of land only concerned the individuals and families of their own clan, not the internal land management of other clans within their chiefdom. Their broader role included mediating between clans in conflict, whether about land or other issues.

The difficulties apparent in resolving large scale land conflicts may require a more proactive approach by higher level government and cultural bodies, particularly at district and chiefdom levels, but also at central government level where disputes cross – or are related to contentions about the location of - international and administrative boundaries. The large disputes in Lamwo and Kitgum seem to have the characteristics of inter-clan wars over territory. In terms of mediation in intractable disputes, our findings suggest that interventions by church leaders are respected and deemed helpful.

The methodology employed has meant that this research has contributed little to understanding the major and highly reported disputes in western Amuru and Nwoya. These include the disputed land in Lakang awarded by government to the Madhvani sugar company (and some individual members of elites), and the conflict between

communities and the Uganda Wildlife Authority in Apaa.⁸ These disputes are quite different in nature to those in the rest of the region, not least because the status of the land itself and the authorities under which it falls is highly unclear, partly due to historical factors, partly to political interests. The political nature of these disputes and the involvement of central government bodies means that the local solutions to land conflict that are proving relevant in the rest of Acholi have no role to play (Atkinson & Awor 2013; Lenhart 2013). These disputes represent a serious conflict driver that will persist in the absence of a fair resolution that can only be delivered by central government. In the context of oil exploration and finds it is questionable whether the political will for this will be found.

A body formed in 2012 called the Joint Acholi Sub-regional Leaders' Forum (JASLF), comprising parliamentarians, local government, cultural and religious leaders is at the time of writing seeking to address customary land security in Acholi. A committee is to head a research, consultation and programming initiative on customary land funded by a consortium of donor nations. The great challenge facing this project is the very few precedents from which to build for effectively securing customary communal land holdings and rights, not just in Sub-Saharan Africa but across the globe.

However Acholi has advantages. Population densities are low compared to most of the rest of Uganda, and there is ample well-watered arable land comfortably able to support the existing population even with very basic subsistence farming methods. While some land has become or is becoming commoditised in many parts of Acholi, there remain vast tracts that are not. Even displacement may have had some positive impacts, inasmuch as it has interrupted the slow erosion of traditional principles and practices.

All these factors reduce the pressure towards individualisation of land parcels, making continuity of customary communal practices more viable. We believe that this is desirable as the alternatives are highly likely to disadvantage, through loss of land access, the poor, women and the vulnerable. A discussion of the debate over African customary land and the implications of our findings to this can be found in the Final Report of the Land Conflict Monitoring and Mapping Tool (Hopwood & Atkinson 2013). More work on the data sets and up-dating information is underway, and will, we hope, provide much more in-depth analysis of findings on particular themes touched on above, including gender, the position of 'guests' and the informal land market.

CONCLUSION

Acholi land is principally held and managed on a customary communal basis; after a period of confusion following return from IDP camps these landholding entities appear to have regained a degree of effectiveness in managing their land, indicated by a steep decline in numbers of local land conflicts. Larger, inter-communal conflicts

⁸ This deficiency has been addressed by one of the authors in Atkinson & Owor (2014). These disputes have also been researched by Acholi Religious Leaders Peace Initiative (2013); Lioba Lenhart (2014); and Refugee Law Project (2012); as well as being reported in numerous press reports.

are more resistant to resolution, and additional mediation resources at district and chiefdom level are needed.

Identifying strategies to secure communal customary land parcels and the rights of their individual occupants will probably require a much greater understanding than currently exists of the detail of customary land organisation in Acholi. The broad answers so far generated by this research raise more questions, and suggest great diversity in how customary land is currently controlled, allocated, managed and contested.

Relatively low population pressures along with other factors mean that Acholi offers an unusually propitious environment in respect of the customary rights of the population, thereby protecting access to land for those who need it most. Although many people are suffering as a consequence of land conflict, it is by no means clear that there are implementable policy or legal reforms to be made that would have an overall beneficial effect. A perception of rampant and worsening land conflict across Sub-Saharan Africa is driving a land-law reform programme largely unengaged with the evidence. Further studies of this kind will help to ascertain whether such perceptions are grounded in reality.

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This publication is an output of a research programme funded by UK aid from the UK Government. However, the views expressed do not necessarily reflect the UK Government's official policies



The Justice and Security Research Programme is an international consortium of research partners, undertaking work on end-user experiences of justice and security in conflict-affected areas. The London School of Economics and Political Science is the lead organisation and is working in partnership with:

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