

# CONFLICT WATCH

Advisory Consortium on Conflict Sensitivity  
(ACCS)

August Issue # 5

## “LAND AND INVESTMENT”

### Balancing Local and Investor Interest



*Compiled by Otim Denis Barnabas, Ina Jahn and Emily Cody*

The August 2012 issue on Conflict Watch represents and provides the Advisory Consortium on Conflict Sensitivity (ACCS) – Refugee Law Project (RLP) contextual analysis on resource based conflict; this includes the dynamics of land grabbing and investment in post conflict environment, and community perception regarding the issuance of Certificates of Customary Land Titles. This issue emphasizes the importance of good governance of natural resources, in land issues and the need to balance divergent interests and positions in order to avoid resource related disputes. ACCS makes concerted effort towards flagging conflict causes, triggers, actors as well as early warnings.

#### Key titles in the issue include

1. Politics as Usual: Investment, Land Grabs and Disputes in Nwoya District
2. Will Customary Land Titles reduce increasing Land Grabs and Disputes in Acholi Sub – Region?

#### Politics as Usual: Investment, Land Grabs, and Disputes in Nwoya District.

*“Most of the population in Purongo Sub County, Nwoya district do not approve of Amida land grab, but a few acknowledge that proper acquisition of land would present an opportunity for host communities if it makes durable contribution to their development”, Says an elder in Purongo sub-county.*



**REFUGEE LAW PROJECT**  
“A Centre for Justice and Forced Migrants”  
School of Law, Makerere University



## INTRODUCTION

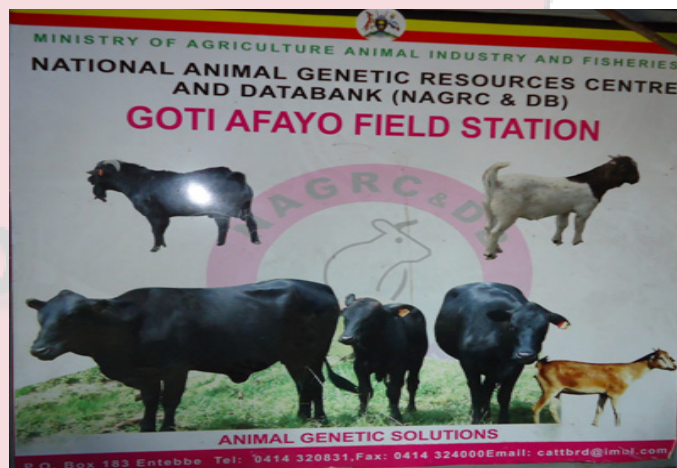
On the 6th August 2012, the Refugee Law Project (RLP) under the auspices of the Advisory Consortium on Conflict Sensitivity (ACCS) and with the local government leaders of Nwoya district, visited the area of Got Apwoyo village in Latoro, Purongo Sub County, to assess the magnitude of a brewing land dispute playing out between Amida Investment Company and the locals of Got Akpwoyo village. The visit was followed by a community dialogue that was attended by 58 residents of Purongo Sub County, out of which 17 were women.



Leaders of Nwoya District and locals of Purongo Sub County attending a dialogue meeting on the 6th August 2012

The land dispute in question has brought private investors, local government and central government officials together in an effort to deprive the indigenous or local/rightful owners of the Got Apwoyo land. The contextual drivers for such land grabbing in Uganda and Northern Uganda vary and are dependent on the speculative values attached to land and oil related discoveries and investment opportunities in the region. In post-conflict Northern Uganda, where a

majority of the population has been subjected to protracted periods of displacement during the LRA insurgency, contemporary land conflicts are strongly attributed to weak land governance in the context of return. As a result, many have been denied access to land causing food insecurity, as well as decreasing employment and income generation opportunities.



Sign Post belonging to Ministry of Agriculture Animal Industry and Husbandry – referring to Got Apwoyo field station

Further, the Government of Uganda increasingly relies on a policy of decentralization which has manifested itself in the accelerating speed in which new districts are formed. With decentralization, the influence of local authorities (local councilors and district councilors) on land and resource governance has increased. At the same time, the steady creation of new districts has resulted in a weakening capacity for proper administration of law and rules and regulations with regard to land administration in particular. This of course further opens up possibilities for influential businessmen and government officials to influence local decision processes regarding the distribution of land. A case in point has been the new districts of Amuru (formed in 2006 by an Act of Parliament) and Nwoya (which formerly

belonged to Amuru but was formed as a district in its own right in July 2010), both of which have experienced a great number of land disputes since their creation.

### Land Disputes and the Investment Question

Overall, there has been a strong causative relationship between acquisition of land for investment purposes and increasing land dispute in entire northern Uganda. The most recent dispute is the land conflict between Amida Investment Company and the locals of Got Apwoyo village, in Purongo Sub County - Nwoya district. To many locals, acquiring large chunks of land in unregulated manner for investment purpose is seen as a form of land grabbing. *“How did Lapenga (one of the Directors of AMIDA investment company) obtain land in Acholi? Who allocated land to Lapenga? Will Lapenga stay or live? Was Lapenga provided with a working document?”* said an Acholi elder during a community dialogue.



In the picture is the main entry gate into Amida Ranch located in Got Apwoyo, Purongo Sub County, Nwoya District.

Land grabbing can take place in a wide variety of circumstances, yet it always involves the taking over of land without the consent of the local inhabitants. One also speaks of land grabbing

in the context of a speculative purchase of land without taking into consideration the adverse impact on the community. This is the current situation in Got Apwoyo village, where the Amida Investment Company has acquired 3000 hectares of land for agricultural investment, locally; the residents of Got Apwoyo have neither been consulted nor given their consent to the selling of their land. Taking into account the invaluable importance of land to livelihoods, the situation holds great potential for conflict and presents a hindrance to the post-conflict recovery process.

### GENESIS OF LAND DISPUTES IN NWOYA DISTRICT

Growing demand for acquisition of large chunks of land and the speed at which land grabbing has developed in Nwoya district since 2004 has sparked concern and debate amongst development partners, the local communities and their leaders. To some observers, the glaring land disputes in day to day Nwoya district are the consequence of poor land governance and resource management. However, others believe that the disintegration of Nwoya County from Amuru district to form Nwoya District in 2010 marked the start of aggressive illegal sales of land and violent land disputes as administrative structures weakened.

Compared with previous occurrences before the LRA conflict and the consequential displacement of a majority of the local population to “protected villages” (1996-2006), the current phenomenon of land grabbing in Nwoya district, Purongo Sub County, Latoro Parish takes place on a far graver scale, in some cases as stated by the locals, involving land parcels of more than 3000 hectares for a single individual. All

this indicates that the acquisition of land involves substantial problems. These problems are political, economical, social and developmental, creating loggerheads between the residents of Nwoya district, the Government, and investors.

Through extensive community consultation, it was established that most of the land transactions in Latoro Parish are characterized by a worrying lack of transparency. This has made it difficult to obtain or assess the exact scale and magnitude of land that has been legally and illegally “sold” off. The quantified number of the sold land to individuals and companies ranges from 50 to 3000 hectares. Yet, these numbers do not represent the full extent of the current problem of land grabbing in Latoro, Got Apwoyo village, as many cases are not accurately documented. Despite the lack of concrete figures, it is nevertheless clear that land insecurity and land grabbing has remarkably grown in Nwoya District in the past 5 years.

### **The Land Dispute: Amida Investment Company and the Locals of Got Apwoyo**

The conflict drivers which have resulted in the current land dispute between the Amida Investment Company and the locals stem from a variety of causes. Above all, it is the inadequate level of transparency in the transaction of the disputed land totaling 3000 hectares that has caused tensions in the community, further compounded by poor regulatory quality of the land management committees, weak local leadership, weak rule of law, the low control of corruption and individual greed. In most of the land sales and transactions, both legal and illegal, it was established that some local government officials (local councilors) and private individuals have been and continue to be actively involved. The locals stated that they are

never informed, not consulted and not asked to participate when private investors show interest in their land.

*“The issue of land is killing our people in various ways, if an investor needs land, why can’t they consult the people?”*, says a male residence of Got Apwoyo

During the dialogue, and as touched on above, the community expressed that some district officials were directly involved in the land transactions to Amida Investment Company, and have already benefitted from the disputed land dealing whilst undermining the rightful owners of the land in question. Well functioning local governments should be accountable and protect the rights of the citizenry, but this has not always been the case with the administration of Nwoya district. The major causes of land dispute have been described as follows:

- The principle driving force of land grabbing in some parts of Nwoya District is the imbalance between population settlement and vast unutilized land. The other motivation is financial: land as an asset has value with great investment potential. As a local woman remarked, “idle customary land and unoccupied land are being subjected to land grabbing”
- Weak implementation of land laws. The 1995 constitution of the Republic of Uganda and the 1998 Land Act and the amended version are the legislation most relevant to this discussion. However, the implementation of such legislation has been faced with a lot of difficulties resulting in unfavorable outcome for the local poor.

## What “they” say about Got Apwoyo and Amida Investment Company

Accounts hold that there are about 100 individuals residing in the disputed area of Got Apwoyo, but an elderly woman objected to that number by stating that the village has about 120 residents comprised of four groups. She based her statistics on the previous election attendance list, implying that children could have not counted. Both Jonam and Acholi tribe in Nwoya are said to have occupied some parts in Got Apwoyo. The Jonam traversed from Nebbi through Pakwach to Got Apwoyo to harvest grasses for thatching huts, cultivation, and gathering firewood. The Acholi in Nwoya are referred to as the original inhabitants of Got Apwoyo. However, the settlement of the Jonam in the disputed area of Got Apwoyo is seen by the locals of Nwoya as a move to grab their land and needs to be abated.

Amida Investment Company is said to have launched efforts to acquire land in Got Apwoyo area back in 2004. However, what remains unclear is the ownership of the disputed area. To some, the place is said to have previously been under the ownership of the Ministry of Agriculture, but this ownership was later transferred to the locals. The Company is in collaboration with a US based company in Dallas to invest in Ranching and beef production for domestic and export markets. The stated arrangement is that Amida Investment Company acquires land, and the Dallas, US based company provides capital and technology.



A resident of Got Apwoyo seated next to his hut that has been fenced inside Amida Ranch

It was stated that the Ministry of Agriculture alleges that they have full ownership and user rights of the disputed area in Got Apwoyo village, but this has been rejected by the locals including their leaders who have requested the Ministry to produce the land title and legal documents supporting their claim. In case the Ministry will fail to produce satisfactory and legally recognized document in support of their land ownership claim, the locals will deny Amida Investment Company any chance to operationalise the ranch business. However, the locals also worry that such a ownership certificate can easily be forged.

The Ministry of Agriculture, some local leaders and Nwoya district officials have been accused of illegally selling the land to Amida Investment Company. In the absence of a functional land board, the company is said to have put mark stones on the said land. The company has also been accused of fencing the disputed area, including denying the locals freedom of movement through a community road which has been fenced.



Some of the fenced homesteads inside Amida Ranch

### Challenges relating to Land issues in Nwoya District

During the community dialogue, the locals of Purongo Sub County identified the following challenges regarding land issues in Nwoya district:

- First, a big challenge pertains to the absence/inadequacy of existing legal frameworks that guide the locals, local leaders, companies and investors during large scale land transactions. This has created room for illegal land sales and transactions which in turn cause bitter land disputes.
- A second challenge identified centre on the lack of transparency and accountability around land dealings and exploitation of titles between some private individuals, commonly called “lolonyo” – meaning rich people, local leaders and private companies. In the case of Got Apwoyo, there exist no clear records of who is involved, what kind of contract was set up, and how much revenue was generated by Nwoya district out of the land transaction.

- Control mechanisms of land transaction in the district are weak, and the district has just recruited some technical land administrators. Previously the district didn’t have a land board and a number of land dealings are said to have been undertaken when Nwoya was still part of Amuru district. Most of the information regarding land valuation are said to be vague. On the 19th day of June 2012 a mark stone number (1908HE) is said to have been illegally put near Aswa in the side of Nwoya in the absence of a sworn land committee.

- The local communities do not see themselves benefitting from the investment by Amida Investment Company. The community alleges that some local leaders and some local Government officials of Nwoya district conducted and negotiated the land dealings without taking into account the consequences of their transactions on a population that is dependent on agriculture.

### Recommendations

- Good governance principle should be the key in instituting and promoting a win-win situation: institutional and local governance structures should involve all the interested parties, and in particular the local residents, in the process of acquiring land for investment and individual purposes.
- There is need to understand the dynamics relating to the increasing land conflict, land policies, land governance – use and management, and explore the role of power relations and perceptions of various stakeholders for competing land claims.
- There is need for good governance of land and natural resources which should also

include balancing local and business interests.

- Local authorities should be equipped with the right capacity to respond and resolve competing claims on land resources.
- Regulations for monitoring and control of land acquisitions, compensation and environmental protection measures should be clearly established as well as strengthened.
- Civil society should engage to resolve/mediate in land related transactions/disputes to balance interests between different parties.

All in all, as a local and national framework on land use, management and natural resource governance is yet to be created in the newly created Nwoya district. The local people have lost trust in the leadership from top to bottom. Worst of all, there are no recognizable and functional policies at different levels of district governance to ensure sustainable use of land resources that respect the rights of the locals. The situation thus calls for more research to map the scale, form and consequences of large scale land acquisition and resource use by private business companies, as well as the impact of these dealings on the local communities and their livelihoods, impact on food security, land rights, resettlement and recovery, and the environmental consequences.

### **Will Customary Land Titles Reduce Increasing Land Grabs and Disputes in Acholi Sub Region?**

*“The absence of law requiring the rightful consent from traditional authorities on customary land should not be a leeway to grab land in Acholi region”, says an elder from Nwoya district*

Land disputes have become a common phenomenon in Acholi Sub –region, with disputes occurring at all levels, from family, clan, and communal land disputes, to high risk disputes between sub – counties, districts, and investors. In an attempt to scale down the increasing land disputes, Certificates of Customary Land Titles were introduced by the Government of Uganda in 2012. The introduction of customary land titles has been met with varied reactions. In an attempt to understand local perceptions of the Customary Land Titles, the Refugee Law Project (RLP) engaged community members to discuss the issue. In this piece, views were obtained from prominent members of Acholi Land Trust and a few individuals.

Land tenure is the method in which land is owned, lived on, used, and disposed of in a community. The most dominant form of land tenure in Uganda is customary land tenure where land is used according to customary regulations. Some of its features have been imposed on other land systems. Customary ownership has typically existed for a long duration of time and is well understood by communities. The challenge is that it often doesn’t facilitate record keeping or the issuance of Customary Land Certificates, enabling the Government and investors to potentially dispossess communities of their land.

Many activists in Acholi sub region, including local and traditional leaders, disagree with the current Government policy of awarding customary land titles to the Acholi, calling it trickery. According to one community member “my major concern for now is the ongoing government program to issue Certificates of Customary Ownership to customary land owners.

A hint on tricks is where the project piloting is set to begin with districts where land matters are quite controversial, with lots of suspicions on land grabbing”, says a member of Acholi Land Trust

To a number of locals in Northern Uganda, the issue of Customary Land Titles/ Certificates continues to evolve, and the rush to pilot this project has raised a number of questions and concerns about state involvement in land-related issues. A few community members whom RLP interacted with were reticent to accept the Customary Land Titles, but also believed that they had the potential to reduce disputes over land-grabbing in Acholi sub- region. They also believed it could improve accountability for National Resource Management at different levels, particularly in post-conflict northern Uganda.

Much of the distrust from the community regarding the Customary Certificate of Land is rooted in the absence of trust and a general lack of transparency in the Government’s issuance of Customary Land Certificates. Despite the absence of legally recognized and written Acholi customs and practices in Uganda’s legislation governing land management and use, various regulatory documents, such as the 1995 Constitution, which recognizes the leasehold, freehold, mailso and customary systems of land tenure, and the Land Act of 1998 do incorporate elements of customary land tenure.

However, a number of community members stated that these laws neglect Acholi customary authority over land. Historically, customary land ownership was upheld in separate agreements. What was problematic

about this was that the postcolonial government did not devise any policy to promote, secure and protect customary land tenure, despite the legal status of customary land tenure remaining the same. Also, different systems of customary land tenure vary by region.

In 1995, the Constitution of Uganda gave the right to own land to Ugandan citizens and any Ugandan could settle anywhere following due procedure. Following the passage of the 1995 Constitution the customary land tenure system was uplifted to the level of freehold tenure. Freehold tenure guarantees land security to a certain extent, but still is not as legally secure as customary land ownership. However, customary land ownership is insecure from a practical standpoint as it is easily contested and lacks legal documentation, such as registration and certificates of titles. With leasing of land and freehold tenure land is secured with discrete boundaries.



In this picture is part of the disputed border area of Apaa village between Adjumani and Amuru districts. Many locals belonging to Pabbo and Lamogi clan have strong claims that this has been their ancestral and customary land since the British colonial days.

This constitutes a difference between rhetoric and reality: from a social and cultural standpoint, more rights to land ownership come



alongside customary law. From a practical standpoint, customary land ownership is difficult to prove and enforce and as such is subject to land grabs. While there are systems to protect against this, they are often government bodies clouded by distrust and ill-facilitation. The historical salience of land grabs in Northern Uganda raises concerns amongst Acholi communities that the issuance of land titles may facilitate future dispossession of land.

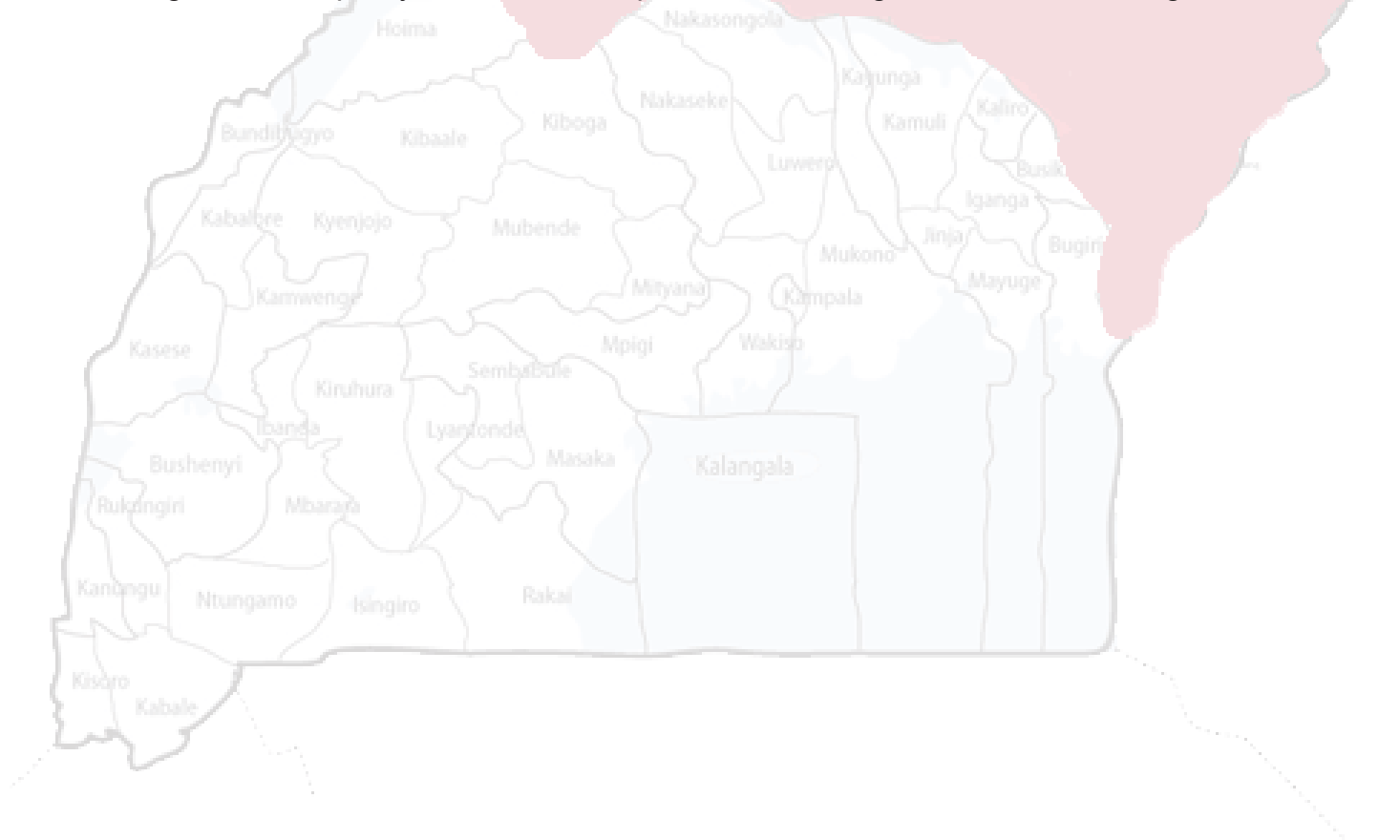
For example, one of the ways in which land ownership is determined is by district land boards. At the district level and under Constitutional provision Article 241 (1) and Article 241 (2), each district must have a land board. The District Land Boards are responsible for the administration of public land. In Acholi sub-region, this has at some times led to public land being bought by investment companies. As such, a clear definition and understanding of public land becomes imperative to securing access to land rights. One such example is the act of Amuru District Land Board allocating 40,000 hectares of land to Madhvani Group of Companies for sugar cane plantations. This allocation was made in the understanding that the land was public land. To community members this was a clear mismanagement by the land boards and manipulation of customary land rights by state institutions.

There are many loopholes behind the Customary Land Titles and it remains unclear if the issuance of Customary Certificates will settle the glaring issue of land grabs in Acholi sub-region. The main obstacles behind securing Customary Certificates of Titles are further elucidated below.

- **Issuance Neglects Traditional Authorities:** The procedure of issuing Customary Land Certificates often neglects traditional authorities on land control in Acholi-sub region. As land administrators on land boards may not be familiar with traditional modes of Customary Land Ownership, the door is opened for misallocation of land as well as abuse of authority and manipulation by unethical land administrators. The allocation of land only places authority in the hands of a few individuals in land boards for transactions on customary land. Applicants must go through the sub-County Area Committee, District Land Boards, and the sub-country Chief. The Sub-County Chief is the final arbiter in the issuance of the Customary Land Certificate.
- **Lack of Full Representation in the Issuance of Certificates:** Only a few family members and neighbors sign the application as witnesses to the “correctness” of the process and the certificate. This is not representative of the sum total of customary owners of a property. The guide also states that the signatory on the application form shall then be taken as exclusive owners of the land – this contradicts the tradition of customary ownership of property where land is owned communally.
- **Easy Access for Investors to ‘Public Land’:** The titling is seen as a move to accord investors easy access to land without taking into consideration the larger population. One community member stated that “The cadres will acquire land certificates in total disregard to the interest of the communities, the cadres then hands over the land to ‘investors’ in the name of development” with minimal interference and involvement of the locals.

The current titling is seen as an attempt to privatize customary land ownership. Acholi custom prevents individual ownership of customary land, but some of the loopholes mentioned, such as lack of full representation in the acquisition of a certificate, the undermining of traditional authorities, and the capacity for individuals to sell off customary land to investment companies, paves the way for customary and public land in Acholi sub-region to be privatised. To a number of respondents, the new rapid government policy of titling customary land raises more questions than answers. One male elder in Olwiyo Parish, Nwoya district, stated that “The titling is not wholly intended to regulate land ownership as it is being echoed, the trickery motive behind it, is just intended to take opportunities beneath loopholes of the governing laws of this country to narrow down land ownership and authority to individuals”, stated by member of Acholi Land Trust.

In a nut shell, when dealing with land issues in Acholi sub region, culture and custom must be recognized and dealt with accordingly. Culture and customs have often determined the manner in which the locals relate with the state and how they perceive events happening around them. Therefore, it is strategically imperative to have an understanding of the cultural context of land management in Acholi Sub region. The traditions, structures, processes and roles that exist in Acholi culture are necessary in any efforts to address land conflicts and build peace. Various stakeholders must recognize that customary form of land ownership is the most relevant form of land tenure. Aspects of customary land ownership can be incorporated with “modern” approaches to land tenure, but should not be subsumed in favour of government policy that widens the potential for land grabs in Acholi sub-region.



## About Refugee Law Project (RLP)

The Refugee Law Project (RLP) seeks to ensure fundamental human rights for all, including; asylum seekers, refugees, and internally displaced persons within Uganda. RLP envision a country that treats all people within its borders with the same standards of respect and social justice.

## About Advisory Consortium on Conflict Sensitivity (ACCS)

The Advisory Consortium on Conflict Sensitivity (ACCS) is a three member consortium that brings together, Refugee Law Project, International Alert and Saferworld. The overall aim of ACCS is assisting DFID and partners in strengthening the potential of the PCDP and recovery process to address the causes of conflict and contribute to sustainable peace and stability. Under ACCS, RLP is leading on contextual analysis of the overall recovery process (focusing on conflict indicators, issues and dynamics), and early warning as and when necessary.

## Acknowledgement

This Briefing Note is authored for early warning purposes. The report was written by Otim Denis Barnabas, Ina Jahn and Emily Cody, with valuable input from Dr. Chris Dolan –Director, Stephen Oola–ACCS Coordinator, Jackson Odong–Research and Advocacy Officer, Onen David Ongwech (Personal Assistant to the Director). The conflict analysis and early warning was made possible by UK–DFID financial support.

For comments contact: [research@refugeelawproject.org](mailto:research@refugeelawproject.org)



# REFUGEE LAW PROJECT

*“A Centre for Justice and Forced Migrants”*  
School of Law, Makerere University



Plot 5 & 9 Perryman Gardens,

Old kampala,

(Opp. Old Kampala Primary School)

P.o. Box 33903

+256 414 343 556

[info@refugeelawproject.org](mailto:info@refugeelawproject.org)

[www.refugeelawproject.org](http://www.refugeelawproject.org)

[www.accsuganda.org](http://www.accsuganda.org)

