



Refugee Law Project



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

ADVISORY CONSORTIUM ON CONFLICT SENSITIVITY (ACCS)

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SITUATION BRIEF

BORDER OR OWNERSHIP QUESTION: THE APAA LAND DISPUTE

This brief entail issues relating to resettlement, land ownership, and boundary dispute between Amuru and Adjumani district. This brief in particular addresses the current land dispute playing out in Apaa village between the residents of Amuru and Adjumani districts. It also highlights and provides in-depth understanding of the conflict causes and triggers, and presents the conflict time line, key actors involved and recommendation. This brief has been as a result of ongoing ACCS contextual analysis and field visits carried out in Apaa from 22nd to 25th August 2012. ACCS concerted effort is to undertake contextual analysis and advocacy to strengthen the capacity of various stakeholders to respond to the pervasive and wide - spread disputes that have potentials of crippling recovery and sustainable peace in northern Uganda.



In the picture is the road from Amuru leading to Apaa

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“Police have played critical role in ensuring there is calm between the locals of Amuru and Adjumani, but this has been temporary as we wait for effective resolution of the dispute by the central Government” says a police officer from Adjumani.

Introduction

The land and border dispute between Amuru and Adjumani district poses a considerable threat to post conflict recovery and local development. While local land conflicts have intensified ever since people have been returning from the internally displaced camps (IDPs), they have in fact proliferated in northern Uganda. The continuous eviction, and displacement in Apaa village has decimated food production and this threatens livelihood in the disputed area.

Land as a vital resource that has shaped the relationship between individuals and the state, and it also form the basis of recovery in this predominantly agricultural society. Since 2010, Amuru district has been faced with a specter of violent land disputes in Apaa village. The land in Apaa village has been a source of contention between the locals of Amuru, the leadership of Adjumani and Amuru and the Uganda Wildlife Authority (UWA).

As a local elder from Apaa village remarked...“this is not proper; I have never had of any district boundary in Uganda separated by mark stones, this indicates that there is something which is not right going on in this place”¹.

Months ago in June, the President of the Republic of Uganda intervened and promised to search for a peaceful resolution of the alleged boundary dispute between Amuru and Adjumani district over Apaa. However, the dispute has remained unresolved and continues to interfere with peaceful co-existence between the locals of Amuru and Adjumani. The dispute has also affected efforts towards successful completion of resettlement and recovery in Apaa.

Mark stones and Boundary Demarcation! Individual or Government Project?

The most recent incidence in the month of August 2012 that triggered confrontation between the locals of Apaa and Government surveyors centres on the illegal, uncoordinated planting of mark stones some 6 to 8 kms South of Apaa village. This move as reported by the residents of Apaa was intended to demarcate and mark boundary of Apaa, an act which would by design locate Apaa in Adjumani district. What remain unclear since dispute erupted in Apaa has been the administrative jurisdiction of Apaa, and whether Apaa falls in Amuru or Adjumani.

The conflict has been especially incited due to suspicious actions on behalf of Government authorities, as it is recounted in Apaa. *“On Monday 20th August, 2012, the Resident District Commissioner (RDC) of Amuru, District Internal Security Officer (DISO), District Police Commander -North and other prominent Government leaders from West Nile sub region came to Apaa. The visit*

² Interview with a male elder, 24 August, 2010. Apaa Village.

was intended to engage and discuss with the locals about the status of the disputed boundary of Apaa between Amuru and Adjumani. As the RDC and his team were dialoguing with the locals, the surveyors were busy planting mark stones without consulting and informing the locals².

Locals decry the trickery involved in the process of putting mark stones by a team of surveyors from the Ministry of Lands Housing and Urban Development. Many stated that they were neither consulted nor informed. The consequential realization of this act angered the locals and their leaders who proceeded to the location and forcefully dispersed the surveyors. With the involvement of the police, calm was restored as the exercise of planting the mark stones had to be aborted.

The changing land conflict dynamics in Apaa and the unintended consequences has critical impact on Peace Recovery Development Plan and other developmental projects. It will be argued that sustainable recovery, development and peace cannot be attained without consultation and equal buy in from the myriad of stakeholders involved, including the Ugandan Government, investors, the Uganda Wildlife Authority (UWA), and most importantly, the residents of Apaa.

TIMELINE, APAA LAND DISPUTE

- July 17, 2010** Uganda wildlife Authority (UWA) games rangers were reported to have burnt down 170 huts in Apaa village, claiming they had been sent by the chief game warden of Adjumani area. The move was intended to force the locals of Apaa out of the said game reserve – East-Madi game reserve.
- August 3, 2011** The Minister of Tourism, Wildlife and Heritage temporarily halted the eviction in Apaa by UWA following community disapproval of the nature and manner of eviction characterised by destruction of properties.
- August 29, 2011** Three senior Ugandan Government Ministers were caught up in chaos that erupted during their visit to identify the boundaries of East Madi game reserve that borders Amuru. The locals who stated that they were not consulted turned rowdy and the chaos forced Uganda police and UWA warders to fire live bullets and tear gas to disperse the locals.
- January 30, 2012** Some residents from Amuru districts were accused of invading Itirikwa Sub County, in Zoka Parish, Adjumani district – leaving five persons with injuries.
- February 8, 2012** UWA under the guidance of Ministry of Tourism commenced the eviction of people alleged to be living in the East Madi wildlife reserve. It was stated that this eviction would affect at least 6,000 residents of Apaa village, in Pabbo Sub County, Amuru district.
- February 13, 2012** A joint eviction exercise by UWA, Uganda Police and Uganda People’s Defence Forces (UPDF) in Apaa village resulted into the death of one civilian, while many were tortured, beaten and injured. The police allege that they were attacked by over 200 youth armed with bows and arrows. The army and the police allegedly fired live bullet and sanctioned beatings to coerce residents of Apaa to board UWA trucks to transport them to Pabbo Sub County headquarter in Amuru district.

- February 15, 2012** Some Acholi Parliamentarians and other Acholi leaders visited the disputed area of Apaa for a fact finding meeting and dispute resolution. The visit was also intended to stop the eviction exercise.
- March 12, 2012** UWA, police and the military carries out eviction in Apaa forcing many to be displaced to Pabbo Sub County. The eviction was characterised by abuse of human rights.
- August 16, 2012** A team of nine surveyors from the Ministry Lands Housing and Urban Development were said to start surveying and demarcating the disputed border area between Adjumani and Amuru districts. The two districts have for long been involved in a dispute over the ownership of Apaa area which the Uganda Wild Life Authority says formed part of East Madi Wild Reserve. The visit of the technical officers follows a recommendation issued by the parliamentary committee on physical infrastructures after debating on the petition filled to the speaker of parliament by leaders in Adjumani District in April.
- August 20, 2012** A team of nine surveyors from the Ministry of Lands Housing and Urban Development, police and the locals of Apaa and some of their leaders clash in Apaa. The team of surveyors has been accused by the residents for illegally putting mark stones in the disputed area without consulting and informing and the locals.

CAUSES OF THE LAND DISPUTE IN APAA

Conflict in Apaa has become inevitable and a fact of life. Frequently, contentious issues and disagreement between the conflicting parties has resulted into chaos and violence from the micro interpersonal levels involving either the Madi ethnic group of Adjumani and Lamogi/Pabbo tribes of Acholi in Amuru, to interpersonal levels through to groups, politicians, and neighboring communities. The conflict in Apaa is rising from the imbalances in relations, ownership and access to land resources. This conflict is deeply rooted and visible and requires actions to be taken to address both the root causes and visible effects.

However, the casual factors of the dispute in Apaa can be best explained within the context of community relations and identity theories. The conflict in Apaa is assumed to be caused by ongoing polarization, mistrust and hostility between different actors, threatened identity –which is often rooted in unresolved past loss and suffering. Below are the key findings relating to the causes of land dispute in Apaa.

- **Torture and Evictions:** conflict in Apaa is mainly caused by the work of the Uganda Wildlife Authority (UWA) in securing/reclaiming land in the area for a game reserve. Some of the members in the community stated that UWA has since 2010 been responsible for violently and forcefully evicting people from their homes on allegation that they have encroached into East Madi Wildlife reserve.
- **Claim of Ownership:** central to the debate around the land conflict in Apaa is whether the area is a game reserve or customary land belonging to the local

residents. Statements from UWA officials indicated that part of Apaa was gazetted by parliament for a game reserve in 2002. Yet, UWA has continuously failed to support its claim, being unable to produce any legal document towards their cause. In contrast, the residents of Apaa stated that Apaa is customary land, and have pointed to evidence such as the graves of their grandparents from the 1960s. Secondly, respondents have also implied that it would have been unrealistic for a parliament to gazette land for a game reserve during the period when the lord resistance army (LRA) insurgency was at its height and people lived in IDP camps.

- **Investment and Business Interest:** the other allegation presented is that there is a business interest in the alleged game reserve. It is held that UWA has signed a concession with some “white man” named Bruce Martins to run a tourism business on the land of Apaa. Because money has already been paid to UWA, they are conditioned to evict people on behalf of the said Martins without community consultation or even agreements around ownership of the land.
- **Boundary and Border Question:** the land conflict in Apaa is further complicated by the fact that there exists a great amount of confusion as to the exact administrative affiliation of the village. Apaa is held to belong to either Amuru or Adjumani district. Findings from the UWA and some district officials from Adjumani indicates that the geographical coordinates make it clear that Apaa is firmly located in Adjumani district. However, this has been disputed by the communities of Apaa and some political leaders in Amuru who stated that Apaa is part of Amuru district.



In the picture is remains of sand and gravels that was being mixed to cement – mark stones and sign post to separate Apaa from Amuru District

- **Politics and Politicization:** further complexifying the Adjumani and Amuru debates over ownership of Apaa village are actions by the UWA and some local politicians which fuel the border disputes between Amuru and Adjumani. Respondents stated that the UWA entered negotiations with Adjumani district to help them declare Apaa area a game reserve, the reasoning being that it would be easier to deal with

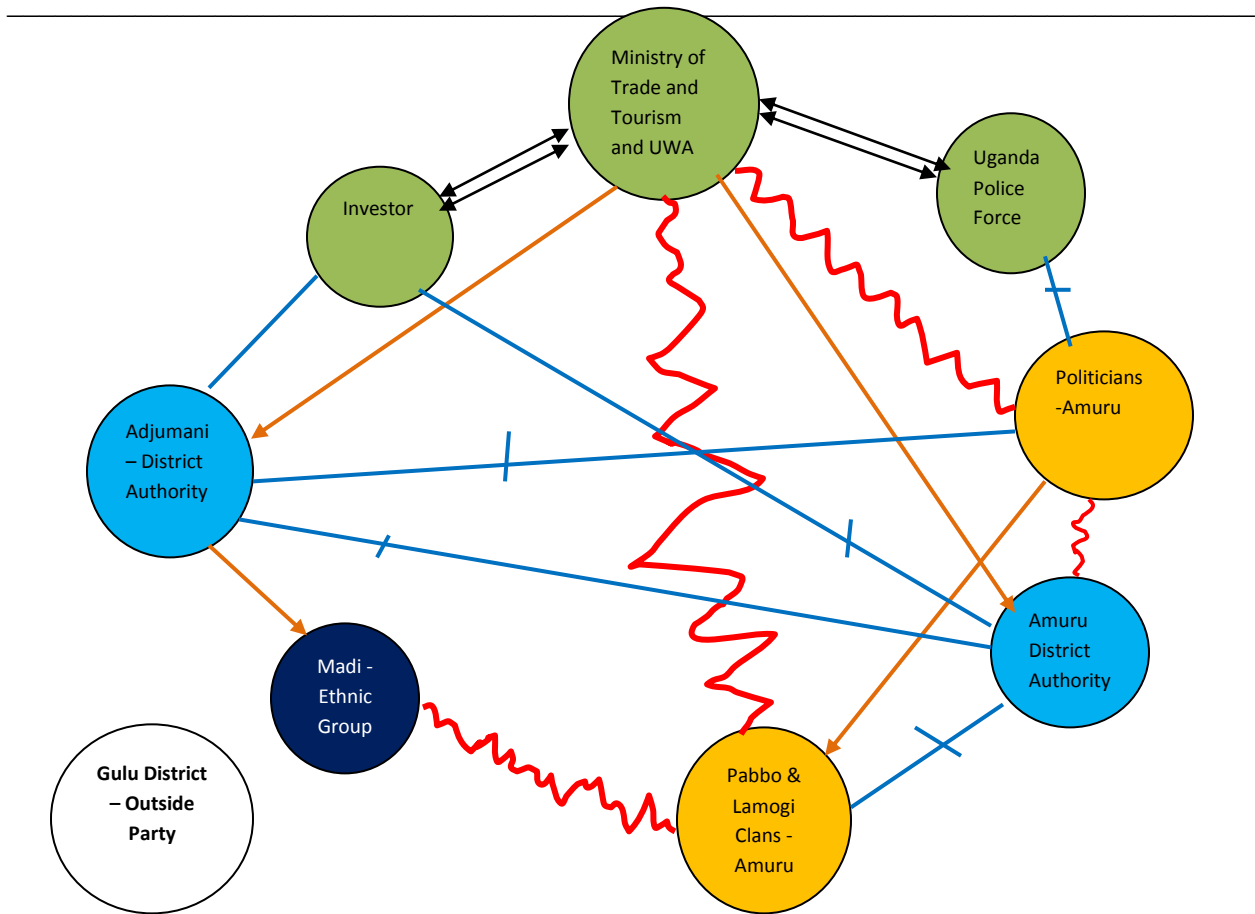
Adjumani district than Amuru, where the issue of land is already highly politicized. Previous interview with UWA officials indicated that UWA was actually the one that informed Adjumani that Apaa village administratively lies in their area of jurisdiction, and implied that Adjumani would actually benefit from the area being a game reserve by receiving revenue from UWA. The community also pointed out that some local politicians, members of Parliament, and wealthy individuals took advantage of the post-war return and resettlement process to grab land in Apaa which does not belong to them. Some of these accused individuals were said to have moved in fast at the eve of return in 2007 and fenced off huge chunks of land, denying the returnees access to their customary land.

Respondents stated that the increase in the value of land, illegal grabbing, and increased sales of land lie at the heart of land conflict in Apaa. Some called these “unregulated land economics and interests” as the basis of the explosion of land conflict. Some key district officials pointed to investment opportunities as a causal factor. One of the district administrators stated that as the government was trying to appeal to companies to invest in Amuru District, other politicians made comments to incite the locals of Amuru to not welcome investment opportunities and build their constituencies. Some of the local leaders believe that it is the politicization of land issues by some politicians and local leaders which has complicated land issues in Apaa.

ACTORS INVOLVED IN THE APAA LAND DISPUTE

The major questions underlying the current fragility in Apaa remain the delicate connection between land ownership, land rights, land usage, development and return. These issues are compounded by hidden and equally tenuous roles played by politicians, government bureaucrats, local councils, and other interested stakeholders. These underlying questions and the delicate connections they invoke should provide the opportunity to rethink the future and question the existing approaches towards resettlement, peace building, and recovery and resource governance.

With this in mind, the conflict in Apaa can be framed through the lenses of human rights, dynamic relationships with regards to the role of the state, the right to development, the protection and promotion of environment as claimed by UWA, and debates associated with broader post conflict recovery and conflict-sensitivity issues in Northern Uganda.



Apaa Basic Conflict Map. Drawn by: Otim Denis Barnabas

Apaa Basic Conflict Map – is used to present the conflict graphically while placing the parties/actors in relation both to the problem and to each other.

Key

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|--|---|
| | Double connecting lines – indicates an alliance |
| | Straight line indicates link – that is, fairly close relationship |
| | A single line like across a single line – indicates broken relationship |
| | Arrows indicates the predominant direction of influence and activity |
| | The zig –zag line indicates conflict between the parties |

The conflict map indicates that there is bad relation and conflict between Pabbo and Lamogi clans of Amuru and the Madi of Adjumani, and also between Lamogi, Pabbo clan and some politicians of Amuru and the Ministry of Trade and Uganda Wildlife Authority.

From the conflict map, the Ministry of Trade and Tourism is seen to be exacting a lot of influence on Amuru and Adjumani Local Government Authorities. The conflict has bred broken relationships between Amuru and Adjumani District and other actors involved. The map presents the dynamic surrounding the power dynamics as well as relationship challenges between the key actors involved. Symmetrical power relationship within the groups would help to ensure an acceptable resolution of the dispute.

Land disputes in Apaa, presents a complex scenario because of unclear border demarcations. Part of this issue is linked to decentralization in Uganda, in which regions have been sub-divided and amalgamated by the government.

While the process of decentralization originally began when Museveni came into power in 1986 in efforts to institute reform and tackle marginalization in development, it has transformed into border and boundary disputes in which bigger districts are fragmented into smaller districts, often on the basis of ethnicity or political expediency.

Our findings indicate that administrative structures tend to be weaker in Amuru district – a district created in 2006. Between Adjumani and Amuru districts, it is not clear whether Apaa village administratively lies in the former or latter. Service delivery in Apaa for many years was provided from Amuru district, despite allegations that Apaa administratively lying Adjumani district. This has also been a cause of a bitter land wrangle between the two districts.

It is narrated that the ancestors of the Pabbo and Lamogi clans of Amuru have inhabited Apaa village since the British colonial days and so is the same claim being presented by the Madi clans in Adjumani. However, the continued phenomenon of gazetting and de-gazetting the place since the 1960's has impacted negatively on land ownership, and accessibility in Apaa. This phenomenon is due to a number of reasons including relocation after disease outbreaks during colonial times, fewer human settlements, invasion of the area by wild animals, and of course the LRA insurgencies from the 1980's to 2006. The persistence and continued controversy about the land in question in Apaa has been characterised by several challenges to human development, peace and recovery.

Recommendations

The problems resulting from the land conflicts in Apaa clearly necessitate action to be taken. The recommendations are as follows:

What the locals say in Apaa

- No district boundary has been separated by mark stones, why Amuru and Adjumani?
- The police are violent and not neutral, and always siding with UWA guards.
- The police actively use tear gas and live bullets against civilians.
- The conflict has affected food production.
- Many are traumatized due to torture and beatings.
- Conflict affecting peace and poverty reduction.
- They are willing to die for their land.
- The conflict in Apaa is not likely to end soon.
- Record of places where previous census, polling stations, revenue collection points could be used to clarify on the issue of boundary dispute between Amuru and Adjumani.

Government Position: the government should have strong, transparent and clear position when resolving land disputes. It must focus on immediate, corrective, remedial and preventive conflict sensitive activities on the ground.

Participatory dialogue and negotiations: It is important for all the parties engaged in land conflict to embrace dialogue as a definite way of engaging each other towards conflict resolution. Such cooperation will result in more just decision making processes allowing leaders, investors and the community to address pressing problems together without resorting to violence.

Strengthening and supporting land administration units: the central Government needs to provide funding to strengthen land administration institutions at the local level. Land Committees should be financially supported to execute their roles adequately.

Traditional dispute resolution: traditional land dispute resolution methods should be integrated with the formal land justice delivery mechanisms such as the legal courts. The traditional approaches can handle the first level of conflicts, and then the legal courts can handle failed settlements.

District land boards: should be empowered to work independently; and not be influenced by wider political or economic interests.

Conclusion

The land question in Apaa is complex and complicated. On one front it appears as a conflict and on another front it manifests itself as distinct, but interrelated, land dispute. Disputes are much easier to negotiate and resolve while conflict will need a thorough analysis and mediation. The concerns over Apaa land extend beyond the boundaries of the people of Amuru and Adjumani district and involve several stakeholders, including, but not limited to, the central government, parastatal companies, the UWA, the Ministry of Land, the President of Uganda, the Army, Acholi MPs, investors, and the entire people of Acholi-land sub-region. It is clear that to resolve the conflict; all these parties have to be brought on board. Left unresolved, the current conflict in Apaa will heavily impact on development in the region and thus compromise post – conflict recovery.

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 consortium was established to support the operationalisation of Department for International Development (DFID) programming “to ensure that the programme does no harm, and that the overall process addresses the drivers of conflict and delivers tangible peace building results” through on-going audits and analysis of recovery-related interventions and those that are DFID funded.

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 envisions a country that treats all people within its borders with the same standards of respect and social justice. We work to see that all people living in Uganda, as specified under national and international law, are treated with the fairness and consideration due to fellow human beings.

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For details contact: research@refugeelawproject.org

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