



Refugee Law Project

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



ADVISORY CONSORTIUM ON CONFLICT SENSITIVITY (ACCS)

OWNERSHIP, RESETTLEMENT AND ACCOUNTABILITY



THE ELEGU LAND DISPUTE IN NORTHERN UGANDA

A SITUATIONAL ANALYSIS

September 2012

**With Funding Support from:
The UK – Department for International Development**



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. 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 fellow human beings. The Refugee Law Project, School of Law Makerere University works in several parts of Uganda, and has several projects and programmes with offices in Kampala, Kotido, Gulu and Kitgum.

About the 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 the UK 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 peacebuilding results”* through ongoing audits and analysis of recovery-related interventions and those that are DFID funded.

The overall aim of ACCS is to assist DFID and implementing partners in strengthening the potential of the PRDP 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.

© Refugee Law Project

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without full attribution.

Acronyms

ACCS	Advisory Consortium on Conflict Sensitivity
ACORD	Agency for Cooperation and Research in Development
CEFORD	Community Empowerment For Rural Development
CSO	Civil Society Organisation
DFID	Department for International Development
DRC	Danish Refugee Council
FGD	Focus Group Discussion
IDP	Internally Displaced Persons
LG	Local Government
LRA	Lord's Resistance Army
NUSAF	Northern Ugandan Social Action Fund
OPM	Office of the Prime Minister
PRDP	Peace Recovery and Development Programme
RLP	Refugee Law Project
SPLM	Sudanese People's Liberation Movement
UPDF	Uganda People's Defence Forces
UNHCR	United Nations High Commissioner for Refugees
URA	Uganda Revenue Authority

Executive Summary

This report presents the key findings and recommendations of research on the land conflict in Elegu, Adjumani and Amuru district, conducted by Refugee Law Project (RLP) through the Advisory Consortium on Conflict Sensitivity (ACCS). The study focuses on the causes, triggers and extent of the current land dispute in Elegu which plays primarily between the Ofodro (Madi clan of Uganda) and the Oyapele (Madi clan of South Sudan), but has also seen the involvement of local and central government authorities in Uganda. The study also examines perspectives on mechanisms for conflict mitigation put forward by the key stakeholders involved, and also outlines recommendations which should inform both intervention and advocacy efforts in the conflict.

The study relied mainly on qualitative research methodologies, employing semi-structured interviews as the main information-gathering tools. The team conducted interviews with affected community members, local government leadership, members of police and immigration offices, and central government officials. Further, two focus group discussion (2 sessions with 11 participants in each) were held.

The report indicates that the current land conflict in Elegu has been triggered as well as intensified by vested economic interests centering on the status of the area as a custom point. The conflict sees the Ofodro pitted against the Oyapele, the former accusing the latter of occupying and selling their ancestral land in Elegu. Yet, wider conflict dynamics see Adjumani district supporting ownership claims of the Ofodro, while Amuru district lends support to the Oyapele. The historical legacy of insurgencies in Uganda and South Sudan; as well as consequential displacement and cross border movements, are factors which explain the current confusion regarding ownership over Elegu land, which lends itself to exploitation. Yet, it seems that power relationships are unfavorably tipped against the Ofodro clan, as the Oyapele find themselves supported not only by Amuru district leadership but also by elements of the Ugandan central government. As such, the conflict has been characterised by various interests, actors and positions which are difficult to reconcile. Despite resolution efforts, there has been no sustainable resolution of the dispute due to the complexity of issues involved.

The latter part of the report presents local suggestions for conflict mitigation, and concludes with recommendation for future resolution attempts. In doing so, particular attention is drawn to the necessity of participatory dialogue and negotiations facilitated by a third independent party. It also highlights the importance of clarifying border demarcations and ownership claims by consulting border maps and tax records. With land conflict being rampant in many parts of Northern Uganda, this report is hoped to contribute to a deeper understanding of some of its underlying dynamics and to open up avenues of potential mitigation mechanisms.

Key Findings

- The land dispute in Elegu is both internal (involving the Ofodro Madi clan in Uganda, local leadership in Amuru and Adjumani district, and central government officials), as well as international involving the Oyapele Madi clan from South Sudan.

- About 670 Ofodro families currently feel denied access to their customary land in Elegu as a result of alleged forceful and unlawful occupation and sale of their customary land by the Oyapele clan. The Ofodro claim that this has decimated their food production as well as denied them lucrative business opportunities to further their development.
- The Elegu region is marked by continuous cross-border movements with most Oyapele having families from both side of the border. This makes it difficult to distinguish nationality and claims to land ownership in the area.
- The wider land dispute rooted in vested economic interest and opportunities is in fact playing out between Amuru and Adjumani district leadership, with Adjumani claiming the part of Elegu which lies in Amuru district as it considered ancestral Madi land which should not administratively be considered part of Amuru.
- Civil Society Organisations (CSOs) active in the region are generally not conversant in the details of the land conflict in Elegu, and not actively involved in conflict intervention and mitigation.
- There has not been any successful resolution to the dispute; most of the resolutions have remained temporary due to lack of commitment and sustainability.
- The majority of the locals, local leaders and politicians do not have the knowledge of the clear and or exact boundary or border points between Amuru and Adjumani district, which prolongs the current land dispute.

Recommendations

- Participatory dialogue and negotiations are absolutely necessary in order to holistically address the issues brought forward by the different conflict stakeholders. Such negotiations should be facilitated by a non-implicated, independent third party.
- Proper and detailed information gathering and analysis needs to be undertaken to determine the true land owners in Elegu, as well as the exact district boundary between Amuru and Adjumani. This should closely involve the Ministry of Lands and the Environment, and the Ministry of Local Government.
- Clarification of border demarcations: The central Government should stand firm and conduct a border survey mapping to determine the administrative jurisdiction of Elegu and where to pay allegiance – whether in Adjumani or Amuru.

- Strengthening and supporting land administration authorities through trainings on land management and dispute resolution as well increasing staffing in particular the judiciary (magistrates) to respond to land matters.
- The Government of Uganda and Government of Southern Sudan should engage in the determination of the status of the Oyapele and officially declare their citizenship affiliation. If found to be Sudanese, the office of the Prime Minister and Ministry of Internal Affairs should follow up on repatriation exercises.
- There is need to document and record all documents relating to land sales in Elegu by the local Government authority of Amuru and Adjumani together with the cultural institutions in order to reduce illegal land sales and disputes.

Acknowledgements

This Report is authored for early warning purposes. The report was written by Otim Denis Barnabas, Project Officer –Refugee Law Project (RLP) and Ina Rehema Jahn RLP Intern, with valuable inputs from Brian Oneka, Researcher, Stephen Oola-ACCS Coordinator and Dr Chris Dolan-Director. The RLP team appreciates the various stakeholders who participated, and the UK –Department for International Development (DFID) for their generous financial support. RLP is indebted to all persons who generously shared their time and insights in interviews. The Situational Analysis and early warning was made possible by UK-DFID financial support.

Table of Contents

1. Introduction.....	9
1.1 Methodology	10
2. Historical Background of the Land Conflict in Elegu	10
2.1 Timeline	11
3. Assessment of the Current Situation in Elegu	13
3.1 Elegu Custom Point.....	13
3.2 Conflict Triggers	14
3.3. Scope and Stakeholder’s Perceptions of the Current Conflict	15
3.3.1 <i>Ofodro and the Oyapele</i>	15
3.3.2 <i>Uganda and South Sudan: The question of Oyapele citizenship</i>	16
3.3.3 <i>Adjumani and Amuru Local Government</i>	17
3.3.4 <i>The Involvement of the Judiciary</i>	18
3.3.5 <i>Role of Central Government Authorities</i>	19
3.3.6 <i>Involvement of Civil Society Organisations (CSO)</i>	19
3.4 Impact on regional Security and Peace	20
3.4.1 <i>Livelihoods</i>	20
3.4.2 <i>Regional Security</i>	20
3.5. Resolution Attempts.....	21
4. Perspectives on Mechanisms for Conflict Mitigation.....	21
4.1 <i>Ofodro and Oyapele Community</i>	21
4.2 <i>Adjumani and Amuru District Local Government</i>	22
4.3 <i>Central Government Authorities</i>	22
4.4 <i>Civil Society Organisations (CSOs)</i>	23
5. Conclusion	23

1. Introduction

In Northern Uganda, the vast majority of people depend on their land to make a living. As such, access to land is of primary means of sustenance. At the same time, most land in the region is held under customary tenure, which means that the majority of landholders do not possess official land ownership documents.¹ Refugees and internally displaced persons returning “home” often face difficulties (re)accessing land and (re)establishing rights over land and natural resources, as well as retaining land and property rights.² In contemporary Northern Uganda, a region just emerging from a two decade long conflict between the Lords Resistance Army (LRA) and the Government of Uganda (1986-2006), land-related disputes have in fact become the biggest obstacle to post-conflict recovery.

This study was concerned with an assessment of the land conflict currently playing out in Elegu, which straddles the South Sudanese border and occupies parts of both Amuru district in Acholi sub-region and Adjumani district in West Nile sub-region. While Elegu has parish status in Adjumani district, in Amuru district Elegu is in fact a village belonging to Bibia parish in Atiak sub-county. Centering on contesting ownership claims over Elegu village in Amuru district, the current land conflict in Elegu primarily plays out between two Madi clans, namely the Oyapele and the Ofodro, who are historically separated by the (South) Sudanese/Ugandan border with the Oyapele living on the Southern Sudanese side in the village of Matoyo, and the Ofodro on the Ugandan side in Elegu. Both communities are however marked by frequent cross-border movements, which intensified during the manifold periods of instability in the region.

The current land dispute was triggered in 2007, when Elegu village falling into Amuru district was earmarked as a custom point to serve the Sudanese/Ugandan border. With the Ofodro being displaced to IDP camp due to the LRA insurgency at the time, it was the Oyapele who claimed ownership over the Elegu land. In due course, the Ofodro clan has accused the Oyapele of illegally occupying and selling off their ancestral land. The wider dynamics of the conflict also closely involve the local government of both Adjumani and Amuru district, with the former in particular trying to lay claims to Elegu land in Amuru district. Further, it has also been alleged that the central government has vested economic interests in the disputed land.

Since the official inauguration of Elegu village as an official custom point on 1st of March 2012, the different key stakeholders in the land dispute have launched several initiatives to consolidate their ownership claims. In April 2012, 200 armed members of the Ofodro clan marched into Elegu village after failed negotiations with the Oyapele and the local government of Atiak-sub

¹ Rugadya, M., Nsamba-Gayiiya, N. and Kamusiime, H. 2006. *Review of Literature on Post-Conflict Land Policy and Administration Issues, During Return and Resettlement of IDPs: International Experience and Lessons from Uganda*. Report for the World Bank and Northern Uganda Recovery and Development Program, Kampala: World Bank.

² Hetz, P.E, Myers, G. and Giovarelli, R. 2007. *Land Matters in Northern Uganda - Anything Grows; Anything Goes: Post-conflict “conflicts” lie in Land*. Washington DC: USAID.

county, and were subsequently dispersed and tear gassed by local police. While further resolution attempts have been undertaken both by local government and cultural leaders, these have failed to settle the conflict and ownership of Elegu village remains hotly contested.

This study presents research findings from a 6-day rapid assessment of the Elegu land conflict conducted both in Adjumani and Amuru district in September 2012. As the Ofodro see their claim to ownership of Elegu continuously denied, frustration among the community is growing. It is hence pertinent to highlight and investigate the dispute as to enable informed conflict mitigation and advocacy, before it potentially compromises post-war recovery in the area. This report hence presents the perspectives of the main conflict parties, as well as investigating their respective perspectives on conflict mitigation.

1.1 Methodology

The assessment was conducted in the districts of Adjumani and Amuru from 2nd to 8th of September 2012. It centered on the need to understand the current land dispute playing out in Elegu. Exploring the perspectives of the key conflict parties identified, this study was further motivated by the objective to uncover potential threats to post-war recovery for the host communities, and present policy recommendations for conflict mitigation. As such, research objectives were grouped under the two overall themes of 1) assessment of the general situation in Elegu and 2) recommendations for mechanisms for conflict mitigation.

The study employed a qualitative research approach; conducting semi-structure interview as means to elicit the research objective at hands. This guided the direction of conversation topics, yet provided space for interviewees to bring up relevant issues or information. Moreover, it gave participants more freedom in answering the questions which led to interesting insights, and the informality engaged respondents into conversation which in turn facilitated interaction. Overall, 15 interviews were conducted. In addition, two focus group discussions (FDGs) were held in order to further enrich as well as triangulate research findings. During the 6 day assessment, interviews and FDGs were conducted with affected communities, local government officials of Adjumani and Amuru district, central government authorities, civil society organizations, as well as local cultural leaders.

2. Historical Background of the Land Conflict in Elegu

“The history of instability in Sudan and Uganda plays a critical role in understanding the current land dispute between the Ofodro and Oyapele clan.”³

The disputed area of Elegu occupies Amuru district and is approximately 100 square kilometers big, stretching from River Tete (Ayugi) on the west in Adjumani District. It further stretches from River Ame (Unyama) to the North and East and borders South Sudan at its southern edge.

³ Interview with District Local Councilor - 5, Arinyapi Sub-County, 03.09.2012

Current Uganda boundary and administrative map indicate that part of Elegu, including the new Elegu Police post, custom point and Elegu primary school falls under Bibia parish in Amuru District. The other part including Oriangwa primary school and Elegu Health Centre fall under Elegu parish in Adjumani District. Elegu area is inhabited by several Madi ethnic clans of Uganda nationality, including the Ofodro clan and minority Pakwa, Padule, Paanjaja and Itopele clans.

The land conflict in Elegu plays out between two Madi clans, namely the Oyapele and the Ofodro, belonging to the same ethnic group; they are historically separated by the (South) Sudanese/Ugandan border instituted in the wake of British colonialism with the Oyapele living on the Southern Sudanese side in the village of Matoyo, whereas the Ofodro on the Ugandan side, in Elegu. Under their chief, Duma Zevule Apiku, it is alleged that the Ofodro settled in Elegu in the late 1907. Historically, the Oyapele and Ofodro shared strong cross-border ties, maintaining a mutually cooperative relationship in times of hardship. The close exchange started in 1912, when the Oyapele fled a dispute with an Acholi clan of Sudan, and subsequently took refuge with the Ofodro on the Ugandan side of the border. The trend continued throughout the century, during the Anyanya I rebellion (1963-72), Anyanya II rebellion (1981-83) and Second Sudanese Civil War between Sudan and the Sudanese Peoples' Liberation Movement (SPLM) (1983-2005). Reversely, the Ofodro took refuge in Sudan during the Liberation War following Amin's fall in 1979 as well as during the LRA insurgency (1986-2006) in the region. As a result of the periods of instability in both Sudan and Uganda, the Oyapele and Ofodro thus have a strong history of co-settlement.

During the most violent part of the of the Second Sudanese Civil War, roughly from 1990 to 2004, the Oyapele in Uganda were officially registered as refugees by the Government of Uganda, and sent to refugee camps in Adjumani and Moyo district. However, after the Comprehensive Peace Accord (CPA) was signed in Sudan in 2005, the Oyapele lost their refugee status and returned to Sudan. Yet, some remained on the Ugandan side of the border, settling and doing business in Elegu. At the same time, the Ofodro were displaced to IDP camps due to the ongoing LRA insurgency, leaving their original land in Elegu lying idle. On leaving the IDP camps in 2010, the Ofodro have attempted to return to what they consider their ancestral land in Elegu. However, they have not succeeded in reclaiming ownership over the part of custom point area of Elegu which lies in Amuru district. The deprivation of the Ofodro access to what they allege to be their land sparked contention and the beginning of land dispute in Elegu. The matter is compounded by a lack of government support, as highly influential members of government (e.g. cabinet ministers) are said to be involved in ongoing Elegu land sales and acquisition.

2.1 Timeline

The time line of the land dispute highlights the key points brought forward by key informants in a chronological order. This time line does not attempt to present a 'correct' or 'objective' history of the conflict, but is meant to help understand the perceptions of the people involved in the

dispute. The timeline also elucidates the history of instability in the Elegu region and subsequent cross-border movements, which have greatly complicated the land dispute in the area.

- 1907** The Ofodro first settled in Elegu under their Chief Duma, a powerful military leader in the surrounding areas.
- 1917** The Acholi of Padwat attacked the Oyapele in Southern Sudan. The Ofodro supported the Oyapele and together they defeated the Acholi. Oyapele asked to remain with Ofodro and in due course, the Ofodro hosted the Oyapele to better protect them from future tribal attacks.
- 1920** Oyapele returned to Sudan after British colonial government set up regional administration there.
- 1920 – 1930** Tse tse fly infestation in Elegu, forcing out all inhabitants to Gwere hills. Elegu hence remained vacant during that period.
- 1930** The Ofodro returned to Elegu after eradication of tse tse fly. Some also settled in Lorokobo, Amuru district.
- 1944** The British made an agreement with Ofodro to surrender their military power, and in exchange built the police post known as “White House” to protect and control the area.
The road leading to Sudan, passing through Elegu, was also constructed.
- 1963 - 1972** Anyanya I rebellion in Southern Sudan against the Khartoum Government: The Ofodro were driven out of Elegu due to proximity to the war zone, while the Oyapele fled Sudan to Elegu and Panjalla, Moyo District.
- 1967** Arabs attacked refugee settlements in Elegu. Oyapele and other refugees at Elegu were transferred further deeper inside Adjumani district by UNHCR.
- 1972** Oyapele and other refugees returned to Sudan after Addis Ababa Peace Accord Agreement between Joseph Lagu`s Anyanya I forces and Sudan Government.
- 1979** Fall of Idi Admin. The Madi being associated with Amin; Ofodro were persecuted, tortured and displaced into Sudan and subsequently took refuge with Oyapele across the border.
- 1983-2005** The SPLM rebellion in Sudan forced Oyapele out of Sudan and to again seek refuge in Elegu.
- 1986** Ofodro people returned from Sudan after H.E President Museveni took over power.
- 1986** Begin of LRA insurgency in Northern Uganda; subsequent violent attacks and widespread displacement in the region, including Elegu
- 1997** Adjumani District was created from Moyo District, which was split into two. In due course, parts of Elegu became part of Adjumani District.
- 2004** The Ofodro went to IDP camps in Arinyapi under the Ugandan government’s “protected villages” policy. Hence the Ofodro were again displaced from their ancestral land in Elegu.
- 2006** Amuru district was created from Gulu district. As the Ofodro allege, the boundaries of Amuru district do not align with former Gulu district boundaries, and parts of Elegu have thus been taken away from Adjumani district.
- 2007** Earmarking of Elegu of Amuru district to become an official custom point of the Ugandan government.

- 2007** Sudanese refugees, including the Oyapele, were repatriated to Sudan after the Comprehensive Peace Agreement (CPA) was signed. Some members of the Oyapele settled permanently in Elegu
- 2010** Ofodro left the IDP camps with the aim of returning to their land in Elegu. Their return to the part of Elegu which lies in Amuru district has been continuously frustrated by members of the locally settling Oyapele and local authorities. In the meantime, most of the disputed Elegu land has been sold lucratively due to opening business opportunities in the area.
- 2012** February, Oyapele and Ofodro elders met in order to mitigate conflict. Meeting had three agendas: 1) land ownership, 2) resettlement question, and 3) accountability. Failed to come to any agreement, in the same month, leaders from Atiak sub-county and Adjumani district met and drew up a Memorandum of Understanding (MoU) that there should be no more selling of land and no more putting up of temporary structures in the disputed area. This has not been respected to date.
- 2012** On 1st of March, Elegu custom point was officially inaugurated.
- 2012** In April, follow-up by Ofdro on the MoU, who marched into the disputed area armed with pangas, arrows and bows. Dispersed and tear gassed by local police. Still in the same month, Madi chief of West Nile sub-region met with Madi chiefs in South Sudan. The objective of the meeting was to strengthen confidence and build efforts of the Madi to address land-related disputes in their area. However no agreement regarding Elegu was reached.

3. Assessment of the Current Situation in Elegu

3.1 Elegu Custom Point

The disputed land is part of Elegu which falls in Amuru district. It is this point which was earmarked in 2007 to become a custom station to serve the Ugandan/South Sudanese border. Prior to 2007, the area has been described as nothing but bush land.⁴ However, with the official inauguration of Elegu custom point in March 2012, it has become a centre where people have access to markets and where business opportunities are growing. The new of Elegu becoming a custom point has thus greatly increased economic interests in the area, and caused a rush to obtain land in the area.⁵

Current Elegu custom point station is marked by rapid settlement development, yet social services in the area are poor and inadequate, and the area only has one public toilet. The nearest health centre is in Bibia, and the nearest hospital is situated in Lacor. Roads are in bad conditions, and bad weather conditions can cut off the area from traffic.

⁴ Immigration Officer, Elegu Immigration Office, 06.09.2012

⁵ Immigration Officer, Elegu Immigration Office, 06.09.2012



Street scene from the disputed area around Elegu custom point, August 2012

Governance and local governance in the area is weak with no structures in place, and local infrastructure is highly informal. Central government presence in Elegu is only through the immigration office, the Uganda Revenue Authority (URA) and the police post. Yet, business growth in contemporary Elegu custom station is very visible, and tipped to increase further in the coming months and years.

3.2 Conflict Triggers

“When business started growing fast, land value in Elegu was quickly recognized, this resulted into various claims over land ownership and marked the start of confusion”⁶

Vested economic interest and opportunities can be considered the key conflict trigger in the Elegu land conflict. Business opportunities in the disputed area have increased since Elegu was earmarked as a border custom point in 2007. In 2007 the Government of Uganda decided to build a custom point in Bibia – Amuru district, which triggered conflict over land ownership between the local Mukolo and Alur clans. In effort to quell the dispute, the central government obtained land in Elegu the same year and officially inaugurated the Elegu custom point in March 2012. This part of Elegu is currently part of Amuru district. While the area was previously free of land dispute, the economic importance and the strategic relocation of the custom point have caused conflict in Elegu as well. As a local leader stated, “there is vested interest by the local leadership especially from Amuru who want to benefit from the sale of land. They are not concerned about the administration and management of Elegu, but the profits to be made from the land”.⁷

The dispute over land in Elegu centers on a stretch of 4 km² area along the road to South Sudan, and flanked by the custom point and market. No dispute and claims of ownership has been made outside the alleged “hot cake” stretch, seen on the map:

⁶ Interview with officer – Danish Refugee Council, Adjumani Town, 05.09.2012

⁷ Interview with LC5 Chairman of Adjumani district, Adjumani Town, 03.09.2012



Map of Elegu. Disputed area is circled in red.
Map drawn up for Population Census 2012,
Uganda Bureau of Statistics

With this in mind, both Oyapele and Ofodro have tried to register ownership claims over this stretch of land. However, it is the Oyapele who have most successfully settled on and purchased local land; and consequently, sold the majority of land among the disputed stretch. This has angered the Ofodro who see themselves not benefitting from the proceeds of the sales and businesses in the area of Elegu, and allege to be denied access to their customary land. It is thus clear that the immediate conflict trigger of the current land dispute has been the rapid increase in economic interest in the area, caused by the upgrading of the area into a custom point.

3.3. Scope and Stakeholder's Perceptions of the Current Conflict

Research showed that the land dispute in Elegu is highly multi-faceted with varied actors as well as vested interests involved, and competing claims to ownership being articulated by different groups. These ownership claims are in turn complicated by the fact that land in the area is traditionally held under customary tenure, resulting in a lack of official land titles and documentation. The Elegu land conflict spans from the local to national level, with high-ranking government officials said to be involved in land sales in the disputed area. At the international levels, the Oyapele community originally hails from Sudan, which in turn throws up wider questions of citizenship and belonging of cross-border communities. This section thus further outlines the scope of the current land conflict, and examines the different key actors and institutions involved.

3.3.1 Ofodro and the Oyapele

The Ofodro clan accuses the Oyapele of illegally selling off their ancestral land and erecting permanent structures in Elegu village of Amuru district while the Ofodro themselves were displaced from the area due to the LRA insurgency. At the same time, the Oyapele are adamant regarding their own ownership claims over the disputed land, citing long-term settlement in the area. In fact, influential Oyapele in the area maintain that the Oyapele have stayed in Elegu almost 100 years and that it was the Oyapele who generously gave some Elegu land to the Ofodro when the Ofodro were embroiled in inter-tribal conflict in early 1900s. As such, ownership narratives from both sides diametrically oppose to each other.

In particular, the currently filed ownership claims centre on the land next to the road which leads from Bibia to South Sudan; consisting of approximately 4² km within the commercial centre of

Elugu village. The Ofodro claim that most of the land in the area has in fact been sold by Oyapele members already, with plots ranging from 30x50 meters to 500x180meters, private individuals and companies are said to have obtained land in Elegu.⁸ The sale of the said customary land has raised tension between the two Madi clans. However, the Oyapele leadership does not recognize that there exists a conflict between the Oyapele and the Ofodro. Rather, it is maintained that some suspicious elements of the Ofodro have formed an alliance with Adjumani district leadership to fight the Oyapele and gain ownership over the economically promising Elegu custom point which is currently part of Amuru district. Instead it is held that the current land dispute centering on Elegu custom point is not between an Oyapele and with an Acholi. The dispute centers on claims of ownership and gains from the proceeds of sale of land to Novella Company.

Key members of the Oyapele clan dispute any claim of illegally selling land in the dispute area, this was elaborated by one of the accused: “Those who are saying that we are selling land here are our enemies. The land is ours. We are just giving it for development, and people pay appreciation.”⁹ An Oyapele man said that his clan only leases Elegu land temporarily and not actually sell it. At the same, the Ofodro are convinced that these land sales do indeed take place, and further maintain that settlement and land sales in Elegu are not sanctioned by the entire Oyapele community but only by a handful of Oyapele members.

The current relationship between the Ofodro and Oyapele clans at large is volatile and characterized by fear. Ofodro elders have alleged that they have been denied access to the disputed land area by both the Oyapele as well as the local police, and that many have experienced police intimidation and harassment when moving within the area.¹⁰ At this moment, the Ofodro – which comprise of 670 families – thus claim that their access to their ancestral land is being refuted, and consider themselves displaced. Most have taken to live in Arinyapi sub-county in Adjumani district renting plots of land, while a small minority has settled in Amuru district.

3.3.2 Uganda and South Sudan: The question of Oyapele Citizenship

The Madi in the area are essentially a cross-border community. In particular, the conflict is further complicated by the disputed citizenship status of the Oyapele, who originally come from Sudan. Ofodro elders were adamant to explain how all Oyapele are in fact Sudanese and do not have Ugandan citizenship; yet they cross the border and settle and sell Ugandan land in Elegu. It was further argued that other Madi clans in Sudan strongly disapprove of the Oyapele settling and selling land in Elegu. At the same time, immigration officials and local police stated that it is difficult to distinguish between the Oyapele and Ofodro, and that it is impossible to determine

⁸ Focus Group Discussion with Ofodro Elders, Arinyapi Sub-County, 04.09.2012

⁹ Interview with male member of Oyapele in Elegu, phone interview, 12.09.2012

¹⁰ Interview with LC5 District Councilor, Arinyapi Sub-County, 03.09.2012

the citizenship status of the Oyapele in Elegu. As stated by an immigration official, “it is difficult to say whether the Oyapele are Ugandans or whether they are Sudanese, because of the history of co-settlement with the Ofodro and the countless cross-border movements.”¹¹ These cross-border dynamics between the Oyapele and Ofodro have also led to a lot of intermarriages between the two clans; further complicating questions of citizenship and claims to land ownership. In fact, one of the Oyapele most prominently accused of selling land in Elegu is married to an Ofodro woman, and maintains that he himself holds Ugandan citizenship.¹²

3.3.3 Adjumani and Amuru Local Government

Madi elders in Adjumani disputed that the conflict centers on the disagreement between Ofodro and Oyapele, and in contrast stressed the role played by the district borders splitting Elegu into two parts which belong to Adjumani and Amuru district respectively.¹³ Recognizing and defending Elegu as the ancestral homeland of the Madi by referring to the Madi names given to natural features in the area as well as the history of naming Elegu itself¹⁴, it was maintained that Amuru district under its Acholi leadership had grabbed the land from the original Madi owners when Amuru district was created in 2006. In this context, a local councilor in Adjumani maintained that the Oyapele are being manipulated by Acholi leadership in Amuru district to grab the land of the Ofodro who in turn have hosted the Oyapele in the past.¹⁵

At the same time, the Amuru district leadership does not recognize any of the ownership claims made by the Ofodro over the disputed land. Instead it is said that the Ofodro are simply motivated by economic gain, and “are just looking for money...they are saboteurs.”¹⁶ The local leadership of Atiak sub-county has in fact warned those Ofodro residing in Amuru district to not collaborate with Ofodro and their allies in Adjumani district. As the LC3 Chairperson maintained, “maybe it was their place in 1907, but they abandoned it so they lost their ownership claims!”¹⁷ This is heavily disputed by the Ofodro elders who maintain that their customary ownership over Elegu has not lapsed. At the same time, Ofodro elders also maintained that they have no problems becoming Amuru residents if they only regain their land. This in turn stands in great contrast to the stance taken by members of the Adjumani Elders Forum, who asked how one can possibly be part of Amuru district and thus belonging to Acholi sub-region if one is

¹¹ Interview with Immigration Officer, Elegu Immigration Office, 06.09.2012

¹² Interview with Oyapele man residing in Elegu, phone interview, 12.09.2012

¹³ FDG with Adjumani Elders Forum, Adjumani Town, 05.09.2012

¹⁴ The name Elegu was explained by elders of the Adjumani Elders Forum as follows: “One time Mr Ulu of the Ofodro and his pregnant wife Ele met a female Impala in labour, with the baby head already out. As Mr Ulu tried to assist the Impala in delivery, his arm got trapped in its reproductive organ and it pulled Mr Ulu for almost 2 kilometres before he could pull his arm out. Meanwhile, his pregnant wife Ele was so amused she laughed so much that she miscarried and died. Thus the place is known as ELEGU (“Ele laughed”).

¹⁵ Interview with Women District Local Councilor LC5, Adjumani district, 05.09.2012

¹⁶ Interview with LC3 Chairperson, Atiak Sub County, 07.09.2012

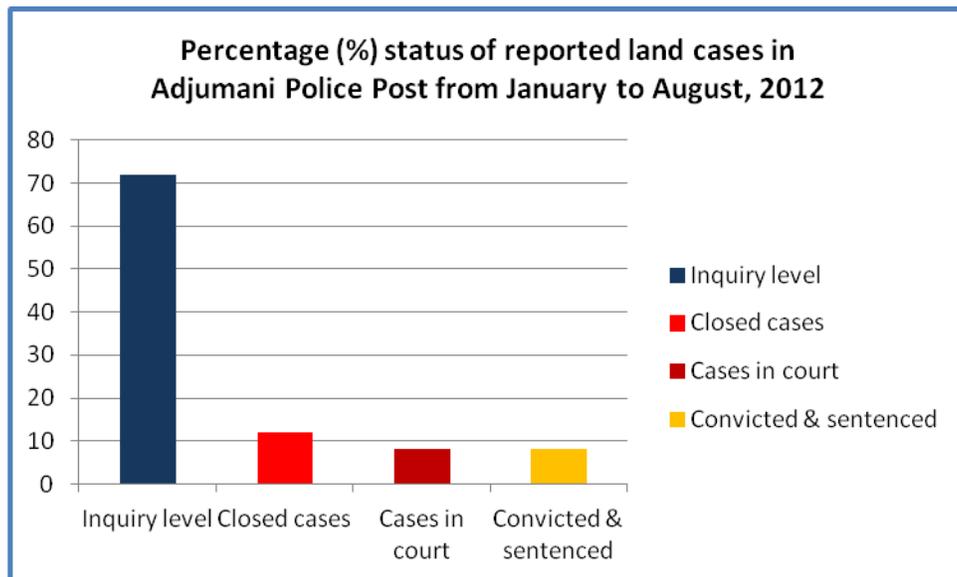
¹⁷ Interview with LC3 Chairperson, Atiak Sub County, 07.09.2012

Madi by birth – seeing that the Acholi ownership over parts of Elegu interferes with the ability to freely exercise Madi customs and traditional rituals.¹⁸

3.3.4 The Involvement of the Judiciary

To date, the judiciary has not been involved in the resolution of the land dispute in Elegu. In fact, not a single case has been filed at Elegu police post relating to the dispute, neither criminal nor civil. As the OC stated, “there has been not a single court order asking the police to investigate anything in regard to the Elegu land conflict.”¹⁹ Further, neither Amuru nor Adjumani local governments have ever launched an investigation into sales of land taking place in the disputed area.²⁰

More generally, however, it seems that both districts do not have appropriate structures in place to effectively respond to incidences of land conflict. Data obtained from the Police Land Desk Office in Adjumani Town shows that of all 25 land-related disputes filed from January 2012 – August 2012, only 3 have in fact been investigated:



Source: Land Desk Office, Adjumani – Police Station, Adjumani Town Council. 2012.

The low rate of actual inquiries into land conflicts has been explained by the complexity of dealing with cases that involve customary land ownership (which applies to Elegu and the majority of other land disputes in Northern Uganda), and the fact that both land administration authorities as well as the judiciary are extremely understaffed. In fact it was said that Adjumani

¹⁸ FDG with Adjumani Elders Forum, Adjumani Town, 05.09.2012

¹⁹ Interview with OC of Elegu, Elegu Police Station, 07.09. 2012

²⁰ Interview with Immigration Official, Elegu Immigration Office, 06.09.2012

district only has two magistrates (grade 1 and grade 2) dealing with land-related matters.²¹ This often results in delays and adjourning of court proceedings; making people taking matters into their own hands. As such, it is in fact questionable whether current land administration authorities in the area could really appease land-related tensions in Elegu.

3.3.5 Role of Central Government

Due to sensitivity of the issue, key respondents were not always at ease spelling out certain details and names when it came to discussing the role of central government in the Elegu land dispute. Several key informants however alluded to the involvement of key and influential individuals from central government in the conflict. For example, it is alleged that the immigration officer of Elegu as well as high ranking government officials have actually bought plots of land in the disputed area; actively preventing the Ofodro from reclaiming their land.

In this context, the economic gains potentially reaped from business in Elegu, and the government's interests therein, were repeatedly highlighted. Many Ofodro suspect government support to the Oyapele and Amuru district government in order to yield influence over land sales in the area. In this context, Adjumani district officials alleged that the Ministry of Lands and Environment purposefully refuses to publicly release the 1962 blueprint border demarcation maps, publication of which could in turn help resolving land boundary disputes on both local and regional level.

3.3.6 Involvement of Civil Society Organisations (CSO)

Overall, locally operating CSOs are currently not conversant about the land conflict in Elegu. Not being fully aware of conflict details, none of them had thus far intervened in the dispute. This was attributed to the fact that specific organisational mandates greatly limit the general ability for conflict mitigation.²² As an ACORD employee remarked, organisational funding is usually tied to particular projects and cannot be used to meet other emerging needs and demands. This, in turn, makes it difficult to fund activities which emerge after the framework for the year has been drawn up, such as the case of Elegu.²³ Further, it was stated that intervention was so limited because local government had not attempted to engage CSOs in regard to the dispute.²⁴

CSOs feel that the land dispute can easily impact negatively on their work. It was highlighted that land conflicts are not confined to Elegu, but are in fact increasing in Adjumani and Amuru district at large. In this context, it was said that land disputes have come to seriously derail development efforts, especially in regard to agricultural projects. As an employee of the Danish Refugee Council (DRC) stated, “implementing projects are becoming difficult, even for the

²¹ Interview with Land Desk representative of Adjumani Police, Adjumani Town, 06.09.2012

²² Interview with ACORD representative, Adjumani Town, 05.09.2012

²³ Interview with CEFORD representative, Adjumani Town, 05.09.2012

²⁴ Interview with CEFORD representative, Adjumani Town, 05.09.2012

government. Projects need to be owned by the local community, but how is this possible in the context of local ownership disputes?”²⁵

However, CSOs could play a potentially very beneficial role in land-conflict mitigation. As recounted by an ACORD representative, the organization had implemented a project to resolve local border disputes within Adjumani district in 2007/2008, funded by NUSAF I. These highly successful interventions saw elders coming together for deliberations while ACORD facilitated the meetings. However, the project phased out in 2008 as the focus of NUSAF has shifted to economic programs.²⁶

3.4 Impact on Regional Security and Peace

3.4.1 Livelihoods

The impact of the land dispute on Ofodro’s livelihoods has been described as immense, as the Ofodro are primarily farmers and depend on their land as to secure their livelihoods. The elders maintained that by being denied access to the land in Elegu, food production has been decimated since most families are now only renting small plots of lands. Further, business opportunities unraveling in Elegu have been denied to the Ofodro members. In addition, payment of school fees for their children has become very difficult, and many thus see the future of their families severely compromised.

3.4.2 Regional Security

Among the Ofodro, it was stated that security has become a big problem. While it was acknowledged that the general security situation in Elegu was improving due to the presence of Special Forces and Uganda People Defence Force (UPDF) barracks, it was stressed that the area remains volatile for members of Ofodro who cannot move and associate freely in Elegu because of police harassment.

Elegu police however maintained that the land dispute does not impact on local security at all, and that “if Ofodro think that the police are blocking them, they are totally wrong”²⁷. Instead, police officials only intervene to maintain law and order by dispersing isolated, violent elements, such as the armed Ofodro who marched into Elegu demanding their land in April 2012. However, it was also maintained that this strategy of containment “is only working temporarily while we are waiting for effective resolution by the central government”²⁸ In Atiak sub-county of

²⁵ Interview with DRC representative, Adjumani Town, 05.09.2012

²⁶ Interview with ACORD representative, Adjumani Town, 05.09.2012

²⁷ Interview with OC Elegu, Elegu, 07.09.2012

²⁸ Interview with DPC Adjumani, Adjumani Town, 06.09.2012

Amuru district, the local leadership argued that the Ofodro will never succeed to reclaim the disputed land, so that there is no real danger of violence but only a “threat by proxy.”²⁹

Yet, many members of the Ofodro are currently so desperate because of the failed attempts to peacefully resolve the matter that in order to recover their land they warned of further, more violent attempts to reclaim ownership over the disputed land.³⁰ This thus indicates a potential for increasing civil unrest in the region.

3.5. Resolution Attempts

Findings indicate that there have been various resolution attempts to end the land dispute in Elegu between the Ofodro and the Oyapele. However, there have been a number of challenges in the process as well. Since 2009, various complaints and meetings were filled and held respectively by the local and central Government. However, as of date the dispute still remain unresolved. Noticeably is that the prolonged ethnic conflict over land owners will make it challenging for the two groups to develop confidence for a resolution.

Local Government Interventions: In February 2012, district chairpersons of Amuru and Adjumani instituted a committee under chairmanship of Mokolo Clan to mediate between the two Madi clans of Ofodro and Oyapele. The committee was given one week to arbitrate and present their recommendations to the two district chairman, yet no common ground could be found.

Memorandum of Understanding: On the 16th February, 2012 a memorandum of understanding was reached at between Adjumani and Amuru District over the border dispute. The memorandum reiterated Adjumani district position that Ofodro be allowed to return and resettle on their land in Elegu. It was further stated that there should be no more selling of land and no more putting up of temporary structures in the disputed area; which has not been respected up to date. Further, the memorandum which was shared with the inter-ministerial committee acknowledged that the disputed part of Elegu falls under the jurisdiction of Amuru district.

Involvement of Madi Clan Elders: On April 7th 2012 clan elders held a meeting in Elegu to forge a way forward to resolving the dispute, the elders appealed for calm, unity and peaceful resolution of the dispute though many realised that the land dispute had become a political question and need a political solution.

4. Perspectives on Mechanisms for Conflict Mitigation

4.1 Ofodro and Oyapele Community

Despite urging the Adjumani and Amuru district leadership to recognize Elegu as ancestral Ofodro-Madi land, Ofodro elders strongly stressed the need for an independent, non-implicated 3rd party to mediate between the conflict parties. In this regard, the involvement of cultural leaders was demanded, not only involving the Ofodro and the Oyapele, but also Acholi elders

²⁹ Interview with LC3 Chairperson, Atiak Sub County, 07.09.2012

³⁰ FDG with Ofodro elders, Arinyapi Sub-County, 04.09.2012

from the Amuru district. As one Ofodro member explained, “we really need elders to resolve this dispute. The spirits listen to deliberations, and if you are untruthful your children will be cursed”.³¹ Further, it was said that each of the clan chiefs know where their land boundaries are, and they do have the authority over their people.³²

It was demanded that the Government of Uganda should strengthen the functionality of their immigration offices, especially at Elegu border entry point. In tandem, Ofodro representatives urgently demanded determination of the citizenship status of the Oyapele. If they are found to be Sudanese, they should be repatriated to Southern Sudan by the Office of the Prime Minister and the Ministry of Internal Affairs. This would enable the resettlement of the Ofodro clan to the disputed part of Elegu. Yet, it was also highlighted that peaceful co-existence between the Ofodro and the Oyapele in Elegu can be achieved as long as accountability regarding land ownership is restored. As one Ofodro elder stated, “us Madi are welcoming people...Whether you are from Sudan or from Acholiland; if you decide to settle in Elegu that is fine. But acquire land in a proper way.”³³

Regarding the Oyapele, the fact that their local leadership does not openly admit that there exist a conflict with the Ofodro in the first place has greatly stifled any attempt to elucidate their suggestions for conflict mitigation. However, it is held that those Ofodro who allege to have teamed up with the Adjumani district council in order to claim land in Elegu should be officially investigated.

4.2 Adjumani and Amuru District Local Government

Both Amuru and Adjumani district government advocated for quick and transparent access to archive information regarding the 1962 border demarcations and historical accounts of local tax payment to sort out the issue of administrative boundaries between Adjumani and Amuru.³⁴ As a local councillor in Atiak sub-county stated, “If the central government is transparent regarding official border map, this issue can easily be resolved.”³⁵ It was also suggested by local government in Adjumani that an examination of the exact district boundaries should not only involve central and local government but also local elders, who can help gather tangible information about who lived where and when. Further, local government officials in Amuru recommended a thorough and transparent documentation of all land sales in Elegu; in particular by Atiak sub-county and local cultural institutions. Hence enforcing accountability through written evidence could then easily reduce illegal land sales and disputes in the area.³⁶

4.3 Central Government Authorities

Police and immigration officials interviewed stressed the importance of sensitizing the local population on land issues and official avenues for conflict mitigation. Further, efforts at capacity building and an increase of staff for land desk officers and land administration authorities could

³¹ FDG with Adjumani Elders Forum, Adjumani Town, 05.09.2012

³² FDG with Adjumani Elders Forum, Adjumani Town, 05.09.2012

³³ FDG with Adjumani Elders Forum, Adjumani Town, 05.09.2012

³⁴ Interview with Women District Local Councillor, Adjumani Town, 05.09.2012

³⁵ Interview with LC3 Chairperson, Atiak Sub County, 07.09.2012

³⁶ Interview with LC3 Chairperson, Atiak Sub County, 07.09.2012

greatly enhance the credibility and efficiency of settling land-related disputes in the area. It was also said that the Elegu case could best be tackled by taking matters to court to be resolved and presided over by the judiciary.

4.4 Civil Society Organisations (CSOs)

CSO representatives in the area held that the best way to handle the Elegu conflict is through respected community leaders of the conflict parties involved, as they know local history and culture. Therefore, a holistic approach seeing the involvement of each and every stakeholder was recommended. Generally, it was maintained that the solution to the Elegu conflict needs to come from within the affected communities, as “political actors are too invested in their own interest and thus unsuited to solve the conflict.”³⁷

5. Conclusion

Elegu, located at the border between Uganda and South Sudan and falling into both Adjumani and Amuru district, has been the site of land dispute since 2007. The land conflict involves both the Oyapele and Ofodro, two Madi clans who claim ownership over the area. While the Ofodro refer back to their settlement in the area which dates back to 1907, the Oyapele are originally from Sudan but have settled in the area due to many cross-border movements triggered by the many conflicts in the region. Further complicating ownership claims is thus the under-investigated question whether the Oyapele are in fact South Sudanese or Ugandan citizens.

At the heart of the conflict lie vested economic interests triggered by the upgrade of Elegu into a custom point, which was earmarked in 2007 and officially inaugurated on 1st of March 2012. This has caused local business opportunities to start growing fast, and the economic value of Elegu to increasingly be recognized. Matters are complicated by the fact that Elegu itself occupies parts of both Adjumani and Amuru district, and the Elegu custom point lies within Amuru district borders. This has triggered disagreement regarding the concise district boundaries, and the dispute has hence further seen the involvement of Adjumani and Amuru district which support the Ofodro and Oyapele respectively. The involvement of central government officials has also been highlighted by conflict stakeholders in the area. It seems that the exact demarcation between Adjumani and Amuru district is not clear to any of the immediate conflicting parties; and attempts to elucidate such have not been supported by central government authorities. Further, as of now CSOs in the area are uninformed about details of the conflict and have not intervened. As such, there is a real need to facilitate conflict mitigation in Elegu land dispute, for which local conflict parties have recommended negotiations facilitated by an independent party, official clarification of regional land boundaries, and increased support to land administration and immigration authorities in particular.

³⁷ Interview with ACORD representative, Adjumani Town, 05.09.2012