

NORTHERN UGANDA LAND STUDY

ANALYSIS OF POST CONFLICT LAND POLICY AND LAND ADMINISTRATION: A SURVEY OF IDP RETURN AND RESETTLEMENT ISSUES AND LESSON: ACHOLI AND LANGO REGIONS



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EXECUTIVE SUMMARY

This is the second in a series of land studies for northern Uganda, whose core objective is to inform the Plan for Recovery and Development of Northern Uganda (PRDP) and the National Land Policy. It builds on the work of the first phase conducted in Teso region to present a more quantitative analysis of trends on disputes and claims on land before displacement, during displacement and emerging trends or occurrences on return for Acholi and Lango sub-regions.

The key findings in the Teso study are that there is a high level of distrust towards the Central Government's intentions toward land; customary tenure has evolved and adapted to changing circumstances but remains to be seen as a legitimate form of tenure; there was not a high prevalence of land disputes; the statutory and customary institutional framework for land administration and justice has been severely weakened; and vulnerable groups such as women and children have been marginalized during the return process. However, the Teso region has been one of the most secure regions during the conflict and has experienced very short periods of displacement and as such does not provide a good marker for the situation in the rest of northern Uganda. This is exemplified by the fact that though land conflict prevalence was extremely low in Teso region, it is high in the Lango and Acholi regions.

The study is premised on the fact that the issue of land in return (restitution and resettlement) processes has not been adequately dealt with in the National Land Policy and various policies regarding IDP return in Northern Uganda. Land is a critical element in peace building and economic reconstruction in post-conflict situations; relevant issues must be understood and given appropriate priority for stabilization. The PRDP should prioritise the protection of land rights and re-establishment of production relations on land to bridge the poverty gap, which has been widening since 1997, between war-affected areas (northern Uganda) and the rest of the country.

The transition from IDP camps to original homes is progressing with varied and unpredictable changes after a minimum of 5 years to a maximum of 15 years in camps for the people of Lango and Acholi sub-regions in Northern Uganda. The return in Lango region is advanced with approximately 92% of the IDP population already returned home. In Acholi region the return is still very low at 5% at the time of survey. The study found that tenure security has worsened and there is an increasing number of land conflicts compared to the pre-displacement period. Study findings show that 85% of the respondents have experienced threats to tenure security to the extent that 59% feel these threats are significant. On average, the trend of occurrence of land disputes has been steadily rising from 12.8% at the time of displacement for the respondents involved in the survey to 15.5% during displacement, and the current return or post conflict prevalence at 16.4%. The main sources of disputes and insecurity are obscure boundary markers (34%) and (perceived) land scarcity (15%).

According to the study findings, disputes are mostly occurring on land that was left behind upon displacement, which on return has a dispute prevalence rate of 65%; mainly occurring on inherited land accounting for 71% and land given as a gift at 17%. According to focus group discussions, a number of people on return attach a higher value to land and thus are moving to individualize what was previously perceived to be communal land while rigorously defending what had been allotted to them for access, use and sharing by the members of the community, hence disagreements and clashes. The most prevalent type of disputes are boundary related ranking higher at 23%, having a high of 28% before displacement, decreasing to 17% during displacement and steadily rising now to 25% as return commences (at time of study). Pursuit of land

access by large-scale commercial interests, speculators and grabbers is also causing tension in the Acholi region.

Groups and individuals disenfranchised from the gains of transition from war to peace may resort to violence in order to survive, with serious impacts on the peace process. It is important to note that 95% of return has yet to occur in Acholi region, which was the heart of the insurgency. Additionally, the study found that there is a high level of misgiving about Central Government's intentions towards Acholi land, which has given rise to a substantial level of tension that has a high chance of erupting into violence unless Government's intentions are made clear. 23% of the respondents felt that the government, the army and rich people have taken a lot of interest in their land without clearly elaborating their motives or intentions, hence remaining a looming threat to their tenure security. This is more articulated in Acholi region at 48% but it is also felt in Lango at 44%. One of the main factors contributing to increased tension is a lack of information. An aggregate of 90% of the survey respondents had no knowledge on what is contained in the Land Act (the main substantive land law) and not a single district amongst those in the survey had a knowledge level of more than 15% on the contents of the Land Act.

Also given the lack of clarity and transparency over Government's intentions of land there is a high level misgiving over demarcation and land registration. However, given the high level and nature of threats to indigenous customary interests as well as the leading causes of land conflicts, there is a need to undertake titling. Results show that there is a divide in the leadership regarding whether or not to move from customary tenure to more formal tenure systems. The understanding and appreciation of the pros and cons of titling within regions is known; however, there is need for community ownership and acceptance of the process if it is to have its intended benefits. Additionally, titling needs to be pursued in a manner complimentary to customary tenure and not in a manner aimed at replacing it because customary tenure is at times better equipped to deal with issues of communal or collective land rights whose erosion in northern Uganda can lead to increased landlessness. There are also significant gender issues to contend with during the return process. Female-headed households, the child-headed households, widows, orphans and children appear to be left out of the return process. These have been classified by various civil society and humanitarian agencies as "extremely vulnerable individuals" (EVIs) who need specially tailored interventions. These groups have failed to assimilate / resettle or have not joined in the exodus back home and forced to hang on in the IDP camps. They lack the financial and human capacity to rebuild their shelter and livelihood in the place of origin, given that the social safety nets that would have held them are either weakened or broken.

A second area of concern emerging from the study is that statutory and traditional dispute resolution institutions and land administration institutions lack adequate capacity for response and containment of disputes and conflict that are escalating on return of IDPs. The context is such that statutory dispute resolution mechanisms under the Land Act cap 227 are currently lacking or are not in place and years of displacement have substantially eroded the authority and outreach of traditional dispute resolution mechanisms. In addition, clarity on intent and meaning of customary law and rights is distorted resulting in abuse of the system within family and clans. The statutory decentralized land administration structures (under the Land Act) i.e. DLBs, DLOs, Area Committees and Recorders (at sub-county level) would be sufficient to handle land services delivery in a post-conflict situation but almost the entire infrastructure is not on the ground. The state of records in land offices was found to be very poor, with incomplete information and in some instances, the districts were unable to produce records because they were not in existence or there were administrative wrangles.

Traditional institutions, which have legitimacy but lack legality, have been in the past important institutions of dispute resolution and protectors of tenure security. The traditional institutions though not legally sanctioned to handle land disputes they are in most instances the courts of first instance and the LC system is strongly dependant on their structures and services. When a dispute on land occurs the *Rwot Kweri* or the *Won Pachu* intervene first; however if a dispute involves violence then the local councils come in since they have powers to apprehend and punish. However, these institutions have also been weakened by the war and the scope of their roles has been diminishing. The study further reveals that on return from displacement, family and clan involvement in dispute resolution declines further to 23%, as LC1 courts gain role in dispute resolution to 21% and LC2 begins to function according to statutory mandate as the court of first instance with regard to land disputes. These traditional institutions are important given the centrality of customary tenure in Northern Uganda.

There is an institutional and policy gap that has increased tenure insecurity for the majority of people in Acholi and Lango regions and increased marginalization of vulnerable groups. One of the main issues to contend with is customary tenure; it needs to be harnessed in order to increase tenure security. The recommendations are that customary tenure be codified so that can be used for legal precedent in case of litigation; customary tenure has its own capacity to evolve that will enable it to move onto registration and therefore certification and registration should not be pushed on the local populace; the legal processes and procedures for registration and certification need urgent reform as they are at risk of being used by individuals for land grabbing; and lastly, original jurisdiction for dispute resolution and land administration over customary tenure should rest with traditional institutions (clans) and to the extent possible these institutions need to be integrated into the statutory land administration system. Thus, customary and statutory institutions need to be realigned and strengthened in order to provide better dispute resolution mechanisms and tenure security given the centrality of customary tenure to stability and tenure security. Socially legitimate informal institutions (clans etc) have to be identified and supported as they can manage a number of post-conflict land disputes. In places, where the traditional institutions are still operational, it is pertinent that they are institutionalized and regularized in a manner similar to the statutory ones and harmonized for acceptability.

The Land Tribunals are currently dysfunctional and even when they are established in all the districts; they will not have the capacity to handle all disputes efficiently. Customary and community-based mechanisms for conflict resolution are very relevant especially Alternative Dispute Resolution (ADR) approaches such as mediation; conciliation and arbitration need to be considered. These mechanisms can offer effective and acceptable means of managing many kinds of land conflicts and disputes. Enforcement mechanisms need to be put in place to ensure that judgments / settlements are implemented. Simple disputes can be resolved through the LC Court system. Since LC1 are effectively engaging in disputes resolution other than LC2, which is the legally recognized court of first instances, the law needs to be amended to reflect the reality on ground, although moving such courts to LC1 is an enormous cost. Complicated cases that require adjudication should be referred to the District Land Tribunal. If DLTs are revived, their location needs to be returned to the Ministry of Lands, where the concept of land justice is considered a priority rather than judicial service. The rules of procedure that are currently based on civil procedure amended and the concept of circuiting needs to be done away with or scaled down (to least 2 districts in a circuit).

Thirdly, national policy does not cover the issue of compensation and concerns over compensation mechanisms are on the rise. The biggest challenge is likely to arise from submitting and processing of claims and applications for resettlement which need to be

accessible to people. People throughout affected areas should be able to easily submit their claims. Forms and information on the process should be in local languages, and should be prepared in consideration of the literacy levels of the population. If any fees are to be demanded for the process, the fees should be affordable to the people. It is recommended that a claims processing unit be established at Parish level (Parish Development Committee) and ensure that they meet the administrative requirements before submitting them for decision. Claims for compensation and applications for resettlement should be verified at the parish level by the Parish Development Committee and the Traditional institutions on land (clans) and sent to the Disaster Management Committee (DMC) at the district level. The District Land Office should have the mandate of assessing compensation, and the DLB should assist the DMC in matters of resettlement. Legal aid units should inform people of procedures and assist them to complete forms. The other issue for compensation is that in post-conflict environments there are many instances of competing claims and specific guidelines must be created to address this scenario.

Lastly, there is a large information gap on not only rights under current law but also Government intentions towards land in Northern Uganda which have given rise to a new host of tensions. Programmes should be implemented to keep the public informed of the development of policies, strategies and actions. Early public information and education campaigns about land-related issues can help to clarify issues and correct false assumptions. Information should also be given to advise people how to protect their land rights, and on the rules and procedures for restitution, compensation, resettlement, and formalization of rights. A wide range of messages need to be created for different audiences and using different media and for and different actors. Additionally, there is need for information campaigns on the pros and cons of registration and titling so that they are not viewed as mechanisms for land grabbing.

It is our view that northern Uganda is at a significant transitional moment, from over 20 years of conflict, to the eventual conclusion of the ongoing peace negotiations between the Government of Uganda and the LRA rebels. Given the findings of this study, it is important to:

- (a) first “cultivating a desired level of trust in the people over land issues enforced through administrative procedure that overtly shows commitment to protecting land and natural resource rights of IDPs on return”;
- (b) second, immediate enforcement of administrative or political or policy overtures to effectively suspend issue of land titles to indigenous Acholi or Langi, investors or any other persons who wish at this particular time to acquire legal interests in land until IDP return is completed and sensitisation of land rights in the sub-region has taken place, therefore the actions of Uganda Land Commission and District Land Boards have to be temporarily frozen until IDP return is achieved and sensitisation of rights is attained.

The above actions are supported by the following facts established in this study:

- (i) First is the recognition of the fact that there are lapses in return patterns for Acholi sub-region attributed to the history of previous attempts to negotiate peace with the LRA, when in 1992, a deal was nearly struck under negotiations spearheaded by Betty Bigombe¹. As the talks were on-going IDPs massively returned to their home only to be brutally attacked by the LRA as soon as the talks collapsed? This event has proved to be a lesson whose outcomes no IDP wants to forget or fail to heed, thus the scepticism about early return before the Peace Deal is actually done.

¹ The then Minister for pacification of northern Uganda.

- (ii) Secondly, the leadership and the communities in Acholi sub-region have a leaning towards accomplishing return first and achieving reconciliation before delving into land matters. Indeed attempts to tackle the situation when return is not yet complete will have futile results. Overall, the key to moving forward is the acknowledgment that there will be a high incidence of land conflicts owing to poor property rights, poor statutory and traditional justice institutions, poor information, and obscure compensation guidelines and that this is likely render several recovery initiatives fruitless or unsustainable.
- (iii) Thirdly, a high level of distrust of the Central Government's intentions toward Acholi land exists and has persisted, giving rise to a substantial level of tension² that has a high chance of erupting into violence unless matters are clarified, the situation is further fuelled by politics driven by feelings and emotions that have shaped and defined the articulation between Government and Acholi peoples views over land and natural resources tenure. It is felt that the government, the army and rich people have taken a lot of interest in land without clearly elaborating their motives or intentions, this is not helped by the fact that Government, especially the Executive is openly and vigorously backing the pursuit of land by investors for large-scale commercial interests, an opportunity that speculators and grabbers are manipulating for individual gains and benefits.
- (iv) Facilitation of extremely vulnerable individuals (EVIs³) to manage their own return process and re-establish their livelihoods will be a must for conclusive return of IDPs. The potential for loss of secondary or derived rights which is the main form of land access and ownership for such groups poses the challenges on how to ensure the rights of vulnerable groups such as widows, children Persons Living with HIV/AIDS and Persons with Disability. EVI's will require separate processes for the allocation of land. The challenge is to find land that is available for their resettlement.
- (v) On return from displacement, to the extent possible and where feasible a blend needs to be allowed to emerge, on dispute resolution producing a system that embraces the traditional clan system, accords statutory powers and functions of modern institutions such as Local Councils or Area Land Committees. This not only recognizes the new changes brought by war but also the fact that the erstwhile clan bonds and traditional land authority systems may be mal-functional or dysfunctional, despite the fact that it may still have measurable influence in relation to socio-cultural functions, though not as an authority system over land resource use. Already a hybrid in land administration is emerging with a combination of Local Councils and Area land Committees whose mandates are supposed to be distinct in legal terms but are experiencing a fusion on ground when it comes to implementation or practical aspects.

It is also important to note that natural resources and arable land play a key role in daily livelihood strategies, and typically form the basis of rural economies. The protection of property rights and re-establishment of production relations on land will be important for bridging the poverty gap, between war-affected areas (northern Uganda) and the rest of the country which has been widening since 1997.

² Between cultural leaders who feel they are the custodians of land in Acholi region and political leaders who feel the legal mandate to mediate such land matters lies with them. Evidence shows a divide in the leadership on how to carry forward the tenure.

³ Extremely vulnerable individuals (EVIs) include the sickly, the elderly, the disabled, widows, orphans, female headed households and child headed families.

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ACRONYMS

CSOs	Civil Society Organizations
DLB	District Land Board
DLT	District Land Tribunal
EVI's	Extremely Vulnerable Individuals
FGDs	Focus Group Discussions
GoU	Government of Uganda
IDPs	Internally Displaced Persons
LC 1	Local Council One
LC 2	Local Council Two
LC 3	Local Council Three
LC 4	Local Council Four
LC 5	Local Council Five
LSSP	Land Sector Strategic Plan
MoFPED	Ministry of Finance, Planning and Economic Development
MoLHUD	Ministry of Lands, Housing and Urban Development
MoLG	Ministry of Local Government
NLP	National Land Policy
OPM	Office of the Prime Minister
PRDP	Peace, Recovery and Development Programme

1 INTRODUCTION

1.1 Background

At the height of displacement in northern Uganda, there were 2 million Internally Displaced Persons (IDPs). For the last 21 years, northern Uganda has been the scene of wars and insecurity, as a result of armed rebellions, particularly by the Lord's Resistance Army (LRA) in Acholi land (Kitgum, Gulu, Pader districts), Lango region (Apac and Lira districts), and Teso region (Kaberamaido, Katakwi and Soroti districts), and by armed Karamajong cattle rustling in the Karamoja region (Kotido, Moroto, Nakapiripirit districts) leading to massive displacement into either camps or in locations generally at 3 to 10 km away from the original homes within the same districts.

Since the Government of Uganda and the rebels of the Lords Resistance Army / Movement (LRA/M) announced their intention to negotiate a peaceful end to the 21 year conflict, there has been gradual improvement in the security situation, even with some pockets of normalization as the peace talks between the GOU and LRA in Juba progress, this prompted Government to announce the return and resettlement of the IDPs, within the framework of the Peace, Recovery and Development Plan (PRDP) for northern Uganda. At the same time, through a participatory and consultative process, Government is developing a National Land Policy. Evidence shows that existing frameworks and laws⁴ do not adequately cater for land issues pertaining to the return of IDPs. Given the centrality of land to livelihoods and poverty reduction, studies have shown that since 1997, the poverty gap between war-affected areas (northern Uganda) and the rest of the country has been widening. It is inevitable therefore, that land may become a centre of disputes and controversy in post conflict northern Uganda if it is not tackled according to systematic guidelines and normative frameworks.

In support of the above processes, the World Bank (AFTS2), working in consultation with other development partners and key stakeholders, undertook the Northern Uganda Land Policy and Administration Study to assist Uganda government in two phases. The first phase which was completed in 2006 included (a) a literature review of situations and experiences of IDPs in the Great Lakes Region in Africa and other parts of the world and (b) a limited reconnaissance survey in Soroti District where a relatively short duration of internal displacement and spontaneous return of IDPs has occurred in the recent past.

The findings and recommendations emerging from phase one of literature review and field survey in Soroti District showed (but was not limited to) the following key issues:

- (i) Teso's IDP Displacement patterns were unique and varied (within Teso itself) and peculiar in relation to the rest of northern Uganda therefore, the anticipated escalation in land claims and conflicts in the aftermath of IDP return predicted in literature review had not happened on ground
- (ii) there was evidence of widespread distrust, suspicion and fear of government's intentions on land leading to speculations of land grabbing based on evidence of state sponsored or stage backed land grabbers (mainly the pastoral *Bahima*), the spill over effects of speculation from Acholi and Lango regions. In essence threats to land tenure security were arising from suspicions and fears fuelled by speculative release of information by different stakeholders and absence of definitive political will to state a clear government stand on land in northern Uganda.

⁴ The current land policy and administration framework governing the return of the IDPs to their places of origin and to their lands includes: the Land Act of 1998, the customary land tenure systems, the National Policy for Internally Displaced Persons of 2004 (NPIDP), and the Decentralization Law

- (iii) in the aftermath of IDP return, customary tenure has transformed in terms of institutions and practices. Contrary to earlier practices, household heads are now “owners” not “trustees” of rights in land, therefore the power base of this tenure has shifted from the clans to the household heads. In the event, that recovery and reconstruction programmes consider certification or registration of customary tenure they are going to face an uphill task in implementing such an undertaking because of the high suspicion the community has for any titling or certification initiatives, instead considerations should be made for Codification of Customary tenure.
- (iv) Land sales are now possible with justification to clan but not approval; the clan is merely informed and is not a sanctioning authority. It was found that the anticipated increase in land sales has not taken place; instead an increase in land rentals is taking place (mainly in form of sharecropping, cash rentals, or lending) without any form of regulation.
- (v) Common property resources and other common land resources are at the greatest risk with the trend of being annexed by neighbors at the expense of the community escalating.
- (vi) In urban areas, slum dwellers were replacing IDPs in camps that are being evacuated, while some IDPs settled outside the camps; in road reserves and other peoples’ private land. The emerging squatter situation is creating complications for urban development, planning and control.
- (vii) Decentralized land administration structures as laid out in the Land Act are sufficient to handle post-conflict situation but the entire framework is almost non-functional because human resources (manpower), institutional structures and equipment are lacking. Specifically, apex institutions are constituted (District Land Board District Land Office) but they suffer from operational inefficiencies, limited service provision to urban areas and low demand for their services in rural areas. Root institutions (Area Land Committees) are non-existent and non-functional, creating a vacuum that LCs and Clans have attempted to fill. Local Councils (1-3) were emerging power institutions in land administration and dispute resolution on customary tenure replacing clans and eroding their authority and legitimacy.
- (viii) there was no established institutional framework to handle restitution (recovery of land), resettlement and compensation issues. The IDP policy mandates local governments on restitution but these have neither resources nor technical capacity to undertake this, no national (executing) agency is responsible for compensation, yet it is a state function.

Though the above findings were not universally applicable for the whole of northern Uganda, they have been used for preparation of interim submissions for the Northern Uganda Peace Recovery and Development Program (PRDP) and the National Land Policy. This report covers the second phase which involves a more in-depth analysis of land conflicts and identification of possible resolution mechanisms, in the greater conflict areas of the north (Acholi and Lango regions).

1.2 Methodology

The core objective of the study was to inform the PRDP for northern Uganda and the National Land Policy of the government with respect to land policy and administration framework, including legal provisions and institutions, needed to ensure a peaceful return of the IDPs to their places of origin. More specifically the study now builds on the work of the first phase and intends to identify and validate/verify the findings and recommendations of the first phase in regard to land conflicts as follows:

- the types of land conflicts and claims that are likely to arise during the return of IDPs;

- their prevention, resolution or adjudication mechanisms, within the context of the current land policy and administration framework, including the legal provisions as well as the formal and informal institutions;
- the gaps in the current land policy and administration framework for handling potential land conflicts and claims, and the options available for filling such gaps;
- the resources needed for implementing the relevant actions and policy measures;

In addition, the study specifically formulates recommendations for actions and policy measures by government and others, in order to reduce the likelihood of land issues affecting recovery and development in northern Uganda.

Study Sites

In Lango region, two districts of Lira and Oyam most affected by the LRA incursions were selected. In Acholi region, four districts of Gulu, Kitgum, Amuru and Pader were selected. Specific sub counties and villages where community surveys and focus group discussions were conducted were selected in consultation with the District Disaster Management Committee. In addition to consideration given by the respective district DDMCs, the selection of sites also considered criteria given in the Concept Note by the World Bank which included;

- The site being representative of the typical demographic and land characteristics in the universe of returning communities
- IDP returning conditions, degree of implementation of the Land Act Cap 227 or readiness for its implementation, the National Policy on Internally Displaced Persons 2004, being piloted in this area.

Table 1: Study Sites in Lango Region

DISTRICT	FGD & SURVEY SITE	AREA DESCRIPTION
LIRA	APALA	<ul style="list-style-type: none"> • Located 28 Km from Lira Town, comprising of six parishes • Respondent population sampled was mainly returnees (95% returns) • Camps sites have been declared de-gazetted and closed • International Relief and humanitarian Agencies piloting land restoration work • Return Population already tilling and planting to establish garden • Home rebuilding or replacement of burnt houses and huts is common
	AROMO	<ul style="list-style-type: none"> • Located 25 Km from Lira Town, comprising of three parishes, 16 villages • Respondent population sampled was mainly returnees (98% returns) • Camps sites have been declared de-gazetted and closed • International Relief and humanitarian Agencies piloting land restoration work • Return Population already tilling and planting to establish garden • Home rebuilding or replacement of burnt houses and huts is common
	ADWARI	<ul style="list-style-type: none"> • Located 90 Km from Lira Town, close to the Karamojong border and suffers displacement from cattle rustling practices of Karamojong • Respondent population sampled was combination of returnees (85% returns) and those still in main camp (approximately 10% of former camp population) • Camps sites in the process of de-gazettement • Limited restoration of gardens through tilling by early returnees • Home rebuilding or replacement of burnt houses is beginning
	CORNER DAKATALU (TOWN)	<ul style="list-style-type: none"> • Urban camp located within Lira Municipality, yet to be closed • Respondent population sampled was mainly Extremely Vulnerable Persons (EVIs) who are yet to return.
OYAM	NGAI	<ul style="list-style-type: none"> • Located 118 Km from Lira Town, in new Oyam District, comprised of 6 parishes • Respondent population sampled was mainly returnees (90% returns) • Camps sites being de-gazetted and resumption of garden tilling is evident • Home rebuilding or replacement of burnt houses is evident
	ABOK	<ul style="list-style-type: none"> • Located 77 Km from Lira Town, in new Oyam District • Respondent population sampled was mainly returnees (85% returns) • Camps sites being de-gazetted and resumption of garden tilling is evident • Home rebuilding or replacement of burnt houses is evident

Table 2: Study Sites in Acholi Region

DISTRICT	FGD AND SURVEY SITE	AREA DESCRIPTION
AMURU	PABBO	<ul style="list-style-type: none"> • Located 96 Km from Gulu Town • Respondent population in main camps (less than 20% returns) • Population beginning to relocated from Main camp to decongestion sites, returns sites or home camps • International Relief and humanitarian Agencies still providing relief items
	LAMOGI	<ul style="list-style-type: none"> • Located 89 Km from Gulu Town, • Respondent population in main camps (less than 20% returns) • Population beginning to relocated from Main camp to decongestion sites, returns sites or home camps • International Relief and humanitarian Agencies still providing relief items
GULU	PAICHO AND UNYAMA	<ul style="list-style-type: none"> • Located 25 Km from Gulu Town, at the peripheral of the Gulu Municipality • Respondent population sampled was still in main camp (40% in return sites) • Population beginning to relocated from Main camp to decongestion sites, returns sites or home camps
	PALARO	<ul style="list-style-type: none"> • Located 70 Km from Gulu Town • Respondent population sampled is in return sites (over 80%) • Population relocated from main camps
	LALOGI	<ul style="list-style-type: none"> • Located 55 km from Gulu Town • Respondent population sampled is in return sites (over 85%) • Population relocated from main camps
KITGUM	PALABEK-KAL	<ul style="list-style-type: none"> • Located 72km from Kitgum Town • All respondent population relocated from Main camp to decongestion sites, returns sites or home camps(75% relocation) • International Relief and humanitarian Agencies still providing relief items
	MUCWINI	<ul style="list-style-type: none"> • Located 25 km from Kitgum Town • All respondent population relocated from Main camp to decongestion sites, returns sites or home camps(85% relocation)
	ATANGA	<ul style="list-style-type: none"> • Located 55 Km from Kigum Town • All respondent population relocated from Main camp to decongestion sites, returns sites or home camps(80% relocation) • International Relief and humanitarian Agencies still providing relief items
PADER	LIRA-PALAWO	<ul style="list-style-type: none"> • Located 84 Kms from Kitgum Town • All respondent population relocated from Main camp to decongestion sites, returns sites or home camps(65% relocation) • International Relief and humanitarian Agencies still providing relief items
	PADER-KILAK	<ul style="list-style-type: none"> • Located 126 Kms from Kitgum Town • All respondent population relocated from Main camp to decongestion sites, returns sites or home camps(75% relocation) • International Relief and humanitarian Agencies providing relief items
	KILAK CORNER	<ul style="list-style-type: none"> • Located 132 Kms from Kitgum Town • All respondent population relocated from Main camp to decongestion sites, returns sites or home camps(55% relocation) • International Relief and humanitarian Agencies still providing relief items

1.3 Study Respondents' Demography

In principle, the study was a participatory rapid appraisal exercise, approached at two levels; the community and the district (mainly leadership and stakeholders). It was designed to collect data in the following manner:

- (a) Highly structured questionnaires administered to sample community of 1,119 respondents of whom 48.3% (541) were female while 51.7% (578) were male (see annex one); stratified for purposes of generating a composite/ aggregate pool of information. The rationale and assumptions for stratification included among others;
 - (i) The intent of the study, to provide information that is essential in planning for peaceful and prosperous return and/ or resettlement, implying that displacements (particularly camp communities) are transient. As a result, a lesser quota of the overall composite sample; statistically it was estimated that camp populations had reduced to as low as 30%.

- (ii) It is an established fact (from review of previous studies), that the tendency in northern Uganda is for displaced communities to return to their original lands rather than resettle elsewhere, thus, the more pertinent issue was return, which took the largest quota of the composite sample.
- (iii) A level of purposive-ness was in-built in the sample to ensure that overall at least 40% of the respondents, represented extremely vulnerable groups (Widows, Orphans and Vulnerable Children + other Minorities).
- (iv) Multi-stage simple random sampling using community lists from local leaders were used for individual respondent identification.
- (b) Key informant interviews or focus group discussions for institutions, organizations and stakeholders undertaking interventions that directly touch on land matters, with local communities (Annex 6)
- (c) Data extracted from the land services delivery institutions on dispute resolution and land administration institutions in Lango region and Acholi region.
- (d) The District Local Government staff and the District Disaster Management Committees of the selected districts from within Lango and Acholi region responded to specific issues, an average of 35 respondents in each district (for the six selected districts) was met to establish a common understanding on the need to conduct the data collection exercise and expected outcomes of the information being collected (see Annex 5).
- (e) In addition, at least 15 institutions and organizations involved in relief, emergency and development assistance were either interviewed individually or rallied into a round table discussion for both Lango and Acholi, to share experience acquired through their provision of services in the region and the various manifestations of land issues that they have come across (see Annex 7).

2. KEY FINDINGS

This section is a summarized presentation of the specific findings of the study whose details are in Annex one of this report.

2.1 The Return Process

1. Return levels

The transition from conflict and war to peace and from IDP camps to original homes is progressing with varied and unpredictable changes after a minimum of 5 years to a maximum of 15 years in camps for the people of Lango and Acholi sub-regions in Northern Uganda. The return in Lango region is advanced with approximately 92% of the IDP population returned home. In Acholi region the return is still very low, over 1.1 million people who lived in IDP camps, only 55,000 people (5%) have returned to their original homes, while 359,000 people (32%) have moved to transit camps (“new settlement” and “decongestion” sites). In Gulu and Amuru Districts, 88,000 IDPs have left the main/mother IDP camps to the transit sites (120 newly created transit sites), while in Kitgum District 77,000 IDPs have gone to the satellite areas (69 transit sites). 194,000 IDPs in Pader District have moved closer to their villages (171 transit sites).

2. Non-Returnees

It is evident that the two regions are not at the same levels of return; In Lango only 8% of the displaced population is yet to return while in Acholi region approximately 95% of the displaced population is yet to return. The high return in the Lango region is because of the improved security situation, on-going peace talks between the Government and the LRA and generally improved freedom of movement. In the Acholi region, IDPs are still skeptical about the success of the peace talks and given their past experiences are still reluctant to return to their original homes. The land owners where IDPs have continued to stay are uneasy and have begun asking for compensation for their lands. Among the people remaining in the IDP camps are;

- (i) the extremely vulnerable individuals (EVIs) including the sick, the elderly, the disabled, widows, orphans, female headed households and child headed families who lack the financial and human capacity to rebuild shelter and livelihood at place of origin;
- (ii) those who lack faith in the current peace processes;
- (iii) those who are waiting for the resettlement packages (iron sheets) promised by the government because roofing materials especially grass is yet to mature, hopefully by until December / January during the dry season
- (iv) those whose continue to stay in the IDP camps because of the poor conditions of social amenities in the villages that they ought to return to, especially roads, health services, water sources, and schools and the distances between camps and these amenities;
- (v) those who feel that the camps have become their real home;
- (vi) those who have accessed employment opportunities and revenue generating opportunities in the trading centers or towns around the IDP camps.

3. Decongestion or Return Sites

The mushrooming of the decongestion sites/transit camps/new settlements (numbering about 360) is a new phenomenon causing new challenges in terms of humanitarian provision and the delivery of basic services. These sites are considered by both the Government and the IDPs themselves as temporary, pending their return to their original homes. The set up of these transit sites has come with the full scale humanitarian demands and land tenure implications similar to those of mother/ original camps. In addition, the land tenure and administration issues that arose with the initial set of IDPs camps are now being replicated at lower levels and in much higher quantities, implying a much greater need for disentangling the attendant issues such as restitution when

eventual return home is undertaken. This study did not anticipate nor explore land issues in relation to the set up of satellite camp or decongestion sites, however, it was clear to the research team that a more in-depth understanding of the nature of movement out of the 'mother camps' in Acholi land to satellite camps and the exact nature of secondary land issues arising because of such movement or relocation.

4. Distortions in the Return Process

It is evident from the findings that a distortion in the notion of "return home", is emerging, in terms of places where one has to return. Though generally perceived as the area where one was actually living before displacement, a number of clans are tracing lineage and lands to areas of ancestral descent and opting to return to those. This is precipitating land wrangles in Acholi region (mainly) and particularly the district of Amuru, with a number of persons indulging in "political opportunism and have invented cases to back up such claims"⁵. Though the survey did not explore this trend, qualitative evidence and narrations constantly referred to it.

2.2 Tenure Security

Tenure systems have two important dimensions: property rights definition⁶ (security of land rights associated with tenure possession) and property rights distribution (to whom these land rights are distributed). Land tenure security is the individual's perception of his/her rights to a piece of land on a continual basis, free from imposition or interference from outside sources, as well as the ability to reap the benefits of labour or capital invested in land, either in use or upon alienation. The application of this concept to IDPs in Lango and Acholi region are summarised below;

(i) Tenure Security and Return of IDPs

Displacement and return has worsened tenure insecurity, compared to the pre-displacement period, and in some instances it has sparked off new fears that were not in existence before displacement, such as the suspicion on the Government's perceived interest in land in Acholi and Lango regions. The study findings show that 85% of the respondents have experienced threats to tenure security to the extent that 59% feel these threats are significant. However, 41% of the respondents felt that whatever threats existed, they were not a major threat (according to FGDs mainly in Lango region), because mechanisms exist either within the clan system or from the Local Council system which are able to address them as they occur or emerge.

In addition, displacement did not result in complete detachment from land, especially in areas where camps were located within a 3 – 10 kms radius from the displacement areas. For the moment it is not clear whether this may thwart or aid post-conflict land disputes especially on boundary extensions claims and the continuity of usufruct rights on customary land upon return. This is the case where there was no complete detachment, there was no specific evidence of change in the individual stock of land holdings or acreage available to households except for slight reductions evident in Acholi sub-region perhaps because of a longer displacement period than Lango sub-region.

In summary, return presents different conditions for IDPs as the network of social relations upon which land access and use depend are re-configuring to re-establish home areas and ways of land use. There is evidence of change in land access and the changing composition of users of land, shows significant gender access and user relations, as well as the decreasing availability of acreage for different categories of

⁵ Refugee Law Project, June 2007, Rapid Assessment of Population Movement in Gulu and Pader.

⁶ Formal property rights may be regarded as those that are explicitly acknowledged by the state and are protected using legal means. Informal property rights are those that lack official recognition and protection. In some cases, informal property rights are illegal, i.e., held in direct violation of the law although they may be legitimate within society

users within families leading to search for alternatives, the most significant alternative being encroachment on common or communal property resources, land rentals and share cropping.

(ii) Threats to Tenure Security

Threats are largely concerned with survival (livelihoods) or production relations on land as a production factor, absolute to meeting either family expectations or household needs for food security. This serves to show that in post-conflict situations the scramble for access to land as a means of survival together with the pursuit of land resource opportunities / livelihoods for large numbers of people should be the centre of focus in the design of responses especially those that are agrarian in nature and related to use of land as a production factor (i.e. environmental management and agricultural production).

According to the study, 36% of threats are in form of boundary disputes, these (according to FGDs) are often over cultivation into a neighbor's land parcel or use of neighbor's parcel who is yet to return or is unable to utilize all his/her land. The second dominant nature of threats is within the construct of family relations especially in marriage and succession (inheritance). The fear of disinheritance referred to by 23% of respondents is premised on the nature of land rights definition and transmission of rights under customary tenure. This is closely followed by threats of eviction or chase by relatives at 15% and possible sale by relatives at 13%. All these threats or fears are associated with the gendered nature of access and user rights over land defined through patrilineal relations by virtue of marriage or by virtue of descent either as a wife or a girl child respectively.

(iii) Persistent Tenure Security threats

It is undeniable that displacement and return has worsened tenure insecurity for the holders, and in other instances sparked off new fears that were not in existence before displacement, such as the suspicion as to government's perceived interest in land in Acholi and Lango region. Evidence from the survey shows that the trend of insecurity after displacement is worsening and the expectation of response has inevitably evolved the norm of waiting for government directives, especially for "on-ground actors"⁷ who are responsible for land use and land administration

There are threats to tenure security that have been consistent, these according to 67% of the respondents are persisting because of the delay in concluding a comprehensive peace deal, that will signal the return of permanence to rights in land especially access and user rights. However, even with the positive conclusion of the Juba Peace Talks, the following pertain;

- (a) 23% of the respondents felt that the government, the army and rich people have taken a lot of interest in their land without clearly elaborating their motives or intentions, hence remaining a looming threat to their tenure security. This is more articulated in Acholi region at 48% but it is also felt in Lango at 44%. It is also clear that the existing inter-family and inter-community disputes are reinforcing vulnerability of land rights; even on tribal basis.
- (b) Land registration was reported by 14% of the respondents as a threat to their tenure security, because of mistrust of Government. This is one of the avenues that should have helped those who feel threatened or insecure but is actually serving as an additional threat itself, because the land registration services are considered to be expensive and not readily accessible. During FGDs respondents members expressed deep mistrust of government which has been

⁷ Revealed in Focus Group Discussion in Acholi Region, where leaders were saying they are waiting for government to tell them what to do.

disposing off whatever it lays its hands on through privatization; they cited examples of government properties that have either been privatized or divested such as Uganda Commercial Bank, which they felt set a trend for selling whatever government puts its hands on, hence likened this to systematic demarcation that is being proposed.

- (c) 22.6% of respondents allude to uncertainty on Government's intentions in introducing systematic demarcation and land titling. The majority of the respondents in FGDs advanced the argument that they feel comfortable with customary tenure which they have known for centuries. Besides, 14% of respondents felt the cost of registration is high and is ironically assumed to fall on their shoulders in such schemes, when they have not put forth any demands for such a process. It is their thinking that such concepts are propagated out of what is considered to be keen interest in the land of the Acholi and Langi by the government.
- (d) However, interviews with the political leadership revealed that they need to prepare their people for the eventual arrival of land registration as a trend in the region otherwise they would be failing to provide adequate leadership and direction for their people. It is evident from; 55.3% of respondents who consider definitive boundaries to be important; 31% who feel the need to show proof or evident of ownership in written form and; 10% who feel they will be assure of secure tenure with their names on any land documentation; that such a process needs to be nurtured and directed at a pace commensurate with the people's ability to absorb it. It is essential that it is managed by the people and backed by extensive sensitization so that there is opportunity for individuals or families to make a choice.

For the majority of IDPs⁸, the ultimate dream is to return to the their land, any possibility of an obstacle or hindrance to realising this dream effectively erases rationality and provokes profound bitterness and feelings of personal isolation, leaning towards the thinking of a state-orchestrated scheme for land grabbing and most dangerous of all is the resultant mistrust of the Government that is consistently harnessed for political capital. Efforts geared towards improving tenure security therefore will have to enhance and support an accelerated process or gradual move to re-establish use and rights in land.

(iv) Measures to Improve Tenure Security

Fifty five percent of respondents considered demarcation or re-definition of boundaries to be on important aspect for improving tenure security. Thirty one percent of the respondents felt that they needed documentation to show proof of ownership or interests held in land as a measure of tenure security. This finding draws attention to what is regarded as legitimate evidence by community members and the ability to successfully re-claim rights as claimants find themselves with evidence different from what is considered legal. While on the one hand, the legitimacy offered by customary tenure and supported by the traditional institutional framework still has relevance and may be the affordable and preferred measure to ensure tenure security, the shortcoming is that constitutional recognition of customary tenure fails to accord its traditional institutional framework a role in land administration. This weakens the traditional land administration for 72% in Acholi and 63% in Lango of respondents who still find it a secure form of tenure.

2.3 Public Knowledge on Land Rights

An aggregate of 90% of the survey study population in Northern Uganda have no knowledge on what is contained in the Land Act (the main substantive land law). Not a

⁸ Various Studies have stressed this finding including; CSOPNU, 2004 Land Issues in Northern Uganda etc

single district amongst those in the survey had a knowledge level of more than 15% on the contents of the Land Act Cap.227. In addition, misinformation, worry and confusion abound regarding the little that is known. To a very large extent, it is highly distorted or quoted out of context. For example 1.6% of respondents felt they needed to know the rights of “Government” over their private land or their customary land. This could also have been derived from varied interpretations of the doctrine of “compulsory acquisition”⁹, by different actors within civil society and the media undertaking public education on land rights.

According to the FGDs, a few people who have knowledge about the content of the Land Act have not disseminated the information widely enough or in other instances have used the information for selfish gains. There are examples of distortions of the meaning and implications of “adverse possession” as provided for under section 31 of the Land Act regarding bonafide occupants on registered land and the power of “compulsory acquisition” by government in public interest, as provided for under Articles 237 and 26 of the Constitution. Capacity gaps in the interpretation and dissemination of the land law were evident among CBOs, NGOs and the media houses especially FM radio stations.

It has to be appreciated that the existing interventions on public education and sensitization have been undertaken mainly by civil society organizations and on a small scale, often targeting the leaders or leadership institutions considered relevant. However focus group discussions and interviews revealed that such efforts have tended to concentrate on executive committees of local councils and specific land administrators¹⁰ leaving behind traditional land management institutions especially clans and *Rwoti*. For government services and programmes, such as NAADS that depend on land as a natural resource and use it as a major factor for production, it is important that their public education components integrate land issues in the recovery programmes in liaison with the Ministry of Lands, Housing and Urban Development.

2.4 Land Conflicts and Disputes

The context is such that statutory dispute resolution mechanisms under the Land Act cap 227 are currently lacking or not in place. Years of displacement have also substantially eroded the authority and outreach of traditional dispute resolution mechanisms. In addition, clarity on intent and meaning of customary law and rights is distorted resulting in abuse of the system within families and clans. However it is fundamental to establish the magnitude of land disputes and conflicts and various trends that have been taking place since the war began 21 years ago.

1. Nature of Land Disputes and Conflicts

In this study, a ranking of and description of the types of land disputes was undertaken from the survey results. A typography of land disputes reported in Amuru District, although not representative for all districts, is quite instructive (see annex 2);

- (a) the most prevalent type of disputes are boundary related ranking higher at 23% of the respondents, having a high of 28% before displacement, decreasing to 17% during displacement and steadily rising now to 25% as return commences (at time of study).
- (b) From FDGs and judging from the high rate in Lango (higher than Acholi), boundary disputes are likely to increase as return and recovery progresses. Land use disputes account for 18% and have been highest during

⁹ a power that the Government of Uganda has not exercised since the promulgation of the 1995 Constitution

¹⁰ Sensitisation acknowledged in focus group included Norwegian Refugee Council (ICLA), Ministry of Land, Housing and Urban Development, Legal Aid (Uganda Law Society), FAPADA and LEMU in Lango, NAADS Extension under Local Governments (District Programmes) etc.

- displacement because of the limited areas available within the precincts of camps and a short radius after the camp where the army could provide protection.
- (c) Illegal occupation of land by neighbors (early returnees) and relatives accounts for 17% of land disputes and is mostly felt during displacement by 19% of respondents, while trespass accounts for 16% of land disputes with the incidence rising as IDP return gains momentum.
 - (d) Inheritance disputes especially those related to land rights of widows and orphaned children, arising from the family (paternal uncles or clan heads) account for 13% of land disputes overall.
 - (e) Pursuit of land access by large-scale commercial interests, speculators and grabbers is causing tension in the Acholi region. Groups and individuals disenfranchised from the gains of transition from war to peace may resort to violence in order to survive, with serious impacts on the peace process.

2. Prevalence of Conflicts and Disputes

The survey sought to establish comparatively the prevalence of land disputes in the pre-displacement phase, while in displacement and at the onset of return, representing the post-conflict period. Results show that across the 2 regions, on average the trend of occurrence of land disputes has been steadily rising from 12.8% at the time of displacement for the respondents involved in the survey to 15.5% during displacement, and the current return or post conflict prevalence at 16.4%.

Samaritan's Purse – Uganda (SP), an international relief agency, recently carried out interviews at the community and local leadership level in Otuke County, Lira District, targeting one parish in each sub-county. SP found that with an increasing amount of return taking place, there are escalating numbers of land dispute cases reported in the return areas in Otuke County. In 5 months, an average of 45% of all cases reported in return areas were land disputes cases.

According to the study findings, disputes are mostly occurring on land that was left behind upon displacement, which on return has a dispute prevalence rate of 65%, mainly occurring in inherited land accounting for 71% and land given as a gift at 17%. This high level of prevalence is surprisingly not evident on land that was purchased which is standing at a prevalence rate of 3%. According to the FDGs, a number of people on return attach a higher value to land and thus are moving to individualize what was previously perceived to be communal land while rigorously defending what had been allotted to them for access, use and sharing by the members of the community, hence disagreements and clashes.

Camp areas also experienced high levels of disputes during the displacement period at a prevalence rate of 26% compared to communities that hosted or resettled IDPs whose dispute prevalence rate was 8%. These disputes were attributed to the struggle to access the limited land available close to the camp or within the camp itself, in the process overwhelmed land owners attempted to take charge and control their property. In most cases negotiations ensued which led to the gradual emergency of land rentals or shared cropping arrangements. However, disputes related to payments and charges set by land owners arose in the process.

3. Causes of Conflicts and Disputes

The study also investigated the causes of land disputes in general, on trend basis before displacement, during displacement and on return. Overall the results show that unclear or obscure land boundaries are the major cause of disputes accounting for 34% in the two regions mainly within families and with neighbors, followed by land scarcity (perceived) accounting for 15%. The perceived land scarcity drives all persons into a

state of jealously protecting the little land they have and reacting to the slightest provocation to protect their land. Displacement is also cited as a casual factor for land disputes by 14% of the respondents while 12% consider segregative tendencies to be the cause of land disputes. Obscure or unclear land rights are rated low at 10%. The situation on return (at the time of this study) shows that absence from the land instantly becomes the leading cause of disputes accounting for 28%, closely followed by unclear boundaries accounting for 27% of land disputes.

Regionally, boundary disputes are higher in the pre-displacement period for all regions, but highest is in Lango region at 48%. The variations between Lango and Acholi are attributed to the percentage or rate of return in each region, where by Lango has approximately 92% return rate while Acholi is just commencing return with a large percentage of its population still in return sites, decongestion camps or return camps. It is (according to focus group discussion) expected that the volume of boundary disputes and the perception of land scarcity will increase and probably surpass Lango region, by the time return is complete in Acholi region because of the fact that the displacement period was longer in Acholi (averagely 13 years) than in Lango (averagely 7 years).

Distress sales are not a significant cause of land disputes in relation to other causes according to the findings of the study as it is only 4%. Previous studies had speculated/predicted that there would be a high incidence of distress sales due to economic pressure to finance education, health and overall livelihood. FDGs revealed that this score may rise in the near future, especially in the Acholi region where sales that were made before or at the time of displacement are being revoked or dishonored outright by majority of land owners or parties to such transactions. A new phenomenon of "unfair allocation" by the traditional institution responsible for customary tenure is creeping up at 6% as a cause of and disputes especially for widows, children and the elderly (vulnerable groups)

2.5 Land Dispute Resolution

Given, the high occurrence or prevalence rates for most of the disputes, it becomes imperative to explore the disputes resolution avenues and to ascertain possible spill over trends from pre-displacement period to IDP return. It is clear that the occurrence of disputes on land is not a new happening but it is heightened phenomenon because of a changed environment (the impact of displacement) in which institutional capacities for response and containment both informally and formally are weakened or dysfunctional.

An aggregate of 16% of the respondents in the survey in both Lango and Acholi, returned to find their land either occupied or cultivated by unknown persons or unauthorized family members or occupied by early returnees or their boundary marks shifted from their original positioning or tampered with. Such findings have implications on the scale, nature and magnitude of land disputes likely to occur during the post-conflict period hence the need for robust institutional arrangements and legal response to counter or contain the escalation of such conflicts.

1. Foras and Institutions

Both Acholi and Langi have elaborate traditional dispute resolution systems; although those in Acholi land seemed to be comparatively more developed than those in Lango. Both systems are based and operate along the structure and organization of the clans. Depending on the severity of the violence the both the traditional dispute resolution system and the formal function alongside each other. While the formal system will proceed with hearing of the dispute whatever the verdict the traditional system will also proceed with cleansing and reconciliation rites even in instances where violence has resulted in death while the perpetrator is convicted and sentenced still the clan members go through payment of fines, cleansing and reconciliation.

Overall before displacement, 38% of the population sought the services of the clan or family, while 22% went to both LCI and 22% went to LC2, and 11% of land disputes to LC3 on appeal. The striking statistics are those associated with the Magistrates' Courts that tackled only 3% of land disputes, and the almost negligible number of cases that filter to RDC and CAOs offices for mediation.

The study findings reveal a gradual decline in the number of disputes resolved by clan and family institutions while in displacement from 38% to 31%, indicating the fact that the social-cultural context in camps changes community compositions and scatters clan and family heads irrespective of their origins but in line with security needs. LC 1 rises to 26% while LC 2 gains to 25% as appeals to LC 3 drop to 9%. The study further reveals that on return from displacement, family and clan involvement in dispute resolution declines further to 23%, as LC1 courts maintain their role in dispute resolution at 21% and LC 2 gains to 27% as it begins to function according to statutory mandate as the court of first instance with regard to land disputes, LC 3 appeals raise to 13%.

There is a multiplicity of land dispute mechanisms, systems and structures, especially at the grassroots (family, clan, LCs, RDC and LCV etc) which thin out as one goes higher in the hierarchy. It should be noted that the multiplicity seems to be creating variety rather than confusion amongst users to the extent that they are viewed as complimentary (both formal and informal). However the duplicity in roles, hierarchy and jurisdiction needs systematization, while recognizing the values and incorporating the roles of traditional institutions in defining the functions of statutory institutions.

In reality the study found a close interaction between these traditional dispute resolution systems and the local council courts. Although traditional institutions are not legally sanctioned to handle land disputes, they are in most instances the courts of first instance and the LC system is strongly dependant on their structures and services. When a dispute on land occurs the *Rwot Kweri*¹¹ or the *Won Pachu*¹² intervene first; however if a dispute involves violence then the local councils come in since they have powers to apprehend and punish.

2. Choice of Fora or Institution

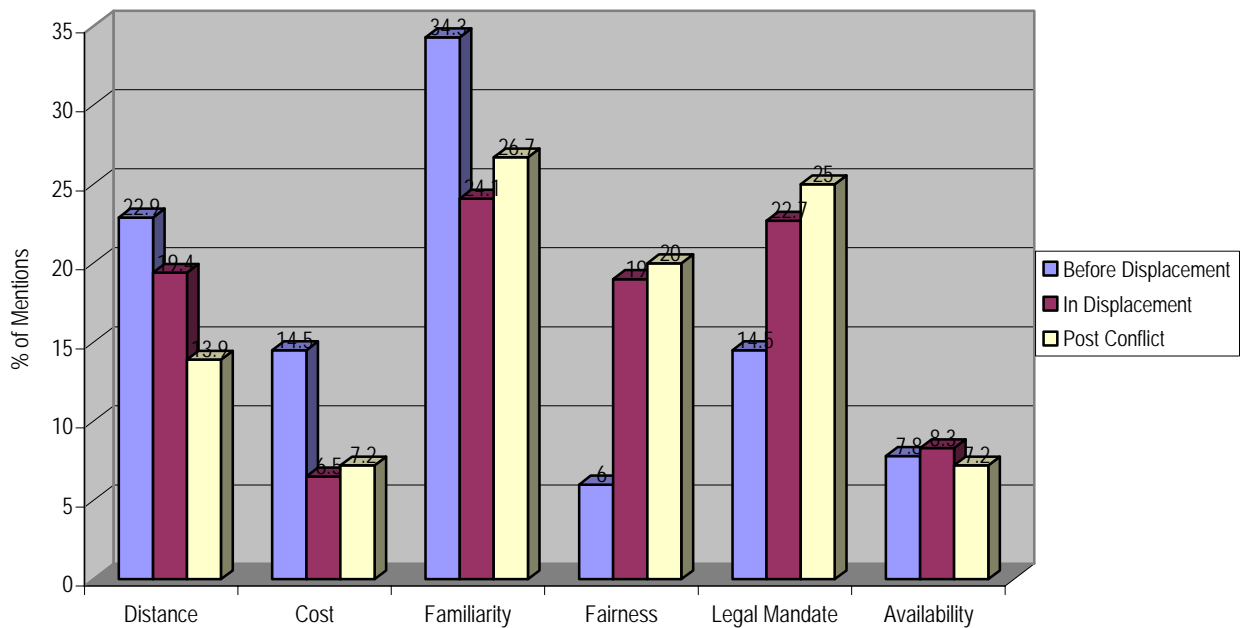
The study found that there are six factors which determine the choice of which dispute resolution forum aggrieved parties go to. *Familiarity* of how a particular situation operates or works was found to be the major determinant of choice of dispute resolution forum for 34% of the respondents before displacement, 24% during displacement and 26% upon return.

Before displacement, *distance* was the second most important determinant of choice of institution, it slides to third position for 19% of respondents during displacement and stand at fourth position on return, while *cost and legal mandate* which tied at 15% before displacement, become variably distanced with legal mandate becoming the second most important factor at 22% during displacement and retaining the same slot on return at 25%. Availability of particular option stands at 8% and fairness at 6% before displacement, fairness raises to 19% while availability stays at a low 8% during displacement, upon return fairness raises a notch higher to 20% and availability slides a notch lower to 7% as illustrated in the graph below

¹¹ Traditional community leader elected by a village assembly, who is responsible for resolving land use related disputes in society among the Acholi, often at village level

¹² Traditional Community leader elected by a village leading not more than 100 households and responsible for resolving land related conflict among the Langi.

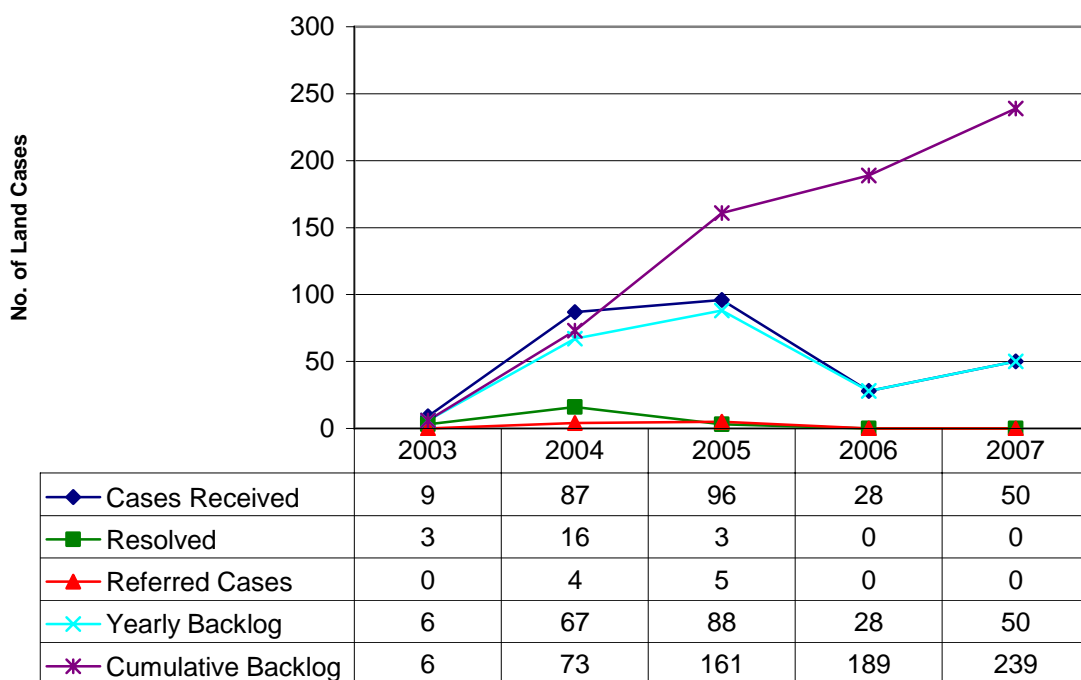
Figure 3: Factors for Choice of Dispute resolution fora



3. Rate of Disputes Resolution

Regarding the speed of dispute resolution, the results show a relatively high resolution rate in the period prior to displacement (52.9%), while in the displacement phase and at the time of the study the rates decline to 32.3% and 24.9%. In both the traditional and statutory institutions, there is lack of capacity for response and containment of disputes and conflict arising on return of IDPs this is because while the traditional institutions which have legitimacy are weakened and lack legality, the statutory/formal system is dysfunctional.

Figure 4: Status of Cases Handled at the Lira Circuit Tribunal (Lango Region)



Source: Land Tribunal/ Magistrates Court Records Extraction

The figure above illustrates the rate of dispute resolution for Lira Tribunal (now Magistrates Court). The case backlog grew from 73 in 2004 to 239 in 2007 at the time of study. In the same period the dispute resolution rate declined from 0.5 to 0. Out of the total 270 cases filed in the circuit tribunal between 2003 and 2007 only 22 were successfully resolved. This level of performance is dismal and illustrates the capacity of statutory dispute resolution compared available to the justice seeking public.

For the recovery and return period, the cost of moving the statutory structures to full functionality may be higher than equipping the grassroots institutions (both statutory and traditional) that are able to “nip the problems in the bud” before they actually sprout to unmanageable levels. According to interviews held during the survey, the absence of tribunals would not be gravely felt if the Local Council courts were equipped and in position to dispense justice¹³, since the majority of the cases to the tribunals were actually appeals.

2.6 Claims and Compensation

Twenty three percent of respondents indicated that on return their land was still intact as they left it or was being utilized by themselves during the displacement period. An aggregate 17% reported loss of resource tenure either by tree felling or set up of public utilities or infrastructure¹⁴ to service established IDP camps. Seven percent of respondents returned to find their land with either IDP camps set up or found their land encamped by the army or cultivated by the army. This finding has implications on the responsibility for compensation in relation to resource tenure loss and the institutional responsibility for restorative actions on land resources in relation to productivity and justice or rights protection.

Survey results show that 73% of the respondents in support of compensation as payment for loss, destruction or degradation of land, housing and property. The second best alternative to compensation is the actual resolution of land disputes alluded to by 10% of respondents in the survey followed by restitution calling for removal of illegal occupiers or users of land that does not belong to them which was preferred by 8% of the respondents. Only 6% opted for universally remarking or re-establishment of land boundaries and 4% thought the option of resettlement by government would be ideal for resolving land disputes claims in northern Uganda. The various claims investigated during the survey can be summarized as follow;

1. IDP Camps:

Six percent of the survey respondent who are land owners where IDP camps were / are located claim they are entitled to compensation on grounds of;

- a. Illegal / unauthorized occupation of their land in breach of their rights as owners
- b. Loss of income that would have accrued from their land during periods of occupation (ranging from 3 years in Lango to 13 years in Acholi)
- c. Degradation and loss of productivity due to change in land use from agriculture to camp settlements (even on closure of IDP camps the land will need 15 to 20 years to regenerate or regain productivity again)
- d. Land lost to placement of public infrastructure and utilities such as pit latrines, boreholes, water pumps, schools etc.
- e. Effect of occupation were not limited to the land occupied by the IDP camp alone but stretched to the surroundings up to approximately 3 km radius, which was intensively farmed and land resources (e.g. trees) degraded by IDPs occupying the camps, its fertility and productivity is equally affected and seriously reduced as a result.

¹³ Views of Chief Magistrate and Other Local Leaders

¹⁴ Public utilities such as schools, boreholes, access roads, etc

2. Army Detaches and Military bases:

Nine percent of survey respondent who are land owners where Army detaches or military bases were located claim that they are entitled to compensation on grounds of;

- a. Illegal occupation of their land in the breach of their rights as owners
- b. Destruction of their land with construction of protective ditches (“ndaki”) around their lands
- c. Destructions of houses, farms, animals and even produce that came with army occupation of land
- d. Felling of trees resources for firewood and charcoal by the army
- e. In other instances, the army cultivated the land they occupied.

3. IDP Returnees Property

Sixty one percent of IDP returnees who found their original houses either burnt or vandalized claim they are entitled to compensation either in form of resettlement packages. 45% of respondents were of the view that the resettlement packages (30 pieces of roofing iron sheets per household) are responding to this claim, while 38% of the respondents felt that this still needs administrative response for those in need to benefit.

There is no clear official policy on compensation in this post-conflict situations, there are conflicting signals from the government to the disappointment of expectant claimants and local leaders in both Lango and Acholi regions. The Minister for Disaster Preparedness, Hon. Tarsis Kabwegyere is reported¹⁵ to have ruled out compensation to land owners, who are currently hosting IDPs in northern Uganda, He made the following recommendation;

“Landlords demands are unrealistic as the landlords have instead benefited from the IDPs. it would not be fair to compensate landowners because the people only rushed to various pieces of land at different centers due to disaster caused by the LRA rebels since 1986. The land owners themselves became IDPs when the war escalated, they could not utilize their land during the difficult war situation. So why are people looking for compensation of their land from government? compensation for what?”¹⁶

He claimed that they said land had instead become more fertile and productive because of displacement, which attracted many people who made use of it. The remarks of the Minister upset the landowners and the leaders in the region, with some landlords threatening to sue the government for damages caused to their pieces of land. According to records in the Gulu Magistrates Court, one landlord in Amuru District has so far successfully sued the local government for compensation due to set up of a motorized water utility pump on his land during the set up of a satellite camp. This is setting precedent in terms of litigation cases that are likely to follow.

In addition, the views of the Minister do not rhyme with those espoused by his junior colleague Hon. Musa Ecweru who had earlier said that government would assess the damage done to the landlords’ land and property as a result of IDP settlement and effect compensation. To date there is no institutional structure in place to receive such claims for compensation, let alone sieving out which ones are genuine, legitimate and deserving considerations for compensation.

2.7 **Post –Conflict Vulnerable Group Issues**

The female headed households, the child headed household, widow, orphans and children have been classified by various civil society and humanitarian agencies as

¹⁵ Sunday Monitor, June 10 2007 page 3

¹⁶ Sunday Monitor, June 10 2007 page 3

“extremely vulnerable individuals” (EVIs) constituting 8.4% of the non-returnees still in the camp who need specially tailored interventions. These groups have failed to assimilate / resettle or have not joined in the exodus back home and have remained in the IDP camps. They lack the financial and human capacity to rebuild their shelter and livelihood in the place of origin, given that the social safety nets that would have held them are either weakened or broken.

- (a) Lack of proper shelter, due to denial of land rights especially for orphans by relatives and guardians, instead grabbing land which is rightfully for orphans and widows or violation through sale of land and household items these face threats of disinheritance by clan leaders and relatives for 22% of survey respondents and boundary extension by neighbors for 36%
- (b) Clans and family heads are denying responsibility of allocating arable land for use to orphans and widows as the social system is weakened or has failed to re-establish itself self to original values that provided safety of 15% of survey respondents.

In terms of dispute resolution, Male Head Household (MHH) and Female Headed Household (FHH) have differential experiences, FHH take long to have their land disputes resolved and this trend has not been reversed during displacement and upon return (post conflict) taking an average low of 2 months to a high of 8 months to resolve a particular dispute, while the MHH takes a minimum of 1 month to a maximum of 6 months

Studies reviewed (prior to undertaking this survey) pointed out that an increasing number of land transactions were taking place since displacement started, often to the disadvantage of indigenous customary land rights holders and the extremely vulnerable groups of either orphans or widows, or even female headed household propelled into the land market due to the socio-economic squeeze or due to absence of livelihood options, hence a higher probability of descending in abject poverty or destitution upon return or at the end of displacement. However, the most peculiar finding is that less 3% of respondents engaged in land purchase and sales, contrary to assertions of the need to control the negatives effects of land sales that were speculated to happen during displacement.

For comparative purposes, transactions since IDP return commenced were investigated, and the findings show that there has been a drastic fall in land renting from 57% during displacement to 11% since IDP return commenced; similarly borrowing dropped to 5%, while sharecropping is at an insignificant 2%. However, the most peculiar finding that re-affirms the low level of land transactions so is that far on return 81% of respondents had not engaged in any land transactions since movement out of camps commenced.

2.8 Status and Performance of Land Administration Institutions

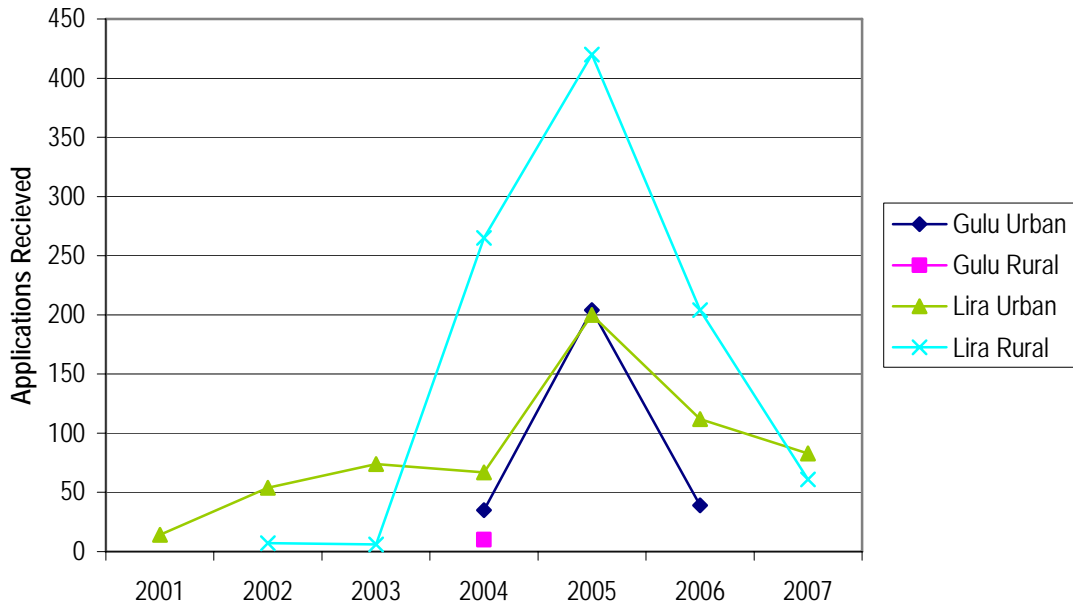
The statutory decentralized land administration structures (under the Land Act Cap.227) i.e. DLBs, DLOs, Area Committees and Recorders (at sub-county level) would be sufficient to handle land services delivery in a post-conflict situation but almost the entire infrastructure is not on the ground and is non functional. The state of records in land offices was found to be very poor and in some instances, the districts were unable to produce records because they were not in existence or there were administrative wrangles¹⁷. Only Gulu and Lira land offices had records that could be extracted.

In terms of applications for titles, results show a sharp rise in the number of applications at the beginning of 2004 mainly in Lira for Lango Region. However the peculiar comparison is in Gulu land office which serves Acholi region where virtually no rural land

¹⁷ As is the case with Kitgum District, which has a spill over to Pader District

is being titled and relatively the same level of demand for titles in the urban as equal to demand in Lira urban. See figure below;

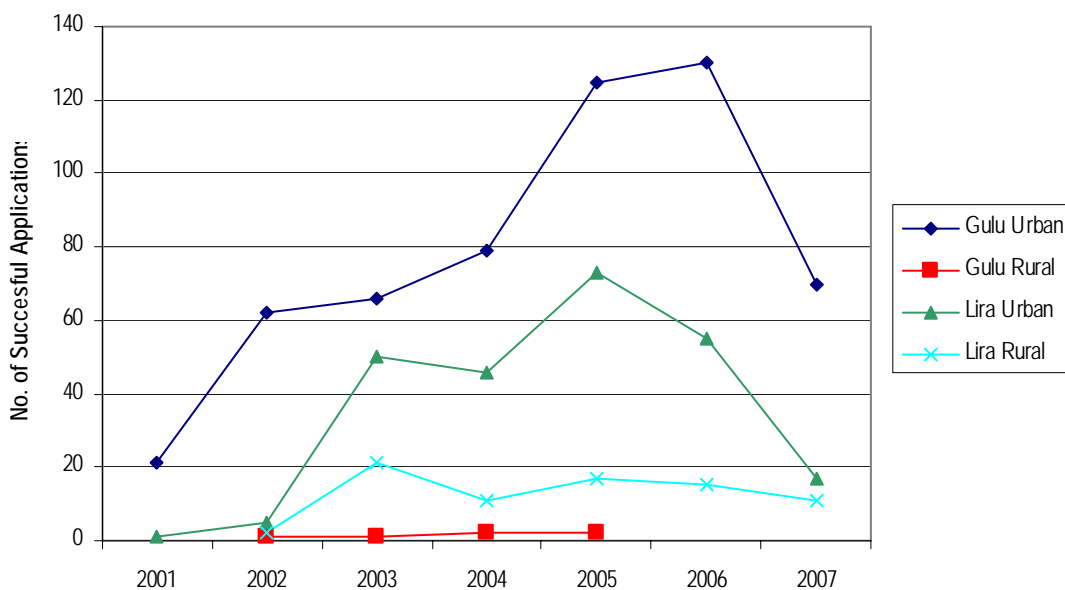
Figure 5: Applications for Land Titles Received at Gulu and Lira Land Offices



Source: Lira and Gulu Land Office Records

Looking at capacity to deliver in relation to demand, amongst the applications received, successful application for which title was issued, it is observed that successful issue of titles rose in the period 2004-2006; particularly in urban Gulu compared to urban Lira while rural Gulu more or less had no titling activity compared to rural Lira which depicts a relatively low but stable pattern of successful titling graphically illustrated in figure below.

Figure 6: Successful Applications for Land Titles (Gulu and Lira Land Offices)



Source: Lira and Gulu Land Office Records

The illustration shows that despite the lower volume of applications in the Gulu office the capacity to respond is very high as almost all applications are processed; however there is a sharp decline since return commenced. Lira office's capacity to respond to the enormous applications for titling rural land is low, as the results show the highest number of unprocessed applications in the rural compared to urban output which is higher despite having lower applications than the rural, this shows that urban applicant are still the preferred clients for titling.

These trends are also as a result of administration capacity within the districts for the institutions charged with the delivery of land services that have been severely affected by social dislocation and break-down of state infrastructure and the capacity/resource gap for delivery of land services is enormous.

- (a) All District Land offices (Lango and Acholi) that technically support district land boards in the delivery administration are not fully equipped, especially the new Districts in the regions, Only Gulu is able to recruit half of the staff capacity required to deliver land services. The District Surveyor supposed to serve a District Land Office for example in either Lira or Gulu is now serving Lango and Acholi regions respectively.
- (b) 4 out of the 6 districts have constituted District Land Boards that are functional, 2 districts have constituted land boards that are yet to function, and base institutions (area land committees) to support the functions of the District Land Board at the apex are only in Lira and Gulu districts.

3. EMERGING ISSUES AND RECOMMENDED ACTIONS

3.1 Principles and Best Practices

To appreciate the issues and articulate actions for redressing them, it is important to embrace international best practices and critical challenges that have cut across different post-conflict situations, to draw principles for applicability in Uganda's Situation. Normative frameworks for tackling land matters in relation to IDP return, resettlement and reintegration, put forward the following principles and best practices from international experience, which need to be kept in mind when dealing with land policy and land administration:

- (i) The core issues in relation to conflict potential and land are: "security of tenure", "access to land" and "equitable distribution of land". These are not objectively given, universal, or independent from one another, they are socially constructed.
- (ii) Land policy, as an element of peace-building missions, tends to be under-rated and has received little attention yet land policy clearly plays a fundamental role, in recovering from conflict, and ensuring that further conflict does not follow.
- (iii) Tenure security is only and only achieved if a persons' interest in land can be successfully defended when challenged.
- (iv) Land policy is context specific and embedded in political, social, cultural and ecological conditions that affect its outcomes.
- (v) Management of disputes and claims calls for the establishment of mechanisms and agencies to support the post conflict land administration
- (vi) Rights of vulnerable groups need to be specifically protected in policy and administrative undertakings.
- (vii) Lastly, land policy must strive to have an institutional approach and create institutions and laws to meet claims for property restitution (recovery), resettlement and compensation.

The following strategic areas and critical challenges must be addressed:

- (i) The need to provide land for people who are landless or who cannot return to their homes. Restitution of land to its lawful owners and establishment of procedures to compensate people for whom restitution is not possible or consideration for resettlement. This will require the establishment of procedures to compensate people with various claims.
- (ii) Re-defining roles and responsibilities for land administration; central and decentralized government agencies, customary authorities. In addition, the issue of how to build capacity rapidly in order to provide land administration services, considering all available alternatives
- (iii) Government's financial and institutional capacity to implement the policies should at all times be borne in mind and the timeframe for addressing the issues (immediate / urgent, short, medium and long-term).

The choice of whether such matters should be handled legally or politically, (in which case both avenues are justified in the law and in policy) has to be made. Legal processes are likely to be cumbersome and costly not only for the rights seeking public but for Government since the sums involved will continuously swell as legal processes take time. In the alternative, it could be handled politically through a designated government department.

3.2 Context of IDP return

The prospect of peace and security is now more in sight than ever before, the ability of people to return and reclaim their property is a key sign of peace and normality.

Improvement in security is resulting in un-interrupted and continuously rising levels of IDP returns in both Lango and Acholi sub-regions. The sustenance of this momentum and eventual conclusion of IDP return is however dependant upon;

- (a) Successful conclusion of the Juba Peace talks, to rid IDPs of the scepticism about peaceful and irrefutable return.
- (b) Provision of socio-economic services and infrastructure in the villages that IDPs are returning to.
- (c) Facilitation of extremely vulnerable individuals (EVIs¹⁸) to manage their own return process and re-establish their livelihoods
- (d) Clarification of the status of tenure (including opportunities for negotiated stay) of land where IDP camps have been located, in relation to the realities that the land owners have to face upon camp closure and how to manage the populations that are unable to return.
- (e) In addition, is the need to investigate and gain understanding of the tenure and land administration implications of setting up transit sites, satellite camps or return sites in Acholi land whose scale and magnitude may replicate concerns already raised in relation to main camps on a much larger scale, and at lower levels for a shorter duration.

3.3 Tenure Security

Displacement and return has worsened tenure insecurity, compared to the pre-displacement period, and in some instances it has sparked off new fears and tenure phenomena that were not in existence before displacement.

(i) Customary Tenure

Customary tenure is the dominant land holding system for northern Uganda (covering over 90%); it comes with its attendant customary law for administration and dispute resolution, as well as institutions to enforce the customary norms and practices. On ground, the legal recognition¹⁹ is yet to deliver any significant meaning or change in the status of customary, it has continued to be undermined and ridiculed, while offering titling and registration to freehold as the better alternative. Customary tenure has survived the rigorous of displacement in the short-term and is still the preferred tenure in post-conflict situations, However it has presented a number of transformation summarized in the table 6 below.

Even though customary tenure survived, its benchmarks and values are undergoing transformation. It is the recommendations of this study that:

- The possibility of codifying customary tenure; especially the reasons behind it, its operations, practices etc. so that they are understood and written down for legal precedent in case of litigation.
- Customary tenure on its own has capacity to evolve, therefore this calls for institutions and frameworks that will enable it in its own due course to gradually move on to registration. However, should it become a necessity to consider certification or registration, then it should take place with emphasis on family ownership. There is no need of pushing certification and registration when the local populace doesn't seem to be ready.

¹⁸ the extremely vulnerable individuals (EVIs) include the sickly, the elderly, the disabled, widows, orphans, female headed households and child headed families who lack the financial and human capacity to rebuild shelter and livelihood at place of origin, Evidence shows that return of groups is not smooth as the social structures that would consider their interests and needs are either weakened or not in position to effect actions despite the necessity.

¹⁹ Offered by the 1995 Constitution of Uganda

- In addition registration and certification under Communal Land Associations for Common Property Resources and Communal land which are at risk of individuals grabbing them is a necessity and is favored but the legal processes and procedures require reform by ensuring that the rules of procedure for land administration and implementation of the Land Act Cap. 227 which are already formulated are put in use and the Officers supposed to spearhead such a process, in this case district Registrar of Titles are recruited and facilitated to execute their mandates and duties.
- Original jurisdiction for dispute resolution and land administration over customary tenure should rest with traditional institutions (clans) and to the extent possible these institutions need to be integrated into the statutory land administration system.

Table 6: Characteristics of Customary Tenure in Lango and Acholi

GENERIC (PERCEPTION)	REALITY (ON GROUND)
(i) Insecure tenure because there are no titles	(i) Secure because, it is known, understood and the values appreciated by the owners and users (both distinctly known)
(ii) Better to have individualized registered land	(ii) Fear titles they are given with the ulterior motive of grabbing land by government
(iii) Customary land is collectively owned by clans or families, heads of families are trustees or stewards	(iii) Individualization at family level is on the increase in Lango (iv) There is still a lot of land communally owned in Acholi sub region
(iv) Clans do not allow customary tenure to be titled	(v) Individual household heads (despite the fear of the unknown and clan reaction to such a move) would not mind titling their customary tenure.
(v) Clans have authority and power to control and make accountable household heads on their actions on land such as sales	(vi) In Lango region clan control is not as strong as in Acholi region. The Acholi regard their land collectively as "Acholi land"
(vi) Common property resource areas and common land are communally held	(vii) CPRs though still open to community access are under the greatest threat of individualization and appropriation.
(vii) IDPs on return will not be able to locate boundaries to their land because it is not demarcated	(viii) Not a serious problem in Lango. Cannot be ascertained yet in Acholi as return is still low.
(viii) Customary land tenure administration systems have collapsed due to war and displacement cannot manage IDP return process	(ix) Customary land administration has weakened variably, however there is vigorous revival of these systems through the institution of <i>Rwot</i> in both sub-regions.

Rugadya and Nsamba – Gayiyya, 2008

(ii) Threats to IDP land

The study found that IDPs have many fears about their land. Some fears are real while others are just perceived as shown in table 7 below. The major threat is that of Government massively grabbing land either directly or indirectly through military officers. The IDPs and political leaders suspect that government has intentions of grabbing land and giving it to investors. Evidence on the ground did not point to a single case where government had grabbed land. However some high ranking military officers were reported to have grabbed land in Acholi particularly Amurru Districts and the elite Acholis in Kitgum District.

Table 7: Threats to IDP Land on Return and Resettlement

THREATS TO LAND (REAL AND IMAGINARY)	IMPLICATIONS
1. State grabbing land for investors	<ul style="list-style-type: none"> Proposals by Madvani to acquire 40,000 Hectares for Sugar growing interpreted as an indicator of what is to come and the level of sophisticated approach to grabbing land
2. Military officer grabbing land, and manipulation by the “elite” in position to manipulate the institutional, administrative and legal framework to deliver land through “undue” titling processes to themselves	<ul style="list-style-type: none"> Numerous cases detailed in Amuru, where local leaders feel powerless to intervene are taken as evidence
3. Double Claims by Clans; land occupied before displacement; and the ancestral areas where such clans migrated from	<ul style="list-style-type: none"> Likely to result into inter-clan and intra - clan violence and fights over ancestral land on clan basis Media, CSOs role worsening this perception and needs disentangling
4. State backed land grabbers; especially pastoralists (<i>Balaalo</i>)	<ul style="list-style-type: none"> Local populace’s mistrust of government’s intentions on land in northern Uganda. Continued stay of Bahima pastoralists is a direct threat and evidence that local government cannot tackle the issue.
5. Fear of operations of the land market and susceptibility to heightened sales on return of IDPs	<ul style="list-style-type: none"> Real and genuine threat on ground, since IDPs are devoid of alternative survival and livelihood means
6. The proposed urbanization policy of creating rural growth centres out of the IDP camps	<ul style="list-style-type: none"> Skepticism and opposition to any government programme or plans on land without rationality
7. The proposed introduction of systematic demarcation or titling	<ul style="list-style-type: none"> Introduction without adequate preparation and information to leaders and local populace can easily degenerate into conflict or violence a concerted effort towards “assurance of rights for the Acholi and Langi” not only in words but also by actions that move to curtail particular threats
8. The camp decongestion policy currently being implemented	<ul style="list-style-type: none"> New tenure issues and compensations issues being replicated to a wider scale without due assessment.
9. Claims that government owns land in the north, that can be given to investors or ‘politically connected individuals’	<ul style="list-style-type: none"> Acholi Parliamentary Group insists that this land belongs to the community thus challenging Government on the ownership e.g. Aswa Ranch Need to set and broker equity conditions in investment agreements with investors on return of IDPs to in order to bring the vast land resources into production.
10. Marriage and Succession: Gendered Access and Use and re-stabilisation of production relations and return of fallow land to production; access and use are being redefined for users of land;(women and children)	<ul style="list-style-type: none"> population of Lango and Achoil sub-region now significantly aware of the appreciating economic value of land subjective decision making to the disadvantage of would be producers (EVI’s) weakening the obligatory and sanctional values of “clans” to support socially weak groups within society

Rugadya, 2008

The possibility that violence will erupt if fears and suspicions are not addressed is very high. The situation is not helped by the fact that there is a low level of understanding of law and policy on land amongst the local populace. It will be important to bring together and engage key state players such as the army, local government officials, central government and cultural / religious leaders of IDPs in dialogue for purposes of creating a common understanding and mutual trust on land matter to avoid suspicions and

mistrusts. Such communication reduces confusion and improves transparency of government. As regards pastoralists, it is suggested that their movements are either controlled or totally banned.

In addition, public education and information campaigns are critical in the entire process. Programmes should be implemented to keep the public informed of the development of policies, strategies and actions. Early public information and education campaigns about land-related issues can help to clarify issues and correct false assumptions. Information should also be given to advise people how to protect their land rights, and on the rules and procedures for restitution, compensation, resettlement, and formalization of rights. A wide range of messages need to be created for different audiences and using different media and for and different actors. UN-habitat and UNDP together with other UN Agencies have recognized the importance of such an approach and are committed to developing specific IEC materials responding to land issues in northern Uganda with a view to ensuring that appropriate information is passed on to audiences.

(iii) Registration and Titling

It is important to note and plan with the understanding that there is a divide amongst leadership and the people of both Acholi and Lango, with one side inclined to the legitimacy offered by customary tenure as being still relevant and affordable while on the other hand is the undeniable trend or thinking gravitating towards the advantages offered by the legality and enforceability of rights. It is also clear that understanding and appreciation of the pros and cons of titling within regions is known. A number of threats to indigenous customary interests are evident (illegal occupation and logging by army, investors and government schemes) more so for the weak groups, fear of a scheme to grab Acholi land and land grabbing by neighbours and relatives has intensified, protection of the weak has declined, since there are no more “walking and talking deed offices with legitimacy” upon IDP return. All these would provide the appropriate justification to undertake titling however, consensus has to be built on a number of issues or modalities, if titling is to be considered as one of the solutions:

Experience world wide shows, that tenure insecurity in post-conflict is often addressed through clarifications, titling and registration initiatives, sometimes initiatives to demarcate and record tenure rights without granting title can improve security of tenure for customary and indigenous rights holders. However, such approaches need to incorporate dispute resolution, mediation and consensus-building measures. To improve tenure security, 55% of respondents in this study considered demarcation an important aspect, based on the participation and approval of traditional institutions and leaders in their areas.

(a) What would be the objectives of titling?

Before making the decision and attempt to resolve land issues through titling in northern Uganda, it is important to discern the purpose that it would serve and create consensus on the objective with the leaders in the sub-regions and the intended beneficiaries. The conventional reasoning²⁰ offered by the most proponents of titling, is not sufficient ground. In the interim at least the primary inclination appears to be secure re-definition and adjudication of rights and interests in land, probably up to the level of mapping / demarcation addressing the need for equity, tenure security and reduction in disputes or

²⁰ (1) that customary tenure is constraint to development – therefore replace with Freehold (2) land titling as a means of increasing tenure security., (3) presumption of a direct causal link between formalization of property rights and economic productivity (4) increased tenure security hypothesized to enhance investment incentives and raise agricultural productivity (5) increased tenure security was presumed to facilitate land transfers, stimulate the land market and increase the supply of land on the market (6) the presumed link between formal title and access to credit facilities

conflict, the second level would be to secure the common property resources that are consistently falling to pry by those who feel the need to expand acreage or extend use. This implies that the highly valued economic effects of titling or demarcation would be residual outcomes that may or may not be realised in the short-term or the medium term.

(b) Which is the appropriate approach to undertaking titling?

It is distinctly clear that from the findings of this study that it would be ideal to pursue a gradual process, aimed not at replacement of customary tenure but an adaptation of titling to the conditions presented by customary tenure; such an approach will only be successful if it is backed by extensive public education and sensitisation before commencement of the process. Such public education and sensitisation has address the following issues; how the communities can common resources and common property rights on communal lands or collective rights; how the family / household claims and rights will be dealt with under clan lands that has been the titled.

Secondly, the potential for loss of secondary or derived rights provides the challenges on how to ensure the rights of vulnerable groups such as widows, children Persons Living with HIV/AIDS and Persons with Disability. This calls for understanding, information and sensitization on how the interests and rights of the family or individual are addressed within such an arrangement and the modalities for community exercise of the various “bundles of rights” in land.

(c) Multiple Rights and Interests

The challenge is how to capture and codify the incidents of customary tenure; the sets and subsets of secondary interests, and the various social and economic interests on customary land. Customary tenure is such that it has a holistic “bundle of rights”²¹. It is also a fact that formal institutions for control and management of resources are ill-equipped and incapable of recognizing intricate needs of particular grassroots communities. There have been suggestions that group rights over extensive areas be demarcated and registered under cultural trusts (such as the Acholi cultural trust or Lango Cultural Foundation) are possibilities here as opposed to individual titling. However, this approach is proposed by the elite leadership in the sub-regions, without adequate consensus amongst themselves²² and is still to be endorsed by the communities whose level of understanding of such a proposal is limited. The major challenge or fear associated with this is the possibility of manipulation by the elite and powerful, opening up of new possibilities of conflict and insecurity.

(d) Balancing Legitimacy and Legality

It is expected that on return, resettlement will not be based on clan loyalties; given a much younger generation and diminished clan authority. It is recommended that in most cases a blend where feasible be allowed to emerge, producing a system that embraces the traditional clan system, accords statutory powers and functions of modern institutions such as Local Councils or Area Land Committees to blend. This not only recognizes the new changes brought by war but also the fact that the erstwhile clan bonds and traditional land authority systems may be mal-functional or dysfunctional,

²¹ (1) The right to derive benefit from the asset (Use right), (2) The right to decide who shall be permitted to use the asset and under which conditions (Management right) (3) The right to derive income from the use of the resource (Income right) (4) The right to consume destroy and transform the land (Capital right) (5) The right to sell give away or bequeath the asset (Transfer right)

²² From the interviews and Focus group discussions evidence of rivalry as to who should spearhead such as process and a clash of egos amongst the local leaders was evident on how to carry forward customary tenure in Acholi region: there is lower level dismissal and disassociation from the concept of Acholi trust despite the fact that it is evidently an innovative approach that is able to withstand the market vagaries that are likely to arise with titling of customary tenure and help deal with the numerous fears to this programme.

despite the fact that it may still have measurable influence in relation to socio-cultural functions, though not as an authority system over land resource use.

(e) Dispute Resolution Mechanisms

Experience has shown that many types of land disputes are best managed outside courts; since court's capacity to process claims efficiently and transparently is often constrained (mediation and arbitration are particularly useful in customary and community based mechanisms). Lack of knowledge on law and options available for redress creates tensions. Activities that focus primarily on strengthening the justice system and rule of law are relevant. However, the key is how to will integrate existing traditional ones that have been weakened by war and displacement, yet offer an option for amicable and reconciliatory ways of addressing land disputes and claims, because within the traditional institutions dispute resolution is not about passing judgment but is a mediation process.

3.4 Policy Framework

Assessing policy and law on land in conflict and post conflict situation rotates and revolves around four major principles which are the defining parameters on property rights; commitment to protect land (property; during displacement) and possessions; commitment to resettle and reintegrate IDPs on return by acquiring land or; by availing mechanisms for recovery (restitution) of IDPs' land and compensation in event of loss of land or property;

(i) National Policy for Internally Displaced Persons (NPIDP),2004

The NPIDP places the responsibility or restoring land to the returning IDPs (restitution) on local governments without elaborating on the implementation mechanisms. The NPIDP requires local governments to resettle and reintegrate the returning IDPs by "acquiring or recovering their land in accordance with the provisions of the Land Act" and where recovery of land is not possible, Local Governments shall endeavor to acquire and allocate land to the displaced families. Once again no strategies are stated in the policy. Where is the free land to allocate? It should be noted that Uganda does not have a national involuntary resettlement policy. The NDIP assumes that IDPs will return and it does not make provision for the IDPs who may be forced to stay in camps for ever or those whom may not opt to return to their areas of origin.

It is the recommendation of this study, that the NPIDP be amended and guidelines for implementation of its provisions on property rights drawn. The amendments and guidelines should include the following;

- Relocate the responsibility for restitution (recovery) and resettlement from local government to central government (specifically Ministry of Lands, Housing and Urban Development) because they have neither the resources nor technical capacity, and indeed such an undertaking is a state functions befitting national attention.
- Tackle the issue of those who may wish to remain in the areas of displacement given the opportunities offered in the new location and the advantages of urbanization rather than return home.
- Guidelines on quantum and quantity of interests to be considered for restitution or resettlement, eligibility criteria, assessment criteria, verification of claims and execution of claims. This virtual constitutes the resettlement guidelines. There will be need to note the peculiarity of northern Uganda in claims verification given the fact that customary tenure has no records, other forms of evidence will need to be considered (see recommendations on institutional framework).

(ii) National Land Policy

The draft national land policy (NLP) upholds the land rights of IDPs under the principle of enhanced equity and social justice in society. But the national Land Policy lacks in-depth analysis of post-conflict land issues and proposes only one strategy in the entire document i.e. *resettle all internally displaced persons in their areas of origin and guarantee their security of tenure* (para 50 (iv)²³. The policy's emphasis is only on resettling IDPs in their areas of origin. This fails to address the desire of those who may prefer to remain in camps or around the IDP camps which places have over the years become urbanized and currently offer opportunities, facilities and services which may not be readily available in their places of origin.

It is hereby recommended that the following principles be adopted by the National Land Policy as detailed under the UN Pinheiro Principles for return and resettlement of IDPs and Refugees, especially those relating to four principles;

- (a) IDP return without restitution is an incomplete solution to displacement or resettlement.
- (b) the right to return is not an obligation to return nor a condition for restitution of property.
- (c) Failure to physically return due to security or potential threats, doesn't not extinguish a person's restitution rights
- (d) compensation is an acceptable substitute for the physical recovery of original homes and lands if it is factually impossible, however it should be voluntary not obligatory

In terms of land administration, the only envisioned mechanism seems to focus on dispute resolution and does not address the rather important aspect of delivery of land services and ascertainment of rights. It is hereby recommended, that the National Land Policy Working Group of the Ministry of Lands, Housing and Urban Development adopts the findings of this study in as far as they tackle land policy issues and adopt the submissions detailed in this report to ensure that the current gaps in the policy draft on resettlement, restitution and compensation in post conflict land administration are dealt with, in addition the consideration of improved delivery of land services, ascertainment of rights and the critical role of traditional land administration and dispute resolution institutions is recognized.

(iii) National Resettlement Policy

There is overwhelming need for a resettlement policy, given the issues of failure to return or the preference to return to other areas other than the location from which displacement happened. This need has been articulated by various studies and continues to present a gap in relation to principles of resettlement hence has to be addressed.

3.5 Legal Framework

(i) The Constitution of Uganda

The permissible grounds for Government to invoke powers of eminent domain to appropriate land are restricted under Articles 237 and 26 of the Constitution and do not include resettlement. It is recommended that the Constitution be amended to include resettlement as one of the grounds.

(ii) Land Act Cap 227

The current legal framework as elaborated under the Land Act Cap. 227 and the Land Acquisition Act Cap 226 does not sufficiently take care of post-conflict land issues,

²³ Draft 3 of May 2007

although section 41 of the Land Act (LA) provides for the establishment of a land fund, to be used, among other things, to “resettle people who have been rendered landless by government action, natural disaster or any other cause”. In the first place, the Land Act cap 227 still lacks guidelines or principles to apply for resettlement; clearly elaborating who qualifies to be resettled, on what terms and conditions? Secondly the power of compulsory acquisition of land given to government under section 41 (6) is unfortunately limited to registered land occupied by lawful or bonafide occupants to enable them acquire registrable interests pursuant to the Constitution (article 237 (9)(b) of the Constitution). The interpretation is that Government cannot invoke powers of eminent domain to compulsorily acquire land to resettle IDPs –this is a serious constitutional and legal lacuna!

No legal provisions for resettlement except under section 41 of the LA which provides for the establishment of a land fund, to be used, among other things *to “resettle people who have been rendered landless by government action, natural disaster or any other cause”*. There is need for regulations and guidelines to implement this provision. The Land Fund, since its establishment, has lacked an appropriate administrative and institutional framework, resources and capacity. Currently responsibility is tasked to Uganda Land Commission which is unable to fulfill this mandate because its previous operation have not been driven by pertinent issues but it has been utilized for political correctness hence lacks direction.

In addition, there will be need to decide whether compensation claims arising are to be tackled legally or politically. It is also not clear, the extent of compensation and how far it will stretch on land. The elements to compensate need to be agreed on and these include the following; use of land, occupation, degradation and harvested resources such as trees. Furthermore claims verification process needs to be cognizant of land owner out to make false claims especially if IDP directly covered the cost of occupation or use of land during displacement. Hence three aspects of managing compensation need to be clarified; verification of claims, determination of compensation and the assignment of institutional responsibility.

(iii) Land Acquisition Act Cap 226

The Land Acquisition Act Cap 226 which is the principle law on compensation was enacted in 1965 and it is not only outdated but many of its provisions are inconsistent with the constitutional provisions under the 1995 Constitution (especially article 26). The compensation provisions in the Land Act which is a recent enactment are not sufficient to handle the likely compensation claims as detailed in this study. The law does not provide for the basis of assessment; it does not state what is legible and not legible for compensation; it does not state who will be responsible for assessing compensation. The only basis of assessment is in section 41 (6) and it is restricted to only registered land occupied by lawful or bonafide occupants. Section 72 of the Land Act limits itself to compensation claims in relation to damages and losses arising out of official encampment of on private land by any officer of Government. The section however does not apply to the encampment of any authorized security forces. The LA does not specify the modalities to be used in making the claim and the principles to be used in assessing the quantum of compensation.

Since there is an on-going comprehensive reform of laws relating to land, it is the recommendation of this study that all matters related to compensation be incorporated under the Land Acquisition Amendment Bill. The Land Acquisition Act Cap 226 (LAA) should be amended and harmonized with the Land Act Cap 227 and to comply with the constitutional requirement for prompt, adequate and fair compensation prior to the taking. The LA & the LAA should be amended to, among other things, provide for what is eligible for compensation as well as the basis of assessment. The full structure and

framework encompassing basis for assessment of compensation, determining quantum and interests to compensate, verification of claims and processing of claims.

3.6 Institutional Framework

The mechanisms for land administration in northern Uganda have undergone dramatic and irrevocable changes during the displacement period and the post-conflict era²⁴.

(i) Institutional Framework for Restitution and Compensation

In essence the right to restitution cannot be differed or denied; however, there is no established institutional framework to handle restitution (recovery of land), resettlement and compensation. The IDP Policy points to local governments as the responsible centres for recovery of land (restitution) and resettlement where recovery is not possible, but the level of local governments and specific agencies of local governments are not specified. In addition, issues arise on whether local governments have the institutional capacities to handle this delicate work? In the case of acquiring land for resettlement, do the local governments have resources? They neither have technical capacities nor do they have financial resources to undertake such an enormous task (see 3.7 compensation frameworks)

(ii) Institutions for Land Administration

The core function of land administration should be shared between the customary authorities and the statutory institutions established under the Land Act, i.e. Area Land Committees (ALC), Recorder at the sub-county level and the District Land Office. Institutional responsibilities must be assigned for administrative issues such as restitution and resettlement, evictions, management of public lands and abandoned private lands.

a. Statutory Institutions

The statutory decentralized land administration structures (under the Land Act) i.e. DLBs, DLOs, Area Committees and Recorders (at sub-county level) would be sufficient to handle land services delivery in a post-conflict situation but almost the entire infrastructure is not on the ground and is non functional. The land administration systems have suffered greatly from social dislocation and breakdown of state infrastructure. In the north and northeastern region, the capacity/resource gap for delivery of land services is enormous. The core issue is therefore in ensuring land institutions and infrastructural revival.

Local governments do not consider resource allocation and staff capacity for land institutions at district level as a priority, hence they are understaffed and under resourced not only at the apex, but the base institutions such as Area Land Committees are not yet set up or operationalized, hence the system is crippled from the bottom and is hardly able to deliver land services without operational base support.

b. Customary Institutions

In addition, the current framework fails to adequately locate the roles and functions of traditional / customary / informal land administration institutions. Clan leaders such as the Rwot Kweri can go through additional training, which can help in formalize some of the customary mechanisms and help create a layer of transparency and accountability. In this light it would be helpful to codify some of the customary mechanisms. It is important to consider that though customary institutions have traditionally provided some protection for vulnerable groups such as women, this is not always the case. Thus codifying customary principles for land administration can help create some level of accountability and self check.

²⁴ CSOPNU, 2004

One of the findings of this study is that there have been serious misinterpretations of law leading to increased tension. Therefore not only is it imperative that relevant legal documents are translated into local languages but also that there is a government agency²⁵ that vets all sensitization materials pertaining to legal documents that are used to train customary institutions in order to ensure that facts in law are interpreted correctly. Customary institutions will also need the financial resources and capacity building that would enable record keeping. Additionally, legal documents should be translated into local languages so that they are more easily accessible to customary institutions. Though customary institutions are flexible and needed players, they are prone to some of the same faults as statutory institutions such as corruption, and thus along with knowledge and skill training there needs to be the formation of a self-check mechanism for customary institutions.

(iii) Land Conflict and Disputes Management

Currently, there is no adequate institutional capacity to manage or resolve land disputes. Targeted institutional strengthening or capacity building to promote more efficient handling of disputes will be necessary. Initiatives and support should focus both on the formal system and the informal / customary conflict-resolution mechanisms.

a. Statutory Institutions

The roles of local councils as emerging power institutions in dispute resolution and land administration needs to be clarified, based on legality and given legitimacy. However, in dealing with local councils, the concept of separation of powers (for governance and juridical role in dispute resolution). Secondly, the capacity of both local council and clans needs to be built (for example both are not able to keep records of disputes or land administration undertakings). Since LC1 are effectively engaging in disputes resolution other than LC2, which is the legally recognized court of first instances, the law needs to be amended to reflect the reality on ground, although moving such courts to LC 1 is an enormous cost. Simple disputes can be resolved through the LC Court system. Complicated cases that require adjudication should be referred to the District Land Tribunal.

However, the DLTs are currently dysfunctional and even when they are established in all the districts; they will not have the capacity to handle all disputes efficiently. The DLTs were intended to be community institutions, user-friendly and non-conventional, but in practice they have become too formal and located far away from their intended beneficiaries at regional (as a circuit) level. The Judiciary has recently closed them down. If they are to be revived, their location needs to be returned to the Ministry of Lands, where the concept of land justice is considered a priority rather than judicial service. The rules of procedure, which are currently based on civil procedure, should be amended and the concept of circuiting needs to be done away with or scaled down (to least 2 districts in a circuit).

b. Customary Institutions

Socially legitimate informal institutions (clans etc) have to be identified and supported as they can manage a number of post-conflict land disputes. A variety of land disputes, other than restitution are envisaged in the post-conflict area. Customary and community-based mechanisms for conflict resolution are very relevant especially Alternative Dispute Resolution (ADR) approaches such as mediation; conciliation and arbitration need to be considered. These mechanisms can offer effective and acceptable means of managing many kinds of land conflicts and disputes. Enforcement mechanisms need to be put in place to ensure that judgments / settlements are implemented. In places,

²⁵ The Ministry of Lands has a Governance and NGO Liaison Office that would an appropriate agency for such a task

where the traditional institutions are still operational, it is pertinent that they are institutionalized and regularized in a manner similar to the statutory ones and harmonized for acceptability. They should be assigned duties responsibility for accountability. In some areas, traditional leaders feel that they are being sidelined by local government structures in development issues, yet customary law is recognized constitutionally in Uganda. However, other traditional leaders wield immense powers over land and natural resources in their Kingdoms and this has implications as well on investments, development and could also fuel land and natural resources conflicts.

3.7 Claims and Compensation handling framework

From the reading of the Constitution, the Land Act and the IDP Policy, it is not clear which government agency or department is responsible for compensation in the post-conflict cases of this nature. It is the view of the Consultants that compensation is a national function and as such it should be handled by the central government in close collaboration with the local government. The framework should detail the executing agency at the centre (MoLHUD) and the horizontal linkages with Ministry of Justice and Constitutional Affairs, Ministry of Finance and OPM, as well as vertical linkages with the local governments. The policy should provide guidelines on how compensation claims are handled right from the receipt of claims, verification, assessment and payment of compensation.

(a) Resettlement

The need to provide land for people who are landless or who cannot return to their homes will be unavoidable, with special emphasis on the female-headed households, widows and extremely vulnerable groups (EVI's) including ex-combatants. EVI's will require separate processes for the allocation of land. The challenge is to find land that is available for their resettlement. Public lands (some controlled by the Central Government and the other by local governments), whether abandoned or unused, e.g. the government ranches or group farms (e.g Maruzi ranch, Aswa Ranch etc) should be used for resettlement. The other option is to purchase private land on the open market. The use of private land that has been abandoned should be avoided as this is likely to lead to the government creating a dispute between itself, the owners of the land, and the people who have been resettled.

(b) Restitution

The existing legal framework is not adequate for resolving land restitution issues. Restitution requires the adjudication of competing claims to determine who has a more legitimate claim to land. It is important to bear in mind that solutions for land claims should not be seen as a simple declaration of entitlement to land rights but should also strive to support national reconciliation. Refugees, IDPs and ex-combatants returning home may find their land/property occupied by others. Unauthorized occupation may also occur on public lands or gazetted lands/protected natural resources. When people recover their property from occupants, how can those occupants be protected from becoming homeless? Compensation may be proposed for people who cannot have their land restituted and this may be in money or in kind (equivalent land located elsewhere).

(c) Claims and Compensation

In post conflict northern Uganda, a number of claims for compensation that are peculiar to displacement and return of IDPs have emerged and they need specific response in the land policy or land administration framework. These can be classified as follows;

- (i) IDP Camp sites (for use of the land during time of IDP settlements and for depreciation in value due to human settlements on land formerly used for agriculture and pit latrines)

- (ii) Military detaches (for occupation and use of land, land and resource depreciation especially trees). In addition, the quantum of compensation will have to be decided.

(d) Managing Claims and Compensation

The rules for treating land claims and land disputes will have to be defined e.g. the types of claims that are eligible for restitution; the date for which claims are valid as claims for property taken before a certain date might not be eligible to submit claims; evidence that is acceptable to support restitution claims. It ought to be pointed out that the land in Northern Uganda is held under customary tenure without formal land records, so it will be necessary to accept other types of evidence, including oral evidence and other types of evidence considered acceptable to prove claims.

The biggest challenge is likely to arise from submitting and processing of claims and applications for resettlement which need to be accessible to people. People throughout affected areas should be able to easily submit their claims. Forms and information on the process should be in local languages, and should be prepared in consideration of the literacy levels of the population. If any fees are to be demanded for the process, the fees should be affordable to the people. The design of the system should reflect the limited resources available.

It is recommended that a claims processing unit be established at Parish level (Parish Development Committee) and ensure that they meet the administrative requirements before submitting them for decision. Claims for compensation and applications for resettlement should be verified at the parish level by the Parish Development Committee and the Traditional institutions on land (clans) and sent to the Disaster Management Committee (DMC) at the district level. The District Land Office should have the mandate of assessing compensation, and the DLB should assist the DMC in matters of resettlement. Legal aid units should inform people of procedures and assist them to complete forms.

3.8 Revised PRDP²⁶ and Land Issues

The PRDP only focuses on natural resource management and does not address the issues of land conflict stemming from boundary disputes, encroachment, or squatting which are all highlighted in the Acholi and Lango studies. The issue of natural resource Management (NRM) is important and sustainable NRM can mitigate the prevalence of land conflicts. The studies have found that depletion of resources such as cutting trees have indeed led to instances of land conflicts but are not the main source of land conflict in Northern Uganda. At one level the NRM and land conflicts are intertwined since land is a natural resource. However, the framework of NRM does not adequately address the whole host of problems arising from tenure insecurity/lack of adequate property rights, the main source of land conflicts. This study found that a lack of systematic demarcation which has led to poor boundary markers, encroachment, and squatting is the main sources of conflict. PRDP policy must be able to address these issues, which are not always directly tied to NRM.

Additionally, both the Teso and Lango / Acholi studies found that land justice and administration systems are severely lacking. The GoU plan does not address the need for increased resources and capacity building of land institutions in Northern Uganda, and these institutions are not only important for land conflict management but also for NRM. Furthermore, the GoU plan does not address the role of customary institutions and tenure even within natural resource management. The studies of northern Uganda have highlighted the centrality of customary tenure and institutions in tackling land

²⁶ As of September 2007, launched by His Excellency the President of Uganda

issues. To tackle issues of conservation as well as land conflicts, traditional institutions must be involved.

Finally, by virtue of the PRDP's sole focus on NRM it does not address the need for sensitization on property rights or issues of compensation. Knowledge of property rights are in fact not only important in stemming the incidence of land conflict but may also have a role in promoting conservation practices. Furthermore, in regards to the topic of information, the northern Uganda studies have highlighted the high level of distrust of central government's intentions to land in northern Uganda, and government initiatives must address this issue head on if they are to be successful. Compensation is not tackled in the existing policy framework and will be an issue of contention for returning IDPs. PRDP must acknowledge and plan for the reality that NRM and conservation will be impractical to implement unless there are secure property rights and a low incidence of land conflict. The PRDP fails to take into account the linkages between having secure property regimes and functioning land administration and the feasibility of NRM and conservation strategies.

3.9 Immediate Actions

Northern Uganda in general is at a significant transitional moment, from over 20 years of conflict, to the eventual conclusion of the ongoing peace negotiations between the Government of Uganda and the LRA rebels, defining the moment to end internal displacement. For Acholi sub-region²⁷ return has not happened as anticipated, indeed in Teso IDP return is complete, in Lango it is over 95% while in Acholi sub-region uneven patterns of return ranging from 5% to 15% have been recorded²⁸, IDP return is however dependant upon;

- (a) Successful conclusion of the Juba Peace talks, to rid IDPs of the scepticism about peaceful and irrefutable return.
- (b) Provision of socio-economic services and infrastructure in the villages that IDPs are returning to.

Given the findings of this study, it is important to position interventions for immediate action in addition to the recommendations given 3.1 to 3.8. Three major aspects need to be cultivated amongst the people;

- (a) first "cultivating a desired level of trust in the people over land issues enforced through administrative procedure that overtly shows commitment to protecting land and natural resource rights of IDPs on return";
- (b) second, immediate enforcement of administrative or political or policy overtures to effectively suspend issue of land titles to indigenous Acholi or Langi, investors or any other persons who wish at this particular time to acquire legal interests in land until IDP return is completed and sensitisation of land rights in the sub-region has taken place, therefore the actions of Uganda Land Commission and District Land Boards have to be temporarily frozen until IDP return is achieved and sensitisation of rights is attained.

These actions are supported by the following facts established in this study:

- (vi) First is the recognition of the fact that there are lapses in return patterns for Acholi sub-region attributed to the history of previous attempts to negotiate peace with the LRA, when in 1992, a deal was nearly struck under negotiations spearheaded by Betty Bigombe²⁹. As the talks were on-going IDPs massively returned to their

²⁷ which at times, is at variance with Teso and Lango sub-regions due to difference in the period of displacement, where in the former displacement has been for a period not less than 7 years to a maximum of 15 years and latter at 3 to 7 years

²⁸ UNCHR, Jan 2008

²⁹ The then Minister for pacification of northern Uganda.

home only to be brutally attacked by the LRA as soon as the talks collapsed? This event has proved to be a lesson whose outcomes no IDP wants to forget or fail to heed, thus the scepticism about early return before the Peace Deal is actually done.

- (vii) Secondly, the leadership and the communities in Acholi sub-region have a leaning towards accomplishing return first and achieving reconciliation before delving into land matters. Indeed attempts to tackle the situation in Lango and Acholi sub-region when return is not yet complete will have futile results. Overall, the key to moving forward is the acknowledgment that within the return process in Acholi region there will be a high incidence of land conflicts owing to poor property rights, poor statutory and traditional justice institutions, poor information, and obscure compensation guidelines and that this reality has significant importance even though ignored by the PRDP, is likely render several recovery initiatives fruitless or unsustainable.
- (viii) Thirdly, is the undeniable fact that land disputes and tenure insecurity are on the rise due to obscure/ inconsistent boundary markers and (perceived) land scarcity. Such disputes are mostly occurring on land that was left behind upon displacement; a number of people on return attach a higher value to land and thus are moving to individualize what was previously perceived to be communal land while rigorously defending what had been allotted to them for access, use and sharing by the members of the community, hence disagreements and clashes. Illegal occupation of land by neighbours (early returnees) and relatives, raising the incidence of disputes as IDP return gains momentum. The second part of this is clarification of the status of tenure (including opportunities for negotiated stay) of land where IDP camps have been located, in relation to the realities that the land owners have to face upon camp closure and how to manage the populations that are unable to return.
- (ix) Fourth, a high level of distrust of the Central Government's intentions toward Acholi land exists and has persisted, giving rise to a substantial level of tension³⁰ that has a high chance of erupting into violence unless matters are clarified, the situation is further fuelled by politics driven by feelings and emotions that have shaped and defined the articulation between Government and Acholi peoples views over land and natural resources tenure. It is felt that the government, the army and rich people have taken a lot of interest in land without clearly elaborating their motives or intentions, this is not helped by the fact that Government, especially the Executive is openly and vigorously backing the pursuit of land by investors for large-scale commercial interests, an opportunity that speculators and grabbers are manipulating for individual gains and benefits.
- (x) Fifth, early public information and education campaigns about land-related issues can help to clarify issues and correct false assumptions and address the proven gap on legal awareness (through surveys, reports of CSOs and international agencies and NGOs)³¹. A wide range of messages need to be created for different audiences and using different media and for different actors. Structured/target specific innovative sensitization and information approaches other than

³⁰ Between cultural leaders who feel they are the custodians of land in Acholi region and political leaders who feel the legal mandate to mediate such land matters lies with them. Evidence shows a divide in the leadership on how to carry forward the tenure.

³¹ There have been attempts by UN-Habitat and UNDP together with other UN Agencies to develop specific IEC materials responding to land issues in northern Uganda with a view to ensuring that appropriate information is passed on to audiences, the results of such initiatives are not readily available yet

traditional means of awareness rising would be helpful here; however initial capacity to start off such an approach has to be built amongst NGOs, Government and Local Government. Possibility of pursuing other innovative approaches to property rights identification, acknowledgement and recording through community mapping techniques, which considers learning from other countries such as Rwanda would be relevant in view of possibilities of piloting Communal Land Association (with amendments in law or adjustments in rules of procedures to accommodate better principles of representation, powers of accountability etc.) on customary tenure for property rights holding, use and ownership of common property resources that hold reserves of bio-diversity and land cover that has regenerated is hindered or limited by absence of administrative framework to legalize and operationally the process.

- (xi) Facilitation of extremely vulnerable individuals (EVIs³²) to manage their own return process and re-establish their livelihoods will be a must for conclusive return of IDPs. The potential for loss of secondary or derived rights which is the main form of land access and ownership for such groups poses the challenges on how to ensure the rights of vulnerable groups such as widows, children Persons Living with HIV/AIDS and Persons with Disability. This calls for understanding, information and sensitization on how the interests and rights of the family or individual are addressed within such an arrangement and the modalities for community exercise of the various “bundles of rights” in land. EVI's will require separate processes for the allocation of land. The challenge is to find land that is available for their resettlement. Public lands (some controlled by the Central Government and the other by local governments), whether abandoned or unused, e.g. the government ranches or group farms (e.g. Maruzi ranch, Aswa Ranch etc) should be used for resettlement. The other option is to purchase private land on the open market. The use of private land that has been abandoned should be avoided as this is likely to lead to the government creating a dispute between itself, the owners of the land, and the people who have been resettled.
- (xii) On return from displacement, to the extent possible and where feasible a blend needs to be allowed to emerge, on dispute resolution producing a system that embraces the traditional clan system, accords statutory powers and functions of modern institutions such as Local Councils or Area Land Committees. This not only recognizes the new changes brought by war but also the fact that the erstwhile clan bonds and traditional land authority systems may be mal-functional or dysfunctional, despite the fact that it may still have measurable influence in relation to socio-cultural functions, though not as an authority system over land resource use. Already a hybrid in land administration is emerging with a combination of Local Councils and Area land Committees whose mandates are supposed to be distinct in legal terms but are experiencing a fusion on ground when it comes to implementation or practical aspects.

It is also important to note that natural resources and arable land play a key role in daily livelihood strategies, and typically form the basis of rural economies. The protection of property rights and re-establishment of production relations on land will be important for bridging the poverty gap³³, between war-affected areas (northern Uganda) and the rest of the country which has been widening since 1997.

³² Extremely vulnerable individuals (EVIs) include the sickly, the elderly, the disabled, widows, orphans, female headed households and child headed families.

³³ Estimated to be at 64% in Acholi region compared to the national average of 38% (UNDP, 2007, Human Development Indicators for Uganda)

ANNEXES

ANNEX 1: Detailed Field Findings Report

1. STUDY RESPONDENTS

The survey covered 1,119 respondents of whom 48.3% (541) were female while 51.7% (578) were male; the distribution of these respondents in the six study districts by sex, household category and where they were located at the time of survey is depicted in Table 8 below. Overall in Lango, 35% of respondents were FHH, 67% were MHH, in Acholi 28% were FHH, 70% were MHH, on the other hand, child headed household constituted less than 2% of respondents in both regions. 35% of the total respondents were returned home in their either origin home or return sites that are located in the precincts of their homes less than 2 kms, 15% were resettled in other rural areas, less than 1% were resettled in urban area, while 49% were still in main camps or decongestion camps.

Table 8: Household, IDP Category, Location and Sex of Respondents

	Regions																Table Total	
	Lango						Acholi						n	Col %				
	Study District		Total		Study District		Total		n	Col %	n	Col %						
	Lira	Oyam			Gulu	Pader	Kitgum	Amuru										
n	Col %	n	Col %	n	Col %	n	Col %	n	Col %	n	Col %	n	Col %					
HH																		
FHH	86	36.8	37	32.7	123	35.4	65	30.4	52	22.5	61	27.7	14	13.6	192	25.0	315	28.3
MHH	143	61.1	76	67.3	219	63.1	144	67.3	176	76.2	155	70.5	89	86.4	564	73.4	783	70.2
CHH	5	2.1			5	1.4	5	2.3	3	1.3	4	1.8			12	1.6	17	1.5
Group Total	234	100.0	113	100.0	347	100.0	214	100.0	231	100.0	220	100.0	103	100.0	768	100.0	1115	100.0
IDP																		
Returned	89	37.9	107	94.7	196	56.3	112	51.9	12	5.2	26	11.8	45	43.7	195	25.3	391	34.9
Resettled rural	7	3.0	4	3.5	11	3.2	2	.9	113	48.9	39	17.6	5	4.9	159	20.6	170	15.2
Resettled Urban	6	2.6	1	.9	7	2.0			2	.9					2	.3	9	.8
In camp	133	56.6	1	.9	134	38.5	102	47.2	104	45.0	156	70.6	53	51.5	415	53.8	549	49.1
Group Total	235	100.0	113	100.0	348	100.0	216	100.0	231	100.0	221	100.0	103	100.0	771	100.0	1119	100.0
Location																		
Home Village	89	37.9	107	94.7	196	56.3	112	51.9	12	5.2	26	11.8	45	43.7	195	25.3	391	34.9
Return Site	13	5.5	5	4.4	18	5.2	2	.9	115	49.8	39	17.6	5	4.9	161	20.9	179	16.0
main camp	133	56.6	1	.9	134	38.5	102	47.2	104	45.0	156	70.6	53	51.5	415	53.8	549	49.1
Group Total	235	100.0	113	100.0	348	100.0	216	100.0	231	100.0	221	100.0	103	100.0	771	100.0	1119	100.0
Sex																		
Female	100	42.6	57	50.4	157	45.1	131	60.6	108	46.8	101	45.7	44	42.7	384	49.8	541	48.3
Male	135	57.4	56	49.6	191	54.9	85	39.4	123	53.2	120	54.3	59	57.3	387	50.2	578	51.7
Group Total	235	100.0	113	100.0	348	100.0	216	100.0	231	100.0	221	100.0	103	100.0	771	100.0	1119	100.0

Table 9: Education Level of Survey Respondents

Highest Level of Education	Study District (Col %)												Total	
	Lira		Oyam		Gulu		Pader		Kitgum		Amuru		n	%
	n	%	n	%	n	%	n	%	n	%	n	%		
No Education	46	19.6	27	23.9	48	22.2	50	21.8	56	25.5	27	26.2	254	22.8
Lower Primary	57	24.3	24	21.2	53	24.5	46	20.1	51	23.2	22	21.4	253	22.7
Upper Primary	79	33.6	46	40.7	93	43.1	92	40.2	90	40.9	41	39.8	441	39.5
O-Level	49	20.9	12	10.6	19	8.8	29	12.7	20	9.1	9	8.7	138	12.4
A-Level	2	0.9	1	0.9			7	3.1	1	0.5	2	1.9	13	1.2
Tertiary	2	0.9	3	2.7	3	1.4	5	2.2	2	0.9	2	1.9	17	1.5
Total	235	100	113	100	216	100	229	100	220	100	103	100	1116	100

The distribution of respondents further shows most respondents (39.5%) to have attained upper primary (p.5-p7) as their highest level of education, 22.8% had no education at all while less 2% had either had A-level or tertiary education as illustrated in table 10 below.

Table 10: Relationship with Household Head

Relationship to Household Head	Study District												Total	
	Lira		Oyam		Gulu		Pader		Kitgum		Amuru		n	Col %
	n	%	n	%	n	%	n	%	n	%	n	%		
Am Head	171	73.7	75	66.4	120	55.8	143	62.4	147	67.1	58	56.9	714	64.3
My Spouse is Head	43	18.5	36	31.9	65	30.2	67	29.3	55	25.1	35	34.3	301	27.1
Head is my father/ mother	11	4.7	2	1.8	20	9.3	13	5.7	14	6.4	8	7.8	68	6.1
Head is my son/ daughter	6	2.6			7	3.3	4	1.7	3	1.4	1	1	21	1.9
Others	1	0.4			3	1.4	2	0.9					6	0.5
Total	232	100	113	100	215	100	229	100	219	100	102	100	1110	100

64% of respondents were household heads, 27% were spouses of household heads, while 6% were children within household, as table 11 shows below.

Table 11: Marital Status of Respondents

		Study District												Total	
		Lira		Oyam		Gulu		Pader		Kitgum		Amuru		n	Col %
		n	%	n	%	n	%	n	%	n	%	n	%		
Respondent's Current Marital Status	Not married	10	4.3	6	5.4	17	7.9	13	5.7	20	9.2	6	5.8	72	6.5
	Separated	5	2.1	1	0.9	5	2.3	6	2.6	10	4.6	3	2.9	30	2.7
	Widowed	49	20.9	19	17	42	19.4	37	16.3	41	18.9	8	7.8	196	17.7
	Co-habiting	10	4.3	1	0.9	14	6.5	11	4.8	26	12	8	7.8	70	6.3
	Divorced	3	1.3			1	0.5	1	0.4	1	0.5	1	1	7	0.6
	Married-Polygamous	46	19.6	12	10.7	35	16.2	18	7.9	29	13.4	36	35	176	15.9
Married-Monogamous	112	47.7	73	65.2	102	47.2	141	62.1	90	41.5	41	39.8	559	50.4	
Total	235	100	112	100	216	100	227	100	217	100	103	100	1110	100	
Respondent's Current Marriage Type	Islamic	2	1	3	3.1			10	5.5			2	2.2	17	1.9
	Christian	12	6	3	3.1	4	2.5	5	2.7	7	4.4	1	1.1	32	3.6
Marriage Type	Customary	151	75.5	76	79.2	112	68.7	135	73.8	102	64.2	60	64.5	636	71.1
	Cohabiting	35	17.5	14	14.6	47	28.8	33	18	50	31.4	30	32.3	209	23.4
Total	200	100	96	100	163	100	183	100	159	100	93	100	894	100	
When Respondent got Married	Before Displacement	191	89.3	92	91.1	155	77.5	152	76.8	161	82.6	59	64.1	810	81
	While in Displacement	19	8.9	8	7.9	43	21.5	45	22.7	32	16.4	31	33.7	178	17.8
	After Displacement	4	1.9	1	1	2	1	1	0.5	2	1	2	2.2	12	1.2
Total	214	100	101	100	200	100	198	100	195	100	92	100	100	100	

Table 11 above, show that 50% of respondents were married in monogamous relationships (by their conviction) 18% were widowed, while 15% were in polygamous marriages, while 75 were not married. 71% were married under customary law, while 23% by description of the processes undergone for formalization were cohabiting despite their personal convictions that could have been indicating otherwise. 81% of the married had contracted their marriages before displacement while 185 got married while in displacement.

Table 12: Marriages Periods of Respondents

		Study District												Total	
		Lira		Oyam		Gulu		Pader		Kitgum		Amuru		n	Col %
		n	Col %	n	Col %	n	Col %	n	Col %	n	Col %	n	Col %		
Married in Displacement: Whether from Same District as Spouse	Yes	24	92.3	8	80	41	89.1	32	71.1	34	94.4	34	97.1	173	87.4
	No	2	7.7	2	20	5	10.9	13	28.9	2	5.6	1	2.9	25	12.6
Total		26	100	10	100	46	100	45	100	36	100	35	100	198	100
Married in Displacement: Whether of Same Tribe as Spouse	Yes	23	92	9	100	40	90.9	39	90.7	31	88.6	31	96.9	173	92
	No	2	8			4	9.1	4	9.3	4	11.4	1	3.1	15	8
Total		25	100	9	100	44	100	43	100	35	100	32	100	188	100
Female & Married in Displacement: Whether Husband had other wives at marriage	Yes	3	42.9	1	20	12	46.2	7	41.2	6	33.3	9	75	38	44.7
	No	4	57.1	4	80	14	53.8	10	58.8	12	66.7	3	25	47	55.3
Total		7	100	5	100	26	100	17	100	18	100	12	100	85	100

Table 12 above show further desegregation of data on periods when marriages were contracted amongst the respondent population.

1.1 RETURN OR RELOCATION: TRENDS AND IMPACTS

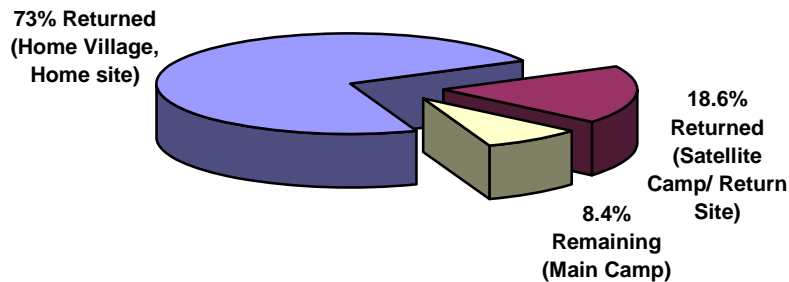
The transition from war to peace and from camps to homes has come, with varied and unpredictable changes after a minimum of 5 years to a maximum of 13 year for the people of Lango and Acholi regions in northern Uganda. The return in Lango region is advanced with approximately 92% of the IDP population returned home.³⁴ About 17,200 people including the elderly, disabled (who are unable to return) and business people (who feel they still have investments to protect) are still in 9 camps in Lira, Oyam and Apac districts³⁵.

Acholi region is in initial stages³⁶ of relocating from main camps³⁷ to the decongestion sites or camps³⁸, or satellite or return camps³⁹ (the terms applied to them are varied and are meant to allow people access their land for cultivation). it is estimated that out of 1,111,987 people who lived in IDP camps, only 55,000 people (5%) have returned to their original homes, while 359,000 people (32%) have moved to transit camps (“new settlement” and “decongestion” sites). In Gulu and Amuru Districts, 88,000 IDPs have left the main/mother IDP camps to the transit sites (120 newly created transit sites), while in Kitgum District 77,000 IDPs have gone to the satellite areas (69 transit sites), 194,000 IDPs in Pader District have moved to closer to their villages (171 transit sites)⁴⁰.

1.1.1 Trends in Population Movements

Three distinct patterns of return movement are observable as illustrated in Figure 1 below;

Figure 13: Total Returned Population (Lango and Acholi)



- i. First is the government encouraged moves to decongestion sites or satellite camps accounting for 19% of the respondents mainly evident in Acholi region, such returns imply majority of the returnees are congregating in designated points (67% of them) as opposed to 2% who actually access and live in their homes on return.

³⁴ DDPMC Lira District, interviewed July 2007

³⁵ UNHCR, September 2007

³⁶ Chairman, LCV Gulu District interviewed 19th July 2007

³⁷ are the long-standing IDP camps which existed prior to the recent movements of return

³⁸ are identified by the Government, some with assistance from humanitarian agencies

³⁹ these are new settlements identified by the IDPS themselves or demarcated by Government or demarcated with help of humanitarian agencies but are not the pre-displacement homes.

⁴⁰ Officials Figures as given by Hon. Amama Mbabazi the Minister for Security (New Vision, August 10 2007, page 10)

- ii. Second, spontaneous movements to new settlement sites or return sites in response to changing conditions in main camps as humanitarian organizations change strategy to recovery response hence a shift in delivery of services to return sites, these are also in line with, spontaneous movement to original homes, that have been significant in Lango region, although happening on a small scale in Acholi region. In such cases the relocation is first discussed in the main camp by the Clan meetings and the decision to move is then made by individual family at household level, this has yielded a trend where by villages have returned in one unit and where clans have held the legitimacy of guiding households in the return process. Within households, men decide whether to move or not, though women in Focus Group discussions suggested that the push factor for them is the need to access land and produce sufficient amounts of food for the household food security needs. Survey results show that this pattern of return accounts for 73% of movements of which 92% return to their actual homes that they lived in before displacement while 15% are in locations next to their homes where access to their land especially for food production is greatly eased.
- iii. However, there is still a proportion of IDPs remaining in the main camps either because they are extremely vulnerable groups (EVIs), whose presence evident in Lango return as constituting the total unreturned population of about 5%-8% or as evidenced in Acholi region are strategically maintaining a presence in the main camp, should the peace process falter or for humanitarian food ratios and supplies access, these as per survey results account for 8% of the respondents.

Table 14: Return Patterns of IDPs

Location of IDP who have returned	Returned: Whether its to the Exact Parcel of Land from which Displacement took place				Group Total	
	Yes		No		n	Col %
	n	Col %	n	Col %		
Returned (Home Village)	353	92.4	20	15.5	373	73.0
Returned (Satellite Camp/ Return Site)	8	2.1	87	67.4	95	18.6
Returned (Main Camp)	21	5.5	22	17.1	43	8.4
Group Total	382	100.0	129	100.0	511	100.0

Whereas the categories above seem distinct, mutually exclusive and definitive, they are not able to depict the number of relocations that IDPs have been through nor the fact that in some instances the indigenous persons of an area where a particular IDP camp is situated often fled only to be replaced by others from another area, therefore some return points are either the precincts of an IDP camp or the actual location of either the main camp or satellite camp area.

In addition, a distortion in the notion of “return home”, is emerging partially fuelled by media⁴¹, in terms of places where one was actually living before displacement as opposed to areas of ancestral descend, this precipitating land wrangles in Acholi region and has enlisted creativity as back up, with a number of persons indulging in “political opportunism and invented history to back such claims”⁴². This findings is common in other post-conflict situations⁴³ where groups seize the opportunity to advance land claim justification based on historical occupation and the pursuit of a “return” to historical lands or territory from which groups were expelled or departed long ago, it has the potential danger of distorting return peace processes and recovery programming.

⁴¹ Focus Group Discussions revealed that Mega FM broadcasts a program on land that is influential in how people perceive return and has propagated the notion of return to “your area of ancestral origin”, making clans retrace their migration routes back to 50-100 years of history, leading to clashes between Lamogi and inhabitants of Amuru Sub County in Koch Goma

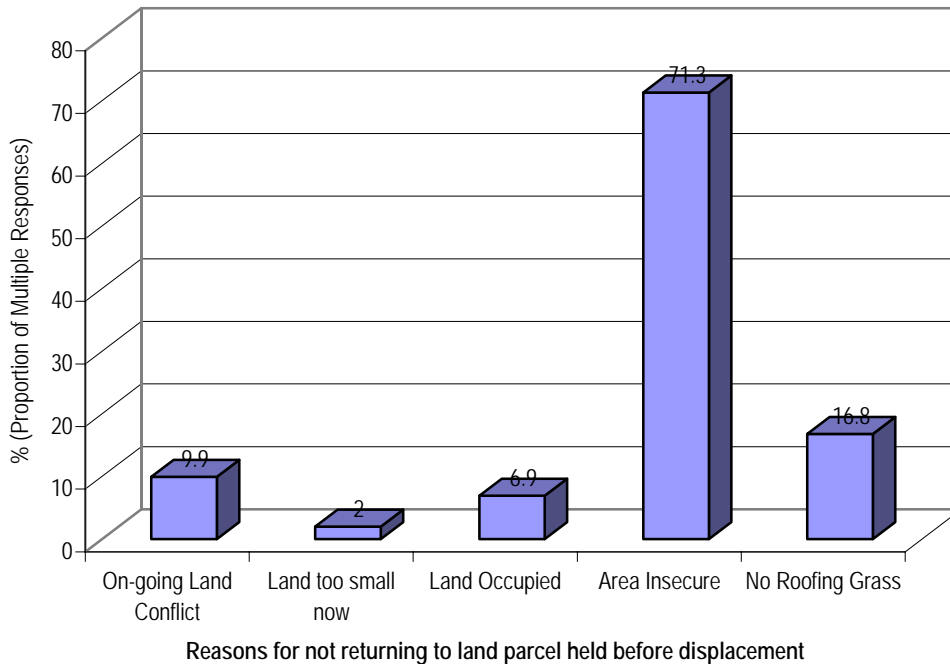
⁴² Refugee Law Project, June 2007, Rapid Assessment of Population Movement in Gulu and Pader.

⁴³ Was common in Middle East, Israeli and Palestine situation also exhibited this.

Most of the movements have taken place in the last one year and are attributable in part to the signing of cessations of hostilities agreement between the Government and the LRA/M, and in response to the government’s directive for all IDPs to vacate the camps, however only when comprehensive peace, security and law safe guards are in place will IDPs have the confidence to put a conclusive end to their displacement status, this according to focus group discussion will be signaled by the positive conclusion of the Juba Peace talks, without that ideal return is still affected by perception of “insecurity” for most of the respondents to this study accounting for 71% of non-return to actual parcel of land, before displacement.

This goes hand in hand with how government is facilitating the process of return, especially with supply of resettlement packages as majority of the respondents, revealed that they were still awaiting the maturity⁴⁴ of roofing grass that was in short supply tells the extent to which return efforts have addressed the basic rights and need for shelter, which is evident among 17% of the respondents to the survey in this study, while ‘on going land conflict’ accounted for 9.9% of the non-return to exact parcel of land before displacement, for both the Acholi and Lango regions as illustrated in figure 15 below.

Figure 15: Failure to return to land parcel held before displacement



It has to be noted that the two regions are not on the same levels of return, therefore a possibility of Acholi region conflicts being not adequately captured in this survey statistic is possible, since majority of the respondents are still in return sites or satellite camps. In addition is the reasoning that land was occupied either by other relatives or by an existing return site or main camp accounting for 7% of non-return to land held before displacement but within proximity of their land considered either as home or ancestral land.

1.1.2 Changes in Land Holdings

Overall, survey results show that the people of Amuru district have had the longest displacement period of 12 to 13 years and Oyam district had the shortest displacement period of average 3 years. The displacement or transition had at least 2 events or

⁴⁴ Expected to mature in the months of November and December, 2007

moments of relocation for most of the IDPs over the last 15 years as shown in table 16 below.

Table 16: Displacement Period and Land Parcels

Displacement period, relocation and changes in land holdings	Regions													Table Total					
	Lango						Acholi												
	Lira		Oyam		Gulu		Pader		Kitgum		Amuru		Total						
F	M	F	M	F	M	F	M	F	M	F	M	F	M	Total					
Years in Displacement	5	5	5	3	3	3	8	9	8	7	8	7	6	6	6	12	13	12	7
Times relocated while IDP	2	2	2	1	1	1	2	1	2	2	1	1	2	1	2	2	2	2	2

Since the displacement camps or sites were close (in the radius of 3-10 Kms) from homes, survey results show that IDPs never had complete detachment from their land except in cases or instances where the distance from their home became long and thus unbearable or on second level displacement, when relocations from the first point of displacement to next become a necessity.

Table 17: Status of Land while in Displacement

While in Displacement: Times Land was Checked on	Regions													
	Lango						Acholi						Table Total	
	Female		Male		Total		Female		Male		Total		n	Col %
	n	Col %	n	Col %	n	Col %	n	Col %	n	Col %	n	Col %	n	Col %
Never / Not at all	20	15.6	34	19.7	54	17.9	41	13.9	35	11.0	76	12.4	130	14.2
Very often/always/	85	66.4	112	64.7	197	65.4	176	59.7	227	71.2	403	65.6	600	65.6
Once in a while/seldom/rarely	25	19.5	30	17.3	55	18.3	81	27.5	62	19.4	143	23.3	198	21.6
Total	128	100.0	173	100.0	301	100.0	295	100.0	319	100.0	614	100.0	915	100.0

Survey findings show at least 65% of the respondents were continuously in touch with their land holdings either through day time access for cultivation or periodic visits to establish the status of their land while 22% made occasional visits or random visits once in a while to be sure of the status of land and 15% completely lost touch with their land as illustrated in table 17 above. This finding may thwart or aid post-conflict land disputes especially on boundary extensions claims and the continuity of usufruct rights on return.

Table 18: Changes in size of Land Holdings

Changes in land holdings	Regions									Mean Average
	Lango					Acholi				
	Lira	Oyam	Total	Gulu	Pader	Kitgum	Amuru	Total		
Household Size at Displacement	7	6	7	7	7	6	8	7	7	
Household Size at time of Study	7	6	7	8	7	7	9	7	7	
No. of Parcels before Displacement	3	3	3	3	2	3	3	3	3	
No. of Parcels at time of Study	3	2	3	3	2	3	2	2	2	

Specifically in relation to land, the effect of displacement has not been significant on the individual stock of land holdings available to a specific household, although in Acholi region there is a slight decrease from the average of 3 land parcels to 2 land parcels for a household over the displacement period, while the number of parcels in Lango region have remained the same per household. This difference could be attributed to the difference in the period of displacement which is relatively shorter in Lango (between 3 - 5 years) and longer for Acholi (between 11-13 years) illustrated in table 6 above. In terms of total acreage available to a household, there is no significant change in acreage, which is still standing at the average of 6 to 7 acres per household before displacement and upon return (illustrated in table 18 above), this trend however does not imply absence of changes in land access and the changing composition of users of land, across genders who opt to encroach on common or communal property resources.

1.1.3 Impact of Displacement

Overall 3 to 13 years of displacement in Acholi and Lango disrupted the continued occupation and use of land which in summative terms is referred to as dislocation, therefore return presents different conditions for IDPs as the network of social relations upon which land access and use depend are re-configuring to re-establish home areas and ways of land use as illustrated in table 6 below. Survey findings indicate that the most out-standing impact of displacement, is the state of housing units upon return, as a result of vandalism, burning or disrepair that an aggregate 40% of the respondents felt, had a direct bearing on one's ability to resettle and protect land and property rights.

23% of respondents indicated that on return their land was still intact as they left it or was being utilized by themselves during the displacement period. An aggregate 17% reported loss of tenure resources either by tree felling or unfilled manholes or set up of public utilities or infrastructure⁴⁵ to service established IDP camps. 7% of respondents returned to find their land with either IDP camps set up or found their land encamped by the army or cultivated by the army. This finding has implications on the responsibility for compensation in relation to resource tenure loss and the institutional responsibility for restorative actions on land resources in relation to productivity and justice or rights protection.

Table 19: Land Parcels upon Return

Condition in which Parcels of Land were found on Return/ visits to check (Analysis of Parcel Multiple Responses)	Study District (Only Col % presented)						Total
	Lira	Oyam	Gulu	Pader	Kitgum	Amuru	
	%	%	%	%	Col %	Col %	Col %
Doesn't know	1.3	0.3	2.4	4.2	1.7		1.9
* Boundaries changed/ markers tampered	8	4.3	6.6	1.7	3	6.8	5.1
* Occupied/ cultivated by unknown persons	7.2	1.5	5.3	3.8	3	4.7	4.5
* Occupied/ cultivated by family with out authority	2.7	2.8	2.9	0.6	1.9	3.6	2.3
* Occupied/ cultivated by early returnees	0.9		0.6	0.2	0.6	2.9	0.7
* Cultivated by army	1.1	0.3	2.2	0.8	3.6	0.7	1.6
* Encamped on by army	5.4	0.9	1.3	3	2.8	4	3.0
Cultivated by self/ intact as was left	29.1	32.2	19.3	20.4	24.8	10.1	23.2
* Has an IDP camp on it	4		0.4	1.9	2.8	2.9	2.1
* Trees have been cut/ has un filled holes	9.8	11.5	13.8	17.6	13.8	18.7	13.9
* Housing vandalized/ burnt	17.9	24.8	25.2	27.2	25.5	24.5	24.0
Housing in state of disrepair	8.7	20.1	19	17.6	15.5	19.4	16.1
* A road/ path/ borehole made through it	3.4	0.9	0.7	0.6	0.9	1.1	1.4
Others	0.5	0.3	0.2	0.2		0.7	0.3
Total	100	100	100	100	100	100	100

An aggregate of 16% of the respondents to the survey, returned to find their land either occupied or cultivated by unknown persons or unauthorized family members or occupied by early returnees or their boundary marks shifted from their original positioning or tampered with. This finding has implications on the scale, nature and magnitude of land disputes that are erupting and those likely to erupt during the post-conflict period hence are a pointer to the nature of institutional arrangements needed and legal response required to counter or contain the escalation of such conflicts.

1.2 TENURE SECURITY: THREATS, KNOWLEDGE AND ACCESS

Land tenure security is the individual's perception of his/her rights to a piece of land on a continual basis, free from imposition or interference from outside sources, as well as the ability to reap the benefits of labour or capital invested in land, either in use or upon alienation. This definition contains three components – breadth, duration and assurance – with legal and economic dimensions; legal dimensions define the composition (breadth) and duration of rights in the bundle⁴⁶,

⁴⁵ Public utilities such as schools, boreholes, access roads, etc

⁴⁶ Michael Roth and Dwight Haase, June 1998, Land Tenure Security and Agricultural Performance in Southern Africa

- (i) breadth refers to the quantity or bundle of rights held, or possession of key rights if certain ones are more important than others,
- (ii) duration is the length of time that a given right is legally valid, sufficiently long to enable the holder to recoup with confidence the full income stream generated by the investment
- (iii) assurance implies that right(s) and duration are known and held with certainty

In the context of displacement and post-conflict situations, the applicability of the above measures is modified for this study and reconstructed around three aspects of perceived threats or fears that the community hold in relation to tenure security, availability of information or knowledge that IDPs or returnees are able to utilise for protection of their rights and the socially constructed relations that determine access, use and transfer of interests and rights on land given the gendered nature of societies in Uganda.

1.2.1 Threats to Tenure Security

In Lango and Acholi, it was imperative, as a starting point to establish in this study, whether tenure security is an issue, that post conflict recovery ought to engage, 85% of respondents to survey experienced threats to tenure security to the extent that 59% indicated, these threats were significant. The significance was elaborated in the Focus Group Discussions, where respondents felt immediate response from government was warranted in terms of directing the general populace on how such threats should be dealt with and which institutional avenues are available to address them either formally or informally.

Table 20: Threats to Tenure Security

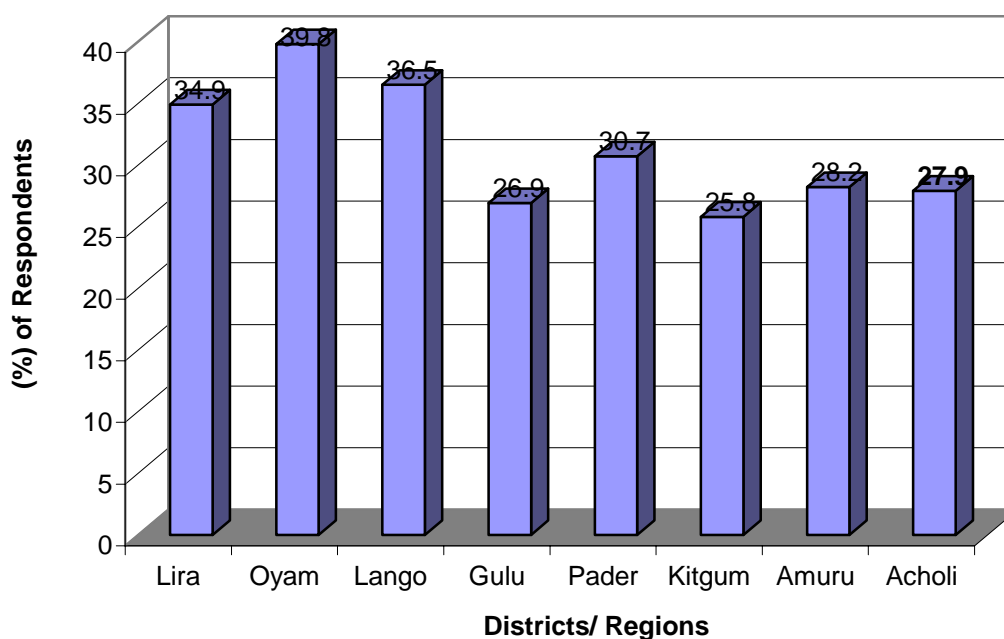
Whether Fears over Land are Still Pertinent	Regions				Group Total	
	Lango		Acholi		Count	Col %
	Count	Col %	Count	Col %		
No	59	43.4	93	39.9	152	41.2
Yes	77	56.6	140	60.1	217	58.8
Group Total	136	100.0	233	100.0	369	100.0
Whether Fears over Land were often the Case	Lango		Acholi		Count	C%
Yes	118	80.8	199	87.3	317	84.8
No	28	19.2	29	12.7	57	15.2
Group Total	146	100.0	228	100.0	374	100.0

Table 20 above illustrates that 15% of the respondents felt they were not threatened on their land, which serves to show that tenure insecurity is not a universal trend for the whole of northern Uganda, however, to the extent that 41% of the respondents felt, that whatever threats existed they were not yet significant to warrant attention, because⁴⁷ of mechanisms exist (either within clans or from local council) in which they are able to address them as they emerge.

In order to premise the findings of this study, in reality, it was important to establish the status of tenure security before displacement, so that appropriate inferences are made in relation to the changing trends and the uniqueness that the end of displacement presents in terms of policy and institutional response. Results from the survey show that in Acholi region, 28% of respondents felt they had insecure tenure before the displacement took place while 72%, representing the majority felt that they had secure tenure before displacement, compared to Lango where 37% felt insecure before displacement and 63% were secure in their tenure before displacement as illustrated in figure 21 below.

⁴⁷ Focus Group Discussions mainly in Lango region.

Figure 21: Threats or Fear on land before Displacement



Despite, constitutional recognition of customary tenure which is the predominant tenure in northern Uganda, and its recognition came with hidden distortions by failing to accord its traditional institutional framework the same stature. Indeed findings show that the informality of its traditional institutional framework does not necessarily imply tenure insecurity for the holders (72% in Acholi and 63% in Lango) before displacement. It is however, undeniable that displacement and return has worsened tenure insecurity for the holders, and in other instances sparked off new fears that were not in existence before displacement, such as the suspicion as to government's perceived interest in land in Acholi and Lango region. Attempts to address this situation need to lend themselves to the possible configurations and the volatile tenure issues on ground which may have developed during conflict, and those that are operative in the current return and subsequent post-conflict period, given the fact that they can thrust tenure security into new directions or dimensions.

Table 22: Nature of Threats

Responses: Fears Over Land	Regions				Total	
	Lango		Acholi		n	Col %
	n	Col %	n	Col %		
Boundary discrepancies with neighbors	52	37.4	115	35.7	167	36.2
Threats to evict/ chase by relatives	38	27.3	31	9.6	69	15.0
Threats to evict/ chase by husband			2	.6	2	.4
Possible sale by husband	5	3.6	7	2.2	12	2.6
Possible sale by relatives	6	4.3	53	16.5	59	12.8
Disinheritance	18	12.9	87	27.0	105	22.8
Others	20	14.4	27	8.4	47	10.2
Total	139	100.0	322	100.0	461	100.0

Table 22 above illustrates the nature of threats to land, where 36% of threats are in form of boundary disputes with neighbours; these (according to focus group discussions) are often over cultivation into a neighbour's land parcel or use of neighbour's parcel who is yet to return or is unable to utilise all his/her land, igniting boundary conflicts. The second dominant nature of threats is within the construct of family relations especially in marriage and in inheritance. The fear of disinheritance referred to by 23% of respondents is premised on the nature of land rights definition and transmission of rights

under customary tenure, this is closely followed by threats of eviction or chase by relatives at 15% and possible sale by relatives at 13%. All these threats or fear are associated with the gendered nature of access and use rights over land defined through patrilineal relations by virtue of marriage or by virtue of descent either as a wife or a girl child respectively.

The nature of threats on ground reveal that the social and spatial repercussions of violence, dislocation, destruction of property, and food insecurity, together with the breakdown of administrative, enforcement, and other property-related institutions, significantly alter ongoing relationships between people(s), land uses, production systems, and population patterns.

Table 23: Persistent threats over land

Why threats over Land are Persisting (Responses)	Regions				Total	
	Lango		Acholi		n	Col %
	n	Col %	n	Col %		
Relatives are still threatening	2	3.4			2	1.5
Previous owners are still threatening	5	8.5	4	5.1	9	6.6
Karamojong raids still take place	1	1.7			1	.7
Security is not assured	26	44.1	38	48.7	64	46.7
Government/ Army and Rich People have a lot of interest in Land	9	15.3	22	28.2	31	22.6
Have a Dispute that is still pending	5	8.5	6	7.7	11	8.0
Land Registration/ services are expensive	11	18.6	8	10.3	19	13.9
Total	59	100.0	78	100.0	137	100.0

The IDP return process is influenced by the progress of the Juba Peace Talks, tenure security no exception to this influence, since 67% of respondents to the survey pointed out that threats to tenure security are persisting because of the delay in concluding a comprehensive peace deal, that will signal the return of permanence to rights in land especially access and use rights (illustrated in table 23 above). However, even with the positive conclusion of the Juba Peace Talks, 23% of respondents to the survey felt that government, the army and rich people have taken a lot of interest in their land, without clearly elaborating their motives or intentions hence remain a looming threat to their tenure security. This is more articulated in Acholi region at 48% and is still felt in Lango at 44%, coupled with existing inter-family and inter-community disputes, this state of affairs is reinforcing vulnerability of rights on tribal basis. It is not helped by the fact that one of the avenues that should have helped those who feel threatened is actually serving as an additional threat itself, 14% of the respondents to survey felt that land registration and land services, which are expensive and not accessible are a threat to their tenure security.

According to focus group discussions this feeling is fuelled by the fact that government is the agent attempting to introduce compulsory registration or titling as an alternative to customary tenure whose comfort and security they have known for centuries. In addition, to introducing such concepts considered alien, discussions also pointed out that the cost of registration which considered to be high is ironically assumed to fall on their shoulders, when they have not put forth any demands for such a process, this thinking is propagated out of what is considered to be keen interest in the land of the Acholi and Langi by government and the mistrust of government which has a history of disposing off, whatever it lays its hands on⁴⁸.

⁴⁸ Focus Group Discussion put forth the examples of government properties that have either been privatised or divested such as Uganda Commercial Bank, which they felt set a trend of selling whatever government comes across.

However, interviews with political leaders⁴⁹, revealed a different level of understanding and reaction, they expressed the concern that failing to prepare for the eventual arrival of land registration as a trend in the region, is equal to failing to provide adequate leadership and direction for their people, however such a process needs to be nurtured and directed at a pace commensurate to the people's ability to absorb it, therefore despite the recognition that in the medium term and the long-term, land registration may be inevitable, it is essential that it is managed by the people and backed by extensive sensitization so that there is opportunity for individuals or families to make a choice. In the interim collective / common registration processes for common property resources and tribal lands would be ideal especially for the Acholi under the Acholi Cultural Trust and the Langi under the specific clans responsible with guidance from the Lango Cultural Union⁵⁰.

Table 24: Measures for Secure Tenure

Responses: What would help respondent feel secure on land	Regions				Total	
	Lango		Acholi		n	Col %
	n	Col %	n	Col %		
Demarcated/ Definitive Boundaries	150	48.4	449	58.0	599	55.3
Document to Show Ownership	109	35.2	227	29.3	336	31.0
Having my names on Land Documents	38	12.3	73	9.4	111	10.2
Others	13	4.2	25	3.2	38	3.5
Total	310	100.0	774	100.0	1084	100.0

To improve tenure security, 55% of respondents to the survey considered demarcation or re-definition of boundaries to be an important aspect, based on existing history and with the participation and approval of traditional institutions in their areas. 31% of the respondents felt that they needed documentation to show proof of ownership or interests held in land as a measure for improving tenure security, while 10% felt that such document should show their own names as opposed to any other person or institution's names as the rights holders as shown in table 24 above.

This finding, draws attention to the fate of evidence (proof) of rights to land and property as an issue in the recovery process especially as related to land claims, this calls attention to what is regarded as legitimate evidence by community members and the ability to successfully re-claim rights as claimants find themselves with evidence different from what is considered legal. It is therefore important that information is provided to guide the process of securing rights on return.

1.2.2 Knowledge and Information

Table 25 below, shows that 28% of respondents felt that information on how boundary disputes and trespass can be resolved without going to court, would improve their tenure security. Twenty percent of respondents noted that knowledge or information on how to acquire land and register it, would improve their tenure security while an equal 20% of respondents, felt that knowledge of avenues and processes available for dispute resolution including options, hierarchy and authority of the different foras in place would not only improve their choice but their tenure security as well. The peculiar finding was 1.6% of respondents felt they needed to know the rights of government over private land or their customary land, which shows lack of understanding on content of law that is discussed in the subsequent paragraphs especially on exercise of the power of eminent domain (compulsory acquisition).

⁴⁹ LCV Chairman Gulu, Vice chairperson LCV Amuru, Vice chairperson, LC Kitgum and several administrators and in local government round table discussions

⁵⁰ Roles of these institutions discussed under land administration.

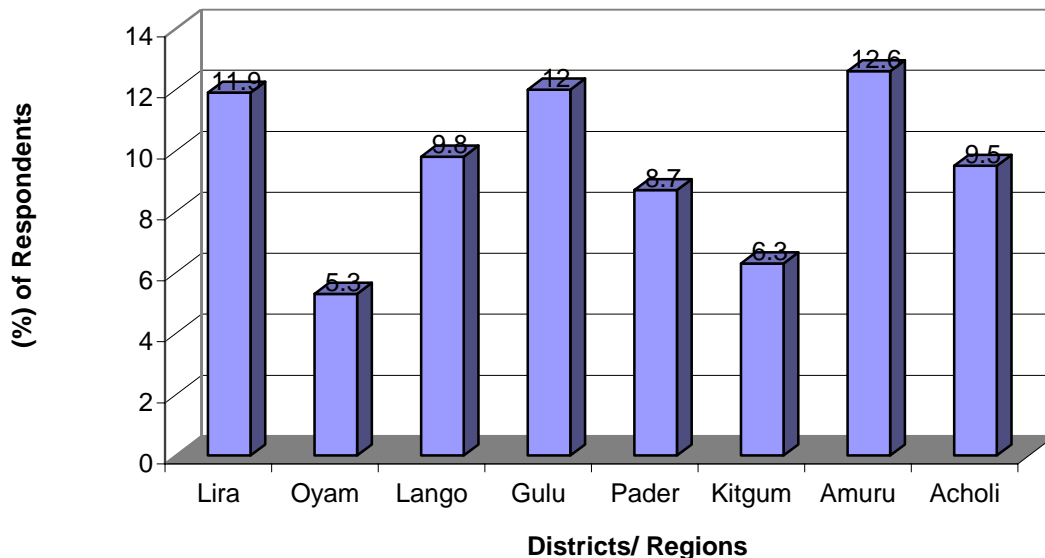
Table 25: Information Needed on Tenure Security

Responses: What Key Issues on Land the Respondent would like to know	Regions				Total	
	Lango		Acholi		n	Col %
	n	Col %	n	Col %		
Boundaries and Trespass Issues	185	34.4	254	24.6	439	27.9
Land Acquisition/ Registration/ Ownership	152	28.3	160	15.5	312	19.9
Where to settle after displacement	2	.4	1	.1	3	.2
Land Conflict Resolution Options	97	18.0	209	20.2	306	19.5
Rights of Government Over Private Land	12	2.2	13	1.3	25	1.6
The Whole Land Law/ Don't know any thing	90	16.7	396	38.3	486	30.9
Total	538	100.0	1033	100.0	1571	100.0

Table 25 above shows that, 31% of respondents to the survey were not knowledgeable or in know of what is contained in substantive statutory law on land (the Land Act Cap. 227), in addition misinformation, worry and confusion abounds on the little that is known. To the extent possible, it is highly distorted or quoted out of context. According to Focus Group Discussions, a few people who have knowledge about the content of the Act have not disseminated the information widely enough or in other instances have used the information for selfish gains. If such persons are leaders or institutions who have access to information, then they lack capacity to correctly interpret it and disseminate it.

As a follow up in understanding information needs of the community, the survey further investigated knowledge about the Land Act Cap. 227, in its own standing not as part of considerations of tenure security. Findings in relation to this detailed in figure 26 below, show that overall, an aggregate 90% of the survey study population in northern Uganda have no knowledge of what is contained in the substantive statutory law on land. Not a single district amongst those in the survey had a knowledge level of more than 15% on the content of the Land Act cap. 227.

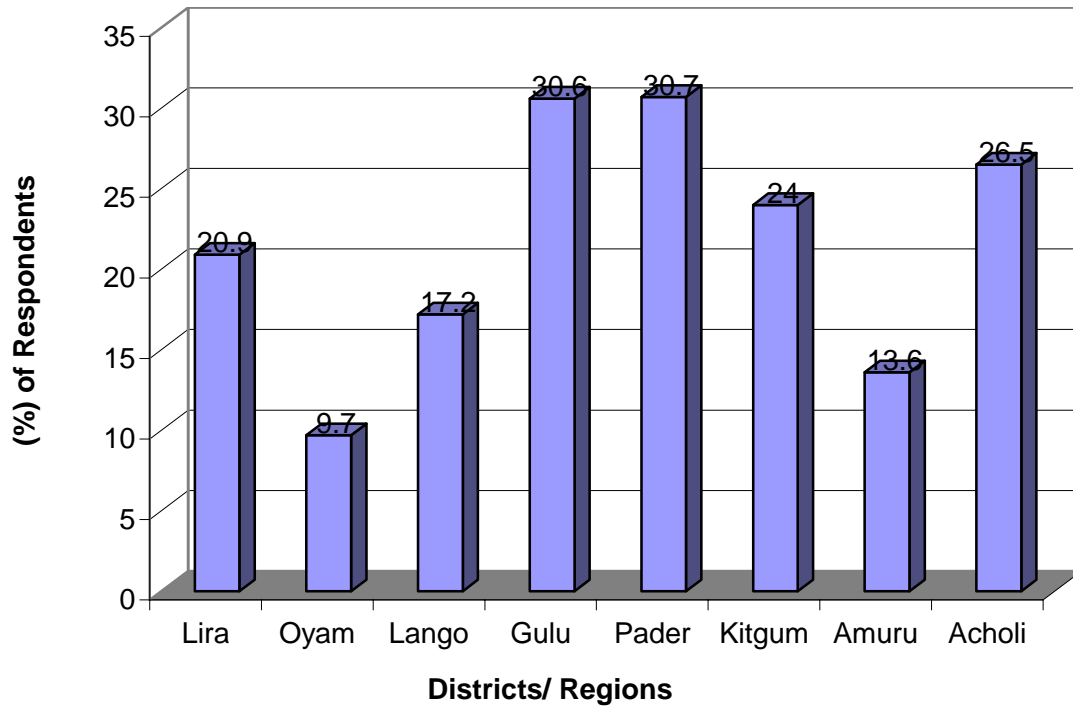
Figure 26: Knowledge Gap about the Land Act



Specific areas of concern in the little information that has so far been disseminated is mainly around the distortion of the meaning and implications of “adverse possession” provided for under section 31 on bonafide occupants on registered land and the power of “compulsory acquisition” by government in public interest provided for in article 237 and 26 of the Constitution. Capacity gaps in interpretation and dissemination of the

content of law were evident amongst, community based organizations, non-governmental organizations⁵¹ and media houses especially FM radio Stations.

Figure 27: Access to Sensitization on Land Act



To appreciate the impact of existing sensitization efforts, the survey investigated respondents' access to sensitization of any kind on land law. On average 27% stated that they had received sensitization of some sort, while 73% had not benefited from any form of sensitization on land law (illustrated in figure 27).

Table 28 below illustrates that, for the 27% that had received sensitization, 64% had received information on land law and land rights protection while 31% had separately received information on agriculture and land use through the NAADS agricultural extension program. This finding further illustrates the need for an integrated approach to sensitization, incorporating aspects of land use, environment and agriculture in sensitization efforts.

Table 28: Content of Sensitization Received

Responses		Regions				Total	
		Lango		Acholi		n	Col %
		n	Col %	n	Col %		
What sensitization on Land matters was received	Agriculture/ Land use	27	42.2	60	28.3	87	31.5
	Land Law/ Land Rights	35	54.7	141	66.5	176	63.8
	Others	2	3.1	11	5.2	13	4.7
Total		64	100.0	212	100.0	276	100.0

Given the fact that the study seeks to inform government programmes and response of stakeholders, the survey explored the best method of ensuring access to information on land law and rights from the beneficiary's perspective.

⁵¹ Capacity issues and roles are detailed in the section on Institutions and Actors

Table 28: Modes for Information Access

Responses	Regions				Total		
	Lango		Acholi		n	Col %	
	n	Col %	n	Col %			
Best way of passing on Information on Land matters	Radio	89	24.1	114	12.9	203	16.2
	TV	2	.5			2	0.2
	Seminar/ Workshop	38	10.3	66	7.5	104	8.3
	Local Language Literature	29	7.9	70	7.9	99	7.9
	Community Meetings	208	56.4	615	69.5	823	65.6
	Others	3	.8	20	2.3	23	1.8
Total		369	100.0	885	100.0	1254	100.0

Table 28 above shows that 66% of respondents thought the best option for receiving information on land is through community meetings in the proximity of their homes. According to Focus Group Discussions this reduces the time spent in travel and enables them to attend to their other household responsibilities and roles. Sixteen percent opted for radio as a mode of access especially with the advent of FM stations. However this preference is rated low, not because the radio does not have sufficient coverage, probably because a few households have access to radio or own a radio⁵². Seminars and workshops have a surprising low rating of 8% yet it is the most preferred method of sensitization by Civil Society Organizations, translated literature also has a low 8% because of the high illiteracy levels, mostly affecting women.

1.2.3 Access to Land

Access to land as an aspect of tenure security, stems from the appreciation that physical separation due to IDP displacement changes, terminates, or puts on hold prevailing rights and obligations among people regarding land especially where actual occupation, or social position forms the basis for; or a significant aspect of; claim or interest such as on customary tenure which is predominant in northern Uganda. In addition, once displaced, people pursue alternative land access avenues in pursuit of food security. This comes about with a change in status as people who were once settled become IDPs or returnees. Secondly, for analysis and articulation of study results, it is useful to simplify access to land by identifying⁵³:

- (i) User rights: as rights to use the land for grazing, growing subsistence crops, gathering minor forestry products, etc.
- (ii) Control rights: as rights to make decisions how the land should be used including deciding what crops should be planted, and to benefit financially from the sale of crops, etc.
- (iii) Transfer rights: as right to sell or mortgage the land, to convey the land to others through intra-community reallocations, to transmit the land to heirs through inheritance, and to reallocate use and control rights.

In addition, for purposes of trends comparison this study makes distinction between pre-displacement access, during displacement access and access to land on return from displacement.

Access for Use

The results presented in table 29 show that 83% respondents in the study had their own land on which they lived and cultivated while 17% did not own the land they lived on and cultivated at the time of displacement, they were either borrowing or renting as illustrated in table 29 below.

⁵² UBOS Household Survey 2004/2005 and National Household and Population Census, 2002 and the Poverty mapping exercises have similar findings.

⁵³ Adopted from FAO, 2005 land tenure in post conflict tool for analysis

Table 29: Land before Displacement and changes on Return

Before Displacement: Whether Respondent Lived on and Cultivated own Land	Regions (Col % Presented)											
	Lango						Acholi					
	Female		Male		Total		Female		Male		Total	
	n	%	n	%	n	%	n	%	n	%	n	%
Yes	136	87.7	177	93.2	313	90.7	313	81.7	329	85.2	642	83.5
No	19	12.3	13	6.8	32	9.3	70	18.3	57	14.8	127	16.5
Total	155	100.0	190	100.0	345	100.0	383	100.0	386	100.0	769	100.0
Change in Land at Study (on return)												
Didn't have but have now	0	.0	3	1.7	3	.9	1	.3	2	.6	3	.5
Have Same No. of Parcels	106	76.3	158	87.3	264	82.5	247	79.4	274	82.8	521	81.2
Have More Parcels	2	1.4	3	1.7	5	1.6	2	.6	6	1.8	8	1.2
Have Less Parcels	21	15.1	13	7.2	34	10.6	43	13.8	44	13.3	87	13.6
Had but don't have any now	10	7.2	4	2.2	14	4.4	18	5.8	5	1.5	23	3.6
Total	139	100.0	181	100.0	320	100.0	311	100.0	331	100.0	642	100.0

In table 29 above, only 14% had less parcels to access compared to 81% who felt that they still had access to the same number of parcels for occupation and use (live and cultivate) on return as at the time of displacement. This finding is contrary to earlier fears that were pointing to loss of arable land and occupancy rights for those who already had such interests in existence before displacement. Only 4% stated that they had lost their right to live on and cultivate land that they had before displacement, on return.

Table 30: Spearman's rho correlation test

Correlations		No. of Parcels Respondent Had before Displacement	No. of Parcels Respondent Had at Study	
Spearman's rho	No. of Parcels Respondent Had before Displacement	Correlation Coefficient	1.000	.890(**)
		Sig. (2-tailed)	.	.000
		N	961	923
No. of Parcels Respondent Had at Study	No. of Parcels Respondent Had at Study	Correlation Coefficient	.890(**)	1.000
		Sig. (2-tailed)	.000	.
		N	923	930

** Correlation is significant at the 0.01 level (2-tailed).

To ascertain the relationship between land parcels available at displacement and on return, the data collected was subjected to the Spearman's rho correlation coefficient test, which shows that significance of 0.01 that is two-tailed, hence re-affirming that the changes in land parcels accessed for cultivation and living before and after displacement is not significant.

It is important to note that table 29 above shows loss of land, which is very important. Despite having lesser significance as table 30 in statistical terms as the results of the spearman's rho test show, it could have an enormously socio-cultural and political impact which lends itself to landlessness.

Transfer and transmission of rights

Transfer and transmission of land rights in Uganda is conventionally gained through four major ways; donation or inheritance, access by virtue of membership within a family, purchase and borrowing. Table 31 below illustrates that, 62% of the respondents to the survey gained access to land through inheritance and 35% are given by virtue of membership within a family or by tracing lineage after the male descent⁵⁴, with a low 2.3% utilizing the operations of the land market through buying.

⁵⁴ land which has been handed over by several generations through the male lineage as a result, of this customary practice, the sons deem their right to family land as automatic while daughters are not eligible

Table 31: Means of Accessing Land

Means of Accessing Land (Analysis of Parcel Multiple Responses)	Study District (Col %)												Total	
	Lira		Oyam		Gulu		Pader		Kitgum		Amuru		n	%
	n	%	n	%	n	%	n	%	n	%	n	%		
Bought	17	4.2	1	0.5	5	1.7	11	3.7	3	0.8	2	1.4	39	2.3
Inherited	260	64.5	107	51.7	179	60.3	182	61.7	217	60.8	102	71.8	1047	61.6
Just Given	109	27	99	47.8	113	38	99	33.6	133	37.3	36	25.4	589	34.6
Just Settled	17	4.2					3	1	4	1.1	2	1.4	26	1.5
Total	403	100	207	100	297	100	295	100	357	100	142	100	1701	100

The implication of the finding above is that the customary system of transfer and transmission of rights is still the widely used method in northern Uganda. FGDs revealed that in the past, the transfers and transmission were a matter for the clan in its entirety, under guidance and wisdom of clan elders, making decisions. It is evident that this system has been modified through the displacement process, placing the clans and the elders in a sanctioning status rather than decision-making, while thrusting the family and household heads into decision-making status.

Henceforth, intra-family transfer of land is the most prevalent source of land as table 32 below illustrates, with 70% of transfers originating from natal relatives through inheritance, while inter-family transmissions occurred mainly from dead spouse to surviving spouse⁵⁵. In addition, even the limited transactions of buying and selling rights in land occur mainly within and between families. At household level 18% of spouses who accessed are just given by virtue of membership within a family or clan, very few (only 1%) are able to buy. Access through marital relatives for 8% of the respondents; shows a social safety net that comes with the institution of marriage, especially for those that are land poor.

Table 32: Source of Land Access

From whom Land Access was gained (Analysis of Parcel Multiple Responses) (Col % Presented)	Means of Accessing Land (Multiple Responses)								Total	
	Bought		Inherited		Just Given		Just Settled		n	%
	n	%	n	%	n	%	n	%		
Marital Relative (In-laws)	2	2.4	44	1.8	261	20.7			307	8.2
Natal Relative (brothers/ sisters/ uncles/ aunties/ My spouse)	24	28.6	2204	92.1	403	31.9	5	83.3	2636	70.4
My child/ children	1	1.2	102	4.3	586	46.4			689	18.4
Community member-different clan					4	.3			4	.1
Community member-own clan	41	48.8	6	.3	3	.2			50	1.3
Others	12	14.3	4	.2	6	.5			22	.6
	4	4.8	33	1.4			1	16.7	38	1.0
Total	84	100.0	2393	100.0	1263	100.0	6	100.0	3746	100.0

Access for the Land Poor⁵⁶

Research works reviewed to inform, this study alluded to the danger of an emerging landless class constituted largely by those who lose access to land;

- (i) by virtue of the operations of the land market through distress sales, or
- (ii) through denial by inequitable inheritance practices (mainly for orphaned children and the girl child)
- (iii) through denial for those whose access is dependent upon relations with a male especially through marriage (mainly widows).

⁵⁵ Data not desegregated to show male or female dead or surviving spouse

⁵⁶ This study is hesitant to refer to classes of persons with restrained or constrained access to land as "landless" and has hence preferred the use of the term "land poor" in the presentation of findings

It is mainly through marriage that women acquire use rights in land, and husbands assign particular fields for cultivation. Upon widowhood, women act as guardians or trustees for the minor children until a male heir becomes of age to take charge. Women with grown up sons are largely assured of cultivation rights, in contrast to childless women or women who bore only daughters, whose position is very precarious.

Table 33: Sources of Access for the Land Poor

Without Own Parcel of Land: From Whom Land Would be Accessed	Regions												Total	
	Lango				Acholi								n	Col %
	Lira		Oyam		Gulu		Pader		Kitgum		Amuru			
n	Col %	n	Col %	n	Col %	n	Col %	n	Col %	n	Col %	n	Col %	
Marital Relative (In-laws)	6	15.0			4	11.1	7	22.6	4	19.0	1	7.7	22	14.9
Natal Relative	19	47.5	3	42.9	23	63.9	20	64.5	14	66.7	10	76.9	89	60.1
My spouse	5	12.5			2	5.6	1	3.2	1	4.8			9	6.1
Community member-different clan	6	15.0	2	28.6	6	16.7	3	9.7	1	4.8			18	12.2
Community member-own clan	1	2.5	1	14.3							2	15.4	4	2.7
Others (My child/ children,	3	7.5	1	14.3	1	2.8			1	4.8			6	4.1
Total	40	100.0	7	100.0	36	100.0	31	100.0	21	100.0	13	100.0	148	100.0

The sources of land accessed by the land poor are similar to sources for those who use and live on their own land. In this category the family through natal relatives is still the predominant source of land accounting for 60% of access and marital relations taking 15%, the difference however, is that the community through arrangements with different clans also emerges as a source for 12% of the land poor groups, as shown in Table 33 above.

Table 34: Means of Access by the Land Poor (Pre-Displacement)

Without Own Parcel of Land: How Land was Accessed before Displacement	Regions												Total	
	Lango				Acholi								n	Col %
	Lira		Oyam		Gulu		Pader		Kitgum		Amuru			
n	Col %	n	Col %	n	Col %	n	Col %	n	Col %	n	Col %	n	Col %	
Borrowing	7	17.1			3	8.1	12	38.7	4	19.0	2	13.3	28	18.4
Renting	11	26.8	4	57.1	7	18.9	5	16.1			5	33.3	32	21.1
Share Cropping	10	24.4	3	42.9	23	62.2	14	45.2	14	66.7	8	53.3	72	47.4
Others (just uses relatives land)	13	31.7			4	10.8			3	14.3			20	13.2
Total	41	100.0	7	100.0	37	100.0	31	100.0	21	100.0	15	100.0	152	100.0

Prior to displacement, the terms or conditions for access (for the land poor) were structured around four major means; sharecropping which is the major means of access for the land poor accounted for 47% of the arrangements made by the land poor to access land, followed by renting on yearly basis for two planting seasons, which was significant for 21% of the land poor respondents and borrowing which accounted for 18% of land access arrangement by the land poor, illustrated in table 34 above.

This result gives an insight into customary land access practices that are still prevalent and the relatively low level of commercialization as means of accessing land. This is particularly evidenced by the proportion of sharecropping being twice that of renting land; and, the significant proportion of the other non commercial (borrowing and just using relatives land) means of accessing land. It is also revealing in the extent to which, customary practices provide for the land poor within their communities, with the intent of ensuring that the needs of all are addressed, hence the various social safety-nets in access to land.

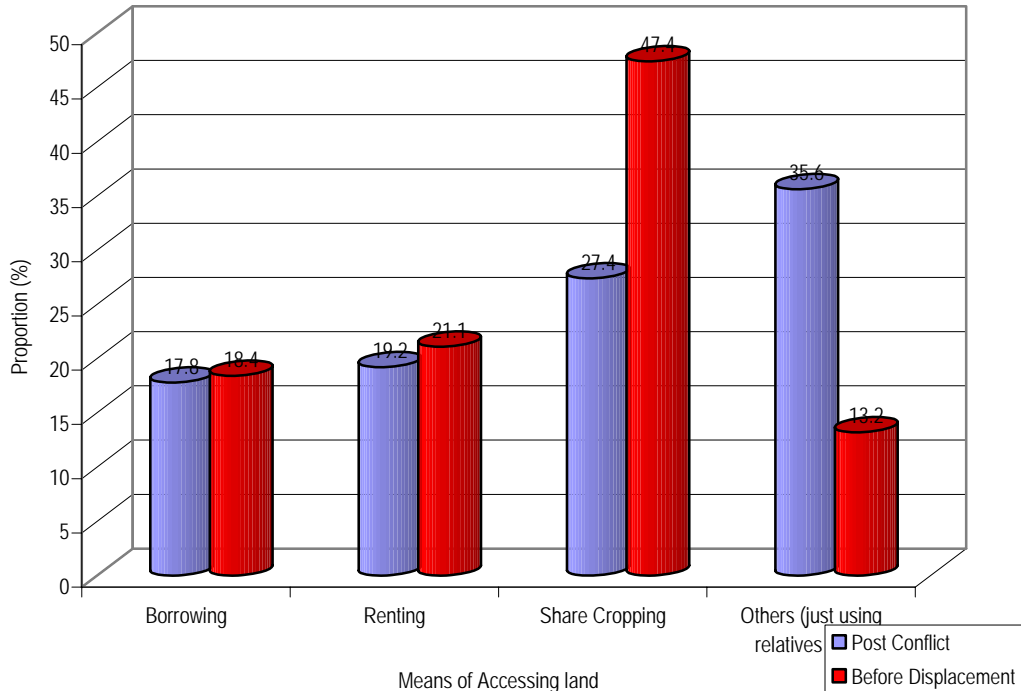
Table 35: Sources of Access by Land Poor (Post Conflict)

Without Own Parcel of Land but Returned: How is Land being Accessed	Regions										Total			
	Lango				Acholi						n	Col %		
	Lira		Oyam		Gulu		Pader		Kitgum				Amuru	
n	Col %	n	Col %	n	Col %	n	Col %	n	Col %	n	Col %	n	Col %	
Borrowing	4	14.8			3	15.8	5	50.0			1	14.3	13	17.8
Renting	6	22.2	3	50.0	1	5.3	2	20.0			2	28.6	14	19.2
Share Cropping	4	14.8	3	50.0	4	21.1	2	20.0	4	100.0	3	42.9	20	27.4
Others (just using relatives land)	13	48.1			11	57.9	1	10.0			1	14.3	26	35.6
Total	27	100.0	6	100.0	19	100.0	10	100.0	4	100.0	7	100.0	73	100.0

However, analysis of results from post-conflict or on return from displacement reveals that these trends are changing, with the weakening of the clan control systems and the reduction of commonality witnessed in the weakened or broken social safety-nets, an element of lawlessness is creeping in, with 36% of the land poor indicating that they merely use their relatives land without their express permission or in view of the fact that they were early returnees on ground, this is a breeding ground for land-access and use conflicts, as table 35 above shows.

Share-cropping arrangements that were the predominant means before displacement are nearly halved into two while renting and borrowing are still consistent, as shown in figure 36 below. Focus group discussions revealed that, one of the reasons in addition to weakening clan controls and social safety networks for the increase in use of relatives land, is exorbitant land rental values that fall between 20,000/= Uganda shillings at the lowest to 70,000/= Uganda shillings at highest (US \$12 to US\$ 45) per annum.

Figure 36: Comparison of Access by the Land Poor (Before and after Displacement)



This was verified by survey results of the land poor, who articulated the fact that apart from limited accessibility of land (by 72%), exorbitant rent cited by 10% was also a fact affecting access to land, since this is a payment demand prior to access and payable in cash, as show in the table 37 below. In addition uncertainty for 7% related to tenure security and absence of written agreements for terms of access to land worsens the

situation for 7% of the land poor. This trend, affects land access in post-conflict since as all evidence shows access or re-access is operating under the available customary arrangements, the overall access and use arrangements therefore risk becoming unwieldy, with wider repercussions on agricultural recovery, economic opportunities and food security, because the norms of practices of customary tenure move quickly to re-establish themselves with modifications controlled by the custodians who may actual distort the equity values hence tend to be in position to hold power on tenure faster than the formal state structures or systems that take longer to re-ignite and operationalise.

Table 37: Perspectives on Access by the Land Poor

(Multiple Responses): Without Own Land: Other Perspectives on Access	Regions												Total	
	Lango				Acholi								n	Col %
	Lira		Oyam		Gulu		Pader		Kitgum		Amuru			
	n	%	n	%	n	%	n	%	n	%	n	%	n	Col %
Accessible land is limited	66	91.7	7	50.0	45	95.7	26	52.0	20	87.0	6	26.1	170	74.2
The rental charged is exorbitant	4	5.6	3	21.4	1	2.1	10	20.0	2	8.7	3	13.0	23	10.0
Activities/ enterprises are restricted			1	7.1							2	8.7	3	1.3
There is a lot of Uncertainty			1	7.1	1	2.1	11	22.0	1	4.3	3	13.0	17	7.4
Usually no written agreements	2	2.8	2	14.3			3	6.0			9	39.1	16	7.0
Total	72	100.0	14	100.0	47	100.0	50	100.0	23	100.0	23	100.0	229	100.0

1.3 LAND DISPUTES AND CLAIMS

For many people across northern Uganda, land is the basis for improved livelihood and long-term security with the prediction is that disputes over land are expected to increase, to the extent of being one of the major hindrances to lasting peace. For this study, the context or hypothesis is that statutory dispute resolution mechanisms under the Land Act cap 227 are currently lacking or not in place.

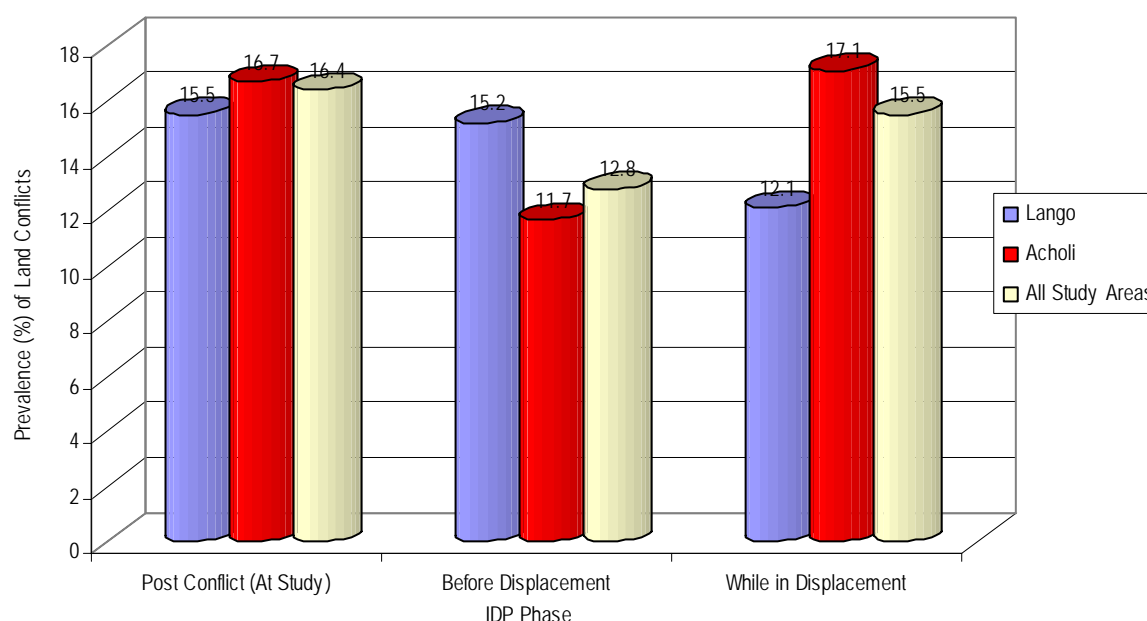
Also years of displacement have substantially eroded the authority and outreach of traditional dispute resolution mechanisms. In addition, clarity on intent and meaning of whatever now exists as customary law and rights is distorted resulting in abuse of the system within families and clans. However it is also recognized that it is fundamental to establish the magnitude of land disputes and conflicts and various trends that have been taking place since the war began 21 years ago.

1.3.1 Prevalence of Land Disputes

The survey sought to establish comparatively the prevalence of land disputes in the pre-displacement phase, while in displacement and during the post conflict period. Results in figure 38 show that across regions, on average the trend of occurrence of land disputes has been steadily rising from 12.8% at the time of displacement for the respondents involved in the survey to 15.5% during displacement, and the current return or post conflict prevalence at 16.4%.

In terms of regional variations, both Lango and Acholi reflect a consistent raise, although the pre-displacement prevalence is lowest in Acholi region at 11.7%, even though Acholi has the highest displacement and post conflict (on return) prevalence at 17.1% and 16.7% respectively. District desegregation of the above findings shows that the districts in Acholi region are the most affected with land disputes placing Amuru in lead position with 20.4%, followed by Gulu at 19.0% at the time of study. On the other hand, before displacement, Lira district had the highest prevalence at 17%, which was closely followed by Kitgum (13.6%) and Pader (13%) as illustrated in Figure 39 below.

Figure 38: Prevalence of Land Disputes by Region



According to focus group discussions, the prevalence trends across districts are influenced by the level of return in combination with the perception that government, the army and rich people have taken a lot of interest in their land, without clearly elaborating their motives or intentions especially in Acholi region and the concept of return not to the land parcels one resided on before displacement but to ancestral locations were a particular clan or lineage descended from, as concept is highly propagated in Acholi region through the media and is responsible for inter-family clashes and inter-clan clashes over land, as well as disputes between villages / clans and government agencies responsible for land reserved for conservation and forestry, Amuru district is a classic example here⁵⁷.

Table 39: Prevalence of Land Disputes by Household Category

Prevalence of Land Dispute	Whether Respondent ever had a Land Dispute	Regions (Col %)						Table Total							
		Lango			Acholi			n	%						
		FHH	MHH	CHH	FHH	MHH	CHH								
Post Conflict (At Study)	Yes	16	13.0	37	16.9	41	21.4	86	15.2	1	8.3	183	16.4		
Before Displacement	Yes	13	10.6	37	16.9	3	6.0	20	10.4	67	11.9	3	25.0	143	12.8
While in Displacement	Yes	7	5.7	34	15.5			28	14.6	99	17.6	5	41.7	174	15.5

In terms of household analysis, in Lango region for all periods, the male headed household experience a higher prevalence of disputes averaging 17%, while in Acholi region, child headed households have steep increases in prevalence from 8% to 42%, followed by female headed households that rise from 10% to 21% prevalence of land disputes, overall the prevalence rates were low while in displacement and increased on return for all categories of households in both Lango and Acholi region.

Further desegregation of prevalence on the basis of category of land across the regions shows that disputes are mostly occurring on land that was left behind, upon displacement, which on return has a dispute prevalence rate of 65%, this is mainly on inherited land accounting for 71% and land given as a gift at 17% as shown in Table 40

⁵⁷ see annex for elaborated cases from Amuru detailed by District leaders:

below. This high level of prevalence is surprisingly not evident on land that was purchased which is standing at a prevalence rate of 3%, and goes to show that the character of land around which disputes are occurring is that with a notion of “commonality” or “communality”, which according to FGDs is because a number of people on return attach a higher value to land and thus are moving to individualize what was perceived common to them and by others, while rigorously defending what had been allotted to them from access, use and sharing by the common members of the community, hence disagreements and clashes.

Table 40: Prevalence of Disputes by Land Category

Type of Land over which Conflict was Experienced		Regions															
		Lango				Total		Acholi						Total			
		Lira		Oyam		n	Col %	Gulu		Pader		Kitgum		Amuru		n	Col %
		n	%	n	%			n	%	n	%	n	%	n	%		
Displacement Phase	That Left behind	21	60.0	3	60.0	24	60.0	29	69.0	13	59.1	20	50.0	25	86.2	87	65.4
	Camp Area	12	34.3	2	40.0	14	35.0	5	11.9	7	31.8	20	50.0	3	10.3	35	26.3
	Host Community	2	5.7			2	5.0	8	19.0	2	9.1			1	3.4	11	8.3
Group Total		35	100.0	5	100.0	40	100.0	42	100.0	22	100.0	40	100.0	29	100.0	133	100.0
At time of Study (Post Conflict)	Inherited Land	25	73.5	8	42.1	33	62.3	32	80.0	21	65.6	20	58.8	17	81.0	90	70.9
	Bought Land	3	8.8	3	15.8	6	11.3	1	2.5	1	3.1	1	2.9	1	4.8	4	3.1
	Given as Gift Land	4	11.8	7	36.8	11	20.8	5	12.5	3	9.4	11	32.4	3	14.3	22	17.3
	Borrowed Land									3	9.4	1	2.9			4	3.1
	Rented Land	1	2.9	1	5.3	2	3.8	1	2.5	1	3.1					2	1.6
	Share Cropped	1	2.9			1	1.9	1	2.5	3	9.4	1	2.9			5	3.9
Group Total		34	100.0	19	100.0	53	100.0	40	100.0	32	100.0	34	100.0	21	100.0	127	100.0

Further analysis of the survey results presented in table 40 above, shows that camp areas also experienced high levels of disputes during the displacement period at a prevalence rate of 26% compared to communities that hosted or resettled IDPs whose prevalence was 8%. These disputes were attributed to the struggle to access the limited land available close to the camp or within the camp itself. In the process the overwhelmed land owners where the camps were located attempted to take charge and have a sense of control over their property. In most cases negotiations ensued which led to the gradual emergency of land rentals or shared cropping arrangement. However disputes related to payments and charges set by land owners arose in the process.

1.3.2 Causes of Land Disputes

This study also investigated the causes of land disputes in general, before displacement, during displacement and on return. Overall and regional aggregate survey results show that unclear or obscure land boundaries are the major cause of land disputes accounting for 34% in the region mainly within families and with neighbors, followed by a land scarcity perceived to account for 15%, which drives all persons into a state of jealously guarding the little land they have and reacting to the slightest provocation to protect their land. Displacement is also cited as a casual factor for land disputes by 14% of the respondents while 12% percentage reported segregative tendencies to be the cause of land disputes and obscure or unclear land rights come with a 10% score as illustrated in table 41 below.

Regionally, boundary disputes are higher in the pre-displacement period for all regions, but highest is in Lango region at 48%. The volume of boundary disputes slightly goes down during displacement and then raises on return from displacement still with Lango region accounting for the highest at 35%. On the other hand, the perception of land scarcity rises from 5% at the start of displacement to 15% on return in Lango region, while in Acholi region it moves from 13% before displacement to 17% on return at the time the study was undertaken.

Table 41: Overall Cause of Land disputes

Multiple Responses Causes of Land Disputes	Before Displacement		While in Displacement		Post Conflict (At time of Study)		Overall Ranking
	Lango	Acholi	Lango	Acholi	Lango	Acholi	
	Col%	Col %	Col%	Col%	Col%	Col%	
Obscure boundaries	48.4	37.5	29.2	27.4	36.4	27.2	34.4
Segregative tendencies	15.6	16.0	10.4	13.2	10.9	7.1	12.2
Distress (sustenance/ health/ education)	3.1	0.7	6.3	2.8	7.3	4.9	4.2
Obscure rights to land	9.4	16.0	6.3	8.5	14.5	10.3	10.8
Land Scarcity	4.7	13.2	18.8	21.7	14.5	17.4	15.1
Lack of land transaction agreements	4.7	3.5	8.3	4.2	5.5	2.2	4.7
Absence from the land	7.8	7.6	14.6	17.5	9.1	27.7	14.1
Unfair plot allocation	6.3	5.6	6.3	4.7	1.8	3.3	4.7
Total	100	100	100	100	100	100	100.0

The variations between Lango and Acholi are attributed to the percentage or rate of return in each region, where by Lango has approximately 92% return rate while Acholi is just commencing return with a large percentage of its population still in return sites, decongestion camps or return camps. It is (according to FGDs) expected that the volume of boundary disputes and the perception of land scarcity will increase and probably surpass Lango region, by the time return is complete in Acholi region because of the fact that the displacement period was longer in Acholi for an average 13 years than in Lango where the average was 7 years.

Similar observations can be made in all the causative factors except, the peculiarity evident on absence from land as a cause of land disputes whereby before displacement both regions are level, and difference begin to appear while in displacement, at the time of study, Lango region doesn't consider absence from the land as a causative factor for disputes since most of the returnees are able to re-access their land without resorting to disputes while the perception of absence from land as a cause of land disputes shoots up in Acholi from 8% to 28% at the time of the study.

Table 42: Causes of Land Disputes by District (Pre-Displacement)

Causes of land disputes Before Displacement	Lango								Acholi							
	Study District				Total				Study District				Total			
	Lira		Oyam		n	%	Gulu		Pader		Kitgum		Amuru		n	%
	n	%	n	%			n	%	n	%	n	%	n	%		
Obscure boundaries	23	46.0	8	57.1	31	48.4	9	29.0	18	36.7	18	36.7	9	60.0	54	37.5
Segregative tendencies	9	18.0	1	7.1	10	15.6	8	25.8	5	10.2	10	20.4			23	16.0
Distress survival/ health/ education			2	14.3	2	3.1			1	2.0					1	.7
Obscure rights to land	5	10.0	1	7.1	6	9.4	3	9.7	9	18.4	10	20.4	1	6.7	23	16.0
Land Scarcity	2	4.0	1	7.1	3	4.7	3	9.7	8	16.3	5	10.2	3	20.0	19	13.2
Lack of land transaction agreements	3	6.0			3	4.7	1	3.2	2	4.1	1	2.0	1	6.7	5	3.5
Absence from the land	4	8.0	1	7.1	5	7.8	4	12.9	5	10.2	2	4.1			11	7.6
Unfair plot allocation	4	8.0			4	6.3	3	9.7	1	2.0	3	6.1	1	6.7	8	5.6
Total	50	100.0	14	100.0	64	100.0	31	100.0	49	100.0	49	100.0	15	100.0	144	100.0

In addition, a number of previous studies had pointed to distress sales due to economic pressure to finance health and overall livelihood. The findings of this study show that distress sales is not a significant cause of land disputes in relation to other causes as it accounts for only 4%. However FGDs reveal that this score may rise in the near future especially in Acholi region where, sales that were made before displacement or at the time of displacement are being revoked or outright dishonored by majority of land owners or parties to such transactions.

Table 42 above further desegregates findings by district before displacement show that unclear land boundaries are still the leading cause of disputes at 38% followed concurrently at the same level by segregative tendencies and unclear rights to at 16% for both and land scarcity taking 13%. Absence from the land by virtue of displacement still takes a low command at 7% and a new phenomenon of unfair allocation by the traditional institution responsible under customary tenure comes at 6% as a cause of land disputes.

Table 43: Causes of Land Disputes (In-Displacement)

While in Displacement: Causes of Land Disputes	Lango						Acholi									
	Study District				Total		Study District								Total	
	Lira		Oyam		n	%	Gulu		Pader		Kitgum		Amuru		n	%
	n	%	n	%			n	%	n	%	n	%	n	%		
Obscure boundaries	13	29.5	1	25.0	14	29.2	15	26.8	11	28.2	19	29.7	13	24.5	58	27.4
Segregative tendencies	5	11.4			5	10.4	9	16.1	4	10.3	9	14.1	6	11.3	28	13.2
Distress survival/ health/ education	2	4.5	1	25.0	3	6.3	3	5.4	2	5.1	1	1.6			6	2.8
Obscure rights to land	3	6.8			3	6.3	6	10.7	2	5.1	2	3.1	8	15.1	18	8.5
Land Scarcity	9	20.5			9	18.8	8	14.3	9	23.1	19	29.7	10	18.9	46	21.7
Lack of land transaction agreements	4	9.1			4	8.3	3	5.4	2	5.1	2	3.1	2	3.8	9	4.2
Absence from the land	5	11.4	2	50.0	7	14.6	9	16.1	7	17.9	10	15.6	11	20.8	37	17.5
Unfair plot allocation	3	6.8			3	6.3	3	5.4	2	5.1	2	3.1	3	5.7	10	4.7
Total	44	100.0	4	100.0	48	100.0	56	100.0	39	100.0	64	100.0	53	100.0	212	100.0

Table 44 below, details causes of land disputes by district while in displacement, where unclear boundaries are still the leading cause of disputes accounting for 27%, followed by perceptual aspects reflected in the thinking that there is a land scarcity accounting for 22% of disputes and absence from the land due to displacement causing 18% of disputes. Segregative tendencies account for 13% of disputes while obscure rights are responsible for 9% of disputes during displacement.

Table 44: Causes of Land Disputes (On return- Post Conflict)

Post Conflict: Causes of Land Disputes	Lango						Acholi									
	Study District				Total		Study District								Total	
	Lira		Oyam		n	%	Gulu		Pader		Kitgum		Amuru		n	%
	n	%	n	%			n	%	n	%	n	%	n	%		
Obscure boundaries	15	40.5	5	27.8	20	36.4	13	27.7	10	19.2	18	32.1	9	31.0	50	27.2
Segregative tendencies	5	13.5	1	5.6	6	10.9	4	8.5	4	7.7	4	7.1	1	3.4	13	7.1
Distress survival / health/ education	2	5.4	2	11.1	4	7.3	3	6.4	3	5.8	2	3.6	1	3.4	9	4.9
Obscure rights to land	5	13.5	3	16.7	8	14.5	5	10.6	6	11.5	2	3.6	6	20.7	19	10.3
Land Scarcity	5	13.5	3	16.7	8	14.5	7	14.9	10	19.2	11	19.6	4	13.8	32	17.4
Lack of land transaction agreements	2	5.4	1	5.6	3	5.5	1	2.1	1	1.9	1	1.8	1	3.4	4	2.2
Absence from the land	2	5.4	3	16.7	5	9.1	12	25.5	17	32.7	16	28.6	6	20.7	51	27.7
Unfair plot allocation	1	2.7			1	1.8	2	4.3	1	1.9	2	3.6	1	3.4	6	3.3
Total	37	100.0	18	100.0	55	100.0	47	100.0	52	100.0	56	100.0	29	100.0	184	100.0

Table 44 above, on the other hand presents, the situation on return (at the time of this study) and shows that absence from the land instantly becomes the leading cause of disputes accounting for 28%, closely followed by unclear boundaries accounting for 27% of land disputes, a slight but very significant change in causal trends, followed by a perceived land scarcity accounting for 17% of disputes, obscure rights to land take a fourth position with 10% of disputes occurring in the return period, this is specially in relation to land where camps were situated and public utilities such as water pumps, boreholes, schools etc were placed, land owners are not sure how to proceed and the communities are demanding such land as "common" although initially curved out from individual land owners. The absence of land transaction agreements are alluded to the context of land sales that owners are now dishonoring claiming to have sold under distress due to insecurity and the need to relocate to new areas that had been earmarked as camps at that time.

1.3.3 Types of Land Disputes

In this study, a ranking of and description of the types of land disputes was undertaken. From the survey results, the most prevalent type of disputes were boundary related ranking highest for 23% of the respondents as illustrated in table 45 below, having a high of 28% before displacement, decreasing to 17% during displacement and steadily raising now to 25% as return commences (at time of study). From Focus group discussions and looking at regional trends in table 35 below where Lango is ranking higher, it is expected that as return progresses, boundary disputes will increase in the post conflict and early recovery period.

Table 45: Types of Land Disputes by Period

Land Disputes (Multiple Responses)	Post Conflict (At Study)		In Displacement		Before Displacement		Overall Ranking	
	n	Col %	n	Col %	n	Col %	n	Col %
Boundary	76	25.2	53	16.7	76	28.5	205	23.1
Land use	51	16.9	59	18.6	46	17.2	156	17.6
Illegal Occupation	53	17.5	60	18.9	34	12.7	147	16.6
Trespass	50	16.6	48	15.1	43	16.1	141	15.9
Inheritance Rights	38	12.6	36	11.3	38	14.2	112	12.6
Eviction	21	7.0	30	9.4	14	5.2	65	7.3
Breach of Sale Agreement/ Revocation	7	2.3	13	4.1	8	3.0	28	3.2
Others (sales, trees, common access, etc)	6	2	19	5.8	8	3	33	3.8
Total	302	100	318	100	267	100	887	100.0

Land use disputes account for 18% and have been highest during displacement because of the limited areas available within the precincts of camps and a short radius after the camp where the army could provide protection. Illegal occupation of land by neighbors, early returnees and relatives accounts for 17% of land disputes and is mostly felt during displacement by 19% of respondents, while trespass accounts for 16% of land disputes with the incidence rising as IDP return gains momentum. Inheritance disputes especially those related to rights of widows and orphaned children, often deprived by the family (paternal uncles or clan heads responsible) account for 13% of land disputes overall.

Table 46: Types of Land Disputes by Region

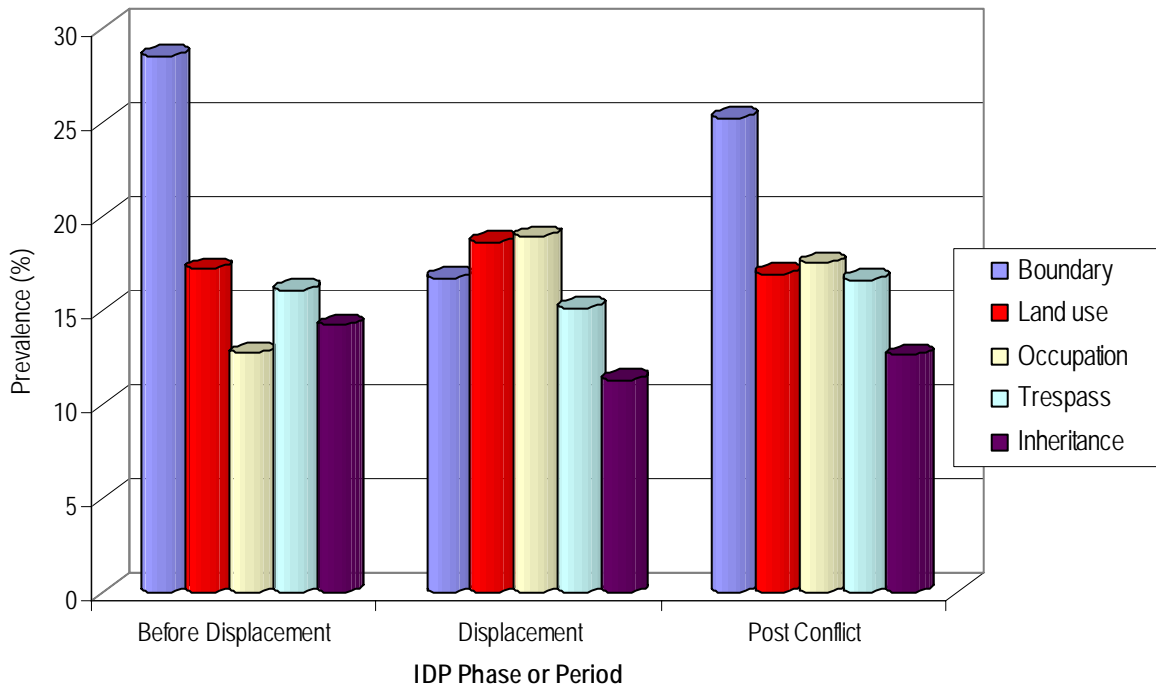
Land Disputes: (Multiple Responses)	Before Displacement		While in Displacement		Post Conflict (At time of Study)	
	Lango	Acholi	Lango	Acholi	Lango	Acholi
	Col %	Col %	Col %	Col %	Col %	Col %
Boundary	24.5	30.6	21	15.6	26.4	24.8
Land use	22.3	14.5	17.7	18.8	16.7	17
Illegal Occupation	13.8	12.1	16.1	19.5	9.7	20
Trespass	17	15.6	19.4	14.1	26.4	13.5
Inheritance Rights	12.8	15	8.1	12.1	11.1	13
Eviction	3.2	6.4	3.2	10.9	1.4	8.7
Breach of agreement	3.2	2.9		5.1	5.6	1.3
Land sales	2.1	1.2	3.2		1.4	
Others (sales, trees, open access area, etc)	1.1	1.8	17.2	3.9	1.4	1.7
Total	100	100	100	100	100	100

A regional analysis in table 46 above shows, a higher occurrence of land boundary disputes in Acholi at 31% compared to 25% in Lango, a trend that is reversed during displacement with Lango reporting higher boundary disputes at 21% compared to Acholi's 16%, which raises for both regions to 26% in Lango and 25% in Acholi on IDP return (at time of study). Illegal occupation ranks highest before displacement in Lango region at 14%, and while in displacement for Acholi region at 20%, however on return it doubles in Acholi at 20% compared to Lango at 10%. Land use disputes decline in all regions as return begins, while trespass significantly raise in Lango which has the

highest IDP return rate from 17% to 26%, while in Acholi, the trend is nearly the same through out the periods.

Evictions are highest in Acholi accounting for 11% while in displacement, while the peculiar finding is that in Lango, the percentage of evictions that has been steady since displacement has declined on IDP return (at time of study). A graphic illustration of the five most prevalent causes of land disputes (boundary, land use occupation, trespass, inheritance) in northern Uganda for the pre-displacement, displacement and return period is presented in figure 47 below reflecting the changes over the periods.

Figure 47: Changes in Occurrence of Land Conflicts by IDP Phase



1.3.4 Land Disputes Resolution

Given, the high occurrence or prevalence rates for most the disputes, it becomes imperative to explore the disputes resolution avenues and to ascertain which are spill over trends from pre-displacement to IDP return. It is clear that not all is new phenomenon but it is heightened phenomenon because it is playing out in a changed environment (due to the impact of displacement) with dissimilar capacities for response and containment, informally and formally by virtue of weakened traditional institutions with legitimacy but without legality and a dysfunctional statutory systems, that has left an institutional gap on ground, hence a continuation of societal functions may not as well be achieved in such a situation.

Table 48: Spill over of Land Disputes from Displacement to Post Conflict

Whether Conflict was Resolved at:		Regions												Table Total	
		Lango						Acholi						n	Col %
		Lira		Oyam		Gulu		Pader		Kitgum		Amuru			
n	Col %	n	Col %	n	Col %	n	Col %	n	Col %	n	Col %	n	Col %		
Time of Study (Post Conflict)	Yes	15	41.7	8	44.4	10	25.0	6	19.4	1	3.0	4	21.1	44	24.9
	No	21	58.3	10	55.6	30	75.0	25	80.6	32	97.0	15	78.9	133	75.1
End of displacement	Yes	6	50.0	4	100.0	7	28.0	7	38.9	2	7.7	6	42.9	32	32.3
	No	6	50.0			18	72.0	11	61.1	24	92.3	8	57.1	67	67.7
Displacement	Yes	22	59.5	10	76.9	8	42.1	14	48.3	12	40.0	6	75.0	72	52.9
	No	15	40.5	3	23.1	11	57.9	15	51.7	18	60.0	2	25.0	64	47.1

Table 48 results show a relatively high resolution rate in the period prior to displacement (52.9%) while in the displacement phase and at the time of study the rates are 32.3% and 24.9%. An average of 50% of land disputes commenced during displacement and has been carried over to the post conflict period, while 68% of respondents believe that the end of conflict brought forward a backlog of land conflicts, and these have translated into 75% spill over at the time of the study.

Table 49: Dispute Resolution Options (Before Displacement)

Before Displacement: Commonly Accessed Dispute Resolution Options	Regions															
	Lango				Total		Acholi						Total			
	Lira		Oyam		n	%	Gulu		Pader		Kitgum		Amuru		n	%
	n	%	n	%			n	%	n	%	n	%	n	%		
LC1	25	39.7	7	43.8	32	40.5	8	22.9	13	27.1	10	20.4			31	21.5
LC 2	11	17.5	2	12.5	13	16.5	9	25.7	10	20.8	7	14.3	5	41.7	31	21.5
LC3	6	9.5			6	7.6	3	8.6	6	12.5	6	12.2	1	8.3	16	11.1
LC5											2	4.1			2	1.4
Magistrates Court	1	1.6			1	1.3	1	2.9	2	4.2	1	2.0			4	2.8
Police	4	6.3			4	5.1					1	2.0			1	.7
Clan/ Family	13	20.6	7	43.8	20	25.3	12	34.3	17	35.4	19	38.8	6	50.0	54	37.5
RDC / CAO / Presidents Office											2	4.1			2	1.4
Others	3	4.8			3	3.8	2	5.7			1	2.0			3	2.1
Total	63	100.0	16	100.0	79	100.0	35	100.0	48	100.0	49	100.0	12	100.0	144	100.0

Beyond occurrence of disputes, the study analyzed dispute resolution options available to those experiencing land disputes. Overall before displacement as shown in table 49, 38% of the population sought the services of the clan or family when faced by land disputes, while an equal number of 22% went to both LC1 and LC2, with 11% of land disputes cases seeping through to LC3 on appeal. The striking statistics are those associated with the Magistrates Courts that tackles only 3% of land disputes, and the low level of cases that filter to RDC and CAOs offices for mediation.

Table 50: Dispute Resolution Option (Displacement)

While in Displacement: Commonly Used Dispute Resolution Option	Regions (Col %)															
	Lango				Total		Acholi						Total			
	Lira		Oyam		n	%	Gulu		Pader		Kitgum		Amuru		n	%
	n	%	n	%			n	%	n	%	n	%	n	%		
LC1	19	37.3	2	50.0	21	38.2	18	36.7	7	23.3	17	25.0	8	17.4	50	25.9
LC 2	8	15.7			8	14.5	11	22.4	7	23.3	13	19.1	16	34.8	47	24.4
LC3	7	13.7			7	12.7	2	4.1	1	3.3	10	14.7	5	10.9	18	9.3
LC5											6	8.8			6	3.1
Magistrates Court													2	4.3	2	1.0
Police	3	5.9			3	5.5	1	2.0	2	6.7					3	1.6
Clan/ Family	7	13.7	1	25.0	8	14.5	15	30.6	13	43.3	16	23.5	15	32.6	59	30.6
RDC / CAO / Presidents Office	1	2.0			1	1.8					5	7.4			5	2.6
Others	2	3.9			2	3.6					1	1.5			1	.5
Unclassified	4	7.8	1	25.0	5	9.1	2	4.1							2	1.0
Total	51	100.0	4	100.0	55	100.0	49	100.0	30	100.0	68	100.0	46	100.0	193	100.0

While in displacement, table 50 above shows that there is a gradual decline in the number of disputes resolved by clan and family institutions from 38% to 31%, because the social-cultural context in camps changes community compositions and scatters clan and family heads irrespective of where they belong but in line with security needs. In their declining space, the Local councils have gained the number of land disputes going up to 26% and 24% for LC 1 and LC 2 respectively and a decline in appeals to LC3 from 11% to 9%.

Table 51: Dispute Resolution Option (Post-Conflict)

Post Conflict: Commonly Accessed Resolution Options	Regions															
	Lango				Total		Acholi								Total	
	Lira		Oyam		n	%	Gulu		Pader		Kitgum		Amuru		n	%
	n	%	n	%			n	%	n	%	n	%	n	%		
LC1	19	50.0	10	41.7	29	46.8	12	21.4	12	25.0	19	26.0	3	7.7	46	21.3
LC 2	2	5.3	2	8.3	4	6.5	18	32.1	13	27.1	17	23.3	11	28.2	59	27.3
LC3	3	7.9	1	4.2	4	6.5	4	7.1	1	2.1	16	21.9	8	20.5	29	13.4
LC5							1	1.8	2	4.2	4	5.5	2	5.1	9	4.2
Magistrates Court							1	1.8	5	10.4	3	4.1	3	7.7	12	5.6
Police			2	8.3	2	3.2	2	3.6	2	4.2	2	2.7	1	2.6	7	3.2
Clan/ Family	10	26.3	9	37.5	19	30.6	17	30.4	11	22.9	11	15.1	11	28.2	50	23.1
RDC / CAO/ Presidents Office	1	2.6			1	1.6			1	2.1					1	.5
Unclassified	3	7.9			3	4.8	1	1.8	1	2.1	1	1.4			3	1.4
Total	38	100.0	24	100.0	62	100.0	56	100.0	48	100.0	73	100.0	39	100.0	216	100.0

Table 51 shows that on return from displacement, the family and clan involvement in disputes resolution declines further to 23%, as LC 1 gains role in dispute resolution to 21% and LC 2 begins to function according to its statutory mandate of being the court of first instance with regard to land disputes, and the rate of appeals to LC 3 also goes up, and the number of cases reaching the magistrates courts drastically raises from 1% to 6%. This finding shows that although clan and family as traditional institutions of land disputes resolution still hold legitimacy, they have been greatly weakened by the displacement process, on the other land local councils and magistrates courts are suddenly pressured to deliver land justice, often at a rate that is slower than the demand for services due to absence of institutional infrastructure on ground to adequately support their services.

Table 52: Choice of Dispute Resolution Institution (Pre-Displacement)

Before Displacement: Considerations in Choosing Resolution Option	Regions															
	Lango				Total		Acholi								Total	
	Lira		Oyam		n	%	Gulu		Pader		Kitgum		Amuru		n	%
	n	%	n	%			n	%	n	%	n	%	n	%		
Distance (It was Close)	21	33.9	4	23.5	25	31.6	2	6.3	19	31.7	14	25.0	3	16.7	38	22.9
Cost (It was Cheap)	4	6.5	1	5.9	5	6.3	5	15.6	8	13.3	9	16.1	2	11.1	24	14.5
Familiarity (I understand how it works)	21	33.9	5	29.4	26	32.9	12	37.5	23	38.3	17	30.4	5	27.8	57	34.3
Fairness (i trust the Institution)	5	8.1	1	5.9	6	7.6	3	9.4	3	5.0	2	3.6	2	11.1	10	6.0
Legal Mandated (It is the stipulated place to go/ its procedure)	9	14.5			9	11.4	8	25.0	3	5.0	8	14.3	5	27.8	24	14.5
Availability (It was the readily available option)	2	3.2	6	35.3	8	10.1	2	6.3	4	6.7	6	10.7	1	5.6	13	7.8
Total	62	100.0	17	100.0	79	100.0	32	100.0	60	100.0	56	100.0	18	100.0	166	100.0

The study, also investigated, the reasoning behind the choice of particular institution, as a way of understanding the changing trends in dispute resolution seeking behavior of respondents in the study area, before displacement, during displacement and on return in the post-conflict era, so that understanding of what influences choice is included and considered in the management of recovery and development in northern Uganda.

Table 52 above, explains choice of dispute resolution fora around six factors, in all familiarity of how a particular institution operates or works was the major determinant of choice of dispute resolution for 34% of respondents to this survey before displacement in Acholi region compared to 32% in Lango region. Distance from location of the dispute which determines ease of reach was important for 23% of respondents in Acholi region and 32% in Lango region, while cost and the institution being legally mandated accounted equally for 15% of respondent's choice in Acholi region compared to 11% in

Lango region. Availability of a dispute resolution institution was important for 8% in Acholi compared to 10% in Lango region and perceived fairness was considered by 6% of respondents to the study in Acholi compared to 7% in Lango. Within the study areas, respondents from Pader (38%) and Lira (34%) had the highest consideration of understanding how a system works in order to make choice to use it. Distance was significant in the whole of Lango Region and the far flung districts of Pader and Kitgum in Acholi region. Cost and legal mandate were most significant in Acholi region.

Table 53: Choice of Dispute Resolution Institution (Displacement)

While in Displacement: Considerations in Choosing Resolution Option	Regions															
	Lango				Total		Acholi								Total	
	Lira		Oyam		n	%	Gulu		Pader		Kitgum		Amuru		n	%
	n	%	n	%			n	%	n	%	n	%	n	%		
Distance (It was Close)	12	26.7	1	20.0	13	26.0	8	15.4	12	26.7	15	21.1	7	14.6	42	19.4
Cost (It was Cheap)	1	2.2			1	2.0	3	5.8	4	8.9	4	5.6	3	6.3	14	6.5
Familiarity (I understand how it works)	10	22.2	2	40.0	12	24.0	10	19.2	11	24.4	21	29.6	10	20.8	52	24.1
Fairness (i trust the Institution)	6	13.3	1	20.0	7	14.0	11	21.2	7	15.6	12	16.9	11	22.9	41	19.0
Legal Mandate (It is the stipulated place to go/ its procedure)	9	20.0	1	20.0	10	20.0	13	25.0	9	20.0	12	16.9	15	31.3	49	22.7
Availability (it was the readily available option)	7	15.6			7	14.0	7	13.5	2	4.4	7	9.9	2	4.2	18	8.3
Total	45	100.0	5	100.0	50	100.0	52	100.0	45	100.0	71	100.0	48	100.0	216	100.0

Table 53 above, shows that as displacement happened, the value of understanding how a system works as a determinant of choice for dispute resolution declines from 34% to 24% in Acholi region and 32% to 24% in Lango region, but remains the key consideration in making choice. Legal mandate for enforceability of decisions or formality of procedure significantly gains importance from 15% to 23% in Acholi region and from 15% to 20% in Lango as the second most important determinant of choice. Distance or location associated with ease of access decreases in importance from 23% to 19% in Acholi region, from 32% to 26% in Lango region, while availability and cost stood at 8% and 7% respectively in Acholi, 7%, and 2% in Lango region.

Table 54: Choice of Dispute Resolution Institution (Post-Conflict)

Post Conflict: Considerations in Choosing Resolution Option	Regions															
	Lango				Total		Acholi								Total	
	Lira		Oyam		n	%	Gulu		Pader		Kitgum		Amuru		n	%
	n	%	n	%			n	%	n	%	n	%	n	%		
Distance (It was Close)	7	14.9	5	17.9	12	16.0	8	13.3	11	22.0	3	6.7	3	12.0	25	13.9
Cost (It was Cheap)	1	2.1	2	7.1	3	4.0	2	3.3	5	10.0	5	11.1	1	4.0	13	7.2
Familiarity (I understand how it works)	11	23.4	6	21.4	17	22.7	18	30.0	15	30.0	10	22.2	5	20.0	48	26.7
Fairness (i trust the Institution)	9	19.1	4	14.3	13	17.3	13	21.7	6	12.0	10	22.2	7	28.0	36	20.0
Legal Mandate (stipulated place to go/ its procedure)	13	27.7	5	17.9	18	24.0	15	25.0	11	22.0	14	31.1	5	20.0	45	25.0
Availability (it was the readily available option)	6	12.8	6	21.4	12	16.0	4	6.7	2	4.0	3	6.7	4	16.0	13	7.2
Total	47	100.0	28	100.0	75	100.0	60	100.0	50	100.0	45	100.0	25	100.0	180	100.0

Table 54 above, shows choice of dispute resolution institution upon return of IDPs (time of the study) which reveals that familiarity with how an institution works is still the major consideration from 27% of respondents in Acholi region and 23% of respondents in Lango region with lesser ranking followed by legal mandate or prescribed institution continuing to rise in value up to 25% in Acholi region and 24% in Lango region. This is closely followed by fairness which gains a sudden steep rise to 20% in Acholi and 17% in

Lango region, as distances comes in next at 14% and 16% in Acholi and Lango regions respectively.

1.3.5 Duration and Cost of Dispute Resolution

Duration and cost are least ranked among the considerations for making choice of a dispute resolution institution to use, but have long been proven to be barrier for access to justice. Considering duration amongst households, Table 55 above shows that in comparison to Male headed Households (MHH), Female Headed Households (FHH) take long to have their land disputes resolved and this trend has not been reversed during displacement and upon return (post conflict) taking an average low of 2 months to a high of 8 months to resolve a particular dispute, while the MHH takes a minimum of 1 month to a maximum of 6 months

Table 55: Duration of Dispute Resolution (Households)

How long (Months) it took to Resolve Land Dispute:	Regions												
	Lango						Acholi						
	Lira		Oyam		Gulu		Pader		Kitgum		Amuru		
	FHH	MHH	CHH	FHH	MHH	FHH	MHH	CHH	FHH	MHH	FHH	MHH	
Post Displacement	8	5	.	2	4	1	1	.	2	1	.	1	1
While in Displacement	2	4	.	.	3	5	3	.	6	1	.	3	5
Before Displacement	7	6	3	4	3	1	15	4	3	8	5	3	1

Table 56 below analyses, further any variations by sex and shows that in all districts, females take longest to have their disputes on land resolved especially in Lira district for all periods (pre-displacement, displacement and on return) a minimum of 3 months and a maximum of 9 months. While in Gulu and Pader districts extreme variations are witnessed with a minimum of one month and maximum of 17 months for males and females, overall land dispute resolution for females still take longer to resolve than for males in both Lango and Acholi regions.

Table 56: Duration of Dispute Resolution (By Sex)

How long (Months) it took to Resolve Land Dispute: (Mean)	Regions											
	Lango						Acholi					
	Lira		Oyam		Gulu		Pader		Kitgum		Amuru	
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
Post Displacement	9	3	2	4	2	1	2	1	.	1	1	1
While in Displacement	3	4	.	3	5	3	6	1	3	3	4	3
Before Displacement	8	5	4	3	2	17	13	3	5	3	8	2

Table 57 below further shows, in terms of regional district by district, Gulu and Lira district take longest to have disputes resolved, followed by Pader and Amuru Districts.

Table 57: Duration of Dispute Resolution (By District)

How long (Months) it took to Resolve Land Dispute:	Regions										Total	Total	
	Lango					Total	Acholi						Total
	Lira	Oyam					Gulu	Pader	Kitgum	Amuru			
Before Displacement	6	3	5	12	7	4	6	7	6	7	6		
While in Displacement	4	3	3	4	4	3	3	3	3	3	3		
Post Conflict	6	3	5	1	2	1	1	1	1	1	3		

On the other hand, the exploration of costs involved in dispute resolution, shows that the cost of accessing justice is higher during post conflict period especially for females than males before displacement and has relatively gone down in post conflict period as illustrated in table 58 below.

Table 58: Average Cost of Dispute Resolution (By Sex)

Average Cost (Ushs.) of Resolving Land Dispute:	Regions											
	Lango				Acholi							
	Lira		Oyam		Gulu		Pader		Kitgum		Amuru	
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
Before Displacement	21500	16917	2833	10457	4000	53000	23000	19667	49500	5125	7000	12500
While in Displacement	26000	32600		4167	30000	8750	0	24167	50000	19000	8750	34000
Post Conflict	15800	14000	1667	1267	12500	13500	23333	4000		20000	50000	8333

At household level, MHH on average in Lango spend more on dispute resolution compared to FHH and still highest during displacement, while in Acholi region FHH spend more on dispute resolution and still highest during displacement, as illustrated in table 59 below. In terms, of average cost for dispute resolution by district, still the cost of dispute resolution has been highest during displacement period, with Oyam recording the least cost in Lango region while Gulu and Kitgum had the highest costs of dispute resolution, with Amuru District having the lowest cost of Dispute resolution in the region. These findings are illustrated in table 59 below.

Table 59: Average Cost of Dispute Resolution (Household)

Average Cost (Ushs.) of Resolving Land Dispute:	Regions											
	Lango				Acholi							
	Lira		Oyam		Gulu		Pader		Kitgum		Amuru	
	FHH	MHH	FHH	MHH	FHH	MHH	FHH	MHH	FHH	MHH	FHH	MHH
Before Displacement	3500	21438	3067	10357	3000	45000		21182	49500	19917		8571
While in Displacement	11750	37250		4167	40000	11000	0	24167		29333	13333	26200
Post Conflict		0	18625	1450	1500	10000	14800	23333	4000		20000	18750

These findings illustrate the fact that while in displacement, IDPs had to pay a higher cost for resolving disputes compared to the period before displacement, however it is clear that in Lango region this cost is further declining on return, as well in Acholi.

Table 60: Average Cost of Dispute Resolution (By District)

Average Cost (Ushs.) of Resolving Land Dispute:	Regions										Total
	Lango					Acholi					
	Lira		Oyam		Total	Gulu		Pader	Kitgum		
Before Displacement			18,605	8,170	15,007	39,000	21,182	27,313	8,571	23,773	19,673
While in Displacement			28,750	4,167	23,833	15,833	14,500	29,333	21,375	19,386	21,189
Post Conflict			14,900	1,467	9,863	13,000	18,500	20,000	18,750	16,059	13,055

According to FGDs, this declining cost is associated with the various actors venturing into provision of pro-bono legal services by civil society organizations and the encouragement to utilize alternative dispute resolution mechanisms both the Government and traditional institutions.

1.3.7 Compensation Claims and Restorative Actions

In post-conflict northern Uganda, a number of land claims that are peculiar to the displacement and return process have emerged and need specific response from policy or administration in land management. The study however sought to seek study respondents views in identifying these peculiar claims and putting across a range of options that policy and administration will consider for action.

Compensation

According to FGDs, land claims especially for compensation centered around illegal occupation of land by IDP camps and the destruction in land resources as a result of the displacement process specifically;

- (i) Landlords where IDP camps are located are claim that they are entitled to due compensation on grounds of;

- a. Illegal occupation of their land in breach of their land rights as owners
 - b. Loss of income that would have accrued from land during displacement period ranging from (3 years in Lango to 13 years in Acholi).
 - c. Due to change in land use from agricultural to settlement sites, there has been loss in productivity of the land (despite camp removal or return of IDPs land won't be productive for the next approximately 15 to 20 years).
 - d. Land lost to placement of public utilities and infrastructure such as toilets, boreholes, schools and mechanized water pumps. First the issues of who owns such facilities that are placed on their land, given the fact that IDPs are now returning or have returned. In Amuru District a peculiar case has unfolded where the land owner sued the LC 3 for placing a water facility on his land (to service a return camp or relocation site) on grounds of trespass and was awarded 3.5 million Uganda shilling compensation by the Magistrates Court. Local Governments are worried about the precedent such a ruling has set.
 - e. Occupation effects were not limited to the camp land only but the land surrounding the camps up to approximately 3 Kilometers radius was intensively farmed by the IDPs and its fertility and productivity is considerable reduced now (However, FGDs with IDP returnees and those still in decongestion sites, clarified that land access for agricultural use or food production around camps was on rental basis, detailed in land transactions section of this report).
- (ii) Landlords where army detaches and camps were located claim that they are entitled to compensation on grounds of;
- a. Illegal occupation of their land in breach of their land rights as owners
 - b. Destruction of their land with construction of protective ditches (“*ndaki*”) around their lands
 - c. Destruction of Housing, Farms and Produce that came with army occupation of land
 - d. Felling of tree resources for firewood and charcoal by the army (items were being ferried to Kampala for sale)
 - e. In other instances the army cultivated private land that they occupied.

Table 61: Importance of Response to Land Claims

Condition in which Parcel of Land was Found: Analysis for only those with potential for conflict	Status of Land Problem/ Situation arising from Condition		Total Col %
	Resolved	Not Resolved	
Boundaries changed/ markers tampered	5.5	10.7	10.1
Occupied/ cultivated by unknown persons	8.6	7.3	7.4
Occupied/ cultivated by family with out authority	2.4	5.2	4.9
Occupied/ cultivated by early returnees	0.9	1.5	1.4
Cultivated by army	4.9	2.5	2.8
Encamped on by army	11.0	5.3	6.0
Has an IDP camp on it	2.8	3.9	3.7
Trees have been cut/ has un filled holes	15.0	23.7	22.7
Housing vandalized/ burnt	44.6	37.6	38.4
A road/ path/ borehole made through it	4.3	2.1	2.4
Others	0.0	0.4	0.3
Total	100.0	100.0	100.0
Resolution Rate	11.5%		

The above stated grounds of loss were considered by the landlords to be sufficient for government action for compensation. However survey respondents in table 61 above show that, consideration for compensation is linked to the conditions in which one finds his/her land parcel upon return. Five major issues emerge from the survey results as follows;

- (i) First, is the destruction of housing or shelter units that have been either burnt or vandalized on return. This condition got the highest ranking of 38% of respondents in the survey, of which 45% were of the view that the resettlement packages⁵⁸ are responding to this claim, while 38% of the respondents felt that this still needs administrative response for those in need to benefit.
- (ii) Second most important aspect articulated was tree resource loss and un-filled holes or ditches arising from army occupation of land either as detaches or military bases and presence army camp which 23% and 5% of respondents ranked as important respectively, of these 15% felt that this claim was being addressed by the army and 24% of those affected that this was yet to be addressed and warranted response from the Uganda Peoples Defense Forces.
- (iii) Third, issues was the changed boundaries or markers that had been tampered with which 10% of respondents ranked as an issue that needs administrative, legislative and policy response, amongst whom 1/3 felt that it was being resolved and 2/3 felt its is yet to be resolved thus greatly warrants immediate attention.
- (iv) Fourth, occupation or cultivation of land by unknown persons and family members with out express authority of the holders also need a directive on resolution.
- (v) Lastly, the observation that most interests of land owners though put across do not rank highly, because of the numerical weakness of land lords (they are few) but go to show the principles and ground articulated by landlords in the focus groups discussion in the preceding paragraphs.

Possible Alternatives to Compensation

In terms of restorative actions, for the different land claims, survey results show that 73% of respondents support of compensation as payment for loss, destruction or degradation of land and housing property, as illustrated in table 62 below, this action is recommended with relatively similar ranking across the study districts, with Pader having the highest rank of 84% shows agreement on course of action that government should consider. The second best alternative to compensation is the actual resolution of land disputes alluded to by 10% of respondents in the survey followed by restitution calling for removal of illegal occupiers or users of land that does not belong to them accounting for ranking of 8%. Only 6% opted for universally remarking or re-establishment of land boundaries and 4% thought the option of resettlement by government would be ideal for resolving land disputes claims in northern Uganda.

Table 62: Suggested Restorative Actions on Land Claims

How Land Problem Should be Resolved	Study District (Col %)						Total
	Lira	Oyam	Gulu	Pader	Kitgum	Amuru	%
Remove illegal occupant/ user (Restitute)	8.4	4.2	6.0	7.6	10.4	8.7	8.0
Pay for Loss/ Destruction/ Degradation (Compensate)	71.7	76.4	67.3	84.2	73.8	60.6	72.7
Give alternative land (Resettle)	6.6	1.4	1.8	2.7	4.5	3.1	3.6
Resolve Land Conflict	8.4	12.5	16.7	3.3	6.8	16.5	9.9
Have all boundaries marked	4.8	5.6	8.3	2.2	4.5	11	5.8
Total	100	100	100	100	100	100	100

Existing Initiatives for Land Restoration (Humanitarian Agencies)

UNHCR has started a camp closure initiative (alternatively referred to as camp cleaning exercises). It was launched on 11/9/2007 in Lira District where two IDP camps namely Otwal Railway and Agweng were razed down. The camp closure include razing empty

⁵⁸ Provision of 30 Roofing Iron Sheets per household under OPM's office is a soft landing in this aspect and has also influenced return patterns with a number of people maintaining presence in camps in order to access the package

huts, filling pit latrines, leveling the sites and planting some trees for restoration of greenery and soil fertility. In Lango region camp phase out committees have identified sites for closure and advice on activities for transformation.

1.4 LAND TRANSACTIONS

Studies reviewed to inform this survey, point out that there has been an increase in the number of land transactions taking place since displacement started, often to the disadvantage of indigenous customary land rights holders and the extremely vulnerable groups of either orphans or widows, or even female headed household that are propelled into the land market due to the socio-economic squeeze or due to absence of livelihood options, hence have a higher probability of descending in abject poverty or destitution upon return or end of displacement.

1.4.1 Nature of Land Transactions

First, the survey investigated the nature of land transactions taking place during displacement, which showed that land renting was the most predominant land transaction in which 57% of respondents to the study had engaged in followed by land borrowing which 13% of respondents had engaged in and 3% in share-cropping arrangements. Findings illustrated in table 63 shows that 24% of respondents to the survey had not engaged in any land transaction during the period of displacement. However, the most peculiar finding was that less 3% of respondents engaged in land purchase and sales, contrary to assertions of the need to control the negatives effects of land sales that were speculated to have happened during displacement.

Table 63: Land Transactions (Displacement)

Response: While in Displacement: Land Transactions	Regions														n	Col %
	Lango				Total		Acholi						Total			
	Lira		Oyam		n	Col %	Gulu		Pader		Kitgum		Amuru			
	n	%	n	%			n	%	n	%	n	%	n	%		
None	152	66.4	69	62.7	221	65.2	68	31.6	29	12.0	69	30.9	25	23.6	191	24.3
Share Cropping	7	3.1	4	3.6	11	3.2	16	7.4	1	.4	8	3.6	2	1.9	27	3.4
Bought Land	15	6.6	3	2.7	18	5.3	3	1.4	1	.4	9	4.0	5	4.7	18	2.3
Sold land	3	1.3			3	.9			2	.8	1	.4			3	.4
Rented Land	43	18.8	32	29.1	75	22.1	123	57.2	165	68.2	103	46.2	56	52.8	447	56.9
Borrowed Land	9	3.9	2	1.8	11	3.2	5	2.3	44	18.2	33	14.8	18	17.0	100	12.7
Total	229	100.0	110	100.0	339	100.0	215	100.0	242	100.0	223	100.0	106	100.0	786	100.0

For comparative purposes, transactions since IDP return commenced were also investigated, and the findings in table 56 below show that there has been a drastic fall in land renting from 57% during displacement to 11% since IDP return commenced; similarly borrowing ranking have halved to 5%, while sharecropping is at an insignificant 2%. However, the most peculiar finding that re-affirms the low level of land transactions so far on return is 81% of respondents who had not engaged in any land transactions since movement out of camps started, see Table 64 below.

Table 64: Land Transactions (Post Conflict)

Responses Post Conflict: Land Transactions	Regions														n	Col %
	Lango				Total		Acholi						Total			
	Lira		Oyam		n	Col %	Gulu		Pader		Kitgum		Amuru			
	n	%	n	%			n	%	n	%	n	%	n	%		
None	77	89.5	59	96.7	136	92.5	111	93.3	44	52.4	71	89.9	31	88.6	257	81.1
Share Cropping	1	1.2			1	.7					3	3.8	2	5.7	5	1.6
Bought Land			1	1.6	1	.7										
Sold land	1	1.2			1	.7			1	1.2	1	1.3	1	2.9	3	.9
Rented Land	6	7.0	1	1.6	7	4.8	8	6.7	26	31.0	1	1.3			35	11.0
Borrowed Land	1	1.2			1	.7			13	15.5	3	3.8	1	2.9	17	5.4
Total	86	100.0	61	100.0	147	100.0	119	100.0	84	100.0	79	100.0	35	100.0	317	100.0

Despite the low levels of land sales and purchases, the survey sought to understand the causes or triggers for land transactions both in displacement and on return of IDPs, which found that 72% of transactions were induced (distress) related to survival needs or sustenance (sustenance, health and education) and 15% were those related to persons who had chosen to resettle in a different location during displacement as illustrated in table 65 below.

Table 65: Triggers of Land Transactions (Displacement)

Responses While in Displacement: Triggers of Land Transactions	Regions															
	Lango				Total				Acholi				Total			
	Lira		Oyam				Gulu		Pader		Kitgum		Amuru			
	n	Col %	n	Col %	n	Col %	n	Col %	n	Col %	n	Col %	n	Col %	n	Col %
Opting for Resettlement	34	42.0	25	58.1	59	47.6	20	11.4	33	13.8	37	28.7	8	10.8	98	15.9
Distress (Health/ Education)	5	6.2			5	4.0	19	10.9	24	10.0	9	7.0	2	2.7	54	8.8
Distress (Sustenance)	26	32.1	17	39.5	43	34.7	85	48.6	167	69.9	77	59.7	64	86.5	393	63.7
Land Dispute/ Conflict	1	1.2			1	.8	2	1.1							2	.3
Others	15	18.5	1	2.3	16	12.9	49	28.0	15	6.3	6	4.7			70	11.3
Total	81	100.0	43	100.0	124	100.0	175	100.0	239	100.0	129	100.0	74	100.0	617	100.0

Table 66: Triggers of Land Transactions (Post-Conflict)

Responses Post Conflict: Triggers of Land Transactions	Regions															
	Lango				Total				Acholi				Total			
	Study District						Gulu		Pader		Kitgum		Amuru			
	Lira	Oyam			n	Col %	n	Col %	n	Col %	n	Col %	n	Col %	n	Col %
Investment Capital Needs	8	24.2	7	41.2	15	30.0	13	48.1	10	13.2	1	7.7			24	19.7
Distress (Health/ Education)	2	6.1	1	5.9	3	6.0	2	7.4	21	27.6	3	23.1			26	21.3
Distress (Sustenance)	15	45.5	8	47.1	23	46.0	5	18.5	43	56.6	9	69.2	5	83.3	62	50.8
Land Conflict	5	15.2			5	10.0	2	7.4	2	2.6			1	16.7	5	4.1
Others	3	9.1	1	5.9	4	8.0	5	18.5							5	4.1
Total	33	100.0	17	100.0	50	100.0	27	100.0	76	100.0	13	100.0	6	100.0	122	100.0

In comparison to the return period, table 66 above shows that survival was still a cause for engaging in land transactions for 51% respondents especially in land rentals while a new factors or triggers such as financing health and education for 21% of respondents and the need for investment capital emerged on return from displacement for 20% of respondents, as livelihood focus change from survival to recovery and development.

1.4.2 Cost of Land Transactions

Table 67 shows that the average acreage sold was 3 acres for those engaging in land sales and purchase at an average price ranging from 165,000/= to 500,000 Uganda shillings, while rental fees varied between 20,000/= Uganda shillings and 70,000/= Uganda shillings for 2 to 5 acres of land per annum.

Table 67: Value of Land Transactions

	Regions									
	Lango			Acholi						
	Lira	Oyam	Total	Gulu	Pader	Kitgum	Amuru	Total	Total	
Amount of Land Bought (Acres)	3.20	.	3.20	.	.	5.00	1.00	3.00	3.14	
Buying Price (Ushs.)	162000	.	162000	.	.	50000	500000	275000	194286	
Amount of Land Sold (Acres)	2.00	.	2.00	.	.	3.00	.	3.00	2.50	
Selling Price (Ushs.)	500000	.	500000	.	.	900000	.	900000	700000	
Amount of Land Rented (Acres)	2.20	2.15	2.18	5.18	2.16	2.50	2.33	2.69	2.54	
Rental Fee (Ushs.)	52500	44615	48704	186545	44729	21667	26667	66831	61511	

However a peculiar figures is the sale price for those that have accumulated (with possibility of speculation) standing between 500,000/= Uganda shillings and 90,000/= Uganda shillings. For all transactions, the costs are higher in Acholi region than Lango region.

Table 68: Assumptions about Land Transactions

		Regions												Total	
		Lango						Acholi						n	Col %
		Study District				Study District									
		Lira		Oyam		Gulu		Pader		Kitgum		Amuru			
		n	Col %	n	Col %	n	Col %	n	Col %	n	Col %	n	Col %		
The cost of renting land is higher now compared to before displacement	True	189	87.5	86	81.1	176	81.9	203	93.1	187	86.6	96	96.0	937	87.5
	False	27	12.5	20	18.9	39	18.1	15	6.9	29	13.4	4	4.0	134	12.5
The cost of buying land is higher now compared to before displacement	True	196	89.1	94	89.5	203	94.4	210	96.8	194	90.2	98	99.0	995	92.9
	False	24	10.9	11	10.5	12	5.6	7	3.2	21	9.8	1	1.0	76	7.1
It is a lot easier to sale/ buy land now than before displacement	True	31	14.0	9	8.7	18	8.4	28	13.5	25	11.7	11	11.0	122	11.5
	False	190	86.0	95	91.3	197	91.6	180	86.5	188	88.3	89	89.0	939	88.5
Since displacement clans have less control on land sales in this community	True	49	22.1	7	6.5	16	7.4	23	11.0	21	9.8	26	26.0	142	13.3
	False	173	77.9	100	93.5	199	92.6	187	89.0	194	90.2	74	74.0	927	86.7
Many persons in this community sold their land while in displacement	True	39	17.7	8	7.6	14	6.5	10	4.8	16	7.5	10	10.0	97	9.1
	False	181	82.3	97	92.4	201	93.5	199	95.2	198	92.5	90	90.0	966	90.9
A few persons in this community sold their land while in displacement	True	133	61.6	69	65.7	132	61.4	113	53.8	107	50.5	54	54.5	608	57.5
	False	83	38.4	36	34.3	83	38.6	97	46.2	105	49.5	45	45.5	449	42.5

2.5 LAND ADMINISTRATION INSTITUTIONS

To test the demand for formal land services and to gain insights into formal land transactions, the survey team reviewed land office records and extracted data from records. However, the state of records was found to be very poor, with incomplete information and in some instances, the districts were unable to produce records because they were not in existence or there was an administrative wrangle⁵⁹. Only Gulu and Lira land offices had records that could be extracted.

2.5.1 Land Registration Services

Land Registration services were investigated from two angles;

- (i) applications received by the district regional offices for registration which is directly co-related to demand for services and
- (ii) Successful registration by issue of title which is directly related to capacity for delivery of services.

Table 69: Applications Received (Gulu and Lira Land Offices)

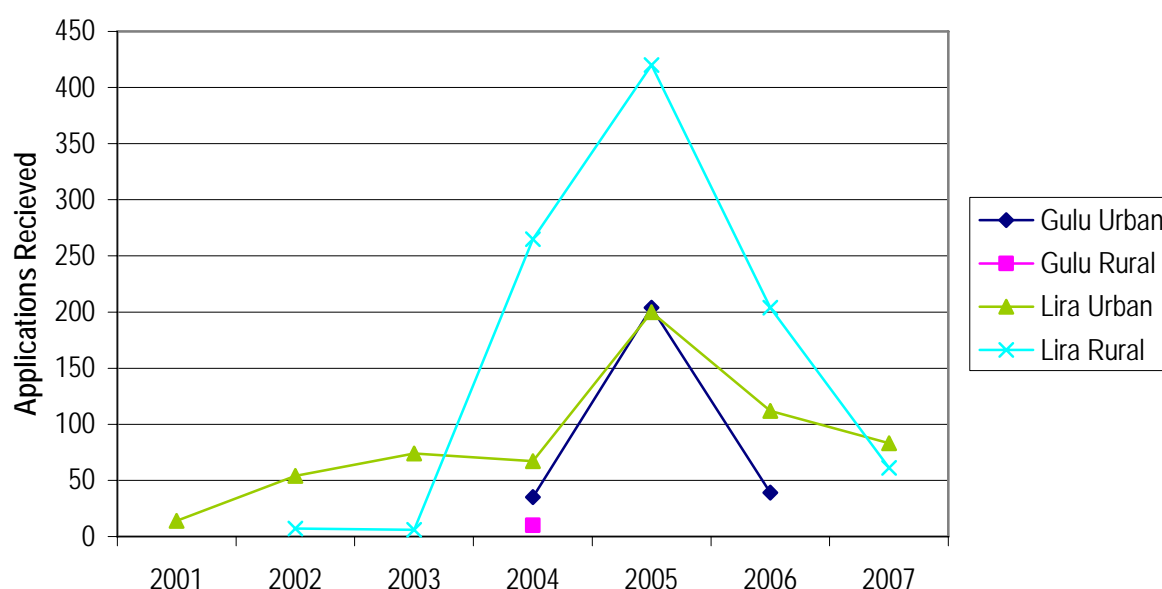
Applications for Land Received	Gulu Land Office		Lira Land Office	
	Urban	Rural	Urban	Rural
2001	-	-	14	
2002	-	-	54	7
2003	-	-	74	6
2004	35	10	67	265
2005	204	0	200	420
2006	39	0	112	204
2007	0	0	83	61
Total	278	10	604	963

Source: Lira and Gulu Land Office Records

⁵⁹ As is the case with Kitgum District, which has a spill over to Pader District

Results show that between 2004 and 2006 Gulu Land Office received 288 applications of which 10 were rural while in the same period Lira Land Office received 1,268 applications of which 889 were rural. A summary of the extraction for applications for title received is shown in table 69 above⁶⁰. Analysis of the tallies depicts a pattern in which there was a sharp rise in the number of applications for land at the beginning of 2004 mainly in Lira, peaking in 2005 followed by a fall in 2006, the pattern is graphically illustrated in Figure 70 below.

Figure 70: Applications Received at Gulu and Lira Land Offices



Source: Lira and Gulu Land Office Records

Investigation of trends, that stand out from the tallies show that Lira which serves the Lango region was relatively stable and the concept of titling has been vigorously promoted by civil society as a secure mode of ownership of land, this together with influences of displacement resulted in a sudden urge to apply for titles even in the Urban. However the peculiar comparison is in Gulu land office which serves Acholi region where virtual no rural land is being titled and relatively the same level of demand in the urban as equal to demand in Lira urban.

Table 71: Successful Applications (Lira and Gulu)

Applications for Land Successfully Processed	Gulu		Lira	
	Urban	Rural	Urban	Rural
2001	21	0	1	0
2002	62	1	5	2
2003	66	1	50	21
2004	79	2	46	11
2005	125	2	73	17
2006	130	0	55	15
2007	70	0	17	11
Total	553	6	247	77

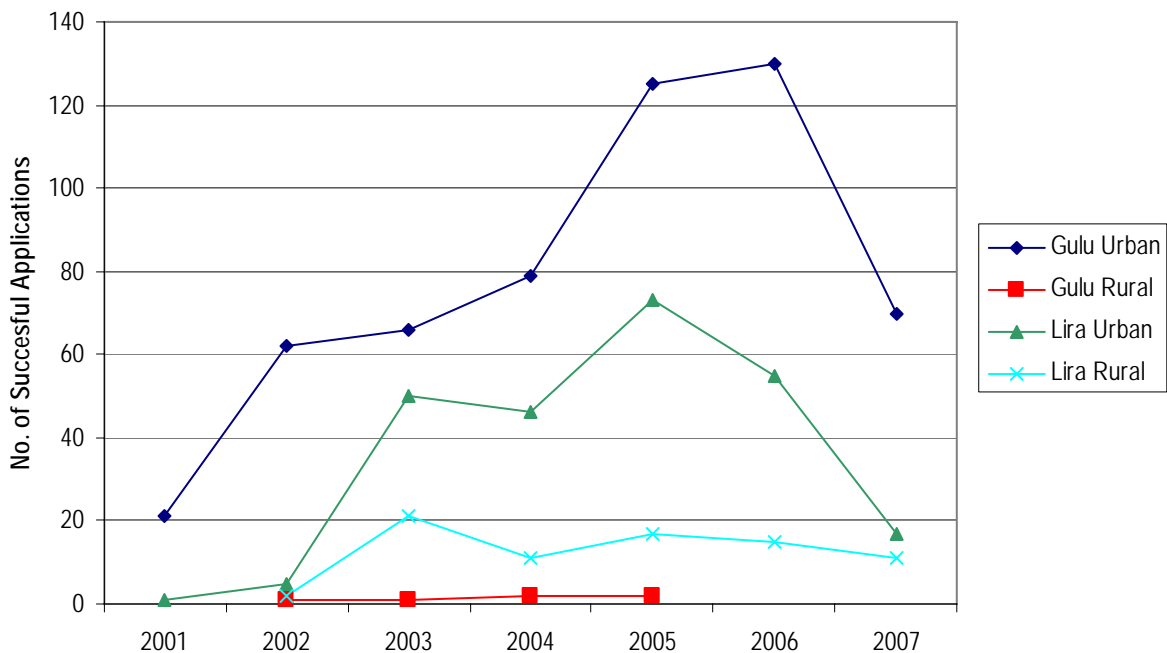
Source: Lira and Gulu Land Office Records

⁶⁰ Records for Gulu applications for the period 2001-2003 could not be accessed as the responsible person was not available to release them. Those available had a higher level of completeness compared to the records on the Lira Land Office.

Looking at, the capacity to deliver in relation to demand, amongst the applications received, successful application for which title was issued, it is observed that successful issue of titles rose in the period 2004-2006; particularly in urban Gulu compared to urban Lira while rural Gulu more or less had no titling activity compared to rural Lira which depicts a relatively low but stable pattern of successful titling, as illustrated in table 71 above. This finding is graphically illustrated in figure 62 below.

The illustration shows that despite the lower volume of applications in the Gulu office the capacity to respond is very high as almost all applications are processed; however there is a sharp decline since return commenced. Lira office's capacity to respond to the enormous applications for titling rural land is low, as the results show the highest number of unprocessed applications in the rural compared to urban output which is higher despite having lower applications than the rural, this shows that urban applicant are still the preferred clients for titling. These trends are also as a result of administration capacity within the districts for the institutions charged with the delivery of land services.

Figure 72: Successful Applications (Gulu and Lira Land Offices)



Source: Lira and Gulu Land Office Records

In table 73 below, all the districts were evaluated in terms of the required professional staff level stipulated in the Land Act Cap 227, support positions to the professional and technical staff, as well as the governance mandate for land administration entrusted with the district land board, a number of peculiar findings enumerated below emerged;

- (a) Professionally, all districts in Lango and Acholi regions have the positions of District Registrar of Titles and District Valuer is vacant.
- (b) Gulu is the only land office that is able to recruit and retain personnel in at least ½ of the professional positions required for successful and professional functioning of the District Land Offices.
- (c) All newly created districts in Lango and Acholi (Pader, Amuru, Oyam) are only able to recruit and retain a physical planner in their District Land Offices.

- (d) District Surveyor for Lira serves the whole of Lango region and that of Gulu serves the whole of Acholi region.
- (e) In terms of support staff to the professionals, only Gulu and Lira are able to avail at least two to support the functions of the District Land Offices.

Table 73: Administration Capacity (Staffing Levels)

Land Services Delivery (Administration)	Lango		Acholi			
	Lira	Oyam	Gulu	Amuru	Pader	Kitgum
<i>District Professional Positions</i>						
1. District Registrar of Titles	x	x	x	x	x	x
2. District Land Officer	x	x	✓	x	x	✓
3. District Land Valuer	x	x	x	x	x	x
4. District Surveyor	✓	x	✓	x	x	x
5. District Physical Planner	x	✓	✓	✓	✓	x
<i>District Support Staff Positions</i>						
1. Cartographer	✓	x	✓	x	x	x
2. Office Assistants /Secretary	✓	x	✓	x	x	x
3. Drivers / etc.	x	x	x	x	x	x
<i>District Land Management Structures</i>						
1. District Land Board	CF	C	CF	C	CF	CF
2. Secretary to Land Board	✓	✓	✓	✓	✓	✓
3. Area Land Committees	C	NC	C	NC	NC	NC

Key:

- ✓ Position is filled
- x Position is vacant
- C Constituted but not functional
- CF Constituted and functional
- NC Not Constituted

In terms of land management governance:

- (a) 4 out of the 6 districts have constituted District Land Boards that are functional, while 2 district have constituted land boards that are yet to function
- (b) Only Gulu and Lira have constituted the base institutions (area land committees) to support the functions of the District Land Board at the apex.
- (c) All districts have filled the office of Secretary to the District Land Board.

2.5.2 Institutions on Dispute Resolution

Both formal and informal land dispute resolution institutions were investigated in this study, little or no headway was made with land tribunals since these were already suspended at the time of study. Local council courts and existing informal dispute resolution mechanisms were reviewed. Not a single local council court had any records on the cases they receive. Some partial proceedings of particular cases are recorded in soft cover exercise book but not centrally kept. Records are also a problem for traditional dispute resolution structures.

In reality the study found a close interaction between these traditional dispute resolution systems and the local council courts. The traditional institutions though not legally sanctioned to handle land disputes they are in most instances the courts of first instance and the LC system is strongly dependant on their structures and services. When a dispute on land occurs the *Rwot Kweri* or the *Won Pachu* intervene first; however if a dispute involves violence then the local councils come in since they have powers to apprehend and punish.

Depending on the severity of the violence the both the traditional dispute resolution system and the formal function alongside each other. While the formal system will

proceed with hearing of the dispute whatever the verdict the traditional system will also proceed with cleansing and reconciliation rites even in instances where violence has resulted in death while the perpetrator is convicted and sentenced still the clan members go through payment of fines, cleansing and reconciliation.

Traditional Institutions

Both Acholi and Langi have elaborate traditional dispute resolution systems; although those in Acholi land seemed to be comparatively more developed than those in Lango. Both systems are based and operate along the structure and organization of the clans as illustrated in figure 74 and figure 75 below.

Figure 74: Traditional Land Dispute Resolution Structures in Acholi

Hierarchy ➔

<i>Rwot Kweri</i>	<i>Atekere</i>	<i>Lawang Rwot</i>	<i>Rwot</i>
<ul style="list-style-type: none"> Translated to mean chief of the hoe or leader of work At community level, community usually referred to as a sub village Handles land conflicts particularly those involving parcel boundaries Is elected by a village assembly Can be a woman Usually an elder (above 45 years) 	<ul style="list-style-type: none"> Comes next in hierarchy, leads two villages called <i>Te-Rwot Kweri</i> In addition to handling issues referred by the <i>Rwot Kweri</i> handles matters of domestic violence Also elected by a village assembly But usually men Usually an elder (above 45 years) 	<ul style="list-style-type: none"> Handles referrals from the <i>Atekere</i> In addition handles matters involving death/ grievous violence Conducts an inquest in the cause of death and leads burial/ last funeral rights These are also elected by an assembly of the <i>Rwot Kweri</i> and <i>Atekere</i> Usually an elder (above 45 years) Authorized to conduct <i>mato-oput</i> (cleansing and reconciliation tradition) 	<ul style="list-style-type: none"> Leads a council of elders that sits to decide cases referred from the lower levels Elected from the council of elders

It is important to note that the traditional and formal dispute resolution mechanisms interlink when it comes to providing evidence. The *Rwot Kweri* or the *Won Pachu* are undisputed custodians of knowledge on land matters in specific localities to the extent that the Local Council courts ordinarily do not decide land matters without these elders. In certain instances it was also reported that the LCs are summoned by the traditional authorities to justify their actions with regard to land.

Figure 75: Traditional Land Dispute Resolution Structures in Lango

Hierarchy ➔

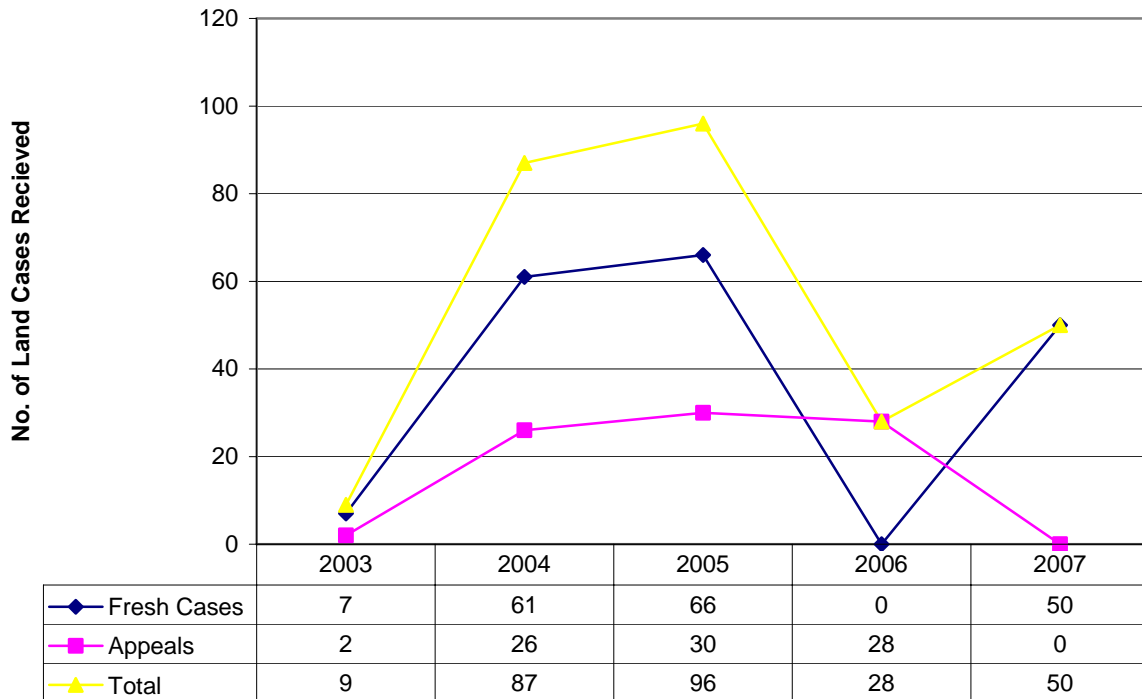
<i>Won pachu/ Bako wijobi (Parish Level)</i>	<i>Jago (Sub County)</i>	<i>Rwot (County level)</i>	<i>Twale</i>	<i>Awitongo (linked to Lango Cultural Union)</i>
<ul style="list-style-type: none"> Leads less than 100 households 	<ul style="list-style-type: none"> Leads more than 100 households 	<ul style="list-style-type: none"> Usually at county 	<ul style="list-style-type: none"> Some areas do not have this but it exist where the clan has people transcending district boundaries 	<ul style="list-style-type: none"> Highest office Member of a clan elders council that chooses a leader of the <i>Langi</i>

Focus Group Discussions also advanced the thinking that traditional institutions have withstood changes like the *'nyumba kumi'* –Ten Houses and the village *'nyampara'* – Headman concepts during Obotes regimes and now they are surviving the LC system even in the face of displacement they are being revived wherever return has taken place. It was observed in the focus group discussions that these traditional structures are not efficient in preventing disputes but are quite expeditious in resolving while the formal structures have the reverse advantage.

Land Tribunals and Magistrates Courts

Access to case records of District Land Tribunals was cumbersome, because most records were transferred to the District Magistrates' Court since the suspension of operations not even the clerk/ secretary to the land Tribunal was present during the course of the data extraction therefore completeness of records was a problem that could not be adequately contextualized. Extraction of cases data was only possible for the Lira Land Tribunal circuit⁶¹ for the period 2003 to 2007 where a total of 270 cases were received; these were both appeals and fresh cases.

Figure 76: Cases Received by Lira Circuit Land Tribunal



Source: Land Tribunal Records Extraction

Analysis shows the highest numbers were cases were received in 2005 while in 2006 and 2007, the suspension and reinstatement and then final suspension of the District Tribunals affected the pattern of land cases received as shown in Figure 66 above. The evidence obtained shows that in 2006 only appeals were received while no fresh land cases were recorded as the tribunals were closed only to be reopened as part of the Magistrates court at the start of 2007.

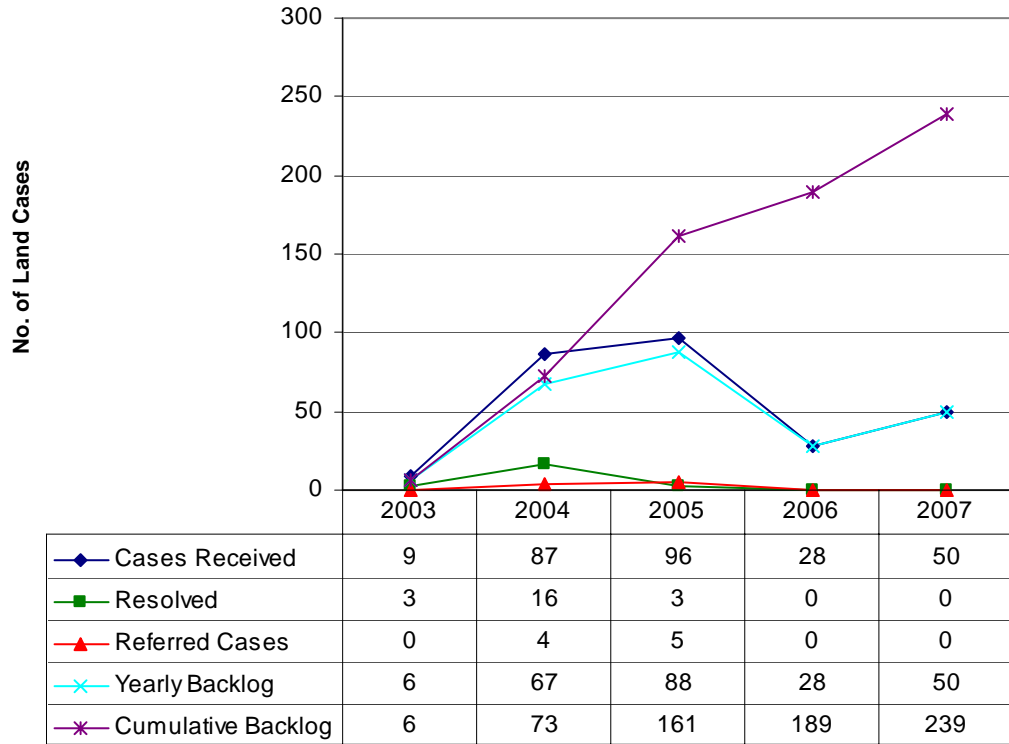
Further analysis of the performance of the Lira Circuit Tribunal and the Magistrates Court shows that the case backlog grew from 73 in 2004 to 239 in 2007 at the time of study. In the same period the dispute resolution rate declined from 0.5 to 0. Out of the total 270 cases filled in the circuit tribunal only 22 were successfully resolved. The full result is shown in Figure 77 below. This level of performance is at best dismal and showcases the capacity of statutory dispute resolution compared to options available to the justice seeking public discussed in section 2.3.1 to 2.3.5 of this report.

For the recovery and return period, the cost of moving the statutory structures to full functionality may be higher than equipping the grassroots institutions (both statutory and traditional) that are able to “nip the problems in the bud” before they actually sprout to

⁶¹ The officer in charge of Gulu had had an accident and was hospitalized in Mulago Hospital, given that the rest of the staff in the tribunal was suspended, it became impossible to access the records.

unmanageable levels. According to interviews, the absence of tribunals would not be gravely felt if the Local Council courts are equipped and in position to dispense justice⁶², since majority of the cases to the tribunals were actually appeals. However, the work load of Magistrates Courts has been increased without extra facilitation to enable them deal with the extract work load.

Figure 77: Status of Cases Received at the Lira Circuit Tribunal



Source: Land Tribunal Records / Magistrates Court Extraction

⁶² Views of Chief Magistrate and Other Local Leaders

ANNEX 2: Typology of Land Disputes in Amuru District

- (a) Discriminatory practices (culture does not allow women to own land; widows who have not produced boys at great risk; girls are expected to be married away so they do not share in the land) Cases of widows chased away by co-wife's children.
- (b) People returning to home villages ahead of others are encroaching on neighbor's land (boundary disputes).
- (c) Retired Parish chief grabbed community land reserved for a market (used as polling station, immunization centre and market) and destroyed all trees used as boundary. Case successfully resolved and land returned to the community
- (d) Clan leaders complaining about army detach.
- (e) People reclaiming land sold before the conflict
- (f) Land owners are not happy about the statement by the Minister for Disaster Preparedness Hon. Kabwegyere that land owners will not be paid compensation in respect of and which was occupied by IDP camps.
- (g) Land owners claim compensation for use of their land; they also want Government to remove remnants of houses and filling of pit-latrines where IDPs have left. One land owner stated clearly that if he had known, he would not have sacrificed his land
- (h) Vice Chairperson of Aboke IDP Camp claimed that his 3 acres of eucalyptus trees and 2 acres of bananas were destroyed; that he lost 8 goats and 2 cows which fell in latrine and 4 bee hives. Asked how much compensation he would demand, he said that Government should decide.
- (i) For those still remaining in IDP camps, an old man Okot Celestino, 75 years old in Iubara camp has no energy to construct a house; another one (Rose Ogwang in Ngai IDP camp waiting for iron sheets from the Government; Clara Onyang in Abok Camp, her 7 acres of land had been used as a detach which left land degraded; Christine Ochaya Itubara Camp, widow with no children, nobody to assist.

ANNEX 3: Development Partners and District Officials (Acholi)

No.	Name	Organization
1.	Okellowange O. Joseph	UN-WFP
2.	Opika Opoka Peter	URCS
3.	Odongo Geoffrey	ACORD
4.	Onon Bernard Oneny	WCH
5.	Robert Dekker	WFP
6.	Ocen Geoffrey	World Vision
7.	John Komakech	UNOCHA
8.	Patrick Sooma	IRC
9.	Adrain Fulugunya	UNHCR
10.	Mwanne Vwede-Obahor	UNHCR
11.	Daniel Kamphius	UN Office of the Commissioner for Human Rights
12.	Craig Hollingsworth	Norwegian Refugee Council /ICLA
13.	Mao Nobert	LCV Chairman Gulu / Acholi Cultural Trust

ANNEX 4: Development Partners and District Officials (Lango)

No.	Name	Title	Organization
1.	Andrew Martin	HOSO	UNOCHA
4.	Okello Q.E	DEO	LDLG
5.	Ogwang	A.O	LDLG
6.	Caxton Etii	Programme Officer	UN-HABITAT
7.	Opiyo Jacob	Project Coordinator	ASB
8.	Polo Pet	SPN	ASB
9.	Chris Blackhan	Programme Manager	SP
10.	Kai Matturi	Programme Officer	UNDP

11.	Akullo Elizabeth	Legal Officer	FAPAD
12.	Patrick Obal	HSO/Programme Officer	UNDP
13.	Awar A. Terence	DCDO	LDLG
14.	Ogwang Robert Charles	Acting CAO	Oyam District
15.	Yeko Buwa	Cultural Minister	Lango Cultural Trust
16.	Y K. Okello Ebichi	Speaker	Lango Cultural Trust

ANNEX 5: CSOs in Acholi Region

No.	Name	Title	Organization
1.	Okello Geoffrey	Programme Officer	Gulu District NGO-Forum
2.	Martin Komakech	Information and Documentation Officer	Human Rights Focus
3.	Oyet Moses	Senior Legal Officer	Legal Aid Project
4.	Nyeko James R.D	Program Coordinator.	Acholi Religious Leaders Peace Initiative.
5.	James Oweka	Documentation Officer	Justice and Peace Commission Gulu-Diocese
6.	Ayaa Cynthia Komakech	Youth Project Officer	Gulu District NGO-Forum

ANNEX 6: DDMC - Pader District

No.	Name	Title	Organization
1.	Ambme Ochen	Assistant UFO	PDLG
2.	Onoro Jones	DDPC	OPM/UNDP
3.	Eustache Vyubusa	Programme Manager	ASB
4.	Lakwonyene Nicholas	Project Officer	UNICEF
5.	Omona Charles	Programme Manager	CONCERN
6.	Filomena Santoro	Programme Manager	COOPI
7.	Komakech Walter	Liason Officer	CESVI
8.	Aber Anna Flora	Programme Manager	War Child-UK
9.	Amuru Lucy	Gender Officer	PDLG
10.	Agnes Odongo	Communication Officer	UNDP/UNDSS
11.	Dr. Jane Oola	District Health Officer	PDLG
12.	Innocent Komakech	NPO-HAC	WHO
13.	Malan Arraa	HOSO	UN-OCHA
14.	Sarah Olive Otuku	National Officer	UB-OCHA
15.	Akello Josephine	HOSO	CMCC
16.	Laker Josephine	FO	ICRC
17.	Aceng Grace	Project Officer	NRC
18.	Roger Hartan	HOSO	Mercy Corps
19.	Alem Oryem Francis	Programme Manager	FRO
20.	Leah Zamore	Intern	FRO
21.	Okello Patricia	Programme Assistant	OHCHR
22.	Okodoi Benson	OC-LAP	PDLG
23.	Carlos Ongom	Field Coordinator	World Vision
24.	Bai Mankay Sankoh	HOSO	WFP
25.	Josephine F.Ojera	Project Officer	WFP
26.	Azilan Santas	SPA	WFP
27.	Alanyo Margaret	Education Officer	PDLG
28.	Amito Brenda Peace	Human Rights Officer	UN
29.	Akide Irene	PO	PDLG
30.	Asekenye Catherine	HNC	PDLG
31.	Patrick Nape Otim	NPO-DC	WHO
32.	Amandine Desaunay	HOSO	AVSI
33.	Ochieng Stephen	Programme Coordinator	PSI
36.	Otto .H. Francis	District Water Officer	PDLG

ANNEX 7: DDMC - Amuru District

No.	Name	Organization
1.	Rena Tokwiny	UNOCHA
2.	Deborah Oyella	UNOHCHR
3.	Cat Jones	UNICEF
4.	Fabio Forgione	MSF Swiss
5.	Viola Mukasa	War Child
8.	Patrick Nyeko	UNICEF
9.	Nelson Ochoya Marie	Save the Children
10.	Oling-Olang Gabriel	Save the Children
11.	OkelloCaide Balmoi	UNHRC
12.	Lemoyi Dennis	IDP Representative
13.	Idha Dominic	IOM
14.	Grace Latigi	UNFPA
15.	Vincent Yooman	WHO
16.	Susan Opak	WTU/ABS
17.	Eli Fryjordet	UNHCR
18.	Acan Grace	UNHCR
19.	J.B. Olum Okello	CBSD
20.	Stella Ajwana	OCHA
21.	Ocan Godfrey	FAO-Gulu/Amuru
22.	Aparo Alice	CARE International
23.	Akena Geoffrey	ADLG
24.	Acayo Gladys	ADLG
25.	Sabiiti K.	DPC-ADLG
26.	Oloya Susan	NRC
27.	Komakeck Santo	ADLG
28.	Okwarmoi Ben W	ADLG-Education
29.	Abukaya K. Yonosani	EM-AC
30.	Kisangala A.O Emmanuel	EM-AC
31.	Acirocan Harriet Prisca	OPM/AAPR
32.	Kinyera Bernard	GDA
33.	Okello Patrick Oryema	LCV-C/P ADLG
34.	M.B Okyut	CPAR
35.	Monica Akot	World Vision
36.	Thomas Horn	MRL
37.	Dr. Mulwani Erisa	DHO-ADLG
38.	Ken Lukwiya	World Vision
39.	Nyeko Geoffrey	ADLG
40.	Komakech Michael Comboni	ADLG

ANNEX 8: DDMC – Oyam District

No.	Name	Title	Organization
1.	Atwii Robert	Engineer	ACTED (U)
2.	Tumiko Takashima	HOO	UNHCR
3.	Paolo Petrini		ASB
4.	Lucien D'hooghe	Project Coordinator	GAA
5.	Ongom Oscar	ACAO	ODLG
6.	Anywar Andrew	Agronomist	FAO
7.	Mukama Robert	Project Officer	FIDA/ UT/PCU
8.	Dr. Owiny	District Health Officer	ODLG
9.	Dr. E.K Obara	HOSO	WHO
10.	Eyoku Richard	DISO	ODLG
11.	A. Anna Ongom	Councilor	ODLG
12.	Nicholas O. Onyango	Programme Manager	ACTED (U)
13.	Okino Moses	LA	ACTED (U)
14.	Orech John Bosco	DHE/HIVAIDS/FP	ODLG
15.	Oceng Francis Leone	District Health Inspector	ODLG

ANNEX 9: Focus Group Discussions

DISTRICTS	Sub County	Category of Respondents	FGD Respondents
LIRA	ADWARI	<i>Mixed Group</i>	26
	AROMO	<i>Land Owners</i>	25
		<i>Mixed Group</i>	28
	APALA	<i>Land Owners</i>	17
		<i>IDP Returnees</i>	16
		<i>Clan Leaders</i>	14
<i>Women</i>		15	
	<i>LC I, II & III</i>	18	
OYAM	NGAI	<i>Camp Members</i>	23
		<i>Elders</i>	13
		<i>Local Council Leaders</i>	12
	ABOK	<i>Elders</i>	11
		<i>Complainants/Hosts</i>	48
GULU	PAICHO (INCLUDING UNYAMA)	<i>Mixed Group</i>	22
		<i>Mixed Group</i>	26
	LALOGI SUB COUNTY	<i>Mixed Group</i>	28
	PALABEK- KAL	<i>Mixed Group</i>	25
KITGUM	MUCWINI	<i>Mixed Group</i>	31
	LIRA PALWO	<i>Mixed Group</i>	28
PADER	KILAK	<i>IDP Returnees</i>	24
		<i>Leaders</i>	30
		<i>Landlords</i>	26
TOTAL			506