ALBOGASTO JOHN PANGAMAWE NG'ASI

A QUEST FOR CONTINUITY TO PEACE AND PROSPERITY:

POST-WAR LAND AND PROPERTY CLAIMS AND DISPUTES IN NORTHERN UGANDA

The Case of the Acholi Group in Amuru Sub-County.

ALBOGASTO JOHN PANGAMAWE NG'ASI

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For those who matter to me most:

My parents, John Pangamawe Ng'asi and Ernesta Makononyuma Ngolle,

My lovely family, Verycah, Preston and Lauryn.

I dedicate this enduring piece of work to you!

ABSTRACT

Land is one of the few valuable resources in post-conflict rural communities which support return, reconstruction and early recovery. As such, reinstating land claims to returnees makes a significant contribution to the renewal and sustenance of their livelihoods. This research focuses on Amuru sub-county, Northern Uganda as a case to examine how perceptions and attitudes emerging from the Acholi's prolonged displacement in camps affected their return and recovery. It addresses the impacts these perceptions have had on land and property claims and associated disputes.

The research adopts a grounded theoretical approach to data collection and a matrix as an analytical tool. Pragmatic symbolic interactionism is used in understanding and interpreting actors' perceived truth and actions. The analysis accepts that displaced individuals' perceptions emanating from forced dislocation and dispossession are real in relation to influencing land claims and associated disputes. Furthermore, this research uses existing theories and discourses that can offer a basis for studying forced displacement that is associated with land claims related to: 1) ancient concepts of territory, land and property relating to current trends and practice; and 2) development and reconstruction discourses.

To conduct this research, qualitative interviews and observation, focus group discussion, documentary evidence and archives, textbooks and journal articles were utilised. The collected information formed a matrix for data analysis and case presentation.

The research findings show that perceptions and attitudes developed during displacement affected the process of land claims and associated disputes. These issues include: threats to women's rights to land, monetisation of the local economy, changes in traditional values and practices, emergence of land markets, and participation and consultation. While it is vital for government and international donors to facilitate the restitution of land and property to returnees, the restitution alone is insufficient without strengthening land tenure security. This research shows that the formalisation of land tenure is key to providing security of ownership and investment, though it remains controversial and costly to implement. The research argues that simple forms of rights formalisation are necessary in order to either retain customary rights through a legal approach or transfer rights to land into a modern freehold system.

KEYWORDS: the Acholi group/ forced displacement/ land claims/ disputes and conflicts/ Bretton Woods/ socio-economic changes/ displacement camps/ post-war return

NORWEGIAN SUMMARY

Land (areal) er en verdifull ressurs ved gjenoppbygging og gjenervervelse etter krig. Gjenoppretting av retten til land for de som returnerer er en livsviktig del av prosessen for å komme seg. Areal er en betydningsfull bidragsyter for å fornye levebrødet (utkomme).

Forskningens hovedmål er å undersøke hvordan oppfatninger og holdninger fremstår etter den lange fordrivelsen av Acholibefolkningen til interneringsleire og hvordan dette har hatt betydning for deres hjemkomst og gjenervervelse. Den tar for seg virkningen som disse oppfatningene har hatt på land og eiendomskrav og slike disputter.

For å undersøke dette presenteres tre forskningsspørsmål:

1. Hva er de kritiske konsekvensene ved Acholifolkets tvungne forflytting når det gjelder eierskap til aktiva, demografisk profil og tradisjonelle institusjoner med ansvar for administrering og håndtering av land.

2. Hvordan virket den langvarige tvungne fordrivelsen på oppfatninger og holdninger til land og livsmulighetene, og hvordan kan disse hjelpe til å forklare konfliktene knyttet til eiendom etter at de vendte tilbake?

3. Hvordan forholder disse oppfatningene og holdningene seg til de øvrige samfunnsendringer som virket ved Acholifolkenes bosetting på nytt i Amuru del-fylke.

For å svare på disse forskningsspørsmålene trengtes litteratursøk og feltbaserte undersøkelser. Disse avgrenset seg ved å dekke et knippe av overlappende tema som knytter seg til hverandre: a) Krigs-relatert tvungen forflytning og livet i leirene; b) retur og bosetting på nytt, og Gjenoppbygging og tilpassning.

Folkegruppen Acholi fra Amuru distriktet i Nord-Uganda er valgt som case på grunn av områdets størrelse, befolkningsveksten i senere tid og tilgjengeligheten. Områdets veldige utstrekning betød at det var i hjertet av krig og konflikt, med noen av de største leirene i Nord-Uganda. Det var stor befolkningsvekst særlig blant de unge, og det var nær byen Gulu. Disse faktorene gjorde at Acholigruppen møtte et mangfold av aktører og sammensatte prosesser av betydning for deres anstrengelser for å få igjen deres land og aktiva. Dette er av betydning for dette studiet.

To grupper drøftinger og teorier er vurdert: 1) Gamle forståelser (concepts) av territorie, land og eiendom i forhold til nåværende trender og praksis, og 2) utviklingen av gjenreisningsdrøftinger etter verdenskrigen. Begge gruppene henter sin litteratur i all hovedsak fra vestlig historisk tenkning- og sosial sammenheng, men her brukt under ikke-vestlige forhold.

Til datainnsamlingen, evaluering og analyse er brukt en 'grunnet eller jordet teori'. Kvalitative intervjuer og observasjon, fokusgruppediskusjoner, dokumenterte hendinger og arkiv, litteratur og tidsskrifter er hovedkilder. Denne informasjonene la grunn for en matrise til bruk for dataanalyse og presentasjon av saken. Pragmatisme ….

Matrisen består av 14 av de mest betydelige feltbaserte tema hva angår indre og ytre sosio-økonomiske, juridiske og administrative endringer. Det å tolke oppfatninger av sannhet og virkelige stillinger medfører at man leser gjennom en linse der det symbolske og pragmatiske samvirker. Denne fremgangsmåten leder til en forståelse av samvirket mellom ulike aktører i krigsteateret, både når det gjelder oppfattet sannhet og virkelighet med betydelig virkning for krav på land og disputtene.

Funnene som fremkommer av matrisen viser at oppfatninger og holdninger som er utviklet gjennom fordrivelsen påvirket prosessen inkluderer:

- **Trussel mot kvinners rett til land**

Forlenget isolering samtidig med endringer i land-policy, endrer kvinners rett til å eie land etter deres retur. Til tross for endringer som gjelder alle kvinner, er det retten til land for de mest sårbare grupper av kvinner som lider mest. Situasjon er blitt forverret ved at eldre klanledere og lokale ledere som hadde ansvar for å forsvare disse rettighetene, er døde.

- **Monetarisering av den lokale økonomien**

En betydningsfull forbindelse er etablert mellom isolasjonen og humanitære aktører, noe som har gitt store utslag for de lokale økonomiske aktiviteter. Disse har gitt utslag i den pengemessige verdien av land og får betydning for de som kommer tilbake og deres anstrengelser for å komme seg igjen. Økt pris på land virker inn på kravet på land og disputten relatert til dette.

- **Endringer i tradisjonelle verdier og praksis**

Et middels-sterkt forhold synes mellom isolasjon og svekkelsen av tradisjonsverdier og praksis knyttet til land. Bortfallet av de eldre klan-lederne og lokale ledere som har vært ansvarlige for administrering av land skaper et kunnskapsgap blant den yngre forviste befolkningen, både hva angår ferdigheter i jordbruk og å klarlegge eiendomsgrenser.

Monetariseringen av den lokale økonomi svekker moralverdiene til tradisjonelle ledere med ansvar for tradisjonell administrering av land, noe som har ført til korrupsjon i prosessen med å fordele land. Denne korrupsjonen minsker deres legitimitet men påvirker også landrettighetene til sårbare og marginaliserte grupper.

- **Fremkomst av landmarkeder**

Det fremstår en forbindelse mellom isolering og fremvekst av moderne markeder for tradisjonelle landområder. Endringer i land-policy trekker til seg mange interessenter, også noen som vil kjøpe land. Dette virker inn på verdisetteing og marked, og noen av disse tar spekulative og korrupte former.

- **Deltagelse og konsultering**

Isolering i leire forhindrer den forviste befolkning fra aktiv deltagelse og konsultering ved formuleringen og gjennomføringen av systemer som er tatt i bruk mens de har vært forvist, noe som har ført til spenninger når de kommer tilbake. Gjennomføringen av visse systemer forårsaker krav på land som fører til etnisk og politisk splittelse og spenninger.

Gjennom konklusjonen bekrefter denne forskningen igjen betydningen av regjering og internasjonale donorer i å gjøre det enklere å få tilbake land til de som vender tilbake.

Til tross for at restituering av land gjør en vellykket retur mulig og vil integrere dem, men restituering alene er utilstrekkelig uten at man får et styrket sikkerheten til land for de som returnerer. Etter denne forskningen er formalisering av land en stor og kostbar affære. Imidlertid synes enkle former for formalisering nødvendige for enten å få tilbake tradisjonelle rettigheter ved en lovbundet form for overgang til et moderne 'freehold system'.

PREFACE

Much gratitude goes to the Faculty of Architecture and Fine Arts for giving me the opportunity of a lifetime in working with this prestigious university – NTNU. My appreciation goes to my main supervisor, Hans Skotte – I took your criticisms positively by reflecting on our old African adage: 'the man who farms by the wayside must not hate to receive greetings'. They helped me to write this thesis and sharpen my mind – thanks! Similarly, many thanks to Hans Bjønness, and Bjørn Røe for their unwavering moral support.

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Albogasto John Ng'asi
Trondheim, Norway
15 November, 2019

Nothing evokes deeper passion or gives rise to more bloodshed than do disagreement about territory, boundaries, or access to land resources (Shipton, 1994, p.350).

LIST OF ABBREVIATIONS

ALC	Area Land Committee
ARLPI	Acholi Religious Leaders' Peace Initiative
AWDCA	Acholi War Debt Claimants Association
CAR	Central African Republic
CBO	Community-based organisation
CCO	Certificate of customary ownership
CSO	Civil society organisation
DfID	Department for International Development
DLB	District Land Board
DRC	Democratic Republic of Congo
EVI	Economically vulnerable individual
FAC	Formerly Abducted Children
FAO	Food and Agricultural Organisation
FGD	Focus group discussion
HIV/AIDS	Human immunodeficiency virus/acquired immunodeficiency syndrome
HRW	Human Rights Watch
ICLA	Information Counselling and Legal Advocacy
IDP	Internally displaced person
IMF	International Monetary Fund
LC I, II, III	Local councils 1 (Village), 2 (Parish), and 3 (sub-county)
LRA	Lord's Resistance Army
LRD	Land Reform Decree
MGC	Madhvani Group of Companies
MLHUD	Ministry of Lands, Housing and Urban Development
NCFU	Northern Commercial Farmers' Union
NGOs	Non-governmental organisations
NRA	National Resistance Army (the former name of the UPDF)
NRC	Norwegian Refugee Council
NRM	National Resistance Movement
PRDP	Peace Recovery and Development Plan
RDC	Resident District Commissioner

RLP	Refugee Law Project
SAPs	Structural adjustment programmes
TRC	Truth and Reconciliation Commission
UBOS	Uganda Bureau of Statistics
UHC	Uganda High Court
UGX	Ugandan Shillings (the monetary unit of Uganda)
ULA	Uganda Land Alliance
UNIRIN	United Nations Integrated Regional Information Networks
UNLA	Uganda National Liberation Army
UPDF	Uganda People's Defense Forces
US$	United States Dollar (the monetary unit of USA)
USSR	Union of Soviet Socialist Republics
WB	World Bank

GLOSSARY OF TERMS

Certificate of Customary Ownership (CCO): A means through which unregistered customary land is documented, either in the name of an individual or a group.

Customary tenure: Traditional land-holding rights that result from the relationship between indigenous people and the land (Batungi, 2008a). These land rights are managed under customary law, which, in many cases, is oral and not written. It is legal tenure based on customary law.

Decentralisation: According to Lambright (2011), decentralisation can be vertical or horizontal. Horizontal decentralisation is when power is distributed among political institutions within the same level of government. Vertical decentralisation is when power is distributed among political institutions on two or more levels of government.

Formalisation: A process by which informal tenure is integrated into a system recognised by formal authorities. A dichotomy exists between the formal and informal tenure systems, where informal is attached to unwritten ways of customary land ownership of land and property, and formal achieved through modern written ways of owning land and property.

Freehold title: The strongest proprietary right over land, where the owner holds the registered land indefinitely subject to statutory and common law.

Internal war: Refers to any conflict in which two or more major groups are fighting within a country or part of it, even though other countries may also be actively involved.

Institution: Refers to a framework of rules and norms which are culturally, legally, and socially etc. founded or rooted, which determine how actors behave in the field.

Internally displaced person (IDP): A person or group of people who have been forced to leave their homes as a result of, or in order to avoid, the effects of armed conflict, violent situations, violations of human rights or natural or man-made disaster, and who have not crossed an internationally recognised state border.

Land administration: The way in which the rules of land tenure are applied and made operational. Land administration comprises an extensive range of systems and processes to manage: land rights, land-use regulations and land valuation and taxation. Similarly, land administration and management encompasses enforcing the rules related to land tenure.

Land claim: Means to bring back, claim back, recover, convert into or return to unstable condition for use, as cultivation, or habitation.

Land conflicts: Conflicts over land that take place in a long-term conflict with associated violence. In this context, it refers to various actors having incompatible interests, values, needs or wishes over a piece of land or property. However, it is not necessary for a conflict to reach a final stage where it becomes violent. Because of conflict mitigation measures, most conflicts do not reach the final stage of being violent. Throughout this thesis, the terms land disputes and land conflicts are used interchangeably by my respondents and are taken to mean the same thing.

Land grabbing: A sharp rise in large-scale land acquisition for investment (Wily, 2012) recorded since 2000, and especially since 2007. Land is acquired by a public or private enterprise or individual in a manner that is not considered to follow proper procedures; that is, it is illegal, underhand or unfair. Illegal land acquisition in developing countries can be identified by evaluating the timing, size, actors and motives.

Perceptions: Refers to the prevailing definitions or meanings given by individuals on events or objects according to a given situational context. The Acholi's perception on various issues and events depends on process of which they have been subjected (associated with various socio-cultural, economic and political experiences) issues, that emerged during prolonged after their long period in displacement life in camp life and the reality faced experienced upon their return home.

Property: According to Macpherson (1978, p.2), the literal interpretation of property refers to 'things': material or non-material objects. Dale and McLaughlin (1999) stated that material objects include physical things such as land and houses. Land is a tangible and immovable

natural object, fixed in space, with soil and a surface. Non-material forms of property include intangible objects; for example, air, names, reputation and information.

Post-conflict situation: means the end of official military operation, though it does not signify that the conflicts are over and that peace reigns (Thomson, 2003). In Northern Uganda, it is the period immediately after 2006 government declaration of the Acholi return home.

Reconciliation: refers to minimum restoration of (i) minimum level of trust and confidence between former enemies (i) the capacity to peaceful co-exist, interact and compete for resources (iii) peaceful dispute settlement mechanisms.

Reconstruction: refers to repairing of physical and social infrastructure. However, reconstruction, rebuilding and rehabilitation may be used interchangeably meaning the same by referring to efforts by domestic and international actors aimed at rebuilding the economic, political and social structures of the war-torn countries (Carbonnier, 1998).

Return home: The term 'return home' is linked to the return period, where it refers to the length of time between events of a given magnitude. Therefore, in the case of forced displacement, it may be explained as a length of time between the events of conflict and the return of peace.

Structural adjustment programmes: meant changing the structure of the economy to mirror those of the west. This involved medium-to-long term economic devices, where three kinds of measures had to be adopted: expenditure reduction, decrease in imports, and increase in exports.

Usufruct rights: derived from Roman law, the term constitutes the right of people to use the land and property by deriving benefits from it, but not alienate or damage it.

TABLE OF CONTENTS

LIST OF FIGURES

LIST OF TABLES

SECTION I

INTRODUCTION

CHAPTER ONE:

RESEARCH INTO THE AFTERMATH OF THE ACHOLI FORCED DISPLACEMENT

What we call land is an element of nature inextricably interwoven with man's institutions. To isolate it and form a market out of it was perhaps the weirdest of all undertakings of our ancestors. (Karl Polanyi, 1944; 1957, p.178).

1.1 Introduction

This research examines the consequences of war-related displacement and the impact of prolonged camp-based displacement on land claims and associated disputes among the Acholi people upon their return to the Amuru sub-county of Northern Uganda. Land tenure issues are critical in facilitating post-war societal return, economic reconstruction and the recovery of countries that are largely agrarian (Oxfam, 2007; RLP, 2006). As agrarian societies, agriculture is the main source of livelihoods, and thus the best vehicle for spearheading post-war return, development and recovery.

However, the rising number of land-related disputes and conflicts present an emerging threat not only to 'peace building',[1] but also to long-term resettlement and economic recovery in any post-war situation. Addressing and safeguarding access to land rights is not only the determining factor for sustaining peace, but it also improves the chances of furthering internally displaced people's (IDPs) choices in relation to livelihood opportunities. Securing land rights for returnees improves the prospects of their stable societal reintegration and early recovery, according to Kreimeir et al. (2000). The failure to address the emerging land issues can potentially lead to land-related speculation and also renew and prolong the period of conflicts, as demonstrated by recent examples in Rwanda, Sierra Leone, Mozambique and Liberia (Moore, 2010; Leckie, 2009; Panduliano, 2009; Huggins & Clover, 2005; Unruh, 2004). This also applies not only to the Acholi group of Northern Uganda but to the whole of the Great Lakes region, in which a lack of land is becoming the main trigger factor for conflict.

The general statement of the problem relates to social, economic and political issues concerning land and property claims. As such, two crucial questions are worthy of investigation. Firstly, what socio-economic and political changes took place during the years of the Acholi forced displacement and how do these changes help explain the land-related conflicts and

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[1] Peace building is defined as 'actions to identify and support structures that will tend to strengthen and solidify peace in order to avoid a relapse into conflict'.

disputes upon their return? Secondly, what were the consequences of these disputes for the processes of resettlement, reconstruction and recovery?

The core argument of the thesis is that access to, and availability of, land-based resources are important and determining factors for a peaceful return, reconstruction and recovery after prolonged years of displacement and conflict (Kreimer et al., 2003, p.9).[2] This thesis is specifically delimited by investigating the interconnected effects of: (1) the forced war-related displacement and camp life of the Acholi; and (2) their return and resettlement and the associated land issues. Since resettlement is interconnected with the processes of reconstruction and recovery, the research implicitly also covers these processes.

In this chapter, the stage is set for the research by establishing essential background and context for the main chapters of the thesis. More specifically, the chapter introduces the Acholi group both prior to and after the war and their forced displacement and highlights the insecurity in Uganda and, in particular, the war in Northern Uganda and its associated impacts. It also introduces the peace negotiation process, before considering the literature on post-war reconstruction in the context of various cross-cutting issues related to post-war land claims in the aftermath of forced displacement. This makes it possible to identify research gaps regarding the patterns of the Acholi's return home and thereby justify the rationale for the study. In turn, I am finally able to set out the central scholarly problem that I shall address in the context of the aftermath of war and forced displacement, and the three sets of research questions which will inform my research and analysis.

1.2 Historical and socio-political context

1.2.1 Uganda: Recent socio-economic trends

Over the last two decades, Uganda has made significant strides towards achieving steady economic growth,[3] political stability and a reduction of poverty (World Bank 2012; Lorchi 1995). Specifically, the World Bank attributes much of the country's economic growth to the agricultural sector and diversification of household economic activities. Based on the 2012 census data, the Uganda's Population and Housing Census Survey (2014) reported an increased dependence on agriculture to 80 percent of households, compared to 75 per cent in 2002. Land

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[2] Though caution ought to be taken, access to land is not a panacea for success, since other requirements exist, including relatively fertile soil, and access to supporting services such as credit and lower interest rates.
[3] According to Lorchi (1995), Museveni is a favourite of world leaders and donors because his tenure brought new life to Uganda by rebuilding a war-ravaged country and economy.

accounted for almost 60 percent of individual household assets (BoU, 2008; Deininger and Castagnini, 2004).

   Due to steady economic growth, poverty levels have declined countrywide since 1992, and most of all in the central, eastern and western regions. According to the UBOS (2012) report, income poverty declined from 56.4 per cent in 1992 to 24.6 percent in 2012. The decline can be attributed to a variety of reasons, including the government decision to adopt a range of macro-economic policies and a liberalization of the local economy. However, Northern Uganda demonstrates a somewhat different trajectory. Since 1997, the Acholi sub-region has lagged behind the rest of the country on various development indicators. Poverty incidences remain high at 43.7 per cent, compared to the 19.7 per cent national average, also most strikingly compared to the 4.7 percent rate in the Central region. Insecurity and isolation have reinforced the fall in the literacy rate in Northern Uganda, recorded at 60 per cent in contrast to the national average of 71 per cent (UBOS, 2012). These trends demonstrate the knowledge gap that emerged following the displacement of the Acholi, as will be seen in later sections.
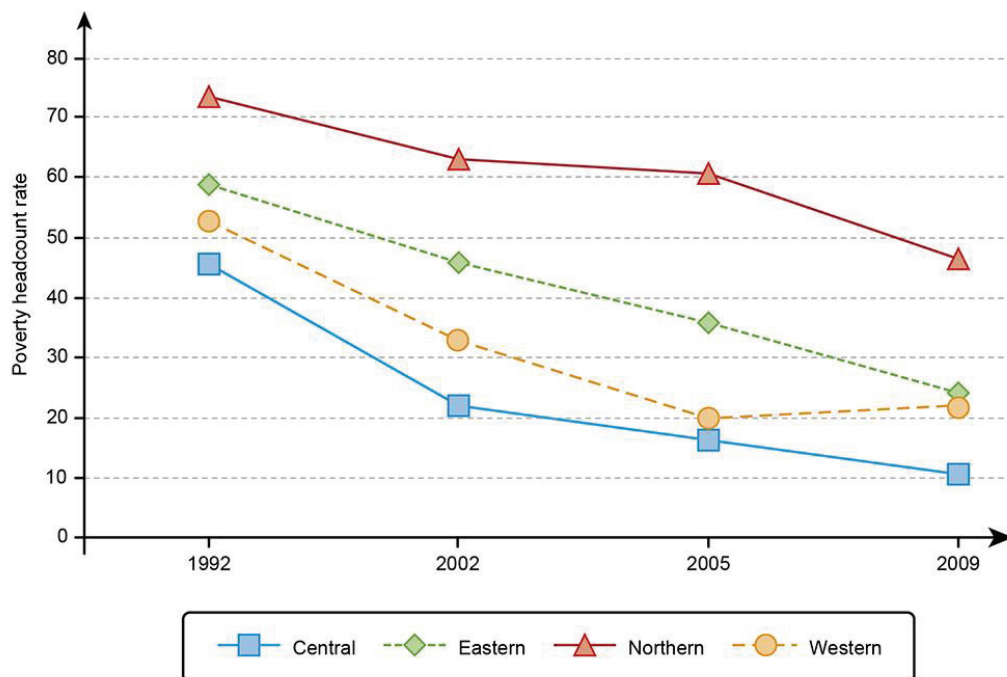
Figure 1: Trends in poverty changes in Uganda, by region, from 1992/3-2009/10

Source: Adapted from the World Bank (February 2002) synthesis report on Uganda

1.2.2 War and conflicts in Uganda

Okoth and Ogot (2000) once claimed that wars in Africa could only be explained by multiple, overlapping reasons rather than one single cause. This also applies to Uganda, and the war in the Northern region, since the root causes of the war in Northern Uganda emerged not from one single issue, but from intertwined issues related to the history of Uganda and the subsequent emergencies caused by the NRA regime and LRA insurgencies. This demands that we trace how Uganda's past colonial governance issues influenced the post-colonial and the current situation.

Common to various writers and reports, particularly Finnstrøm (2006; 2003), Bainomugisha and Tumushabe (2005), the International Crisis Group (2004), Acker (2004), and Behrend (1991), is the claim that the after-effects of the British administration had significant consequences on the causes and dynamics of the current situation in Northern Uganda: these include the tendency to 'divide and rule' and poor governance issues associated with the post-colonial legacy. Specifically, Finnstrøm (2008; 2003) identifies two stands which reinforced each other, namely political and historically based grievances.

First, under the 'divide-and-rule' policy, the British forged Uganda out of various ethnic groupings. Suiting colonial interests, the British designed a mechanism that ensured that the various groupings remained distinct and, at times, enemies. The British privileged a few ethnic groups, particularly the Baganda of the central region, over other ethnic groups, such as the Acholi of Northern Uganda (Harrison, 2001; Mamdani, 1984). The British encouraged capitalist agriculture and lower-level administrative posts in the central region, while Northern Uganda was left as a labour-reserve, from which to recruit the Acholi group as soldiers in order to serve within the colonial military. According to Aker (2004), such recruitment not only came close to the militarization of society, but it also explains the differences in socio-economic development between regions.

The post-colonial regimes not only inherited power under the military, but also further concentrated that power. At the same time, the regimes' policies continued to be aimed towards self-interested gains; for Behrend (1991), the use of the military to achieve these ends appears no different to political manipulation. However, the manipulation was not only limited to ethnicity but also to religious-based differences and the repression of minorities. Idi Amin's

regime is a case in point, where in 1972 the order for the Acholi to return to their barracks was linked to ethnic cleansing and power struggles (Aker, 2004).

Second, there was a perceived economic inequality along a regional divide, between the north and the south. Northern Uganda shared similar economic traits with the eastern part, while the central and western regions shared traits with one another. According to Aker (2004), this inequality between regions had significant consequences for socio-economic and political polarisation. A few ethnic groups, including the Acholi group of Northern Uganda, expressed their perceived grievances that they were neglected and marginalised from mainstream society (Hoffman, 2009; Finnstrøm, 2008).

Equally importantly, Aker (2004) emphasises that the proximity of Northern Uganda to fragile states with a proliferation of arms acted as a breeding ground for continued lawlessness and insecurity. Specifically, countries rich in natural resources, but with a fragile peace, fuelled and sustained war in the region. Markedly, Sudan and the DRC, which are rich in diamonds, oil, gold and timber, were the destabilising forces in the region. Specifically, Sudan not only continued to supply weapons and small arms to LRA rebels, but, according to the International Crisis Group (ICG) (2004), also sustained the war and insurgencies through food and medicine. Finally, a further contributory factor in rebellion and insurgencies was the adoption by Uganda in 1987 of the Bretton Woods policy measures of the Structural Adjustment Facility and the subsequent currency devaluation which affected commodity prices, wealth and savings among local civilians.

Given these root causes, the Acholi group resorted to a variety of means in their efforts to escape the historical past and government repression from Kampala, including armed rebellion. According to Behrend (1991), however, the armed rebellion involved a combination of mysticism, indigenous spirituality and Catholicism, as will be seen in various rebel groups.

1.2.2.1 War in the Acholi region

The context of my investigation begins with the ethnic power rivalries and wars that rocked the country after the fall of Milton Obote. Obote's 'operation bonanza' in 1985 around the *Luweero Triangle*[4] in central Uganda was central to the war and associated displacements in the Acholi sub-region. The war was fought between the National Resistance Army/Movement (NRA/M)

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[4] According to Wasonga (2015, p. 45), this refers to a small town in central Uganda near Kampala, with roads leading North and North West out of Kampala. It is inhabited by the Baganda ethnic tribe, and situated between three lakes: Victoria, Albert and Kyoga.

under Yoweri Museveni, which in 1995 was renamed the Uganda People's Defence Forces (UPDF), and the Uganda National Liberation Army (UNLA), under the regime of Milton Obote II. More than 300,000 people lost their lives; many were injured, raped, tortured, and killed; property was looted and thousands were left unaccounted for – mostly from the Bantu ethnic group (including the Baganda) (Wasonga, 2015; Behrend, 1991).

After the fall of Obote II's regime, Colonel Tito Okello, an ethnic Acholi ascended to power in 1985. Tito Okello's regime became synonymous with the Acholi's return to political and military dominance in Uganda. However, the Okello regime and accompanying optimism among the Acholi was short-lived. Failure to honour the recently concluded Nairobi Peace Accord caused Tito Okello's regime to last for only six months after sustained attacks from Yoweri Museveni and his NRA group (Eichstaedt, 2009).

Museveni's ascent to power meant the military was left to resolve what could be described as a domestic power struggle and the associated grievances, which provided a breeding ground for various rebel groups (Lorchi, 1995). According to Finnstrøm (2006), within two years of the Museveni regime, more than twenty-four rebel factions had emerged. By 1995, more than five rebel groups were operating throughout Uganda, and especially in the periphery of Eastern and Northern Uganda[5]. However, it was the humiliating defeat of the Acholi and their quest to regain state power which sowed the seeds of ethnic-based sentiments and resistance. Various groups emerged; first, in 1986, when former UNLA soldiers who had escaped with weapons retreated to Sudan and re-organized as the Uganda's Democratic Movement/Army (UPDM/A) under Brigadier Odong Latek; second, the Holy Spirit Mobile Forces (HSMF), under Alice Auma Lakwena; and lastly, in 1987, the Lord's Resistance Army (LRA) under Joseph Kony.

Inspired by Christian theology, divine revelation and spiritual possession, the LRA under Kony claimed to represent the Acholi group, fighting against the NRA's subsequent drive for revenge in Northern Uganda. Alongside the operations of the NRA, LRA activity was associated with rape, torture, killing and the looting of property, thus sowing the seeds of further ethnic grievances and resistance. The fact that this sporadic violence affected every Acholi group makes it appear more like a localised and ethnicised Acholi war, in line with the views of Bainomugisha and Tumushabe (2005).

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[5] According to Wasonga (2015), some of the groups that engaged against the UPDF were the Allied Democratic Forces (ADF) and Uganda National Rescue Front (UNRF II) operating in the West Nile.

1.2.2.2 Forced displacement of the Acholi

According to Dunn (2010), the war tactics of the LRA involved brutal and violent attacks on local civilians, mostly in trading posts, schools and villages across Northern Uganda. The attacks enable us to delineate three stages and processes of the forceful displacement of the Acholi. Firstly, between 1986 and 1990, the LRA insurgency resulted in some Acholi moving voluntarily from their home villages to nearby trading centres in search of security. The next stage, occurring between 1993 and 1996, involved some Acholi moving back to their home villages, as the security situation stabilized. The final stage took place immediately after 27 September 1996, following intensified threats from the LRA rebels in villages. The UPDF military forcefully relocated more than 1.8 million Acholi people into what came to be known as protected villages or internally displaced camps. Two thirds of those displaced were women and children.

1.2.2.3 Impacts of the war on the Acholi sub-region

The two decades of armed conflict between the UPDF and LRA in the Northern region had devastating consequences for people, capital and natural resources (Nzwili 2015; Banfield and Naujoks 2009; Corbin 2008), as more than 100,000 civilians lost their lives. Furthermore, the LRA rebels abducted more than 60,000 children[6] as war recruits into their military ranks.

In addition to civilian displacement and deaths, the Acholi's isolation from their land resulted in inadequate food, healthcare and education. During an interview conducted on 15 December 2009, the Gulu Resident District Commissioner (RDC) described the war as having transformed the sub-region from 'grain case to basket case', since the Acholi people could not cultivate the land, which contributed to the collapse of food production. The region was left to depend on government and humanitarian agencies for food handouts. The inability to access land for production and the increased dependence on food aid were perceived, mostly by older Acholi, to have contributed to a decline in the knowledge of farming practices among young people in camps. Betty Bigombe, then a Member of Parliament and State Minister, told the *New York Times* about the devastating consequences of the war in Northern Uganda: 'This is no war but insecurity […] it has disrupted life and development in the north' (cited in Lorchi, 1995).[7]

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[6] Nzwili, F. (2015). 'Ugandan Bishop Willing to Defend Notorious Lord's Resistance Army Commander in War Crimes Court', The Washington Post, dated 28 January [Online] Available at: https//www. Washingtonpost.com. Accessed: (24 March 2015).

[7] Lorchi, D. (1995). Rebels without a cause terrorize Uganda's poor. *The New York Times* [Online] 21 June. Available at: http://www.nytimes.com [Accessed: 10 December 2015].

1.2.3   The Acholi peace process

The dynamism and the devastation caused by the war in the Acholi sub-region necessitated the engagement of external actors in peace efforts. This applied particularly to the government of Uganda, civil society organizations, religious and traditional authorities and the international community. Three peace initiatives are documented to have taken place between 1993 and 2006: the first through Betty Bigombe; the second through the Jimmy Carter Center; and, lastly, the Juba Peace process.

1.2.3.1   The 1994 Betty Bigombe peace efforts

In 1991, the Museveni regime launched 'Operation North', which involved local Acholi militia in fighting the LRA rebels. The failure of 'Operation North' led to Museveni's regime asking Betty Bigombe to negotiate and mediate peace with the LRA. Various stakeholders were also involved, particularly local religious and traditional authorities. Through Yusuf Adek, a local chief, Kony and his group requested a government amnesty. However, even before their amnesty and surrender, the negotiations collapsed (Dunn, 2010). The collapse forced Kony and the LRA to cross the border into Sudan where a new mobilisation and victimisation of civilians started.

1.2.3.2   The 1998 Carter peace agreement

According to Hoffman (2009), the absence of the LRA group on Ugandan soil intensified the perceived proxy wars between Uganda and the Sudanese governments. The proxy wars happened because the Sudanese government was alleged to be supporting the LRA rebels, while the Ugandan government retaliated by supporting the Sudan People's Liberation Army (SPLA). The US-based Carter Center engaged in peace negotiations not only with Kony but also with the Sudanese government.

In 1999, the Ugandan and Sudanese governments signed a peace agreement in Nairobi. The peace agreement committed the two parties to ending hostilities with each other. Each country was required not to host or even provide logistical support to rebel factions operating in its own territory (Dunn, 2010).

The Nairobi agreement led to the Ugandan parliament passing a blanket amnesty towards the LRA rebels to end the war. The Acholi Religious Leaders Peace Initiatives (ARLPI)

facilitated the implementation of the Compressive Amnesty Act in 2000. The act freed more than 8,000 LRA defectors. However, in 2002 the insurgency re-emerged, ending the relatively brief period of peace. Through 2003, the Carter Center continued its efforts to bring together the government of Uganda under Museveni and Joseph Kony and the LRA rebels. However, the activities of the Carter centre subsided after they concluded that conditions on the ground were not ripe for the two sides reaching a negotiated settlement.

In 2005, the government of Uganda requested the International Criminal Court to intervene and arrest Kony and his senior rebel fighters. However, the arrest warrant issued against five commanders, including Kony, provoked anger and attacks against local civilians and international non-governmental organizations (NGOs). Subsequently, the issue of an arrest warrant did manage to bring Kony to the negotiating table.

1.2.3.3   The 2006 Juba Peace Accord (JPA) process

In 2006, the government of Uganda and the LRA signed the Juba Peace Accord (JPA) and the subsequent Cessation of Hostility Agreement. However, the failure of both the ICC and Museveni to lift the arrest warrant caused Kony to refuse to sign the final peace agreement in 2008, leaving the final peace process uncertain. Kony then continued his war in remote villages in the Democratic Republic of Congo (DRC), Central African Republic (CAR) and South Sudan (Klein, 2012; Pham et al., 2007).

1.2.4   Paradoxes of the 'return home'

Kony's absence from Ugandan soil eased tensions and encouraged the Acholi's return home to normality. However, their return home and resettlement journey – the subject of this research – was accompanied by a plethora of complex and interconnected issues related to social and material loss, demographic growth and changes in landscape.

As Bøås and Bjørkhaug (2014) point out, war-related displacement changes the relationship between people and things. Isolation that is associated with the loss of the social and material foundations that support production and livelihoods influences a changing perception of the remaining resources, particularly land. The need to access and control land intensifies disputes and conflicts.

The return home was also associated with changes in the material landscape connected with customary land tenure (Evans, 2014, p.65). Prolonged absence was associated with the regrowth

of forests and the fading of boundary markers; the underlying fear was how to recognize these markers, causing boundary-related contestations and disputes (Rugadya, 2008). Although return signified the end of conflict and the beginning of an engagement to renew livelihoods through agriculture, the presence of landmines and explosives hindered these efforts.

Isolation influences demographic changes and the composition of the population, mainly through natural birth and migration (Evans, 2014). In the Amuru district, the population increased from 88,692 in 1991 to 135, 723 in 2002, and more recently to 292, 826 in 2011 (see also Table 5) (UBOS, 2014; 2002). The increased population was associated with increased children and young people and with increased needs and demands, which in turn created dependency and future prospects which could not be met in the areas of return. Increased opportunities in camps and return areas influenced young people to intensify their land claims, increased associated disputes.

Although his view is contested, Evans (2014) has argued that prolonged displacement and mortality are inseparable, since, for him, poor living conditions in camps and the stress of being idle causes the premature death of older people (Evans, 2003b). Their death leaves behind a group of vulnerable and marginalised people unable to access land and to engage in renewing their livelihoods (see NRC, 2010).

Although displacement disrupts the existing social order, return and resettlement create opportunities that benefit some individuals and corporate companies (Evans, 2014). A few wealthy and local elites use the opportunities associated with return for their own gains i.e. land grabbing and speculation (Boudreaux, 2007), further increasing the stresses of return on the existing infrastructure and social services. Return and reconstruction provide an opportunity for a few individuals to mobilise donated funds in their favour.

These challenges reflect Kelly and Souter's (2014, p.3), Hilhorst et al's (2010, p. 1108) and Gynty's (2006, p.60) descriptions of the post-conflict period as being characterized by 'fragile statehood' and 'no peace, no war' dilemmas. Kelly and Souter (2014, p.3), for example, link factors other than war, such as low levels of economic development, poor governance structures, vulnerability to natural disasters and food insecurity to societal fragility for returnees. Hilhorst et al. (2010) assert that the process of 'reconstruction is only possible once peace prevails; no reconstruction can be attained without peace', while Ginty (2006, p.60,

emphasis not mine) describes the 'no-peace, no war' paradox as follows: *'in any post-war situation, there exists tension, apprehension and fear that always dominates the daily life experience of normal citizens.'* The Acholi post-war return experience reflects these issues, with the emerging land claims and associated disputes running a constant risk of disrupting the ongoing efforts towards reconstruction and recovery.

1.3   Research rationale

1.3.1   Case-study selection

The Amuru sub-county has been chosen mainly due to the impact of war on the Acholi group, particularly on land claims and their livelihoods on their return home, as further discussed in section 4.3.

Despite the war in Northern Uganda spreading across the entire region of North Kivu in the Democratic Republic of Congo, the vastness of the Amuru district attracted rebel groups making it the epicentre of the conflict. Similarly, the prolonged war meant that the fear of land mines left swaths of land uncultivated and overgrown. Massive displacement led to the Amuru hosting the largest camps in the sub-region and making it a suitable case to study.

Initially, my exploratory visit to the Amuru sub-county in Northern Uganda between January and February 2009 was guided by an interest in researching post-war housing issues. Upon visiting, I encountered glimpses of large uninhabited areas of landscape as, during the war, the majority of the Acholi people were 'forcibly displaced into camps as "internally displaced persons" (IDPs)' (Oosterom, 2011, p.395). My observation raised two conflicting issues which inhibited the Acholi return home: housing and land. The two issues raised a fundamental question: Which one came first in threatening the Acholi return and resettlement, housing or land?
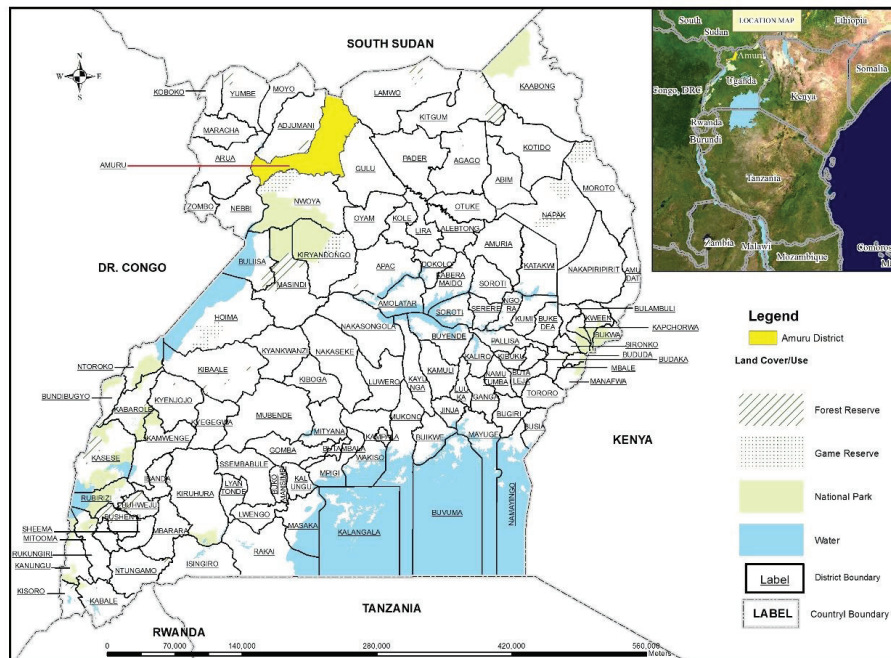
Figure 2: Map of Uganda showing the boundaries of the districts and the case study

Source: Modified map from the Survey and Mapping Unit of Entebbe Cartographic Centre

In September 2009, while participating in an urban ecological planning course, I encountered the unspoken reality of war victims in the Acholi quarters in Kampala. Their stories, often neglected or undermined by the local and national media and public discourse, exposed the loss of life, cattle and property. My understanding of the victims' narratives deepened with the realization that their memories of war and their associated flight had made land claims a profoundly emotional and sentimental issue.

Post-war return attracts multiple and diverse actors ranging from individuals and ethnic groups, to institutions and companies lodging claims to land. The multiplicity of many powerful actors is associated with land acquisition. The Amuru sub-county presents a wealth of evidence where land issues attracted ethnically and politically motivated land claims, not observed elsewhere within the sub-region, and this is another reason that it makes an ideal case study.
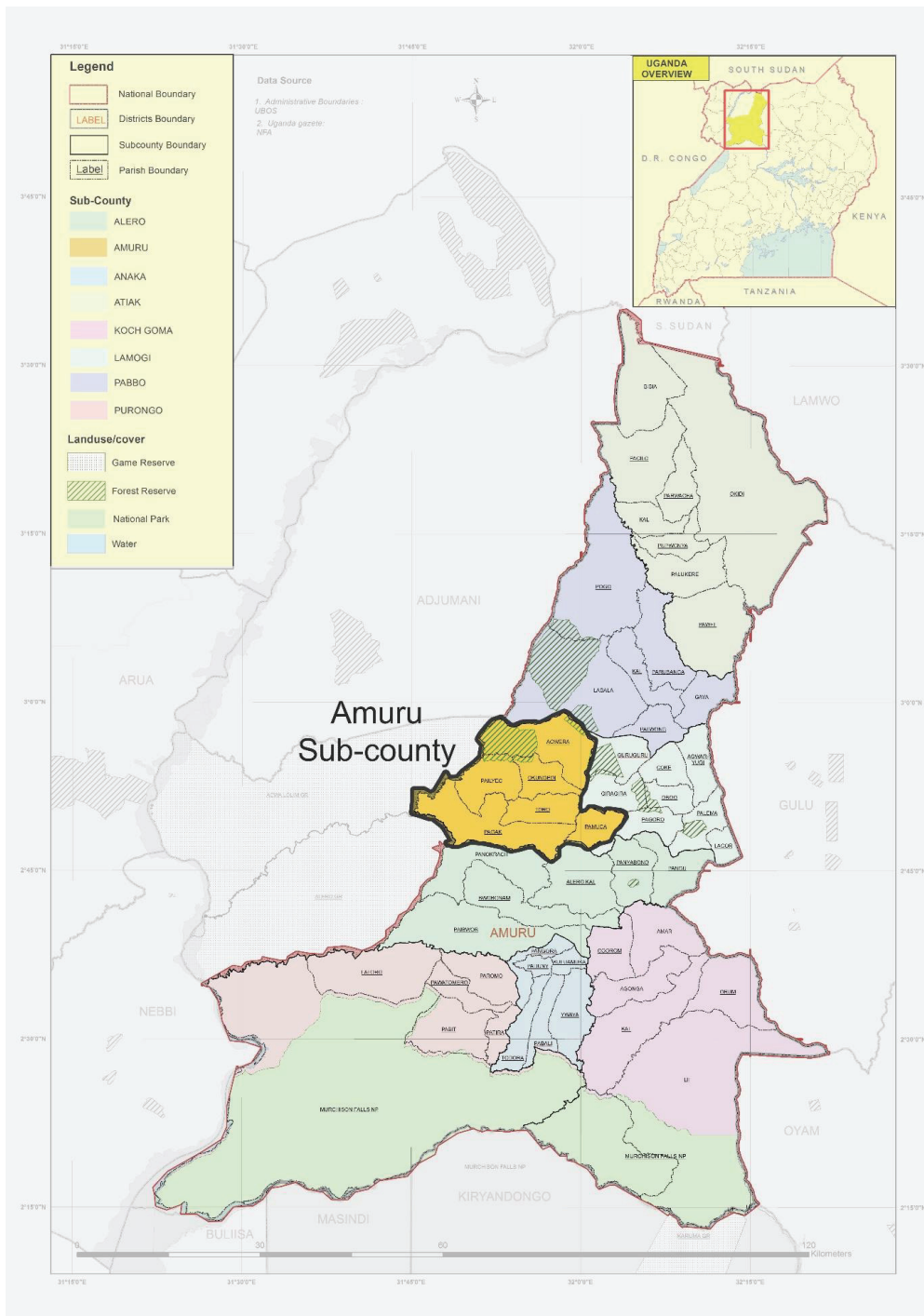
Figure 3: Map of Amuru showing the boundaries of the district and sub-county case

Source: Modified map from Survey and Mapping Unit of Entebbe Cartographic Centre

1.3.2 Research literature on post-war land claims

Early post-war studies of Uganda tended to focus primarily on the World Bank reconstruction programme,[8] mostly from a legal and economic perspective (Kreimer, et al., 2000). Although reconstruction was declared complete, since economic growth had been achieved by rebuilding the physical infrastructure and services damaged by war, it was widely perceived to have failed. Little emphasis was directed towards societal needs and interests.

War-related displacement studies in Northern Uganda have been carried out, for example, by Hoffman (2009), Finnstrøm (2008), Rugadya (2008), Turner (2005), and Sebina Zziwa (2003). These studies did focus on the life of the displaced Acholi group in relation to the camps, with a particular emphasis on the loss of life, cattle and property. However, there is little research which has focused on the plight of the Acholi specifically on their return home and, in particular, on land claims and disputes.

The two studies which first identified the need for research into land claims and disputes were Rugadya (2008) and Bøås (2007, 2005). These researchers undertook a profile study on the instability and uncertainty for the Acholi on their return home with specific reference to land claims and disputes. However, neither researched the Acholi's actual return and resettlement. Specifically, Rugadya's (2008) study, commissioned by the World Bank, examined post-war reconstruction initiatives, aiming to provide insight into the comprehensive Peace Recovery and Development Plan (PRDP) and the national land policy for Uganda. This study highlighted the increasing insecurity in land tenure due to the incidence of land claims and disputes. Based on a statistical survey of 1,119 people, together with focus group discussions with various institutions and stakeholders, Rugadya identified the different types of prevailing land claim and associated disputes on return and resettlement. The land disputes were manifested in a variety of ways, involving, in particular, returnees and large-scale investors, individual neighbours and government institutions. The study also confirmed a steady increase in incidents related to land claims and disputes, from 12.8 percent at the time of displacement to 16.6 percent during the post-war return (Rugadya, et al. 2008, p.10). Similarly, local returnees showed little faith in the institutions responsible for land reforms and the adjudication of land disputes. More recently, Ochan (2017, p.18) revealed that more than 98 per cent of the cases reported to the local council (LCI) related to land disputes (Ochan 2017,

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[8] This refers to the post-war reconstruction initiative in Uganda in 1980s, where more than 40 projects had been carried out valued at US$2 billion, funded by the government of Uganda, the World Bank and other international donor communities.

p.18). However, despite Oosterom's (2011) earlier focus on the perceptions and practices of IDPs during the post-war return in Northern Uganda, mostly from the gender perspective, there exists a lack of analytical framework in which to consider these emerging perceptions.

Although the comprehensive peace recovery and development plan (PRDP) return policy highlighted land related conflicts, it failed to articulate the drivers for conflict, and to explore the best way to deal with land issues when it comes to policy implementation. These issues include: how to deal with the new land-related actors, particularly private investors responsible for some of the land disputes; citizen participation; and women and young people unable to return to their home villages and instead remaining in camps; inadequate public infrastructure and basic social services in returnee villages; and a financial dependency on donors without an alternative budget plan for return and reconstruction. All these issues remain problematic during the post-war return and resettlement, and they are explored and justified in detail in the course of this project.

Thus, these existing studies and reports on incidences of land claims and disputes are presented without adequately tracing the interlinked processes of cause and effect. For example, in Northern Uganda, the emergence of multiple land take-overs and the types of actors involved are neither widely disclosed nor well analysed: the four per cent increase in the number of disputes identified by Rugadaya (2008) in fact conceals the very high number of individuals affected in new, large-scale case. As such, some of the actors are few in number, but their actions are central in influencing and shaping the perceptions of the displaced population in terms of land claims and associated disputes. Furthermore, the nature of some of the land claims and associated disputes appear to result from external influences which have significant impacts on internal events. However, a lack of recognition of some of these external influences on land claims suggests an important gap in existing knowledge. Finally, how the prolonged displacement of various actors and their activities in camps might have influenced the changing perceptions of the Acholi with regard to land claims and disputes upon return home appears yet to have been explored.

The most recent work that directly relates to forced displacement and to the case of the Amuru sub-county is Bøås and Bjørkhaug's (2014) article 'The IDP economy in Uganda: a prisoners' economy', which considers not only war-related displacement, but 'displacement-in-place'. The Acholi's displaced population appears not only to have been physically dislocated, but rather disrupted in socio-economic terms. In search of continuity, most people

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engaged in alternative livelihoods in the camps. However, despite the study documenting how dislocation in place influenced alternative livelihood in camps, it does not explore how the emerging perceptions associated with these socio-economic activities in camps affects the process of land claims and associated disputes. This study intends to fill this gap in the literature by examining not only the Acholi's war-related dislocation in the camps, but also the emerging perceptions associated with land and property claims and disputes during the post-war return and reconstruction in Amuru sub-county.

1.3.3 Research questions and objectives

As the historical and research context outline above demonstrates, there is considerable value to a study which can plug the significant gaps in our understanding of these patterns of post-war return and, especially, the land disputes associated with them. The concerns emanating from the unresolved land disputes, and their potential to threaten and derail the post-war return and recovery process, necessitate the formulation of my main objective:

> To examine how the long-term, forced displacement of the Acholi people in the Amuru sub-county has affected land and property claims during the process of post-war return and resettlement.

In addition to the main research objective, three associated overarching sub-objectives emerge:

1. To assess and explain the impacts of the insurgency and conflict, focusing on the changes caused by the forced and prolonged dislocation of the Acholi group from the rest of the population.

2. To examine how the prolonged dislocation of the Acholi group affected their lives and the significant impacts on perceptions and attitudes of the displaced persons, as well as practices related to the Acholi land.

3. To explore how these land related attitudes, perceptions and the wider societal changes affected the new realities faced by the Acholi group in reasserting their claims and recovering their livelihoods.

Finally, three research questions can be posed which are related to the main and sub-objectives but which also examine existing attitudes and perceptions in these disputes:[9]

1. What are the critical consequences of the Acholi people's forced displacement pertaining to asset ownership, demographic profile and the traditional institutions responsible for land administration and management?

2. How did the long-term forced displacement affect Acholi attitudes and perceptions toward land and livelihoods, and how do these help to explain the land conflicts arising upon their return?

3. How are these attitudes and perceptions relating to customary land claims and conflicts affecting the process of the Acholi return and resettlement in the Amuru sub-county?

The Acholi's attitudes to, and perceptions of, a range of issues, such as the commodification of customary land, leads to land grabbing and speculation. Land acquisitions are riddled with corrupt practices which instigate panic and tension due to the perceived scarcity of land, and which shape the likely reality faced when reclaiming land through the associated disputes on their return home. These emerging perceptions are shaped, above all, by their socio-cultural, economic and political experiences.

1.3.4   Organisation of the thesis

Following on from this introductory chapter, chapter 2 explores the ethnographic accounts of the Acholi group and their sub-region. It focuses on their early origins, migration, identity, territoriality, religious beliefs and spirituality. It refers also to their social and economic organization, and their land ownership and associated dispute resolutions. This chapter gives brief accounts of land ownership among the Acholi during the colonial period and then proceeds to post-independence land ownership in Uganda.

Chapter 3 reviews the literature on territory, land and property, as well as development discourses and post-war land claims, as presented and discussed from Western perspectives and reflected in the African context. It focuses particularly on the post-war Acholi group of

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[9] This refers to the prevailing layers of meaning attributed by individuals or groups with respect to various issues, events or objects as influenced by a given situational context. Measuring attitudes and perceptions emerging from people who have been confined in camps is fraught with difficulty given the complex post-war terrain, and the subjective and sensitive nature of the issue of land claims.

Northern Uganda. Chapter 4 presents my approach to the field research, including the methods selected and the formulation of the tools used in the process of data presentation and analysis.

Chapters 5 and 6 present the multiple and interlinked processes of socio-economic, legal and political change, as illustrated in the matrix of data analysis. The emerging changes took place during the Acholi war, their forced displacement, their life in camps, and even upon their return and resettlement. They have had a significant impact on shaping the perceptions of the Acholi while isolated in camps. These changes have also had significant influences on domestic and global policy, which has shaped the Acholi group's new reality, mainly with regard to land claims and associated disputes upon returning home.

Chapter 7 presents the major research findings by consolidating the most crucial issues emerging from the matrix of data analysis. The findings are summarized as part of the main conclusion, and specifically respond to the main research questions. They are based on perceptions emerging from three interlinked stages: (1) war, displacement and camp life; (2) return and resettlement; and (3) reconstruction and recovery. The findings are not only the products of the data analysis but are also of the perceptions of the causes of war and the impact of war on the Acholi return home. The chapter ends by linking the research findings to theoretical and methodological approaches, particularly revisiting the research approach to theory and methods.

Finally, chapter 8 summarizes the main recommendations for resolving land claims and associated conflicts in a post-war context, reflecting on the scholarly aspects of the research and identifying areas for future research.

CHAPTER TWO:
THE ACHOLI'S SOCIO-ECONOMIC ORGANISATION

'The past is never dead. It is even not past' (Faulkner, W. 1951).

2.1 Introduction

To understand the clash between traditional cultural practices and external war-related influences, it is necessary to consider the crucial issues underpinning the social organisation and cultural practices of the Acholi. These issues of origins, migration, territoriality and asset entitlement influence the attitudes and perceptions of the Acholi. Their relatively advanced social organisation and conduct with the outside world – for instance, their interactions with Arabs and the British – set in place a system of precedence regarding asset entitlements, identity and territoriality. The emergence of Acholi social organisation and practice forms a backdrop to the theoretical conceptualisation to be presented in chapter 3.

This chapter is divided into three main parts. The first outlines the historical and ancestral origins of the Acholi group and sub region, and their identity and territoriality. The second explores the structure of Acholi society and culture, especially around asset ownership and dispute resolution. The third section discusses the changes to Acholi society brought about by colonial influence and the post-independence situation, in particular as they relate to the customary land rights of the Acholi. The chapter ends by summarising the main arguments.

2.2 The Acholi group and sub-region

The Acholi group[10] is the most dominant group in Northern Uganda, occupying the customary territory whose land accounts for 30 per cent of all land in Uganda. This land also accounts for 95 per cent of the customary land-tenure systems in Northern Uganda (GoU, 2007). According to UBOS (2012), the population of the Acholi group accounted for 5.3 million out of a total Ugandan population of 33 million. Despite the vastness of the Acholi territorial land, only 11,000 square miles of the sub-region are occupied[11]. The rest of the territorial land stretches up to the border with Southern Sudan – that is, the Equatorial State.

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[10] According to Holowitz (2000, p.448), the Acholi group, as one of the central Nilotic groups, comprises other ethnic groups such as the Teso, Karimojong, Pokot, Nubi, Langi, Alur, and the Madi. Most of these ethnic groups are found within the Acholi sub-region of Northern Uganda.
[11] See also, Langlands, population, geography of Acholi District 16. [reference?]

Figure 4: Map of Uganda showing the conflict-induced displacement, as of May 2012

Source: The internal displacement monitoring centre (IDMC) website

Historically, three main districts formed the Acholi sub-region: Gulu, Pader and Kitgum. However, as of July 2011, the sub-divisions of the existing districts led to the creation of seven new districts, including Amuru.

2.2.1 Ancestral origins: Early Nilotic migration

Northern Uganda is home to a range of ethnic groups characterised by the umbrella term 'Nilotic group'. Finnstrøm (2008; p.36) and Atkinson (1996) present the Nilotic group as sharing common cultural affinities, such as history, language and lived life experience. The Nilotic group is presented as three main sub-groups: 1) central Nilotic group (Luo speaking people); 2) Nilo-hamites; and 3) Sudanic peoples. These groups of Nilotes migrated from the upper ends of the River Nile basin in Sudan (today known as Southern Sudan), which is described as the cradle of the Nilotic people (Finnstrøm, 2008, citing Såfholm, 1973). As one of the predominant ethnic tribes within the central Nilotic group who speak Luo dialect, the Acholi are inextricably linked to a specific geographical territory, Acholiland, but that link cannot be understood outside the context of migration.

Indeed, in Africa migration in general is the single most important factor that has influenced many of the continent's societal and cultural changes. Powelson (1988, p. 260), for example, identifies two distinct forms of ethnic migration in Africa: (1) cyclical movements; and (2) permanent settlement. The first type of migration was guided mainly by seasonal climate changes which appear to have guided most of the migrations of the nomadic communities looking for pasture and water. The second form of migration aimed at dominating and conquering other ethnic groups. Both forms of migration help to explain early Nilotic group narratives related to their migration southward, their settlement, their claims over rights and their territoriality. This argument will also feature in 3.3.3 when reflecting on property rights practices in Africa.

The first group of the central Nilotic Luo lineages began their migration southward at the end of the first millennium BCE by settling in the eastern part of the Acholiland. The second group comprised western Nilotic Luo who started to migrate during the 15th century and settled alongside the southern border of the Acholiland. The last group comprised the eastern Nilotic Luo who settled in the eastern and central parts of the territory. A small number of Nilotic Luo populations remained in the south until the 17th century. Eventually, the Nilotic groups' patterns of migration and settlement resulted in them being geographically scattered and categorised according to four locations: Southern Sudan, Northern Uganda, Western Kenya, and Northern Tanzania.

2.2.2   Central Nilotic Luo: Identity and territoriality

The group migration and changing identities of the central Nilotic Luo were mainly associated with cattle and land, and – most importantly – conduct with other ethnic groups. As a nomadic group, the Central Nilotic Luo, like any other Nilotic group, had little social organisation before settling near the Paluo[12] and Bunyoro-Kitara kingdom (Atkinson, 1994; Elias, 1956). Their constant movement in search of pasture and water was a disincentive for permanent settlement, social organisation and territoriality.

Atkinson (1994, pp. 112–117) and Vincent and Sorensen (2001, p.101) indicate that the Nilotic Luo migration south from the upper end of the River Nile was prompted by prolonged drought. This resulted in smaller local ethnic groups being conquered, being absorbed into the Nilotic Luo group or drifting away. The conquering of these smaller groups was highly celebrated, mainly with heroic dance. Smaller groups moving away created tensions and conflicts, but crucially it also set precedents for further communication and negotiation.

The settlement of the Nilotic Luo near the Paluo, north of the sprawling Bunyoro-Kitara kingdom, led to intermarriages, but also to the emergence of a centralised socio-political order, and consequently the proliferation of the Luo language (Atkinson, 1994, p. 79). Their closeness influenced the adoption and sharing of cultural, economic and local aspects of the Paluo ethnic group. Most importantly, this involved social organisation based on clan and chiefdom systems.

2.3   The social organisation of the Acholi clan

The arrival and settlement of the Acholi near the Paluo area and Bunyoro-Kitara kingdom came to be regarded as both a curse and a blessing, according to Kajengwe and Banfield (2011, p. 14). It was a curse because of increased insecurity due to cattle rustling by their neighbours. It became a blessing since the increased insecurity influenced the emergence of social organisation and territoriality (Atkinson, 1996, p. 33). In the quest to protect their cattle, there emerged units of social organisation, as practised by their Paluo neighbours. Hence, the Nilotic Luo arranged themselves into the smallest units of social organisation, known as clans (kaka). According to Sebina-Zziwa (2008, p. 4), a clan was the most important social and political unit and was made up of several hundred people who lived in a small fenced village (gang), under

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[12] According to Atkinson (1996), the term refers to both an ethnic group and an area on the opposite side of the Nile River. Inhabitants were referred to as the Luo-speaking Paluo, found in the northern part of Bunyoro-Kitara kingdom.

the control of an elderly male chief or 'Rwot'. For example, the Patiko chiefdom consisted of multiple villages, including the Panyagira village.

The 16th century is a significant period in the history of the central Nilotic Luo, but also for this research. Settling around the Paluo area near the Bunyoro-Kitara kingdom also necessitated the adoption of new forms of economic activity, such as agriculture. The development of the Acholi as agro-pastoralists meant that both cattle herding and agricultural production became socio-economic activities (Atkinson, 1996; Fratkin et al., 1994, p. 4; Mamdani, 1987). This adaptation to sedentary activities mirrored similar developments that were taking place in other societies within equatorial East Africa (Shipton, 2009, p.16, 87).

Starting from the 17th century, the Nilotic Luo clans or villages increased in population, mutating and becoming more dynamic. The expansion and mutation of various clans and sub-clans resulted in the emergence of new centralised chiefdoms. However, in the late 17th century, power struggles emerged within the Bunyoro-Kitara kingdom, mainly over the succession of power. The Nilotic Luo group was dragged into these power struggles because, as a small political entity, they had to maintain loyalty to the Bunyoro-Kitara king. Aligning themselves with one side of the power struggle resulted in their ambivalence concerning the Bunyoro-Kitara kingdom. As a result, the Nilotic Luo had to migrate and settle in today's eastern Acholiland, with a small number migrating to the west.

2.3.1 Chiefdom as a form of social organisation

In the 18th century, the Nilotic Luo clans further expanded and formed new chiefdoms. The new chiefdoms varied greatly in size and population, with some becoming large and highly consolidated, and others not. Despite their differences they continued to provide the social, economic and ideological foundations necessary for the emergence and expansion of the Nilotic Luo, and later the Acholi community which can be observed today.

The formation and consolidation of chiefdoms happened in two phases – early and late. There were six early chiefdoms, which, according to Atkinson (1994, p.104), then multiplied to sixty. The first six chiefdoms were Alero, Payera, Paico, Patiko, Paluo and Paibona. The Alero chiefdom was the smallest, while Payira was the oldest, largest and most powerful within central Acholiland. The Payira chiefdom was blessed with fertile land and constant rainfall, which supported agriculture.

Early chiefdoms were well-identified and maintained clearly defined territorial boundaries. Most of the boundaries were not physically marked, but had visible features such as forests, rivers and valleys. The existing features were named after their ancestors, which indicated a clear connection between the people and territory. For example, the Alero chiefdom derived its name from their first *Rwot* – Alero. Similarly, rivers formed natural boundaries and derived their names mostly from the Acholi language – particularly Zoka, Acaa, Apaa and Unyama. Some of the small rivers contributed their water to the river Nile, but they also formed part of the natural borders between different ethnic groups. This will be seen in 6.2.2 with regard to the re-organisation of administrative boundaries (with the river Zoka separating the Acholi and Madi groups).

Chiefdoms came under the local chief, known as a *Rwot*. The chieftainship was a hereditary one and the chiefs mostly came from a royal clan (*kal*). A *Rwot's* sovereignty over the chiefdom was mainly symbolised through the possession of royal regalia, particularly the royal drum. *Rwodi*, together with other clan elders, were responsible for presiding over religious rituals and ceremonies including marriages, settling disputes and even performing traditional ritual ceremonies – as presented in 2.3. Importantly, neighbouring chiefdoms had a reciprocal duty to honour and recognise the legitimacy of any chiefdom. The territorial rights within chiefdoms ensured that all clan members enjoyed rights to access and use territorial land for various purposes. These included agriculture, hunting, collecting fruit and herbs, felling trees for firewood and building materials, and accessing water and grazing areas (UN-HABITAT, 2007, p.36).

The second half of the 19th century coincided with the second phase of chiefdom expansion. This period became the defining moment for the central Nilotic Luo group in terms of social identity and culture. During this period, local chiefdoms developed a common ideology and language due to contact with the outside world, mainly Arab traders. Their conduct influenced the emergence of the word 'Shooli', which later transformed into 'Acholi', thus spreading throughout the Acholi region (Atkinson, 1999). However, the emergence of the word Acholi did not prevent some of the Acholi chiefdoms from forming distinct, collective and powerful ethnic groups who resisted outsiders. This argument will be developed further below, in connection with the arrival of Western state and non-state actors in Uganda.

2.3.2   The Acholi asset endowments: Cattle and land

The adoption of new forms of economic activity, such as agriculture, led the Acholi not only to become agro-pastoralists but also to have cattle and land as their main assets.

2.3.2.1   Cattle as asset

The Acholi group's adoption of the agricultural practices of their Paluo neighbours did not diminish the significance of cattle in their everyday life. Land certainly became a symbolic asset that could be inherited and allocated to individual family members, supporting livelihoods and subsistence, but it was not as significant a measure of wealth accumulation as cattle. According to Finnstrøm (2008), this is not be underestimated. Cattle wealth continued to be individually owned and changed hands through inheritance, mostly by males of a mature age, so that within Acholi society success was measured by the number of cattle one owned. According to Finnstrøm (2008, p. 34), many older Acholi regarded cattle as the most prestigious asset and means of accumulating wealth.

In fact, cattle wealth performed various functions, both social and economic, with use and exchange values that land lacked. This value was realised above all through the production of milk consumed within the Acholi clan. Cattle served an exchange purpose that enabled the Acholi to meet various obligations, such as paying school fees or meeting other foreseen contingencies, such as medical bills. Cattle also performed important symbolic functions, such as settling the price of a bride, performing special cultural rituals, paying fines, and undertaking functions associated with funerals, some of which continue to be practised even among today's Acholi people and other ethnic groupings. During a wedding proposal, for example, a number of cows were used to settle a dowry, which ranged from fifteen to thirty cattle; or, as the Lamogi chief insisted: 'whoever had a girl implicitly had cattle.' The use of cattle in this way facilitated their circulation within the clan and other Acholi groups.

As the Acholi were a patriarchal group, the birth of a new family member – especially a baby boy – was cherished. The new family member was welcomed by slaughtering a goat as an important mechanism for celebrating and honouring birth (UN-HABITAT, 2007, p.37). To the Acholi group, a baby boy symbolised a future flag bearer of the clan name, especially on reaching the age of maturity. Funerals, and especially those of clan elders, were also accompanied by traditional ritual ceremonies involving livestock. Performing a ritual ceremony in order to seek divine intervention involved slaughtering a cow or goat, where all members of the mourning clan enjoyed the meat and drinks to celebrate and mark the end of life.

Crucially, cattle were also used in settling societal disputes. Whenever disputes happened involving social issues, clan elders convened and reconciled the disputing parties. Clan elders required whoever was found guilty or admitted to an offense to settle a fine, and this was usually in the form of a cow or goat. The animal was also slaughtered and enjoyed by disputing parties and the whole of the clan. The significance of offering fines and ritual events was not to punish the offender, but rather to celebrate the return to peace and unity among clan members.

Retrospectively, some writers such as Finnstrøm (2008) and Atkinson, (1996; 1994) appear to dispute the universal nature of cattle ownership within the Nilotic Luo or Acholi group. While cattle herding was certainly practised among the Nilotic Luo, mostly in the southern and northern regions, this was not the case in all regions (Atkinson 1994, p.56). In the Western Acholi, the tsetse fly appears to have hindered cattle herding. However, in the driest areas inhabited mostly by the Karimojong ethnic group in the Karamoja region, cattle were the only significant economic and occupational component of society.

In the context of this thesis, these economic and symbolic functions of cattle are an important factor in understanding the effect of lost cattle on the displaced Acholi. This argument will be developed further in section 5.3.3.1.

2.3.2.2 Land rights ownership

According to Cousins (2011), there is a growing discussion about the source and nature of individual and communal rights to land in traditional African societies, in particular, how rights to customary land were held and transferred within individual families and the whole community. Indeed, this remains a subject of discussion which is controversial and contested, and this also applies to the Acholi group of Northern Uganda. The existing confusion surrounding land ownership must be disentangled in order to understand the ways in which the Acholi have engaged in claiming their land, especially after their prolonged period in camps.

The communal ownership conundrum appears to align with the view of development economists in the West who regard African customary land, including that of the Acholi, to be customarily and 'publicly' owned, rather than individually and communally owned. As one local chief put it, the notion that 'public land' exists, similar to the British Crown land, is distorting and misleading. It is these fundamental distortions that are addressed throughout the chapter, mainly from an anthropological perspective. As for the Acholi group, the evolution of land claims over time led to individual, as well as communal rights, to land (Sebina-Zziwa,

2008, p. 4). As a result, three main groups claim ownership: family, clan and tribe, or sub-region.

- **Individual rights to land**

For the Acholi ethnic group, individual 'ownership' rights to land were vested under the control of individual clan or lineage heads only. Within lineages, a family or household member had access to, and use of, a particular plot of land that other families did not. However, some of the rights to clan land could be given to other members, especially close relatives and 'in-laws' connected to the clan through ties of marriage and friendship, and in the form of a gift.[13] The number of household members determined the amount of land the clan needed for subsistence and other uses.

- **Clan land**

In addition, there was clan land, where the household head would allocate and pass down clan land to the adult male members of the family (Sebina-Zziwa, 2008). Maintaining membership of the Acholi community was an overriding principle for continued access to clan land, its ownership and use. Cousins (2005, p.418) refers to such rights as akin to claiming citizenship in a modern world. A right to use clan land rather than merely possess it, particularly residential and arable land, strengthened the security of their continued access to and 'ownership' of land.

Despite clan land being under the control of individual males, it was not 'individually owned' in the strict Western sense of the term. Individual land could not be sold, either within the clan or to outsiders. Instead, possession involved rights to use and transfer clan land, mainly through inheritance or gift. It also entailed rights to exclude others within the clan or family, though exclusion was not in the strict Western sense of the term. The whole of the Acholi community held radical 'ownership' of the territorial land, which continued to pass from one generation to the next. This is reflected in the local chief's assertion:

> Land was not considered as a commodity that was available for sale, but rather a social asset that identified the Acholi, as it was used for subsistence farming and communal grazing [28].

According to Van Linden (2014), this customary African land law and ownership delineates two issues: 1) inalienability and 2) equality. As such, the Acholi customary law puts much

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[13] See also Elias, 1956, with regard to African concepts of ownership and possession, particularly that of land. Rights to land were transferred temporarily or on a permanent basis to immigrant settlers. The temporal use rights to family land depended on the reasons given, and later became permanent through assimilation, including marriage.

emphasis on mere 'possession' over absolute proprietary rights to land. At the same time, women's ability to access and use clan land for sustenance represented the equitable side of Acholi customary land ownership.

There were early and frequent movements of Africans to and from towns and cities in search of new opportunities, particularly jobs (Elias, 1956, p.163). Despite these frequent and, at times, voluntary movements of individuals, families, and clan members within and outside the Acholi territory, the uncertainties associated with urban jobs necessitated the retention of ownership of land in their villages. The plots of land were left under the guardianship of family members and close friends. On their return home, the land reverted to the ownership of the clan head, to be redistributed and used by the other clan members. Rugadya (2008) confirmed that whoever could not survive life in towns and cities was received joyfully upon their return. In this process, access to clan land was not negotiated or contested, but rather was voluntarily returned to the previous owner, with such rights being renewed.

However, the rights to use clan land remained complex and were susceptible to negotiation from time to time. Access and use rights depended mostly on the social and economic conditions at the time, as well as on the type of land and the season. For example, there was a seasonal rotation of agricultural activities such as tilling a plot, planting, weeding and harvest before free access could be allowed, especially to cattle herders for fodder. Such use makes it difficult and even irrelevant to identify whether such land was individually 'owned', or rather merely 'possessed', as will be seen in 3.3.3.

Shipton (2009, p.14) highlights three factors guiding the accessing, use and 'ownership' of Acholi clan land: (1) gender; (2) status; and (3) seniority and succession. The Acholi family system was patriarchal and involved polygamy, where sons and not daughters inherited or owned land (Sebina-Zziwa, 2008). Despite women's reproductive and productive powers, rights to land 'ownership' were taboo. Women could not participate in the traditional meetings that were at the heart of decision-making related to clan land. Women could, however, negotiate secondary rights to access and use land, which provided food for husbands and children. Women could access land through: (1) a father or brother before marriage; or (2) a husband or son after marriage. Upon marriage, a woman's access to her father's land would cease and her access to her husband's land was activated. Whenever the marriage failed, the woman was free to return to her father's compound and reclaim her right to use his land.

Historically, if widowed, a woman was able to access her deceased husband's land as long as she re-married within the clan. She could retain rights to access and use land but could neither inherit nor 'sell' the land. Despite women having no inheritance or 'ownership' rights to clan land, clan elders and local chiefs guaranteed their access rights, and these rights became more transparent and protective in marriage (Rugadya, 2008). Emphasizing the access rights to the land of Acholi women, the local chief commented:

> No woman was denied access to land, provided that the land belonged to her husband. Women did not own land or property, but had use rights attached to their clan land only. That access to land in practice depended on men [28].

Status within the Acholi family, lineage and clan determined women's access to clan land, and particularly that of widows. A widow's security of access to clan land was enhanced if a woman had a son. A son guaranteed continued access to and use of the deceased father's land. The widow acted as a custodian of the clan land while she waited to transfer it to her son at the appropriate time. If a widow had no sons to inherit her late husband's land, then his brothers-in-law had the right to claim it.

Seniority and succession were also vital principles of Acholi social relations and determined access to and 'ownership' of land. Acholi social relations are based on a system of kinship hierarchy (UN-HABITAT, 2007, p. 37; Shipton, 2006, p.14). The hierarchical order was maintained at family, clan and chiefdom levels, but these roles and status in the family hierarchy continued to be determined mostly by gender. Land continued to change hands between males perceived as family heads. Again, even the males were not absolute land 'owners' in the full old sense of the term; rather, they acted as mere custodians for the family and the rest of the clan. In case of death, individual land changed hands to the next of kin – mainly within the family or clan, who inherited not only land but also all accompanying assets. Age (seniority) also determined access to and 'ownership' of clan land. On the death of the head of the family, male children could inherit land. However, they could inherit it only on reaching the age of maturity. Widows or paternal uncles held rights to family land before passing it to male children when they reached the age of maturity.

Most of these issues will be discussed further in chapter 6. As we shall see, access to and use of land has been complicated a great deal by the prolonged displacement of the Acholi, with widows, for example, experiencing difficulties in claiming family and clan land.

- **Communal rights to land**

There were communal rights to land 'ownership' within the Acholi group which were multiple and overlapping. These communal rights were not only confined to the land itself, but also applied to other resources – for example, forests, rivers and hunting grounds. Communal ownership of land was akin to a form of corporate ownership, where unregistered communal laws existed to regulate its access and use. Every community member complied with these laws.

The control and allocation of communally owned land remained in the hands of the lineages or chiefdoms. The *Rwot* was a centrally recognised administrative and political figure who not only headed a single chiefdom, but also served as the custodian of the Acholi land (Bøås, 2004, p. 286). His primary function was to allocate land according to community needs. In return, local subjects paid a tribute to the *Rwot*. His power was not limited to himself, but shared with other village chiefs, together with a group of elders, and he also served as a custodian of the Acholi land to protect it from occupation by outside ethnic groups. For example, on various occasions in the 1960s the Baalalo cattle herders from Rwanda tried unsuccessfully to occupy a huge swathe of land in the Acholi region. The *Rwot* represented the symbolic status of the customary land administration, protecting the dynamics of land within the group. The *Rwot's* administrative role ensured that land passed down from one generation to the next, meaning that land remained a group-owned and unalienable asset. The significance of land was not only to the living, but also to future generations (Elias 1956, p.162).

Michael Okema's presentation of Acholi customary land ownership appears to fit most of the features attached to African customary laws of tenure. The *Rwot*'s role in land administration and management was no different to that of an Acholi mother with her children. As an Acholi mother nurtures and takes care of her children with love, so the *Rwot* took care of the whole clan, lineage and ethnic community land with love. Holding the Acholi land in trust aimed to satisfy the interests of different groups, including those of orphans, widows, the poor, the weak and the old. The survival of all these groups of people depended on the *Rwot*'s effective administration and management of the community land by the chiefdom, not just on the regulation of its access and use.

The dynamics of land ownership within the Acholi community echoed popular sentiments voiced by various writers. Wiwa (2009) once cited a Nigerian chief who tentatively concluded that Africans are autochthonous: 'Africans are the sons and daughters of the soil, and millions of others to come belong to the soil'. Similarly, in Rhodesia, under the British, Robert Mugabe

asserted that the significance of land to the Shona and Ndebele people during the political struggle had been derived from them being indigenous groups: implicitly, the 'sons and daughters of the land' (Lan, 1985).

While carrying out this research, the issue of collective rights to communal land resources resurfaced. Phrases such as 'in our traditional ways of owning land …we the Acholi….' and 'our land' expressed a sense of collective claim, community cohesion and belonging to the land. A local chief claimed:

> Although our predecessors (ancestors) settled in the forests and started clearing the bush to convert it into arable land, still, the use rights to land stemmed from, were sanctioned by the whole community, and changed hands from one generation to another [49].

The collective administration and management of the Acholi communal land vindicates a popular Acholi saying: 'the poor subsided by their own hands.' Depriving someone of communal land was regarded as akin to 'robbing them of their birth right and their death right' (Lan, 1985).

The Acholi communal land involved both cultivated and uncultivated land. The cultivated land remained exclusively under family and clan use, and working it involved clearing a virgin forest in order to cultivate it. The significance of cultivated land to the Acholi people came from the fact that their day-to-day economic subsistence and livelihood was attached to this land. Through subsistence agriculture, the soil has continued to be the primary source of food production (Otile et al., 2013, p. 15). Simply put, 'land is not only the major asset used in the production process, but also acts as a source of livelihood for the majority of the population according to Moore (2010).[14] But there was also uncultivated territorial land within the Acholi territory, which remained covered by bushes and forests and contained bundles of rights used for various purposes, including cattle grazing, hunting wild animals and collecting honey, wild fruits and construction materials such as thatching grass. Most of these territorial lands have today been designated as game and forest reserves, including the vast game park known as the Murchison game reserve. Here, the Acholi men practised the hunting of wild animals, which played an important role in the provision of household food and tributes to the chief (Atkinson

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[14] See also Moore, 2010. Africa's Continental divide: Land Disputes. *The Christian Science Monitor*, 30 January. Accessed 13.11.2012.

1994, p. 57). The collected meat became a source of tribute to the hereditary rulers (Acholi *rwodi*).

2.3.3   The Acholi: Ritual and spirituality

In his article 'Perilous Presence', Jason Byassee (2009) cites Emmanuel Katongole, a Catholic priest from Uganda: 'you cannot understand Africa without understanding religion.' Implicitly, and with particular reference to Katongole and Uganda, 'there is no Western-style division between secular and sacred or public and private here'. Without tracing the emergence of Western religion in Uganda, particularly its influence on colonisation, ethnic stratification and identity, there is an incomplete understanding of the background to the Acholi war in Northern Uganda. According to Behrend (1991), a combination of mysticism, indigenous spirituality and Catholicism exist and are practised within the Acholi group, as will be seen in subsequent chapters.

Before the arrival of Islam and Christianity, the Acholi group, like any other ethnic group in Uganda, practised traditional religious beliefs based on ancestral spirits, rituals and mysticism that dominated their world for generations (Shipton, 2009; UN-HABITAT, 2007, p. 37; Rupesinghe and Tishkov, 1996, p. 33). They believed in the existence of a supreme divine creator with the power to protect them. The migratory journey of the Nilotic Luo involved moving with both their cattle and their divine ancestry. The movement was preceded by ritualistic ceremonies associated with the cattle, seeking divine intervention and guidance (Finnstrøm, 2008).

Nilotic Luo ritual and spirituality were also attached to land, through their ancestry. To them, ancestry symbolised a melting pot in which relations between the past and present were mediated and maintained. Whenever the death of an elder occurred, the burial of the deceased was performed within or near the courtyard. The burial was marked by a special ceremony conducted by the clan elders. The burial within or near the Acholi courtyard doorways not only carried social and symbolic connotations, but also ensured that the deceased were not forgotten (Shipton, 2009, p.5). Ancestral graves became sacred sites, which anchored membership of families, clans and tribes to the land – as presented in 5.3.4.3.

Demonstrating the continued presence of the dead among the living, most Acholi associated day-to-day events with their ancestors and religious worlds. For example, happiness, good health and rains leading to a bumper harvest were thought of as blessing arising from their ancestors' happiness and their guidance of the Acholi group. Adverse events, such as drought

causing famine or disease leading to poor health or wars, were believed to be connected to, or sanctioned by, their ancestors' dissatisfaction with their way of living. Specifically, Behrend (1991) cites a form of witchcraft associated with spirit possession that conferred on the victim infertility. For example, if a woman lacked reproductive powers – so highly valued within the Acholi – a common belief was that she had been possessed by a spirit or cursed by ancestors, angry at her ill morals. The UN-HABITAT (2007, p. 37) appears to confirm such Acholi rituals, by citing one Acholi elder:

> Anyone who acts contrary to the established norms displeases our ancestors and rituals should be performed to separate them. If the ancestors are annoyed…they cast curses in the form of death, disease, drought, madness and so on.

Individual or group action caused collective ramifications for the whole family, clan and ethnic group. Because of these beliefs, the Acholi elders sought ancestral help and counselling whenever adverse events happened, such as drought (Atkinson 1996), leading other community members to convene near the mountain base in order to seek forgiveness and performing a ritualistic ceremony by making offerings of livestock to their ancestors to appease their spirits.

Within this ritual framework, ancestors' graves acted as a religious ritual site attached to an individual's identity, and closely bound up with family. In this way, individual graves or family graveyards played an important role in substantiating claims to a place as a source of family identity and clan territoriality, usually through oral narratives from close relatives, friends and neighbours. For example, Olara Otunnu, who had once been alleged not to be a citizen of Uganda, invoked the location of his parents' graves in response: 'They said I am not a citizen of Uganda; now my aunt is here, she can show where my parents' graves are rested' (Wanambwa, 2010). The presence of a grave within the Acholi land vindicates the existence of a direct connection between identities of the living and rights to customary land, so that land acquires the equivalent function of a modern birth certificate. And it is this connection between the living and their ancestors which makes land such a sensitive issue among the local population.

2.3.4   Resolving land disputes

Although land issues and conflicts were not significant or large-scale issues for the Acholi people, land disputes did often happen between neighbours, clans and ethnic tribes, stemming, for example, from the fuzzy and sometimes seasonal nature of the customary land boundaries. Increases in the number of herds of cattle and the need for more grazing land, as well as

territorial rights claims, also provided numerous opportunities for competition and became a source of conflict. Finally, intra-clan dynamics, such as the deaths of husbands and divorce also sometimes caused disputes, but these rarely affected widows' access to clan land.

When land-related disputes did take place in Acholi communities, they were manageable. The existence of a fully functioning traditional system of land administration and management ensured that these occasional disputes were immediately and peacefully resolved. In the case of widows' rights, for instance, an appeal was forwarded to the clan elders, who could intervene on behalf of the wider community to resolve the dispute amicably.

According to Finnstrøm (2008), the Acholi culture embraced a sense of humour, which ensured civility, forbearance and respect for the informal ways of resolving disputes and the resulting decisions. This could explain the success of resolutions and the low levels of conflict in the region.

The Acholi War Debt Claimants Association (AWDCA) officially stated:

> Honesty and respect prevailed among the old and young, and neighbours alike, which meant that land disputes and conflicts were very rare and are some of the legacies of the Acholi customs and traditions [45].

The AWDCA statement appears to underrate some of the historical and recent social economic changes that have happened within the Acholi group. Shipton (2009, p.110) indicates that some of the changes relate to an increase in the Luo population across the region but also to shifts in socio-economic activities: from cattle herding to farming for their food. This shift is associated with changes in the disputes and conflict patterns. Disputes have changed from being mainly related to cattle, grazing land and crop damage to being related more recently to plot boundaries and inheritance claims. Most of these issues are presented further in chapter 5 and 6.

Group roles and status in the Acholi, based on gender and age, ensured that these hierarchical relationships also played an important role in peacefully resolving land disputes and conflicts. Among the Nilotic Luo group, for example, Shipton (2009, p.14) cites the role of seniority as a vital principle for organising family, lineage, and clan values. Whenever an individual or family went against the Acholi, a frightening spirit or a curse was summoned, and a meeting of clan elders was needed in order to resolve the impasse. The Acholi clan elders were believed to possess a status of near sainthood, closely connected to the spirits of their ancestors. This respect for the authority of the elders and the strong ritual and spiritual influences attached to

the land – together with the plentiful availability of land compared to the population – further contributed to the relative scarcity of land disputes (UN-HABITAT, 2007, p.40).

The Acholi justice system of land disputes consisted of local 'courts', called 'Jago'.[15] The Jago operated on three different levels: family, village and tribe (UN-HABITAT, 2007, p.37). The courts' approach to justice resolution aimed to resolve land matters amicably through a process of forgiveness, compensation and reconciliation among clan and community members (AWDCA, 2010, p. 8). The Jago did not aim to produce an ultimate winner who was rewarded or a loser who was punished. Rather the court aimed to reconcile the disputing parties by ensuring that such a dispute and conflict did not occur again. The goal of the reconciliation was to arrive at what was, in effect, a win-win scenario. Although rulings were made at informal court meetings, the judgements were binding. After the ruling, there was no room for further contestation and reconciliation. Disputing parties had respect for the court and the local chiefs who presided over such judgements (Mamdani, 1987, cited by Murray, 1996, p. 114). Whenever one was unsatisfied with the court's decision, an appeal could be forwarded to a higher authority for resolution.

In resolving land disputes, it was local narratives which played an essential role in the substantiation and interpretation of boundary ownership claims between households and neighbouring clans. These local narratives related to the Acholi history of migration and rights to land. As most land disputes were about plot boundaries, a team of elders working closely with the local chief, would strengthen the plot boundary after the resolution of the dispute. A traditional tree, known as a *kituba* tree, was planted in the presence of all the family and clan members. Their presence signified the end of the dispute between the two parties and the new reconciliation between them. Emphasising the significance of the kituba tree, one local Acholi chief said:

> The kituba tree was the Acholi clan's symbol of peaceful co-existence between plot neighbours. It was taken along whenever conflict happened or new land was brought under cultivation, particularly after a relocation had occurred [28].

This way, the system of administering land contributed not only to resolving disputes, but also to maintaining peace and tranquillity.

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[15] The term is believed not to have been in use until after the arrival of British colonial rule in Uganda.

2.3.4.1 The Acholi reconciliation ceremonies

Citing Postethwaite (1947), Dunn (2010) appears to confirm that conflicts were not limited to land but also applied to other spheres of Acholi social life, since constant wars and conflicts occupied the greater part of the Acholi group, even before the arrival of the British colonial administrators in Uganda. The Acholi's constant migration and contact with other communities could explain some of the wars and conflicts. Most of the Acholi wars took the form of night raids of villages and killings. However, the killings of local civilians could explain the need for reconciliatory ceremonies between and among the Acholi.

There were two of these ritual ceremonies, through which the Acholi reconciled and celebrated the end of conflict and the return of peace within the local community: (1) *Mato oput*, and (2) 'Stepping on the egg' ceremonies (UN-HABITAT, 2007, p.38). These ceremonies applied at two moments: (1) after a death through killing; and (2) on the return of clan members who had gone missing. Understanding the ways in which the Acholi addressed their differences through reconciliation ceremonies could help to reduce the impacts of war-related displacement and therefore support the return and recovery process.

- **The 'Mato oput' ceremony**

Killings of family members happened within the Acholi, but a council of elders was responsible for resolving the stalemate and mediating between opposing parties. Upon amicable reconciliation, whoever was found guilty of the killing was required to pay 'blood money' to the victims. A reconciliation ceremony was held to ask for repentance for the evil deed.

Demonstrating a return to peace and normality, a traditional reconciliation cleansing ceremony, the *mato oput* ritual, was performed. Here, extract from the roots of the *oput* tree was pounded and mixed with traditional local brew. The ritual signified full acceptance of responsibility for the crime committed. This ritual aimed to restore trust, cohesiveness and unity, not only between the reconciled parties, but also within the whole Acholi community. Both the killer and the next of kin of the person killed would share the drink from the same vessel, marking the end of the stalemate (UN-HABITAT, 2007, p. 38).

- **The 'stepping on the egg' ceremony**

Misunderstandings happened within the Acholi families, which could lead to individuals feeling aggrieved and absconding from home. As the person who absconded was perceived to have contracted evil spirits, a traditional ritual was performed, known as 'stepping on the egg'

(*nyono tong gweno*). Upon their return, a reconciliatory ritual ceremony was held at family and clan levels. At the family level, the ceremony aimed to cleanse the absconder by reinstating previous social stability and cohesion. At the clan level, the ceremony was believed to remove a bad omen from both the family and the whole society. The ritual marked a fresh start, with everyone living together in peace and harmony.

2.4 External influences on the Acholi: From the colonial to post-independence

2.4.1 Western legacies: Religion, recognition and stratification

Two sets of actors are at the centre of Western religious influences on Uganda and the Acholi sub-region: state and non-state actors. 'Non-state actors' include merchants, missionaries and explorers, while the 'state actors' were the British colonial administration. Both types of actor were interlinked and at times reinforced each other.

The arrival of non-state actors in Uganda was associated with the signing of local agreements, treaties and contracts – mainly with traditional chiefs and polities. The treaties paved the way for the arrival of and colonisation by state actors. For example, Elias (1956, p.174) notes that in 1890 Lord F.D. Lugard (a British explorer) signed the 'treaties of allegiance' in Uganda with the Kabaka of the Buganda Kingdom, and the Toro and Ankole ethnic groups. In what came to be referred as a 'Western civilisation project' between 1894 and 1898, the treaties transferred the territorial sovereignty of local people to the British colonial administrators. British intervention also 'corrected' some of the customary native rules which were perceived as incorrect and in conflict with Western standards of ethics (Elias, 1956, p. 26). In consolidating local administration, the British used local hierarchies to administer territorial boundaries, confirming some of the existing hereditary chiefs but also appointing new ones, mostly ones educated by early missionaries.

At the same time, early Western missionaries spread Western rules and cultural values by building local schools and churches. Education and Christianity not only represented a particular school of thought – the 'Western School' – but also exposed the Acholi people to new technology and ways of constructing truth that were mediated by Western philosophy. In particular, the Acholi group was inspired by the supernatural elements of the scripture, such as miracles, visions and healings (Jenkins, 2006). Schools and churches were given the responsibility of educating the Acholi children, especially those of local chiefs. The educated

children then became central figures between local people and missionaries and later took over colonial administrative posts.

Early Western education also became instrumental in facilitating the development of the common vernacular ethnic languages. New languages identified local people as an ethnic group but also assisted local people in reading and translating the Christian bible scripture. Through reading the Bible, the Acholi group moved from their perceived 'Pagan' status to modern religious observance and civilisation. For example, among the Western Nilotic Luo of Kenya, Shipton (2009) documents the early missionary perception that ancestors' graves within homes were no different from 'ancestor worship', and that the practice of locating them within the home was therefore discouraged. The Christian bible also exposed the Acholi to Western cultural theology and issues of individual worth and human rights, including improving the position of women in society and their rights (Mamdani, 1996, p.211). Through Christian teachings, Acholi women were introduced to concepts of mutual obligation and respect within marriage. Finally, the Roman Catholic Church in Lacor had a history of promoting Acholi culture (Allen 1991, p.376), and it was the Luo language which was mainly used to produce local Acholi literature and culture.

Today, the introduction of Western religion in Uganda has resulted in its recognition and acknowledgement both in law and in the Constitution of Uganda. The 1995 Ugandan Constitution underscores the religious freedom of worship and practice for various groups – for example, Muslims, Catholics and Protestants. These religious influences within the Acholi sub-region were linked with the war-related indoctrination of the Acholi ethnic group. Some of these issues will be explored in chapter 5, with regard to the genesis of the LRA's war.

2.4.2   Territorial re-organisation and legal stratification

The arrival and establishment of Western state and non-state actors left two main legacies which will be explored in this study: 1) displacements and dispossession; and 2) legal territorial stratifications.

According to Mamdani (1996), early religious missionary activities in Uganda and the Acholi sub-region caused displacement and dispossession. The Nigerian environmental campaigner, Ken Wiwa, corroborates this version of the events relating to the land takeover by early European missionaries. In an old African cliché, Wiwa states:

> …land in Africa followed the familiar narrative, that of dispossession and
> displacement. Before the white man came to Africa, Africans had the land

and the whites had the Bible. Then they said 'let us play', and when we
opened our eyes, we had the Bible and they the land (Ken Wiwa, 2009, p.130).

The British sovereignty over territorial land conferred new meaning to territory. The meaning
of territory became more legally grounded and a matter of legal jurisdiction: to possess territory
came to mean possession protected by national and international law. This will be discussed
further in 3.2.

British colonisation also shaped and influenced the concept of territory and ethnic
stratification. As British rule was imposed in Uganda, the term 'ethnicity' was introduced and
used for the first time in connection with territory, so that ethnicity came to represent diversity
and exclusion among local people with respect to territory. The British worked to demarcate
administrative territorial borders. The approach involved categorising local ethnic groups on
the basis of shared cultural values and languages, and this demarcation perpetuated British
'divide and rule' policies by entrenching regional divisions. For example, the British created
and recognised the Acholi in 1902 as one of the three districts of the Nile Province in Northern
Uganda, reflecting ethnic, linguistic and regional divisions (Leopold, 2005, p.12; Atkinson,
1996).

For this reason, the Acholi group has today come to refer to two things: 1) an ethnic group;
and 2) a region. A similar situation applies to the central Nilotic-Luo group, whose native
tongue is the Luo language (although the Alur and Lango are other Luo speakers – similar to
the Acholi – who dominate the northern parts of the country). As such, the Acholi are part of
four broad ethnic categories and geopolitical regions which can be identified: the Bantu, Nilotic,
Nilo-hamites and Sudanic peoples, located in Central, Eastern, Northern and Western Uganda.
The Acholi group predominantly occupies the North, with the Bantu group in the South and the
Karuma Bridge separating the Bantu and Nilotic groupings and regions. The 1962 Constitution
of Uganda acknowledged and legally documented the Acholi sub-region as a geographical area,
a well-defined territorial unit comprising a distinct group of people held together by specific
socio-cultural traditions (KKA, 2008). As we shall see below, the regional division was further
reinforced by British agricultural policies and its uneven distribution of cash crop endowments.
More recently, the new Ugandan constitution of 1995 gave ethnicity legal grounding (Article
10(a)), listing and recognising 56 different indigenous communities. This stratification reflects
the evolution of Western overseas territorial influences, as illustrated in 3.2.

Importantly, the changing identity of the Acholi, the meaning of territory and their perceived territoriality are some of the issues that appear to have influenced the genesis of war and associated impacts on land claims and conflicts in Northern Uganda.

2.4.3   Acholi crop endowments

The Acholi sub-region is well-endowed with soils ecologically suited to supporting the cultivation of various agricultural crops (Bøås, 2004, p.286). However, the British colonial administration implemented economic agricultural policies which distributed cash crop endowments unevenly. This uneven distribution was based on a perceived North-South divide. In the Southern regions, and specifically the Buganda Kingdom, British agricultural policy encouraged cash crop cultivation, such as coffee and tea farms. For some, the cash crop farms led to regional prosperity and a sense of entrepreneurship among the Baganda people.

In the Acholi sub-region, policies prevented the region from being involved in active cash production, despite constant rains and fertile soils which could nurture such crops (Lwanga Lunyiingo, 1989). Instead, less valuable and more seasonal crops – particularly millet, sorghum, tobacco, cotton, sesame, and maize – were promoted and grown in the North. Since the Acholi group owned mostly small-scale individual and family farms, the production of these crops followed a similar pattern, but it also depended on seasonal rains and was labour intensive, utilising tools such as hand hoes (Shipton, 2009, p.13). As agriculture was so labour intensive, women were heavily involved – and this may even explain the nature of polygamous culture among the Acholi group.

Writers such as Bøås (2004), Horowitz (2000) and Mamdani (1987) linked British agricultural policy in Northern Uganda with the advent of wage labour for the Acholi. This happened as a result of movement in the labour supply towards the South. The uneven distribution of cash crops is also reflected in Easterly's (2002) inequality study, perpetuating income inequalities between the regions. The growth of Acholi wage labour will be discussed later with regard to the quest to open up Northern Uganda to agricultural sugarcane production and industry (as presented in 6.2.3).

2.4.4   The Acholi land administration under the British

The British arrival in Uganda was accompanied by the introduction of land policy changes that centred on the concept of citizenship and associated rights. According to Cousins (2011), by virtue of membership of a political unit (i.e. tribe or nation), one was entitled to rights to land and other resources. The British used the existing customs and rules, where a Paramount chief

held land in trust, to exercise their indirect rule in Uganda. The approach reflected similar experiences in West Africa where, in a 1934 colonial decree, the French Supreme Court in recognised the African village as a legal entity with customary rights and the village chief as the defender of those rights. Though aimed at accommodating British needs, the application of the changes depended on whether or not the tribal group had achieved a high form of social organisation (Elias 1956, p.36).

In Buganda kingdom, for example, the British formalised individual ownership rights to over half of the land due to the stable and advanced state of social organisation (Lwasa, 2006). The changes to the *Mailo* land system altered traditional modes of land ownership in Buganda, but this was not the case in Northern Uganda. Since little social organisation existed among the Acholi, the British exploited the existing political bond between the Paramount chief and his subjects. The chief had the power over the soil, which the people lived on. This overriding power ensured that the Chief held land in trust and allocated land to members who owed political allegiance to him. Ensuring continuity in power, the British banned customary land sale or transfer, but allowed it to be used only by its members. The Acholi's customary land was now re-designated as Crown land. Writers such as Banfield and Naujoks, (2009) and Mamdani (1987, p.195) suggest that the change was motivated by the desire for a cotton producing region, but the transformation did not alter the Acholi traditional rules and practices associated with land ownership and management.

The only area where the new designation of land was visible was in the new system of land administration based on Local Councils (LCs). These LCs operated on village, parish, sub-county, county and district levels and represented the source of British authority and power in most areas. Similarly, the local courts adopted the British model and English law when resolving land disputes. In this way, the LC position replaced some of the responsibilities that had previously been accorded to the Acholi village elders, although limited authority was retained by clan elders via the Acholi traditional courts, particularly over the use of the customary law when mediating family and community land disputes. Ultimately, the emergence of the LC system of authority ensured that the authority of traditional elders and local chiefs was outranked and eroded (UN-HABITAT, 2007, p.39).

2.4.5 Acholi land ownership post-independence

During the post-independence period, two events affected the Acholi customary land: (1) the emergence of the Milton Obote regime; and (2) the Idi Amin regime and the associated land

policy changes. The Obote regime abolished the customary institutions that were central to land administration and management. Despite abolition, customary land ownership remained unaffected. The onset of Idi Amin's 1975 Land Reform Decree (LRD) did not affect customary land ownership either. The Acholi customary rights to land continued to reside under the control of the family, clan and the whole community. Significantly, land allocation and associated dispute resolution remained largely unchanged, as these both remained under local clan elders and local chiefs (UN-HABITAT, 2007, p.41).

In the period encompassing the 1980s and 1990s, however, the Acholi war was associated with impotant land policy changes. The changes significantly altered the long-established systems of Acholi land administration and management, as will be presented in detail in chapters 5 and 6.

2.5 Emerging conclusions and chapter summary

Six key issues have emerged from this chapter:

1. The origins of the Acholi group lie in their migration from the upper ends of the River Nile basin in Sudan (today known as Southern Sudan) and settlement around the Paluo area near the Bunyoro-Kitara kingdom. Their settlement led to the adoption of new forms of economic activity, most notably agriculture. Their engagement with agriculture transformed their socio-economic activities from nomadic cattle herding to an agricultural, sedentary lifestyle. The adaptation to agriculture influenced their social organisation, ethnic identity and territoriality.

2. Rights to customary land within the Acholi were derived from investing labour. This involved clearing the virgin forest to make plots of land, beginning cultivation and becoming the true 'owners' after setting boundary markers (Bjørkhaug, Bøås and Jennings, 2007). Although the Acholi owned land individually and as a community, such ownership did not allow land to be transferred outside the clan and chiefdom, and it could be passed on only through inheritance or as a gift, not by sale.

3. The Acholi as a group experienced erratic disputes and conflicts, both within the and among neighbours. Lack of centralised leadership, unlike their Bunyoro-Kitara neighbours, could explain some of the constant wars and power struggles within the group. The *Rwot's* power as a custodian of the Acholi land to protect it from occupation by outside ethnic groups attests to specific disputes related to land. However, the presence of a team of elders and chiefs

responsible for land dispute resolution and the existence of ritual reconciliation ceremonies attest that some of the emerging disputes within the clan were amicably resolved.

4. The emergence of Western influences in the form of state and non-state actors had influences on Acholi religious practice and spirituality, and, later, on the colonisation, ethnic make-up and identity of the Acholi sub-region.

5. The reconciliation ceremonies within the Acholi group were used to resolve land disputes. These ceremonies were performed whenever there was: (1) death through killing; and (2) the return of a missing clan member. Here, the ritual ceremonies known respectively as '*mato oput*' and 'stepping on the egg' were performed.

6. Finally, despite the Acholi customary land having gone through some significant policy changes after independence, these changes remained more a matter of theory than practice. Rather, it is the onslaught of the Acholi war and their prolonged displacement that have been associated with the land policy changes that appear to have disturbed the long-established systems of Acholi customary land ownership.

SECTION II

THEORETICAL FOUNDATIONS AND CURRENT PRACTICE

CHAPTER THREE:
THEORETICAL FOUNDATIONS AND CURRENT PRACTICE

3.1 Introduction

This chapter sets out to conceptualise the existing literature relating to: 1) the development and proliferation of concepts of territory, land and property relating to current practice; and 2) post-World War II development and reconstruction discourses. Both sets of concepts draw on Western historical thought and social context. However, this study applies them in a non-Western context to address various development-related challenges that emerged across time.

The chapter is organised into four main parts. The first part explores the philosophical foundations underpinning Western concepts related to territory and property, especially their evolution and extension to the rest of the world. The second part discusses non-Western concepts related to land, particularly drawing on African customary laws of land tenure. The third part covers the application of Western land and development theories to post-war property ownership and the restitution issues in non-Western contexts and specifically in Uganda. Finally, the chapter summarises the main arguments emerging from the literature, as a basis for formulating the research questions on the consequences of war-related forced displacement, return and resettlement.

3.2 Western concepts of territory and property

3.2.1 The conceptualisation of territory

The word territory is derived from the Latin *territorium* and refers to a 'bounded social space that imprints a certain meaning on to a defined segment of the material world' (Delaney, 2005, p. 9). Territory is an extremely contentious, complex, and highly ambiguous element in our daily lives, relationships and human interactions (Elden, 2013, pp. 15, 31), a concept and practice which must be understood along historical, geographical and political lines (Elden, 2013, p. 328).[16] Today, the concept of territory is linked to jurisdiction over land, and therefore to be in possession of territory is to be in possession of jurisdictional rights over land. The link

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[16] Territory and land are interconnected, and will thus be referred to synonymously, as land forms part of territorial resources.

between territory and jurisdiction results from territorial disputes, which arise whenever more than one person claims jurisdictional rights over an area.

Three historical periods have influenced the development of political theories of territory: the ancient, the medieval and the contemporary. The critical area for discussion is around two interconnected issues related to authority and jurisdictional rights over territory across space and time (Sassen, 2006, p. 32). I will focus on the relationship between the concept of territory and the effort to control social space throughout all of these historical periods. Crucially, changing conceptualisations of the notion of territory reflect changes related to development: efforts to disturb territory appear also to disturb development.

Historically, the concept of territory had loose connotations and interpretations. Territory was seen as a 'place' similar to the Greek *polis ('state, city or city state')*, with a definitive location on a geographical map, under the control of a group of people. The Greek 'myths of the autochthons' formed part of establishing the relationship between early humans and their connection to a place – where humans were 'earthborn'. Men were perceived to spring from the earth fully formed, and through death and burial the natural cycle was fulfilled (Elden, 2013, p.23). The *polis* as a site, and community of people living within it, gave birth to the Athenian community. Living within the polis, the Athenian people derived their noble origins as autochthons, with associated territorial rights which passed across generations.

With territory as a situated object, boundaries were set by nature rather than human agreement (Elden, 2013, pp. 30–36). For example, Sassen (2006, p. 33) cites the fact that the Roman Empire had no fixed borders, but rather they were interpreted by the local authority. The fluid nature of territorial boundaries meant that they were inherently ambiguous, contradictory and the subject of contestation and conflict (Delaney, 2005, p.35). Changing 'natural' territorial boundaries was perceived as going against nature. However, these 'natural' territorial assemblages and configurations still performed an instrumental role in shaping human social life and interactions (Nye, 2007).

In time, the meaning of territory expanded from polis to include demos.[17] This meaning shifted away from 'place', and the community within it, toward a particular geographical sense of power vested in the hands of the territorial king (Elden, 2013, p.32). The administration of

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[17] The Oxford Dictionary provides a modern translation as: 'populace' or 'common people' (see http://www.oxforddictionaries.com/definition/english/demos). According to Elden (2013, p.32), traditionally, demos is understood as 'people', at times the whole or a certain section of the community. In addition, the term is translated as location (deme). At times, demos refers to people and land.

territory under the king required subdivision into small units. Subdivision of land according to ethnicity and religion was based on concepts from the mathematics used at the time. Plato's early writings also shaped the development of the concept of territory, in particular, the Greek *polis*, which he considered mainly from a moral and constitutional viewpoint. Plato sought answers to disputes and the best ways to protect the territory, and this raised issues relating to the area, the size of population and the location of territory (Gottmann, 1973, p.17).

In Western discourse, the concept of territory was first used in the late Middle Ages, mainly in English, French and German texts. This coincided with the emergence of the feudal system (Elden, 2013, p.100-154; Sassen, 2006, p. 33-34; Gottmann, 1973, p.16), the concept of territory assisting in tracing the complex relationship between *place and power*. As Van der Linden (2014, p. 52) points out, power over territory in the feudal system was determined in terms of private and contractual relations between lords and tenants. Sovereignty over territory rested on individual and group loyalties to the kings and princes. During this period, land was subject to their control and domination (Gottmann, 1973, p.17).

In the sixteenth century Aristotle's writings were used to strength and legitimise kings' and princes' power over territory. According to Sassen (2006, p.35), kings' territorial domination under the feudal system was exercised not through formal law, but through mutual ties, obligation and hierarchical relationships. Territory came to be associated with the fertility of the land, population density, the average wealth of the inhabitants and even their level of enterprise. This happened due to increased population, which brought more land into cultivation and further cemented the social relationship between territory and people. Increases in demand for land caused further subdivision and enclosure.

Increased security challenges contributed to a shift in the meaning of territory from mere place to a geographical sense of power under the authority of a territorial king and then to the modern conception of sovereignty. Maintaining central power became one of the biggest challenges to the sovereignty of the territorial state or empire. The disintegration of city-states and empires was a challenge to the central power of the monarchy. These threats necessitated the use of local armies to protect the central power (Elden (2013; Sassen, 2006, p.34). Despite monarchies asserting political authority over their territorial land, their jurisdiction still did not entail exclusive territorial authority and autonomy. The monarchies' authority was subject to the pope's authority.

Through the Peace Treaty of Westphalia at the end of thirty years of religious war in 1648, the two notions of territory and sovereignty were grounded in a more solid legal framework: sovereignty came to be mean control of multiple territories (Van der Linden, 2014, p. 55). In this manner, treaties contributed to the formation of the exclusive territorial sovereignty of the modern system of states, in turn laying the ground for the evolution of nineteenth-century laws of nations and international law, where jurisdiction and sovereignty over territory became key features (Elden, 2014, p.310; Gross, 1948, p.26). For example, in France, the treaty gave land to the empire, with accompanying sovereignty and jurisdiction.

Despite the emergence of the concept, the idea of territory did not receive a great deal of recognition until the late seventeenth century, as various political theorists and thinkers conceptualised its development across a wide timeframe. Machiavelli, Bodin, Althusius, Hobbes and Leibniz all contributed to the development of the concept of territory with respect to sovereignty and power, their earliest studies shedding light on three practical issues that characterised the period: prosperity, war and peace. Let us briefly consider each theorist in turn.

- Machiavelli (1469-1527) contributed the term '*stato*' or 'state', similar to 'territory' (Gingell et al., 2000, p. 2). Territory had to be understood in terms of sovereignty, particularly the role of the ruler or republic. His discussion of sovereignty involved the process of acquisition of new territories. To Machiavelli, sovereignty was exercised through holding and conquering new territories, which justified wars of crusade and conquest. As we have already seen in 2.4.1 with regard to overseas territories, the Christian Bible was instrumental in justifying jurisdictional rights over new territories,

- Bodin (1530-1596), meanwhile, contributed to the understanding of territory in terms of the modern concept of state and sovereignty. Bodin defined sovereignty over territory as absolute and perpetual power vested in a republic[18]. Higher authority, particularly a leader or president, exercised the power of sovereignty. To Bodin, sovereignty had neither territorial limits nor a specific timeframe. This prompts the question to 'what extent sovereignty can be exercised over the territory'? (Elden, 2013, p.261). Bodin also regarded sovereignty as similar to majesty, an important principle relating to Renaissance monarchs in Europe, and, in this sense, Bodin's use of language appears

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[18] In a secular constitution, this was similar to vesting power under the state's 'President'.

flawed: the concept of majesty was less important than that of sovereignty (Elden, 2013, p.262).

- Althusius (1563-1638) was concerned with sources of sovereignty within territory. He presented territorial power as reserved for the supreme magistrate, and territorial sovereignty for the king. He also linked territory and law: 'territory of the kingdom was a bounded and described place, within which laws of the kingdom came to be exercised' (cited in Elden, 2013, p. 16, 285).

- Hobbes (1588-1679) emphasised the separation of power exercised within the territory, but also established clear hierarchies both in the secular world (politics) and in religion. For example, 'Christ' rather than any person on earth headed the Christian religion, where the church was one spiritual body. In politics, power was not exercised by one, but rather distributed across various administrative ranks (Elden, 2013, p.299-301).

- Leibniz's (1646-1716) contribution to the concept of territory related to technological discovery. He focused more on sovereignty as a concept distinct from majesty. According to Elden (2013, p.318), sovereignty applied to the person or group and was the answer to the question, 'who is the master of the territory?' Territory, as a tract of land, had to be attached to a particular legal regime (laws and rights).

Technological progress contributed to early navigation both on land and on sea but also to classification of the land according to its geometrical and rational qualities. Territory as a political and technological issue laid a foundation for land administration and management. The modern cadastral maps (geometric), land surveys and rational properties or 'qualities' have been used when calculating or quantifying space in order to control territory (Elden, 2013, p.14). Further technological advancement not only strengthened the relations between people and land (sovereignty and power), but also paved the way for new overseas territorial exploration and occupation by Western empires (van der Linden (2014, p. 7); Gottmann, 1973, p.3). Western empires' sovereignty over conquered territories was further cemented by permanent inhabitation.

In this respect, the end of the eighteenth century marked a period of reformation in the Western empires which paved the way for the Berlin Conference and the subsequent scramble

for, and partition of, Africa[19]. Significantly, the conference contributed to political and legal developments related to national sovereignty, developing a new legal system for resolving competing territorial claims and disputes. According to Van der Linden (2014, p. 89), the new legal system revolved around issues related to territory, sovereignty and equality between states. The nineteenth century was characterised by further development of the concept of sovereignty due to the formulation of the international legal doctrine. According to Gottmann (1973, p.5), the modern legal understanding of the concept of territory became a portion of geographical space that was under the jurisdiction of certain groups of people. Territories were separated from those adjacent, mainly under the control of different legal jurisdictions.

Western empires conquered new overseas territories via two different approaches: state and non-state actors (see also 2.4.1). The Western occupation of overseas territory delineated two types of rights and obligations; territorial rights and property rights. According to Van der Linden (2014, p.40), property rights are enforceable claims conferring the holder of the rights some access to, use of or benefit from the thing owned (Macpherson 1978, p.3). These rights could be owned individually or by the community. By contrast, territorial rights give the holder, mainly the sovereign state, the power to establish law and order within a specific territorial state or region. These two rights neither interfere with nor complement each other. Rather, the territorial state may work to enable environments for property rights to work. This may involve reforming and regulating property rights in order to be functional and improve the living conditions of those holding land within the territorial state.

Finally, the second half of the twentieth century was dominated by broad discussion with regard to modern concepts of sovereignty and territory (Van der Linden, 2014, p.10; Stavenhagen, 2005, p.208; Foucault, 1991, 252; 194, IV, p. 282). The new international law reinforced the two concepts of territory and sovereignty, but also assigned territorial exclusivity by 'delimiting of the exercise of sovereign power on a territorial basis' (Van der Linden, 2014, p. 89; Gottmann, 1973, p.2). Territory became one of the tools capable of facilitating, simplifying and clarifying contentious elements in our social lives, particularly issues relating to political authority, cultural identity and individual autonomy. The diversification ensured that territory was a concept applicable to various disciplines (Stavenhagen, 2005; Elden, 2013,

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[19] Refers to the process of territorial acquisition and partition of Africa after the Conference held in Berlin between 1884 and1885. As of 1914, the whole of Africa had been partitioned between major European powers, with the exception of Liberia and Ethiopia.

p. 31).[20] International law enhanced the function of the concept of territory by setting in place new ways of arbitrating disputes between nations over territory. The emergence of territorial border disputes and conflicts over sovereignty and associated rights to land in 1960s Africa attests to the impact of the extension of the concept of territory.

During the pre-colonial period the concept territory was tied up to citizenship (Bøås, 2009, p.22). Despite the African continent belonging to multi-ethnic groupings, this was disregarded by the colonial sub-division. Each individual citizen was tied to specific territorial borders or polity. The new territorial polity included and excluded individual citizens even of the same ethnic group. Similarly, post-colonial African governments not only inherited these territorial borders, but also reinforced citizenship rights and obligations. Most African constitutions outlined the right of every citizen of the specific territorial polity to land ownership, use and protection.

According to Bøås (2009, p.24), despite new constitutions granting citizenship equal rights to territorial land based resources, some of these rights interfered with those of indigenous people (autochthons). For this reason, the Western concept of territory helps to explain some of the emerging conflicts between the indigenous people and perceived newcomers: for example, in Liberia between the Loma and Mandingo in Lofa county, and in the DRC between the Nande, Hunde and Nyanga and the Banyarwanda communities.

According to Van der Linden, (2014, p.95), in maintaining and exercising sovereignty over territories, disputes emerged between Western empires and African colonies. As land was a sensitive, emotional and sentimental issue, it became a tool for mobilising people to rally behind the struggle for independence. In Uganda, Kigula (1993) explained that land was used during the political struggle for independence. This particularly involved poor people in urban and rural areas, which resulted in the issue taking on an ethnically and politically motivated force. The consequences of Western territorial acquisition of African polities became apparent in various spheres of influence. The acquisition of territories was neither participative nor consultative of African polities and their population. Instead of the territorial acquisition strengthening relationships between European and African societies, it was solely a relationship between Western empires.

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[20] Some of the disciplines include political theory, geography, international relations, social anthropology, environmental psychology, sociology, planning and law among others.

3.2.2 The conceptualisation of property

The concept of property is historical, and controversial in its formulation, ownership and use, changing over time and across social space. As a social construct, property cuts across various disciplines, particularly philosophy, politics and law. Property as an institution is manmade, created with the aim of maintaining relationships between people. It is controversial because it serves the purposes of a dominant, propertied class. Property is both a concept and an institution, and each influences the other (Macpherson, 1978, p.1).

Three strands assist in explaining the concept of property, its usage and associated derivatives: (1) property as a thing; (2) property as a right; and (3) property as a social relationship.

3.2.2.1 Property as a thing

According to Hann (1998, p. 4) and Macpherson (1978, p. 2) and for most lay people in its literal and common usage, property is primarily referred to as ownership of a 'thing', irrespective of its value. Property as a thing denotes mere physical possession of something, such as a house, plot of land or even a tree. The property owner does not necessarily expect some use or benefit from it, and also holds limited rights to use it. According to Macpherson, (1978, p.7), this limitation results from more than one person holding rights to the same property. These rights may come through law or customs, as in the case of customary land.

3.2.2.2 Property as a right

In Western property discourse, and in philosophy, law, politics and social science disciplines, property refers to a 'right' people hold over things (Hann, 1998, p. 4; Macpherson, 1978, p.3). Property as a right started to emerge in the seventeenth century due to the advent of the capitalist market economy. According to Macpherson (1998, p.3-4), holding property could be likened to possessing enforceable rights to material or non-material objects. Such rights could contribute to generating a stream of income, particularly rights to access, use and benefit from property.

Property as right refers to its monetary value, determined by market forces. In any market economy, most things have value – a piece of land, a tree, a stretch of sea, even an idea, has value (the tree can produce fruit, the sea can produce fish or carry pipelines, an idea can make money). Whenever things are assigned monetary value, it means that, both in theory and practice, they can be bought and sold. Moreover, there needs to be a system to regulate such

transactions, and part of that system relates to property rights (since that determines who has the right to own something and, by extension, to sell it).

3.2.2.3 Property as a social relationship

Property as a social relationship refers to the relationship that exists between people with respect to rights and obligations attached to property. Both rights and obligations are embedded in the relationship regarding access to, and use of, property held individually and collectively (van der Linden, 2014, p.38; Hann, 1998, p.28). The overlapping rights to property necessitated their protection by a competent political institution or legal authority, mostly in the form of society or the modern state (Macpherson, 1978, p. 3).

3.2.3 Property rights categorisation

Property discourses categorise property and associated rights conceptions into a dichotomy – namely private/communal, formal/informal, and legal/illegal. In the Western conception of property, emphasis has been on private, formal and legal property in accordance to the liberal property paradigm.

Hann (1998, p.7-8) cites political theorists who documented the rise of property of 'possessive individualism' coinciding with the Western liberal paradigm, mostly in seventeenth-century Britain. This rise favoured property as a private, exclusively individual right, which managed to exclude others from access and use (Macpherson, 1978, p. 3). However, the right to exclude others was not limited to private ownership, but extended to other forms of property ownership, including communal (public) ownership. The Western liberal hegemony over the conception of property, as widely understood and practised in most traditional societies, has come to mean it being universalised. This universalisation has meant the conception of property as private has become transferrable and applied everywhere, and this transferability appears to have caused clashes between traditional and liberal paradigms.

To avoid falling between the dichotomies of property rights categorisation, a more general and modest definition of property as a bundle of rights is adopted here. This will delineate three sets of understandings or claims: a) absolute; b) residual; and c) usufruct rights claims. Derived from Roman law, this bundle of rights is subject not only to statutory regulations and limitations, but also to changes over time, and across social space and context.

3.2.3.1 Absolute rights

Absolute rights refer to an enforceable body of authority, usually a society, state, corporate or customary body (clan, family, tribe or company). This body has the right to define what property is, the associated rights, how rights to land and property may be accessed and used, what rights and obligations may be assigned to any form or type of land and property, and who holds the right to appropriate property.

3.2.3.2 Residual rights

Residual rights refer to full ownership rights to land and property. They refer to the Western concept of property ownership, grounded in the principle of exchange as practised in freehold and long-term lease arrangements.

In freehold and leasehold regimes, property transactions emerge in relation to: (1) use rights, for example, rights of tenants to use the land on a rental basis; (2) control rights, which involve the right to make decisions on how land can best be used to maximise its benefits; and (3) transfer rights, which determine how land is passed on and allocated. Transfer rights refer to buying, selling and land exchange. Land may be used as collateral in commercial institutions in order to access and acquire loans.

Under African customary law, the local chief is regarded as the symbol of the residual rights to land held by a territorial community (Elias, 1956, p.164). However, the local chief is conferred with an administrative role over residual rights rather than an unmitigated legal right to exclude others, as there are societal and legal constraints. Excluding others from property access and use not only remains complex, but also subject to competition and conflicts with other sets of rights, obligations and social power held by others.

3.2.3.3 Usufruct rights

Usufruct rights are the rights to use land and property and the ability to derive benefits from it. The right to use land and benefit from it does not necessarily entail owning it. However, enjoying these rights prohibits alienation and damage. This understanding is similar to communal ownership of land, as it is still practiced mostly in the non-Western world.

3.2.4 The philosophical tenets: Property rights appropriation

On the basis of the above property rights categorisations, this section raises two questions which emerge whenever residual rights of ownership are discussed. First, what justifies property as belonging to an individual? And second, what constitutes the rightful basis of property access and ownership? Becker (1977) highlighted four general justifications for the acquisition and possession of property: the principle of first settlement, the labour theory, utilitarianism, and political liberty. However, only the first two theories are practical in explaining and understanding land ownership in the context of Africa and the Acholi sub-region, and these will be considered in more detail below.

3.2.4.1 The principle of first settlement

As Becker commented: 'Being the first to settle on the piece of land somehow provides a sound basis for rights claims and ownership' (Becker, 1977, p.24). However, there are four stages of first occupancy of property: (1) the property has not been occupied before; (2) a declaration followed by physical occupation; (3) actual occupation defined by specific purposes and area to be occupied; and (4) occupation is no more than the defined size. The requirements follow a linear progression and relate to the conceptualisation of rights appropriation – that is, the labour theory of value, as will be presented below.

On the basis of first occupancy, two questions emerge: Who had the property first? And why do some people own property while others do not? Although being first justifies the ownership of rights to land, it does not provide a sound basis for a claim of rights ownership, as will be discussed.

First, this argument underlines the ways in which property acquisition is practised by traditional societies, where the history of migration and settlement appears to take precedence. However, the requirement for rights appropriation is too loose to apply when it comes to common property ownership, since no property remains unclaimed (Elias, 1956). Thus, two property rights classifications appear to emerge: 1) claimed; and 2) unclaimed (that is, 'owned' versus 'un-owned'), which appear to limit the application of the principle of first settlement rights. In a community, where rights appropriation had already been claimed or where there is well-defined shared property ownership, it is hard to lay claims based on the first settlement principle.

In unclaimed property rights appropriation, and where no-one owns property, no objection to acquire property can emerge from the previous title holder. Despite property being classified as unclaimed, property such as land or territory remains historical and carries a symbolic connotation. Historical migration has meant the appropriation of first occupancy rights being at the heart of some of the major international conflicts as seen today: for example, conflicts in Kashmir, Palestine, Rwanda and even Burundi.

Second, any intention to occupy property demands physical occupation. Without physical occupation of a specific territory, either directly or indirectly (by proxy), the ownership is meaningless. As Rousseau remarks, 'mere declaration without occupation does not count' (Becker, 1977, p.26). Physical presence also is not enough, rather the purpose of such appropriation and occupation of property need to be clearly stated. The implication here is that a definitive, limited size for the property occupied must be set, in order to limit excessive accumulation of property (Becker, 1977).

Third, actual property occupation clearly defines the size of property ownership. The use of land for the intended purpose defines the limits of property appropriation, according to Becker (1977). The definitive use of land therefore limits land speculation. Lastly, rights to property possession demand protection by either social agreement or law. If these lines of argument are adhered to, the property owner is conferred with rights to exclude others from occupation and use.

The arguments and application of the principle of first occupancy in claiming rights to property appear flawed, defective and self-defeating. At times they also appear to refer to other theories particularly, the labour theory of value and the utility-based argument. Importantly, the first occupancy principle does not take into account the recent socio-demographic developments that appear to limit claims on the basis of being first to occupy property. In today's world, the increased population relative to the available land resources makes it difficult to apply first occupancy rights. For example, Shanmugaratnam (2008); George (2005) and Homer-Dixon (1995) note population growth as the single largest causal factor of territorial resource scarcity and also linked it to violence and conflicts. In a situation of increased competition over scarce resources, people demand more security regarding property. The assignment of individualised rights claims prohibits others from making similar claims to property. For example, the British colonial powers introduced private property rights in Bengal,

India in response to a rapid increase in population, which constituted a threat to scarce land-based resources.

3.2.4.2 The labour theory of value

Both classical property theorists, such as Locke, Smith, Rousseau and Hume, and contemporary classical liberals, such as Hayek, Friedman, Buchanan and Nozick (Peet and Hartwick, 1999, p. 49; Hann, 1998, p. 8 and Becker, 1977, p.32), linked property, land and labour as inseparable elements. Rights to own property arise simply as natural rights by virtue of labour invested in that property. Which specific rights the labour theory produces – whether that is titles to land, produce or transfer to another – remain the subject of discussion by various theorists.

This labour theory of property acquisition is derived from the notion that early 'primitive accumulation of labour [forms] the basis of property acquisition and control' (McPherson, 1978, p. 1). To Locke, at first God 'gave the world to men in common', without exclusive ownership of property (Elden, 2013, p. 305; Shipton, 1996, p.36; Macpherson, 1978, p.17). However, in the case of land, Locke contended: 'whoever tilled and reaped and laid up and made use of, before it spoiled, that was his peculiar right'. By extension, labour justified the exclusion of the common rights of ownership of other men (Elden, 2013, p. 307; McPherson, 1978, p. 18-22; Becker, 1977, p.33).

Locke's labour theory presents distinct line of five arguments on the derivation of property rights. Presented by Becker, (1977, p.33), the five original premises have been reformulated as follows:

(1) everyone has the property of his own person; nobody but himself has a right to it;

(2) the labour derived from a body and the work of his hands are property of that individual person;

(3) whenever labour is mixed with property, this changes a thing from its natural state, thereby making the thing his property;

(4) by the virtue of labour, property belongs to somebody, which justifies property annexation and the exclusion of other owners;

(5) the property annexation must be no more than what one person can use, and whatever is left over is for others.

Elaborating on the principles of labour theory, 'as a man belongs to himself, so his labour when put into concrete form belongs to him' (George, 2005, p. 237, p.249). In other words, efforts employed to collect wild fruits, which by nature is common property, can form the basis of exclusive ownership as opposed to common ownership.

Property appropriation through the labour theory of value guarantees the rights holder with a stream of income: (1) possession; (2) ownership; and (3) the disposition of the thing owned (Arnold, 2009, p. 38). However, the effectiveness of property rights in guaranteeing a stream of income varies from one place to another depending on the socio-economic and institutional context. In this way, the application of property rights is context specific (Hann, 1998), since it depends on where each society puts the emphasis on the appropriation of property. Similarly, property rights are not a panacea that guarantees a stream of income. In the case of land with relatively fertile soil, access and supporting services such as credit and lower interest rates are also essential. In the absence of other supportive services, land ownership alone is not a guarantee of economic benefit. And without the anticipated economic benefits, land may be abandoned (Kreimer et al., 1998, p. 60).

On the face of it, property appropriation via the labour theory of value appears to put much emphasis on equality in terms of rights to access, ownership and control between men and women (George, 2005, p. 240). When personal labour is employed, property may be appropriated irrespective of gender. However, the exclusive rights appropriation of land based on the labour theory of value without seeking the consent of other men is limited in theory and in practice, even among traditional societies such as those in Africa. For example, Toulmin (2008) mentions challenges related to demographic changes relative to available land making it impossible to lay claim to property based on a labour theoretical approach.

In practical terms, whenever labour is employed around property this does not necessarily lead to its full ownership. In master and servant relationships, both the servant's labour and the produce belong to the master and not the labourer, as this theory would have us believe, while in a market based economy, alternative forms of compensation are paid, particularly monetary compensation. As a result, the labour theory of value is perceived to result in an inequitable distribution of property, resulting in a few 'haves' and many 'have-nots' (George, 2005, p. 250; Gingell et al., 2000, p. 134).

Philosophers such as Hegel and Kant are opposed to property possession based on labour value, as it is presented by Locke (Macpherson 1978, p.17). Since, the basic aim of property is supporting human existence, and since human subsistence is equal and does not necessarily interfere with property possession, every human being ought to be able to access property, as long as that access does not interfere with the rights of the first occupant. Those who oppose this classical philosophical view insist that the 'will to own something' is not sufficient to guarantee a right to the absolute possession of property (George, 2005, p. 247; Becker, 1977, pp. 29–30). A further critique is offered by Nozick who is sceptical about the labour theory of value as a justification of exclusive rights of ownership, because the argument seems to be self-defeating (Becker, 1977, p. 34, citing Nozick, 1974, pp. 174–175): 'why is it that investing one's labour guarantees owning that thing? Why does it not instead just mean a way of one losing labour?' (Becker, 1977, p. 40).

The deficiency of the labour theory is that which emerges between the labour and first occupancy theories: to put it simply, it is inconceivable that someone employed to work on the land on behalf of the owner can claim ownership of the land. This argument appears flawed, particularly when it comes to land. Two types of property are presented – man-made and natural objects. In the case of man-made objects, labour improves it, and thus it may be appropriated. But in terms of natural objects, labour theory does not apply to property such as land (Becker, 1977, p.34). Property critics – particularly property advocates – argue that no human labour has been used to bring land into its existence, and instead human labour merely improves land. The fruits of improvement may be appropriated on a permanent basis, but not the land itself.

Both theories – that of first occupancy and the labour theory of value – were developed during the early 17th century when possession came from the early primitive accumulation of property. Property, particularly land, was commonly accessed. Through labour, one was bestowed use and ownership, a principle that is hardly practised today. Western property discourse, based on Christian writings, appears to have shaped both the theory of first occupancy and that of the labour theory of value. The writings refer to the resource of land being perceived as reserved for the 'upright' people, to be used 'properly', just like Machiavelli's justification of overseas territorial conquest and appropriation, through the extension of the 'Western civilisation project'.

The access and full use of land guaranteed rights to full ownership. The use of a piece of land is entirely for the owner, leaving no room for others to claim similar rights to use and own the land. While the principle of first occupancy appears to justify common territorial rights claims and appropriations, as advanced by early traditional societies, the labour theory of value is at the heart of the modern liberal view of private property ownership, all in accordance with John Locke's property discourse. Both modes of property rights appropriation appear not to have been participative and consultative. Since early property ownership was held in common and there was no exclusive ownership of property on an individual basis, efforts to annex rights to property based on first occupancy and labour value appear not to have sought consent from other people who commonly owned the property. The disregard for governance issues related to public participation and consultation are at the heart of this thesis, as will be discussed later.

3.3 Theory and practice of Western land ownership anddDevelopment in Africa

3.3.1 Western theories of land reform: Modernisation theory

Modernisation theory as a development strategy has been adopted and practised by various Third World countries, mostly in Africa. Central to modernisation theory is how Western societies have undergone transition and social change to achieve economic growth and development (Coetzee, 2001, p.27). Preston (1996, p.168) presents modernisation theory as being based on the 'free world' doctrine, where Western society progressed from feudalism to capitalism to a democratic stage of social change, driven by a linear sense of progress. However, modernisation theory provides only a generalised road map for how Third World countries can transform their economies and has been combined in practice with different ideological influences and orientations: i.e. socialism, liberal market policies, or a mixture of the two.

According to modernisation advocates, transforming traditional economies involves a sectoral approach, where certain enhanced variables (i.e. industrialisation) can bring multiplier effects realised in other sectors of the economy. In Third World countries the key to industrialisation is presented as taking the form of land tenure transition, in order to reflect modern liberal market systems (Coetzee, 2001, p.27). Improving land tenure security is presented as a necessity for the security of private property, and consequently a basic precondition for attracting land related investments in industries and agriculture, thereby contributing to economic development similar to that which had been achieved in the West.

Here, the conceptualisation of land tenure transformation is an evolutionary model, where the 'perception of development is in a form of continuum' (Barry, 2015, p.4). The two opposite ends of land the tenure continuum bear different sets of attributes: the traditional and the modern (Barry, 2015, p. 19).
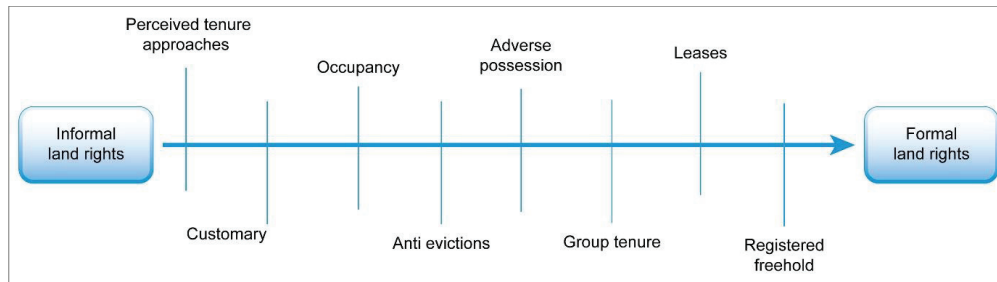
Figure 5: Continuum of land rights model

Source: Adapted from the UN-HABITAT report (Barry, 2015, p.6)

According to Barry (2015, p. 6-7; Coetzee, 2001, p.27), at one end of the continuum is a set of attributes perceived to represent traditional tenure categories, also described as informal and insecure; these are not recognised or administered by the law and associated state institutions. As an example, customary rights to land are recognised and administered by specific clan members only. The opposite end of the continuum represents modern, formal land rights, as recognised and protected by the law and its associated institutions. These formal rights relate more to individual or private land tenure categories. Between these two extreme ends of the continuum, different land tenure categories may exist, with overlapping rights and interests. For instance, Barry (2015, p. 6), provides the example of a case where people face different land tenure regimes and different levels of authority, as they migrate from rural to urban settings in search of new opportunities. Some of the land tenure regimes are secure, while others not. Some of the existing authorities facilitate rights acquisition and improvement, and some impede it.

Since existing authority is unable to resolve the insecurity attached to land tenure, external (rather than internal) agencies step in and influence the land rights transformation. Changes in the system of legislation and enforcement appear to be key to enhancing land tenure security (Manji, 20016; Coetzee, 2001, p. 40; Mwebaza, 1999). Specifically in Uganda, Mwebaza (1999, p.3) observes the integration between customary and statutory land-tenure systems in policy and registration. This integration appears to contribute to changing the relationship

between customary individual and community landowners and the state. The integration process has prompted land practitioners and advocates to liken land tenure reform to land law reform, since any alterations in tenure have to be achieved through the law (Manji, 2006).

Western concepts of development contend that informally held land tenure represents the inferior, under-developed end of the continuum. In particular, the lack of participation by women in development is seen as the main problematic feature attached to customary land ownership. Here, a major focus has been access to customary land, which remains authoritarian and mostly under the control of men (Hendricks, 2001). As such, the inability to access land inhibits women's participation in economic development.

Transforming land tenure along this continuum represents the transition from a traditional to a modern system (Coetzee, 2001, p.29). Leases and freehold ownership, as shown on the opposite end of the continuum, represent the apex of the legal and economic benefits brought by the operation of efficient land rights markets (Cousins, et al., 2005, p.7). According to the model, high-level institutional actors, particularly the state, are capable of guiding and controlling the transformation process: the implementation of the transformation process happens through orderly and straightforward legal reform, delivering positive outcomes, as seen in advanced Western societies (Barry, 2015; Manji, 2006).

Despite Third World countries adopting the modernisation approach, particularly transforming land tenure in order to attract land-related investments, implementation has faced various challenges. For one thing, perceptions of development are presented in terms of the extreme ends of the continuum: modern and traditional; however, in practice, such a distinction in terms of land tenure security is not always easily visible, as it depends on the societal conditions and social context. For another, the perception of land tenure as secure or insecure is a Western construct, particularly when trying to understand the reality of Third World land ownership. In this context, describing traditional land rights as informal and not recognised by the state is misleading. Finally, transforming rights to customary land is presented in the model as a smooth and linear process, but in practice it is anything but. For example, in Northern Uganda, under the customary land tenure arrangements, both traditional and modern systems co-exist, reflecting Barry's (2015, p.7) similar findings.

Land tenure transformation remains too expensive, complex, slow and lacking in citizen participation, and this affects vulnerable groups, particularly women. Indeed, lack of citizen

participation had been linked to increased public protests (Fiskaa, 2005). Reflecting these problems and as a counterpoint to the top-down modernisation process, terms such as 'participation' and 'participatory' have found a place within development discourses since the 1950s (Sachs 2010), these concepts referring to involving people in planning and development projects.

3.3.2 Public participation

One such model is Sherry Arnstein's (1969) 'ladder for participation', which was written with the realities of the US post-war reconstruction, especially under the Marshall Plan.[21] In this model, eight layers of participation are highlighted: manipulation, therapy, inform, consult, representation, cooperation, delegation, and autonomy of public participation. In turn, the eight layers are grouped into three levels: (1) manipulation and therapy; (2) informing and consultation; and (3) delegated power and citizen control. The participation process ranges from non-participatory (tokenistic) advisory boards (levels 1 and 2), to an actual 'level of citizen power' in the planning process (level 3). The lower 1 and 2 levels are non-participatory, mainly manipulative rather than genuinely consultative. Levels 3, 4, and 5 represent a 'level of tokenism' due to the informing and consultation role, as there is no assurance that their concerns will be taken into account during project implementation. By contrast, the three upper levels 6, 7 and 8 represent a 'level of citizen power' due to a delegated power and citizen control. Citizens are enabled not only to participate but also to engage in decision-making process for a particular plan (Arnstein, 1969).

As an analytical framework, the ladder has been used to guide and analyse various planning and development projects. In Europe, participation was embedded in various laws but also became a springboard for post-war reconstruction and economic recovery. In Africa, the World Bank's Poverty Reduction Strategy Paper (PRSP) is synonymous with issues related to citizen participation and consultation. Three main issues were emphasised: ownership, transparency and citizen participation (Word Health Organisation, n.d). Most of these issues will be discussed in chapter 6 in the context of Amuru land claims and disputes.

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[21] Also known as the European Recovery Program, which was implemented after World War II. All reconstruction projects related to resettlement, road reconstruction and urban gentrification had to undergo a participation process.
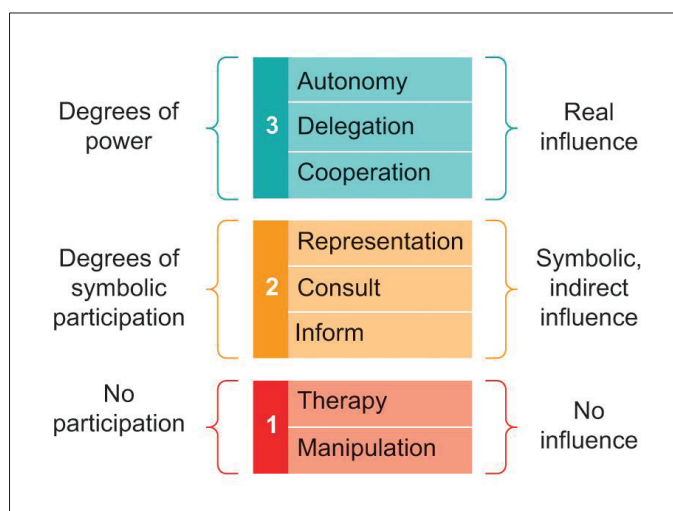
Figure 6: Ladder of citizen participation

Source: Sherry Arnstein's 1969 article 'a ladder of participation'

3.3.3   The practice of land reform in Africa

3.3.3.1   The customary land ownership debate

There are two points of departure with regard to African customary law on how we can best address the insecurity associated with customary rights 'ownership' in Africa.[22] The debate centres on which forms of land and property restitution ought to be adopted, particularly when trying to formalise customary land in Africa.

The first of these centres on principles and practices of customary law, particularly usufruct rights, which are inherently known and commonly practiced by various ethnic groups and across the continent (Hurwitz et al., 2005). These principles and practices are straightforward and common to different ethnic groups, and they bear many similar features and functions to those embedded within early Western societies (Elias, 1956, p.36). Indeed, African customary law principles and practices are somewhat universal. As the Prime Minister of the Toro kingdom in Uganda exclaimed, on reading the *Nigerian Land Law and Custom*: 'these are same as our own principles of land rules in Uganda, you know'. (Elias, 1956, p.162).

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[22] Mafeje's (2003, p.8) categories are based on economic significance, according to which customary land ownership is perceived as inhibiting agricultural development. This agricultural development is hindered by the inability of producers to access land, compounded by tenure insecurity; thus, individualisation of land was a way forward. Counter arguments state that the individualisation of customary rights to land will lead to inevitable consequences associated with the monopolisation of land by a few people UNHABITAT (2007).

The second starting-point recognises the African code of law founded on the principles of justice governing day-to-day life, particularly those related to inheritance and mirroring those operational in Western societies (Elias, 1956, p.36). This opens up the possibility for transforming African customary land in a manner that fits into Western policy reform interventions. This shared understanding raises the likelihood of 'one-size-fits-all' technical solutions whenever the problem of insecurity associated with customary land ownership are addressed (Wily, 2009). Although modern Western technical solutions may be applied, particularly the formalisation of customary land through demarcation and codification, different results may be expected (Manji, 2006). In the context of Africa, where population has more than tripled since the 1960s, and where more than 90 percent of the land remains traditionally owned, Robbins and Svendsen (2007) stress that achieving the best results from development requires a balance between what are perceived as modern and traditional values.

My understanding of the complexities of African customary land ownership can be illustrated by my own family's involvement in purchasing land. The extract below illustrates this.

[…] the year 1989 was a normal year just like any other, but it was a trying one for our family of 12. The Tanzanian economy was on the brink of collapse, as far as the negotiation and adoption of SAPs-related policies. Basic commodities were difficult to obtain, and the costs of living increased due to cost-sharing measures for basic social services and public facilities.

To help pay for household expenses and to provide food, six more hectares were brought into cultivation. I remember TZS. 4,000 were paid for the customary land. After just two seasons of cultivation had passed, some of the clan members disputed the land sale. The land purchase could be described to have followed typical, though not 'legal', procedures. However, the original owner demanded that the land should be returned to them and not transferred or sold to a new owner.

Since the land under dispute was under customary ownership, today a lot of things remain unknown with regard to the purchase dispute. What exactly constituted the customary land sale? Did the payment of money signify land take-over in perpetuity or a lease?

What was the duration of the lease? Will the presence of witnesses be enough of a defence against future dispossession? [51].

Source: Author interview with his father (aged 86).

The above extract not only explains the dynamism associated with customary land ownership in the midst of local and global changes, but also the insecurity created by such changes.

An understanding of the fundamental differences that exist between the communities holding rights to customary land is necessary. Transforming customary rights to land is not a straightforward process, because the customary rules and procedures are not static; rather, they are dynamic and susceptible to change as people who live by these norms change their life patterns across time and social space. Various factors, particularly the movement of people and increased population relative to the available land resources, appear to be responsible for the dynamism and changes in practice. If this is the case, have land advocates and planners been knocking on the right door during the last four decades? Have they been working towards solutions associated with tenure insecurity and land-related formalisation in developing African countries, and Uganda in particular? Specifically in the context of this study, due to the threats associated with increased population in return areas formalising customary land appears key to resolving the future land related disputes and conflicts. However, the process of formalisation needs to be undertaken in stages without undermining some of the very important aspects of traditional rules, values and practices before displacement but also those emerging and necessary for sustaining local cohesion and livelihoods sustenance of the local population. These and other related questions will be addressed in the subsequent sections.

3.3.3.2 Land rights transformation in Africa

In Africa, implementing modernisation theory centred on transforming land ownership, since, most governments perceived land and agriculture as the foundation for social change and progress. In addition, transformation could have replaced the inherently defective policies inherited from colonial governments, which contributed to creating inequality and landlessness among indigenous groups, thus creating grievances and resentments (Toulmin, 2008). In this context, Bruce (1993, p.13), highlights four measures for land reform: collective ownership; state ownership; individual ownership; and, most recently, the renovation of indigenous tenure. In what follows, the application of these land measures to the African (Ugandan) context will be considered, following a broadly chronological approach, covering the 1960s and 1970s, the 1980s and 1990s, and the 2000s to the present day. As we shall see, policy moved between individualisation, nationalisation and privatisation in the earlier periods before the more recent initiatives founded on regulation and formalisation.

- **Individualisation**

In East Africa, the process of individualisation of customary land ownership via redistribution stemmed from the publication of the 1955 Royal Commission report on land and population, which placed great emphasis the economic benefits:

> The policy concerning the nature and disposition of land should aim at individualisation of land ownership and mobility in transfer of land without ignoring existing property rights to land for economic use. (Fimbo, 2004, p. 6, citing Her Majesty's Stationery Office, 1995).

The redistribution of land mostly involved transferring land from white settlers to landless Africans. For example, in Kenya, to tackle landlessness between 1970s and 1980s, the government launched the 'million-acre scheme' that transferred land from white settlers to the indigenous people. Unfortunately, the nepotism associated with the political dynasty failed the redistribution process. Half of the land fell into the hands of a few wealthy individuals and government elites. Ogot and Ochieng (1995, p. 43) claimed that such land redistribution shifted the balance from inequality based on race to inequality based on social class.[23]

- **Nationalisation**

Realising the potential land have had in achieving a modern African society, most African governments adopted policies that aimed at the nationalisation of land. In the early 1960s, for example, countries such as Tanzania, Zambia, Ethiopia, Ghana, Mozambique and Angola adopted socialist policies; all interests in land were transferred from individual holders to the state. The state appropriation of land aimed to support major development projects, particularly settlement, irrigation and dam construction. Individual land ownership was abolished, with purchase, sale and rental forbidden (Cotula, 2011b, p. 11). The policy emphasised equity rather than efficiency in land ownership and control (Pinckney and Kimuyu, 1994). In accommodating individual as well as foreign corporate interests in land, rights to access and use land were reversed. This included freehold and leasehold titles. However, the retention was for a specific period, usually 33 to 99 years. Thereafter, if not renewed, rights reverted to the state.

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[23] According to Manji (2015), the 2004 Ndung'u report detailed how more than 200,000 illegal titles were acquired between 1962 and 2002; the Commission of Inquiry into the Illegal/Irregular Allocation of Land revealed land corruption that dominated land acquisition was systemic and widespread.

- **Privatisation**

The formulation of the World Bank's Land Reform Policy Paper in 1975 provided the basis of a new land reform policy in Africa (Shipton, 2009; Deininger and Binswanger, 1999). The land reform aimed at 'enhancing economic development and prosperity'. The paper recommended the abandonment of communal tenure arrangements in favour of freehold titles and the subdivision of commons. Individual, private ownership of land was perceived to be superior to collective ownership (Peters, 2009). However, despite this policy paper formulation and recommendation, its implementation did not happen until 1990s, coinciding with the emergence of the Reaganite and Thatcherite doctrines related to 'Washington Consensus' policies of liberal markets. The policies had significant influence, both domestically and abroad.

A few countries, particularly in East Asia, and sub-Saharan Africa adopted similar measures, but with mixed results. In East Asia, the measures proved to be highly successful (Peet, and Hartwick, 1999, p. 51-52). In the sub-Saharan Africa the measures[24] took the form of an economic structural adjustment programme (ESAP). However, most countries that adopted such measures experienced socio-economic decline. In 1991 in Zimbabwe, the government reduced general spending in education and health, which increased poverty levels and reduced the standard of living (Hammar, 2014, citing Gibbon, 1995). Zambia, and Sudan experienced labour strikes and food riots.

Since 1981, a range of factors had brought economic instability to Uganda: high fuel prices, low export earnings (particularly coffee),[25] poor weather conditions and a debt crisis. Amidst shortages and high prices for basic supplies, this economic turbulence coincided with the Museveni regime in 1986 and helps to explain the political power struggles of that period (Harrison, 2001, p. 662). Attempting to achieve economic growth and reduce poverty, Museveni approached the World Bank (WB) and the International Monetary Fund (IMF). These Bretton Woods institutions encouraged, if not forced, Uganda to adopt both short-term and

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[24] According to Carbonnier, (998, p. 33), the measures related to: (1) fiscal discipline; (2) public expenditure priorities; (3) tax reform; (4) financial liberalisation; (5) exchange rates; (6) trade liberalisation; (7) foreign direct investments; (8) privatisation; (9) deregulation; and (10) property rights.
[25] According to Huggins (2011), between 1980 and 2000, the prices of agricultural commodities in the world market more than halved in real terms. This impacted most African governments due to the resulting loss of export revenues.

long-term structural measures[26]. Museveni's commitment to Bretton Woods's policy recommendations was underscored on his state visit to Tanzania:

> When the Uganda airline died, I buried it because I do not believe in keeping a dead body into my house. My mother, I loved her so much, but when she died, I had no alternative but to bury her. (Excerpts from the speech delivered during state a visit in Dar es Salaam, Tanzania, dated 25 February 2017).

For the purpose of this study, my focus is on the measures that had significant consequences for the Acholi group, and these revolved around government policies of privatisation, liberalisation and decentralisation.

Privatisation opened new doors to private enterprises, where state companies and utilities were offloaded by government and became competitive sectors.[27] The privatisation re-affirmed the IMF's policy position: 'the state has no business doing anything that may make a profit' (Millet and Toussaint, 2004, p.65). Uganda's privatisation ushered in steady economic growth and prosperity. For example, Calderisi (2006, p.161) and Pruiner (2004, p. 372) claim that, due to the WB economic reforms, the Ugandan economy grew at an average of five per cent per year over a period of fifteen years. The economy clawed back to its real-terms per capita income attained in the 1970s. Charles Onyango Obbo in his book 'Uganda's Poorly Kept Secret' (1997) outlined that such growth lead to an economic boom in 1995. Uganda's economic success story even prompted Bill Clinton[28] and the World Bank to describe Museveni and Uganda as beacons of hope, reform and political stability (Perkins, 2008; Lorch, 1995; Calderisi, 2006, p. 219).

However, 'Uganda turning as one of the WB economic success stories in Africa' was not as clear-cut as it seemed (Pruiner, 2004, p. 372; Carlson, 2004, p.98). The economic growth and development had been extremely unevenly distributed. Similarly, efforts to promote export crops resulted in a neglect of the production of food crops, further exacerbated by the government removal of fuel and farm subsidies, which affected the food supply and accounted for the explosion in food prices from 2001 onwards (Toussaint and Millet 2010, p.119). According to Millet and Toussaint, (2004, p. 54), the user fees in public services and facilities

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[26] According to Millet and Toussaint, (2004, pp.54-56), the short term or shock measures revolved around imposition of fees for education and healthcare, end of subsidies on products and services of primary necessity, reduction in public expenditure to balance the budget, local currency devaluation, and high interest rates. While long-term measures involved development of export, opening-up markets, liberalization of economy, taxation system, and the massive privatisation of public companies and utilities.

[27] In 1998, for example, the state-owned Uganda Commercial Bank (UCB) was privatised and sold to Stanbic Bank from South Africa.

[28] According to Calderisi, (2006, p.59), Bill Clinton, former United States President, in 1998 once hailed African presidentsYoweri Museveni of (Uganda), Paul Kagame (Rwanda), Meles Zenawi (Ethiopia), Issais Afewerk (Eritrea), Thabo Mbeki and (South Africa)as precursors of the African Renaissance.

affected the lowest income section of the population, as will be discussed in 5.3.4.3. Overall, then, the implementation of Bretton Woods policies in Uganda further impoverished local people, rendering its architects akin to 'lords of poverty and master of disasters' (Calderisi, 2006).

According to Brass and Ross (2007), the decentralisation policy in Uganda aimed to devolve power from central government to the periphery, the goal being to increase citizen participation and consultation in development and governance, but also to bring services closer to the lowest level of society. Some benefits were recorded, particularly an enhancement of the freedom to mobilise, develop and manage local land resources.

However, Sebina-Zziwa (2008) outlines some of the more negative consequences of the decentralisation policy decision. Most damaging of all, the new administrative boundaries sparked ethnically based territorial disputes and claims. The new ethnic divides appear to reflect Barth's (1969, p. 3) claims that ethnic identity is constructed by the state's policies. Similarly, the policy caused the weakening of the social organisation and local authority based on land, kinship and tradition. Despite the devolution of power promising more freedom, in reality it diminished it. Various reports alleged that the devolution had been carried out as a matter of political as well as tax collection expediency (Sebina-Zziwa, 2008).

- **Renovation of indigenous tenure**

According to Alden Wily, the 1990s became synonymous with tenure rights reforms in Africa. In sub-Saharan Africa, almost 90 per cent of land remained untitled (Wily, 2009, p. 34; Deininger (2003). People held and used land without any official documents, simply because land holders lived and had grown up on the land (Moore, 2010). Converting customary land ownership into a modern system was perceived as the best way to achieve tenure security, resource management and to attract private land related investment in land (Pantuliano, 2009, p. 37; (Toulmin, 2008). Promoting private investment could get the economy back on its feet, thus contributing to poverty reduction (Millet and Toussaint, 2004, p. 52; Peet and Hartwick, 1999).

In Uganda, the liberalisation policies involved opening up domestic economies in order to attract foreign investments and multi-national access to local markets (Millet and Toussaint, 2004, p. 52). The approach involved the formulation of a new constitution that could identify and harmonise all tenure regimes in order to serve the interests of everyone in Uganda. According to Mwebaza (1999, p. 2), some of the recommendations were: the abolition of the

1975 LRD; conversion of *Mailo*[29] land into freehold; customary tenants of former public lands applying for freehold; leaseholds of public land being converted into freeholds; and an updated and decentralised land registry.

Improving the security of land tenure, the new Constitution of 1995 and the Land Act (Cap. 227) of 1998 outlined four major land tenure categories: customary, *Mailo,* freehold, and leasehold. Specific to this study is the legal recognition of the Acholi customary land which reflected the call made by Tony Blair's High-Level Commission on Legal Empowerment of the Poor in Africa:

> Land is a source of economic development and prosperity to developing countries; its use ought to go beyond that of providing shelter and a source of livelihood. (Manji, 2006, p. 63).

The commission placed emphasis on the recognition of customary law and other local arrangements in order to fit within the national legal system, but also to address tenure insecurity of the poor. In Uganda, the New Law sanctioned the involvement of traditional institutions to receive and resolve land disputes mainly arising from customary tenure as section 88 of the Land Act Cap 227. Through the Act of 2006, the government established Local Council Courts with the mandate to resolve land disputes in their respective administrative areas i.e. village, parish, sub-county, town, and division levels. Despite the policy changes, Manji (2006, p.107) argues that the debate leading to the land reform was neither adequate nor consultative. Various surveys indicated that more than 90 per cent of the Ugandan population had no knowledge of what was contained in the Land Act 1998 (Rugadya, 2008). Similarly, individual freehold tenure was promoted much more than other tenure categories. These issues impacted the Acholi land claims and will be considered in chapter 6.

3.3.3.3 De Soto's formalisation programme

De Soto's formalisation of rights to land and property was based on how to best address the insecurity associated with customary rights to land. The economic impacts associated with titling, and in particular creating additional wealth, reflect what had been achieved in the West.

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[29] Under the Uganda Agreement of 1900, land in blocks of square miles (termed *Mailo*) was allocated to various political notables. Approximately 9,000 square miles were given to government officers, and a small amount was given in kind to churches and some non-Africans. *Mailo* land has been acquired by others through inheritance and sale.

Success was intended as a rising tide that could lift all boats, also 'bringing life to dead capital'.[30]

De Soto's initiative became the subject of discussion and debate within the Bretton Woods institutions but also in other developing countries (De Soto, 2000). The debate echoed the World Bank report, 'Sub-Saharan Africa; from crisis to sustainable growth', which underscored:

> …gradually reforming systems of land tenure to enable titles to be registered (and in the interim codifying customary land rights), thereby increasing security and encouraging investment in land improvements (World Bank, 1989, p.8).

To De Soto, the lack of a formal title to land was linked to an inability to exploit the land's full potential in order to generate additional income and support economic growth. De Soto identified six positive factors in the effectiveness of a formalisation programme. The factors were: (1) property as capital; (2) consolidated information; (3) accountability of actors; (4) property flexibility; (5) collective actions to invest; and (6) protection of transaction by making it public.

According to de Soto people are at least nine times more prepared to invest when measures of protection are given (de Soto, 1989, p. 24). The MKURABITA[31] programme in Dar es Salaam, Tanzania, had been attempting to formalise properties held by low-income residents in informal settlements. More than 230,000 properties were identified and registered, according to Ng'asi (2007, p.77). While the ILD (2005) recorded that during the first five years of the programme the value of land increased to three times its original value, Machira (2013) and Benjaminsen et al., (2004, p. 5), noted that the value multiplied by a factor as high as 100 in urban and peri-urban areas upon granting title deeds Title acquisition increased tenure security in certain areas, particularly in Kenya, Burkina Faso, Uganda and Ghana (Musembi, 2007; Bestley, 1995; and Platteau, 2000). Formal titles, together with land demarcation, made boundary disputes easier to resolve. The security offered by titles attracted the private sector's increased investment in land and employment opportunities, particularly in rural areas.

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[30] See also the Commission on Legal Empowerment of the Poor, which appears to take a similar position (de Soto, 2000; Davy, 2011, p. 9).
[31] This is a Kiswahili acronym for Property and Business Formalisation Programme.

However, land practitioners are sceptical of the formalisation as it raises many questions, particularly what is at stake with customary rights to land. If such rights do exist and work well, why subject them to formalisation and registration? How about the timing and the interests and agendas that such formalisation is going to serve (Onsrud and Bush, 2007)?

The De Soto's theoretical assumptions about the benefits underpinning formalisation appear to have been realised less in African countries than in Asian countries with a 'fully fledged market economy', such as Thailand (Sjaastad and Cousins, 2008; Ng'asi, 2007; Pinckney and Kimuyu, 1994; Feder et al., 1988). Titling of land is not necessarily equal to tenure security; neither does it ensure freedom from disputes (Cousins et al., 2005, p.8; Verdery and Humphrey, 2004). According to Cousins et al. (2005, p. 8), empirical evidence from South Africa shows that informal tenure can even be more secure than the more formal arrangement. Most importantly, security over land does not necessarily depend on legal titles, but rather on the perception attached to land by the local community. The recognition of rights by the local community can reasonably guarantee tenure security, where the state authority can not necessarily do so.

Formalisation of customary land and associated titles is often a conflict generator rather than a problem solver. The conflict raises more doubt about the security offered by land titles than de Soto would have us believe. Citing Kasanga and Kotey (2001a, b, and c), Toulmin (2008) claims that there were more than 30,000 titles related court cases in Ethiopia in the year 2000. In addition, how can one explain the recent political turmoil and confrontation in Kenya and Zimbabwe? Despite holders clearly having titles to land, most titles were declared void and some of the property holders killed, while others were evicted and properties were burned down (Moore, 2010). However, Davy (2011, p. 8; Moore, 2010) linked this scenario with tribalism, unclear property titles and ineffectiveness of the rule of law.

There are inaccurate assumptions that the individual land titling process recognises and accurately registers all existing land rights. In practice, different rights claims co-exist together and, particularly in the context of customary land, they are hard to register. Whenever such rights claims are registered (for example, kinship-based secondary claims), mostly involving vulnerable and marginalised groups, uncertainties are created. Despite title deeds acting as collateral that gives property transactions less costly and easier to transfer, in practice these benefits are hindered by the costs of acquiring them. Titling has come to mean additional expenses, which are beyond the reach of ordinary rural families (Toulmin, 2008). As Moore

(2010) puts it, the process associated with 'modern ways' of owning land 'starts with money and ends with money'.[32]

Titles to land cannot guarantee access to credit from financial institutions (Ng'asi, 2007, p. 102). In Dar Es Salaam, Tanzania, most local financial institutions regard land titles as irrelevant unless the customer satisfies other criteria. The ability of most people to have a bank account and pay high interest rates appears beyond the reach of those in informal settlements. In rural areas, access to loans using a land title actually increased the risk of landlessness and poverty, as in the event of failure to pay the loan, and land titles reverted to local banks on foreclosure (Onsrud and Bush, 2007; Pinckney and Kimuyu, 1994).

Customary land being attached to socio-cultural values, mortgaging it is seen as no different to mortgaging the dead (Shipton, 2009). This view appears to echo Lan's (1985) statement that:

> An African is the son or daughter of the soil. Millions of others to come belong to the soil; therefore, mortgaging his land is similar to selling his birth right and death right.

Titling has little or no impact on attracting agricultural related investment and job opportunities (Atwood, 1990; Migot-Adolla et al., 1991). In sub-Saharan Africa, poor rural infrastructure, technological advances, poor markets and agricultural insurance were the main inhibiting factors.

3.3.3.4 Land grabbing and speculation

Formalisation of customary land causes land speculation, land grabbing and disputes. Most of the land appropriations are increasingly being handled in an aggressive, and non-transparent way, with no regard for public consultation and participation, and it is this that arouses suspicion of land grabbing and speculation. In particular, these type of land appropriations have occurred in countries emerging from war and conflict; for example, Uganda, Rwanda, the DRC and Sudan. In Handeni, Tanzania, meanwhile, it is the formalisation programme that has increased conflict among local people as a result of land grabbing. People with economic resources and information about the process of land acquisition were responsible for land speculation and grabbing (Benjaminsen and Lund, 2003). Offering an overview, Toussaint and Millet (2010, p.199) identify four issues accounted for the emergence of land grabbing and speculation in

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[32] Refers to Moore's 2010 article; 'Africa's Continental Divide: Land disputes. 30 January. *The Christian Science Monitor* [Online], [Accessed 30.01.2010]

Africa: 1) the SAPs-related policies; 2) changes in climatic conditions and falling grain reserves; and 3) rising prices of fuel and the search for alternative supply.

According to Word Bank researchers, between 10 and 30 per cent of the arable land in Africa could be made available for agricultural investment (Keulertz, 2012). The SAPs policies aimed to tap the financial potential attached to land by attracting investments for agriculture and industry. However, major international institutions took advantage of large-scale land acquisition and speculation. Since 2001, changes in climatic conditions and the fall in the global stock of grain reserves has increased prices of food at an exponential rate. Specifically, in 2008, the price of rice jumped by 31 per cent causing food related riots (Toussaint and Millet, 2010, p.120; Cotula, 2011a)[33]. An increase in the price of energy, particularly oil from hydrocarbons, and the need for alternative energy supplies, particularly biofuel, have exacerbated large-scale land acquisition for investment purposes in Africa.

External agribusiness companies, investment funds and governments around the world have engaged in land acquisition and speculation. Their engagement in large-scale land acquisition has raised a new debate between the two sides: the optimistic and pessimistic camps (Keulertz, 2012). The optimists' camp is formed by major international institutions such as the Food and Agricultural Organisation (FAO), the Bretton Woods institutions, German development agencies such as von Braun and Meinzen-Dick, and the International Food Policy Research Institute. For this camp, land acquisition and the implementation of large-scale projects are reported to benefit host counties, albeit under special conditions. Land acquisition provides an opportunity for modernisation and investment in large-scale agricultural production and business, which contributes to employment opportunities, food security and creates additional income from exporting crops. The income received contributes to reductions in poverty and sustainable development.

Large-scale land appropriation in most African countries has been pronounced: in Uganda, Grain (2011) estimated between 4 and 8 percent of the land being under foreign land deals for investment purpose; while in the DRC, for example, 10 million hectares of land has been leased to South Africans. Similarly, Egypt was considering annexing 840,000 hectares of land in Sudan in order to produce corn. In South Sudan, more than 10 per cent of its territory, mostly in the Equatorial State, has been leased to foreign investors (Cotula, 2010, p. 14). Similar cases

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[33] According to Toussaint and Millet (2010, p.120), countries such as the Philippines, Egypt, Senegal, Burkina Faso, Haiti, and Yemen experienced food related riots.

have been reported in countries such as Tanzania and Madagascar. Cotula (2011a) notes that in Cameroon, Mali and Liberia, due to large scale land acquisition and investments, domestic economies have opened up, which has unlocked employment opportunities and upgraded public infrastructure and basic social services facilities.

By contrast, the pessimists' camp opposed to the large-scale land take-over for agricultural investments and business purposes is formed by local and international non-governmental organisations (NGOs) (Cotula, 2011a). Organisations seeking sustainable solutions to hunger and poverty, such as Grain and Oxfam, believe land take-over fuels land scarcity, social unrest and conflict in host countries (Cotula, 2010, p. 1). For example, in Ethiopia, increased land speculation and grabbing has been linked with the production of food for export, a situation linked to starvation.

In this view, land acquisition has largely been driven by corruption and speculation, being regarded as 'the new scramble for land'. Insufficient financial resources and bargaining power on the part of local people drove the majority of the land purchases, which led to speculative takeovers of customary land. In Rwanda, a small number of influential individuals – local elites, speculators and investors – annexed a chunk of land illegitimately, which caused contestation and disputes (Huggins and Clover, 2005; Boudreaux, 2007). Similar cases have been reported in South Sudan, Burundi, Mozambique, Ethiopia, Madagascar and Liberia. The weakened local institutions for managing and administering rights to land caused land acquisition by wealthy elites – common in any post-war situation. For example, in the northern Kivu province of DRC, farmers have been dispossessed of their land because of land sales by traditional chiefs (Cotula et al., 2004:14).

Large-scale land take-over has been observed to ignore governance issues, with a lack of transparency and local participation. Cotula (2011a, p. 17, citing WB, 2010) cites a lack of consultation that marginalised local people, mostly customary landowners. Even when local people were involved, they lacked the bargaining power to achieve what both sides would consider a win-win situation. Specifically, in 2009 in Madagascar, the lack of transparency and accountability during a land acquisition by a South Korean firm led to the overthrow of the government. As a result, the subsequent government revoked all controversial land deals.[34] In Liberia in 2008, Moore (2010) reported that 22 people were killed due to disputes over large-

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[34] von Braun and Meinzen-Dick (2009) cited the land deal involved 1.3 million hectares, mainly used for corn and biofuel production by Daewoo Logistics company.

scale rubber plantations. Unruh (2004) and von Braun and Meinzen-Dick (2009), state that large-scale land acquisition for commercial farming is neither socially nor economically sustainable. In social terms, large-scale agricultural production ends up negatively affecting household employment. Apart from displacing local people to free up land for foreign investors, processing factories that could have employed local people are frequently not located in the host countries. Even when they are located locally, investors have preferred foreign employees. For example, in Mozambique and Angola, Chinese investors preferred to import their own unemployed labour. Despite the promise of free land for investment in anticipation that jobs and taxes would follow, experience suggests that whenever investors acquire land they fail to abide by the agreed terms and conditions, and even when they engage in agricultural investments the promised benefits are not realised.

Reversing the trend associated with a lack of citizen participation in various large-scale land take-overs, Cotula (2010) advises African governments to consider local consultation about the fair price of land before letting it go to prospective investors. Similarly, Leckie (2009, p. 261) demands that proper land regulation policies should be in place, particularly during periods of post-war return and resettlement, to prevent large-scale land acquisition taking a speculative form that does not benefit local people.

3.3.3.5 Post-war land and property claims

As part of the societal reconstruction and development practice, this section presents forced displacement through war or non-war situations that is associated with land and property claims, and restitution as practiced across the global. As a spatial process, forced displacement involves physical, though not necessarily geographical dislocation. Previously, displaced people lost everything, even on their return home. Recently, however, a consensus has emerged at international level that return to one's place of origin ought to be accompanied by restitution of lost land and property. Restitution is increasingly perceived as 'an indicator on how government is committed to ensur[ing] that the same injustices do not occur again' (Leckie and Huggins, 2011, p. 122).

According to Hanlon, et al., (2013) and Fay and James (2009), the way dispossession occurred and the duration taken to return determines the relationship between the dispossessed and property, but it also influences the restitution process. Accordingly, Fay and James (2009) set out four procedural stages (frameworks) which help to explain land and property loss and restitution: (1) loss; (2) dispossession; (3) restitution policy; and (4) staging a property claim.

However, the stages are not linear; rather, they are multi-faceted and vary according to space and time.

- **Loss**

According to Hurwitz et al. (2005), any forced displacement often times is followed by the loss and destruction of asserts and property. Dislocation causes a general loss of individual assets and property but also of institutional and national infrastructure. Dislocation not only separates the existing relationship between evictee and property, but also terminates or even puts on hold some of the prevailing rights and obligations related to land and property (Unruh, 2004). According to the UNHCR (2006), there was an increase in the average time people spent in camps far from home from 9 years to 17 years due to war and disaster related displacement between 1993 and 2003.

The Western Balkans, the Mediterranean region, Latin America, Asia and Africa confirm cases of ethnic and religious conflicts leading to the loss of land and property (Leutloff-Tara and Ganguly, 2006; Grandits, 2005; Hurwitz et al. 2005; Zetter, 2004 and Skotte, 2004). In Bosnia and Herzegovina, between 1992 and 1995 more than two million Bosnians were forced to abandon land and property in order to flee to safe areas – mostly in camps, cities and abroad. In the Mediterranean region, particularly Cyprus the 1974 Turkish invasion caused mass dislocation and dispossession of property.

In Latin America, Sliwa (2015); Unruh (2004) and Kreimer et al., (2000) confirmed the inequity of war-related cases in Nicaragua, El Salvador, Guatemala and Colombia which were associated with loss of land and property. Specifically, in Colombia Sliwa's (2015) study found more than five decades of war between government forces and the *Fuerzas Armadas Revolucionarias de Colombia* (FARC) rebels had not only displaced more than 6 million people, where 93 per cent mostly from rural areas, but also caused a large number of people to abandon their land and property. This happened as people moved from rural to safer areas, mostly located in urban areas. Similarly in Guatemala, although the war-related dislocation affected all groups of people in terms of access to land rights, women and others lower on the socio-economic ladder suffered most.

In Asia, the war- and tsunami-related displacements in Sri Lanka and East Timor caused loss of land and property. Specifically in Sri Lanka, more than 20 years of ethnic-based wars between government forces and the Tamil New Tigers rebel group and the 2004 tsunami caused

people to abandon land and property. And in East Timor, more than 25 years of Indonesian occupation caused the loss of land and property.

Africa provides complex regional cases of violent war-related displacements that are associated with loss of assets and property. In West Africa, Sierra Leone, Chad and Senegal have experienced war-related displacement between government forces and rebel groups. In Sierra Leone, the RUF rebels engaged in systematic looting, rape, and killing of local civilians when fighting government forces (Beah, 2007). In Chad, the war caused physical but not geographical dislocation. Local civilians were dislocated over short distances, mainly along the Chadian-Darfur borderlands, but also experienced the abduction of civilians, looting of local shops, and attacks on humanitarian food convoys and expensive cars (Behrends, 2014). The physical dislocation also caused some IDPs to commute to and from their former lands and on a daily basis. Here, the quality of land mattered a great deal, as it affected their local livelihood.

In Senegal, the conflict between government forces and the *movement des forces democratiques de la Casamance* (MFDC) rebels dislocated local civilians over short distances mainly to larger government-controlled towns along the South bank of the river Bissau and the Gambia. The rebels engaged in harvesting orchard crops and looting livestock in order to sustain their activities (Evans, 2014; 2003a). Due to insecurity, government soldiers introduced a curfew, which inhibited local civilian access to land within the vicinity of the camps.

In Southern Africa, particularly South Africa and Zimbabwe, the colonial conquest was associated with land and property seizure from indigenous people. In South Africa, between 1960s and 1983, more than 85 per cent of the land had been appropriated from more than 3.5 million Africans in order to establish large-scale plantations (Hammar, 2014; Hanlon, et al., 2013). In Zimbabwe in the 1930s, the British colonial registration of the Land Appointment Act dislocated indigenous Africans mainly from fertile to less fertile lands. The dislocation dispossessed millions of people of their land and property, thus affecting their livelihoods (Jones, 2014). Those affected by dislocation became wage labours in large-scale plantations (Chesters, 2009).

In Central Africa, particularly Angola, the violent conflict between government forces and the UNITA rebels forced millions to relocate to safer areas. Most of the Lunda moved from small countryside villages and towns to government-controlled coastal cities (Roudriques, 2014). Similarly, others moved to rebel diamond-controlled areas, where women and children

were forced to work in illegal mining sites in order to sustain the livelihoods of military and rebel forces.

In the Great Lakes region, Rwanda, Burundi, and the DRC played host to cases of violent wars causing large-scale dislocation of local civilians into IDPs and refugees. The dislocation occurred mostly due to territorial ethnic disputes, increased population and perceived land scarcity, and the illegal exploitation and trafficking of natural resources associated with abandoning of land and loss of property (Raeymaekers, 2014; Anseeuw and Alden, 2010; Hurwitz et al., 2005; Hugins and Clover, 2005). Specifically in Rwanda, the 1994 genocide displaced more than 2 million into IDPs and refugees (Stockton, 1998). The dislocation happened over short and longer distances, caused individuals to lose land and property. Similarly in the DRC, the war-related insecurity displaced between 1 and 2 million inhabitants of Kivu province and the Ituri in the East and North-East of the country mostly in remote locations (Raeymaekers, 2014; Kameri-Mbote, 2005). The relocation was associated with a loss of social and material wealth.

- **Approach to dispossession**

The way dispossession occurrs affects the type of evidence lodged during the return and restitution process. According to Fay and James (2009), various types of evidence may be used to lodge land and property claims and restitution on return: titles, archival records, physical traces of occupation.

Modern evidence such as land registries and titles become the target of rebels who destroy property housing these documents, while clan elders and local people conversant with narratives related to the physical traces of territorial claims become the target of killings and abduction. Most of the local narratives relate to histories of migration, settlement and associated rights claims. Physical traces help to substantiate individual as well as collective claims. Some of the narrative claims take on ethnic (autochthony), religious, economic, legal and political-motivated discourses. For example, Unruh (2004) cited Palestine and Israel as one of the cases providing land claims and disputes based on identity and history.

Africa and Asia, particularly Rwanda and East Timor, provide cases where rebels destroyed evidence related to land ownership. According to Huggins (2004), property housing the national geodetic system in Rwanda and other official land-related records became the target of destruction mostly at a district level. In East Timor, local militia caused the loss of land and the

destruction of the building housing property rights registry (Unruh, 2004 citing Marghart, 2002).

- **Restitution policy**

According to Fay and James (2019), peace provides an opportunity for the displaced population to return home and resettlement. Since the prolonged displacement is associated with greater societal changes, whenever restitution policy does exist, it is inevitably limited in scope (Zetter, 2004; Moore, 1987, p.729). The restitution policy fails to identify potential claimants and does not fit in the national policy priority of return and resettlement.

Thus, the post-war return home is normally proceeded by various actors coming together to coordinate the formulation of land and property restitution policy. The formulation of policy involves reconciling and accommodating various local, as well as foreign, economic, legal and political policies and interests, for example, reconciling individual and communal rights to land, which is often difficult to achieve. Similarly, restitution policy identifies eligible and non-eligible property claimants.

Various factors influence the formulation of restitution policy, including changes in the global political regime (disintegration of the USSR) which affect local regime change and the emergence of social movements. In the Western Balkans, Eastern Europe, Latin America, and Africa cases of return were preceded by the formulation of land restitution policies. In the Western Balkans, Kosovo, Bosnia and Herzegovina, the international community assisted in the formulation of the return and property restitution policy through international law. In Eastern Europe, the transition from a communist to post-communist regime in Romania involved the formulation of land restitution policy. The policy was based on the new liberal ethos of privatisation of former socialist farms.

In Latin America, particularly Colombia, the formulation of restitution policy took two stages and was based on: (1) the 2003 Negotiated Restitution in the Law of Justice and Peace, and (2) the 2011 reparation and restitution law (Sliwa, 2015).

In Africa, particularly South Africa and Zimbabwe, change of regime and the emergence of social movements influenced the formulation of land restitution policies. In South Africa, the end of apartheid in 1994 ushered in an inclusive democratic government. According to Walker (2008), the post-apartheid land restitution policy in South Africa aimed to address colonial

injustice, thus setting a real path to reconciliation. In Zimbabwe, land reform policy was based on the political rhetoric of national liberation and economic empowerment of indigenous people (Hammar, 2014; Hanlon, et al., 2013). Between mid-1980 and 2000, the emergence and mobilisation of war veterans speeded up the land restitution process.

- **Land and property claims**

The right to return of IDPs and refugees reaffirms rights to land and property restitution. Encouraging their return home and property restitution to victims of war and dislocation is highly favoured over payment of compensation.

According to Fay and James (2009, p. 12), land and property restitution involves various actors coming together in order to assist the restitution process to the 'imagined community'. Recently, humanitarian actors assisting in this process have demonstrated a shift from emergency relief to long-term societal development (Desiree, 2000, p.23) (see also 6.2.5). Their engagement is increasingly becoming a key to peace-building and early reconstruction (UNIRIN, 2008), mediating between land claimants, land owners and government.

Bosnia and Herzegovina provides a case where land and property restitution was not only an important component of reconstruction, but also attracted financial support from donors. The financial support facilitated the restoration of more than 200,000 properties to pre-war residents (Hurwitz et al. 2005). Despite land and property restitution, Skotte (2004) found the restitution process took an ethnic and religious direction leading to violence. In Romania, the dismantling of collective agricultural farms paved the way for rights to land to return to the previous families who had donated the land (Verdery, 2004). Although the land restitution and titling processes was lengthy and contradictory, these also acquired a political slant, since some land commissions and municipal mayors used land restitution in order to achieve a political windfall (Verdery and Humphrey, 2004).

In Northern Cyprus, provision of permanent housing by the Greek-Cypriot government influenced their integration within the local community. In addition, the continued ethnic tensions and inadequate financing slowed down return home of refugees and also land claims, restitution and reconstruction efforts.

In Guatemala and El Salvador the post-war land claims and restitution were characterised by differences in awareness among returnees with regard to their access to land through the state system. A lack of awareness disadvantaged some, but also led to various instances of

multiple claims to land (Unruh (2004). In Colombia, the government policy of providing IDPs with subsidised housing influenced more than 78.8 per cent to accept the offer of housing offer, mostly in urban areas. In addition, the perceived insecurity in returnee villages caused an unwillingness to return and claim land. A few people[35] became interested in returning to rural areas and engage in agriculture, but the lack of coordination and alternative remedies in the form of financial compensation hindered the restitution of land and property (Sliwa, 2015).

In East Timor and El Salvador land claim and restitution formed part of the peace dividend among war veterans and ex-combatants. In East Timor, difficulties in land access and restitution among war veterans caused them to return to violence (Unruh, 2004). Similarly, in El Salvador, despite successful access and restitution of land to among ex-combatants, lack of financial credit to support agriculture and poor aptitude to work on the land among ex-combatants caused most of them to abandon the land (Kreimer et al., (2000).

In Rwanda, approximately 2.3 million refugees returned in the country at the same time between 1994 and 1997 (Unruh, 2004). However, the speed at which local authorities and international efforts were directed towards resettlement and property restitution could not cope with their influx, since, even before the IDPs and refugees had returned, early returnees informally occupied the land set aside for returnees. As a result, most of the land used for resettlement had to be subdivided or taken from the Akagera National Park. In addition, Clover (2005) notes that land restitution revolved around land fragmentation and resettlement. In Burundi, the return to peace influenced more than one quarter of the refugees to submit land claims. Since land had been owned customarily, land claims caused confusion, particularly legitimacy over land occupied by other people.

In Zimbabwe, land restitution reconfigured the land ownership pattern from a few white settlers to the black majority. More than 70 per cent of the land that had been under the white settlers was redistributed to small-scale farmers, 13 per cent to middle-scale and 11 per cent to large-scale estates (Hammer, 2014). The impact of land redistribution appears mixed, as agricultural production fell in major commercial crops but increased in the small-holder sector. The reverse increased employment and returned farm production to the levels of the 1990s, before the redistribution process (Hanlon et al., 2913). Moreover, uncoordinated land restitution policy prompted further loss of land and property (Fay and James, 2009, p. 11). A few hundred

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[35] Between 2004 and 2014, only 2.9 and 28.1 per cents respectively were willing to return to their home villages if land and property restitution had been granted.

out of 4,500 large-scale commercial farmers lost their farms. This loss affected them psychologically and economically. Similarly, hundreds of thousands of farm workers lost their livelihoods, homes and security (Hammar, 2014). Greed, state patronage and corruption among high-ranking government officials surfaced in the land redistribution process.

In South Africa, between 1994 and 2008, only 1.4 million hectares (2.3 per cent) were transferred out of 85 million hectares marked for restitution, thus falling short of public and political expectations (Chesters, 2009). Land restitution took an economic approach as claimants accepted financial compensation as an alternative remedy instead of land (COHRE, 2007). However, the restitution process involved the time-consuming identification of legitimate and current owners (Fay and James, 2009; Leckie et al., 2009; Unruh, 2004).

In Senegal, the return to peace provided an opportunity for IDPs to home return and engage in their livelihoods. However, land mines and associated disputes caused land to become inaccessible and insecure, mostly in peri-urban areas. In addition, prolonged absence caused local chieftaincies to reallocate land to other villagers and outsiders. According to Evans (2014), the growing land claims and associated disputes turned land tenure issues into sensitive return issues. As the key to peace-building and reconstruction for returnees, land issues necessitated most humanitarian agents to engage in resolving land disputes in returnee areas in a way that is similar to Amuru.

3.4 Formulation of research questions

3.4.1 Theory and discourse applied to the post-war Acholi sub-region

In the Western context, property is a set of rights that are institutionalised and form an interconnected person-land relationship. Property remains class-based, and at times has an exploitative nature – mostly at the expense of vulnerable groups. In African customary law, by contrast, property ownership remains embedded in kinship relationships, which are unequal and gender-based, although not necessarily exploitative. The relationship is strictly reciprocal and voluntary, contrary to Western property theories (Mafeje, 1998, p. 118).

Territory as a concept evolved over time, across the ancient, medieval and contemporary periods. The concept evolved from referring simply to a geographical site, to the idea of territorial sovereignty and, recently, to legal jurisdiction over territory. Today, possession of territory signifies possession of jurisdiction rights over a certain piece of land or territory. In Africa, and specifically Uganda and the Acholi sub-region, the concept of territory was adopted

due to Western overseas territorial expansion and acquisition. Disputes over territory arise whenever more than one person or institution lodges a jurisdictional claim over an area or territory.

Most of the post-war territorial challenges need to be viewed in the context of displacement and development related changes. This is because conflict and associated displacement disorganises territorial development. Understanding land claims after years of forced displacement means looking beyond land's conventional ownership and use. The anthropological approach demands that an understanding be sought beyond the legal and economic factors advocated by Western development theories. Emphasis ought to be placed on examining the multi-functional aspects of land, whereby the conceptualisation of property considers the 'bundles of rights' or entitlements people hold in relation to property. How do these bundles of entitlements contribute to social, cultural, economic and political reconstruction and recovery of the region after the loss of assets and livelihoods? How do the emerging entitlements contribute to risk reduction and the prevention of land-related social conflicts?

Property is to be understood as a web of social relations that exist between people in respect of material or immaterial objects (Hann, 1998). These relationships are embedded in a mesh of social, political, religious, regional and global influences (Leutloff-Grandits, 2005, p. 11). These 'bundles' of social relations may broaden our understanding of how returnees may access, use and own land – the only resource left to them – to help bring about the peace necessary for early reconstruction and recovery.

Land and property ownership, from a liberal and functionalist perspective, encompasses ownership, use, control and benefit within the term 'land'. In the context of the Acholi group, property is both individually and communally owned, though individual ownership is not understood in the strict Western sense of the term. This is because rights, in the context of a specific piece of land, continue to be defined by the sets of rules and norms particular to the place and the person's status within the kin group. Rules remain ambiguous and at times negotiable according to the local situation and context – such as the type of land, whether it is habited or not, and the season. The emphasis is on the obligations and duties related to the use of land, rather than its mere possession.

3.4.2 Emerging questions from concepts and practice

Early Western property theorists present the appropriation of rights to land based on first occupancy and labour theory (Becker, 1977; Hann, 1998). Contemporary theories focus on reforming existing systems of law, as in the case of de Soto's formalisation of property. These theories are deeply embedded in different historical contexts, social values and philosophies, mainly in the West, as are theories of modernisation and their application to land. When they are applied in the Third World context they bring with them alien presumptions and concepts of rights, which makes them difficult to apply to the reality not only of Africa, but also of a post-war context, as will be seen in the case of the Amuru sub-county.

There are no completely adequate theories and concepts to deal with the post-war property context in Africa. Most of the existing theories fail to explain the relationship between forced displacement and emerging land claims, which at times lead to political and ethnic rifts. The inability of existing property rights theories to reflect on what happens during the post-war return could explain their failure to contribute to an early and stable post-war resettlement. Bearing this mismatch in mind could help to identify critical weaknesses related to territory, property development and post-war reconstruction.

More specifically, theoretical and discursive conceptualisations of land ownership and related concepts delineate some key questions which ground this research:

- The conceptualisation and evolution of territory appears to demonstrate prejudice, particularly towards women. Mother earth, rather than women, is presented as the source of the birth of men, who sprung from the earth fully formed (Elden, 2013, p.23). With men not being a product of humans, this view of creation marginalises women. Similarly, women's marginalisation is evident when it comes to territorial ownership and inheritance claims. What happens to women when claiming territorial ownership in the post-war context?

- Territory and ethnic identity are interconnected issues. Their relationship remains dynamic, complex and intellectually slippery. Attempts to re-organise territories are considered culturally offensive as they may disturb this relationship (Shipton, 2009). What happens when territory is re-organised when local people are forcefully displaced? What kind of territorial conflicts are envisaged?

- In terms of territorial rights appropriation and evolution, what impacts may be associated with Western influences that come with modern laws and technology, particularly cadastral maps and surveys, in re-organising customary territories?

- Western concepts of property consider tenure security as grounded on legal title appropriation. Despite title appropriation, what happens when countries experience internal social, economic and political changes that affect land claims and the restitution process?

- Modernisation theory presents development-related changes as exogenously determined by outside forces. Development is presented in terms of a continuum, as society progresses between two extremes (traditional to modern) of social, economic and political conditions. Based on property rights formalisation, what happens when a modern approach to land is applied to the customary system of land ownership without a defined and recognised propertied class?

- Most of the Western property rights theories were developed in order to understand some of challenges that emerged during peaceful periods within an environment with a fully functioning democratic governance system. Do these theories remain relevant when handling challenges resulting from war, when governance institutions either no longer exist or are severely weakened?

- In the context of Western modernisation-related development, formalisation of land development entails the individualisation of rights to land. How does modern land ownership address issues of gender and the usufruct rights of vulnerable and marginalised groups, such as widows and children?

- Property rights categorisation is largely based on perceived security or insecurity and formal or informal rights. However, such a dichotomy remains contextual and contested when it comes to the protection of property. What criteria used in the categorisation of such rights, whether formal or informal? What recognition of rights and protection is offered to the property owner?

- Most formalisation approaches place much emphasis on undocumented rights, with the aim of documenting them. How do administrators of land and property restitution handle undocumented rights that emerge and are no longer recognised because of war-related displacement?

- The Western-inspired property formalisation programme entails undertaking new land reform processes, entailing changes in the legal and institutional framework. Could the complexity associated with existing laws and policies and the establishment of a new institutional framework create problems?

- Most land reform aims to attract foreign investments and business opportunities, particularly employment, basic social services and public infrastructure facilities. What happens when investors fail to fulfil the investment promise and associated benefits?

- Fay and James (2009, p. 5) describe four stages guiding forced displacement and property restitution: (1) loss; (2) dispossession; (3) policy formulation; and (4) actual claim. These stages are guided by a specific timeframe. What happens when local people are displaced over a prolonged period that is associated with socio-economic changes?

- Place and time influence the perceptions and attitudes of displaced people on various issues (Moore, 1987, p. 729; Zetter, 2004). The further the distance, and the longer the duration of displacement, the greater the changes. What are the effects of different contexts of time and place on perceptions regarding land and property claims and disputes upon their return?

- According to Zetter (2004), the loss of land and property is similar to the loss of material and symbolic values of the displaced population. The loss carries an immense grief due to the economic and social implications in camps and upon return home. What are the consequences associated with such loss (symbolic and material) in shaping the perception of returnees towards early societal reconstruction and recovery?

3.4.3   Reflections on the formulation of the research questions

The questions presented below are not research questions as such, but rather key issues informed by a secondary literature search and the field-based investigation. The key issues

require reformulation and classification in order to form and justify the emerging research question:

Formulating research question 1:

This involved selecting and classifying some of the key issues emerging from the Acholi war and associated impacts of displacement and camp life:

- War-related displacement isolates large groups of people in camps and over a prolonged period. What happens with regard to asset entitlements?

- Displacement is associated with societal continuity and change. What happens to local institutions responsible for governing the day-to-day life of the displaced population?

- Displacement puts the population under the control of various institutions and associated actors. What influences do camp-based actors have on the displaced population?

- Security is the key issue for populations displaced into camps. What are the possible consequences for the displaced population with regard to access to basic social services and infrastructural facilities?

- Prolonged displacement causes change. What changes influence land and property claims upon the return home?

> RQ 1:
>
> *What are the critical consequences of the Acholi people's forced displacement pertaining to asset ownership, demographic profile and the traditional institutions responsible for land administration and management?*

Formulating research question 2:

This involved selecting and classifying some of the key issues resulting from the impacts war has had on return and resettlement:

- Displaced populations come under the control of various institutions and associated actors. How do isolation, institutions and actors affect governance issues related to citizen participation and consultation, and how do they impact the perceptions of the displaced in camps and upon their return home?

- Prolonged displacement is accompanied by various policy changes that affect returnees. What happens when policy changes re-organise administrative boundaries and what are the consequences for land and property claims?

- Functioning democracies where legal and stable financial institutions exist are relevant environments for Western property rights theories. How can we apply these theories in the post-war context where prolonged displacement has crippled governance issues and weakened the customary institutions responsible for managing land? How can we best minimise the adverse impacts associated with the proliferation of land claims and contribute to finding positive solutions to local challenges during the post-war return?

- Prolonged displacement that is associated with land policy changes affects the existing patterns of customary land ownership. What are these changes, and how can they be resolved in a way that does not affect land claims and slow down the return and recovery of the returnees?

- Displacement causes the loss of lives and assets. The emergence of various humanitarian actors aims to assist the displaced, lessening their suffering but also assisting them to re-assert claims to land and property. What legal frameworks and authorities exist to support the emerging land claims upon return home?

RQ 2:

How did the long-term forced displacement affect Acholi attitudes and perceptions toward land and livelihoods, and how do these help explain the land conflicts arising upon their return?

Formulating research question 3:

This involved selecting key issues informed by a literature search and field-based investigation. Most of the key issues relate to the impact of war on the processes of reconstruction and recovery:

- Prolonged displacement that causes the loss of assets and property impacts the lives of people in camps and upon their return home. How could the changes in asset ownership influence the perceptions of the returnees regarding the reality of claiming land and property upon return home?

- Loss of assets and rumours associated with land influence the return of IDPs in massive numbers. What happens when many people simultaneously return home with regard to land and property claims and associated disputes?

- Return and resettlement involves short- as well as long-term solutions aimed at resettling the IDPs. The return process involves uprooting the socio-economic structures that had developed in camps over a prolonged period. How could the new social structures be used to assist the smooth resettlement and re-integration of returnees in their villages of origins? What are the impacts of the new structures on facilitating the process of large-scale return and land and property claims during the resettlement in their villages?

- How can Western property theories, together with African sources of land rights appropriation, help to explain the changing perceptions related to rights appropriation when people are forcefully displaced, particularly from a traditional Acholi perspective?

- How does land and property formalisation through titling address tenure insecurities, and address inequalities in land ownership resulting from the same formalisation? Similarly, what are the impacts caused by the post-war return and resettlement, particularly on marginalised and vulnerable groups of people claiming clan land?

- What role do civil society organisations, particularly indigenous, religious and political leaders, play in influencing both individual as well as group-based perceptions around land claims and disputes?

- How are land and property restitution affected by the prolonged absence, particularly when customary land rights are formalised? What are the consequences for tenure security of new rights and associated claimants?

RQ 3:

How are these attitudes and perceptions relating to customary land claims and conflicts affecting the process of the Acholi return and resettlement in Amuru sub-county?

Despite the three research questions being independently formulated, they are not independent as such, but rather interconnected in the way that they reflect the Acholi's war-related displacement, camp life, return and reconstruction. The sketch below summarises the literature search, field-based key issues and the three emerging research questions:
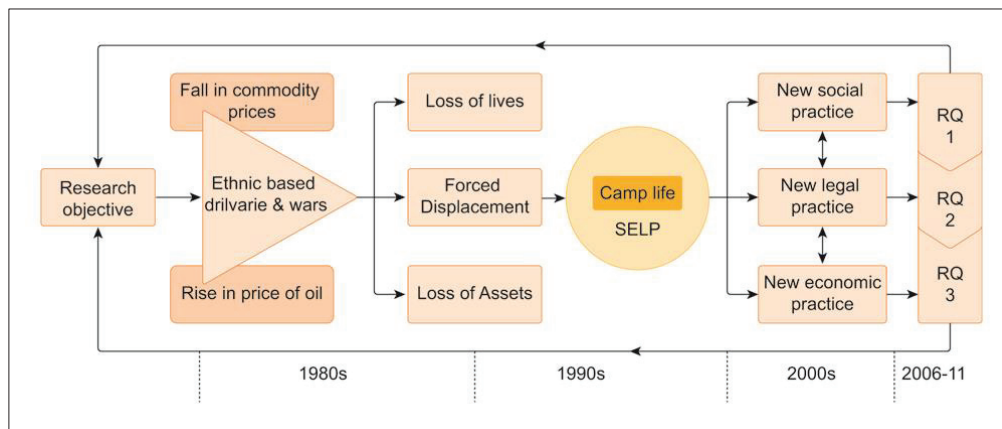
Figure 7: Literature and field based key issues leading to research questions

Source: Researcher's own critical thinking and conceptualisation

RQ 1: *What are the critical consequences of the Acholi people's forced displacement pertaining to asset ownership, demographic profile and the traditional institutions responsible for land administration and management?*

RQ 2:
How did the long-term forced displacement affect Acholi attitudes and perceptions toward land and livelihoods, and how do these help explain the land conflicts arising upon their return?

RQ 3:
How are these attitudes and perceptions relating to customary land claims and conflicts affecting the process of the Acholi return and resettlement in Amuru sub-county?

By way of conclusion, it can be seen that this chapter provides some conceptual basis for the design and selection of the appropriate research approach, particularly the grounded theoretical methodological approach, as will be seen in chapter 4.

SECTION III

CONTEXT, APPROACH AND PROCESS

CHAPTER FOUR:
NEED FOR METHODS AND TOOLS OF ANALYSIS

4.1 Introduction

This research relies on fieldwork conducted in Amuru sub-county, Northern Uganda. The research collected field data in order to understand and explain the phenomenon of land claims, and associated disputes, on return from prolonged displacement.

4.2 Field research challenges and timeline

This research began at a time when the security situation in Northern Uganda was relatively insecure. This can be attributed to the transitional breakdown due to the LRA's failure to sign the final 2006–2008 Comprehensive Peace Agreement.

Vertical or short-term fieldwork was adopted, as advocated by Robson (2002). This was in response to the insecurity, lack of time and challenges due to financial constraints. A 10-month research period was conducted to generate data, which was divided into four phases:

- Phase 1 (January and February 2009): identified and established contact with several informants. Some data were collected and research questions re-evaluated.
- Phase 2 (September 2009 to January 2010): attended a foundation law course at Makerere University in Kampala and carried out intensive data-collection both in Kampala and Amuru sub-county.
- Phase 3 (July and December 2010): consolidated the collected field data.
- Phase 4 (October to December 2011): a 'wrap-up' visit. I collected maps, reports and other government statements and declarations, newspaper clippings, mostly in Kampala and Entebbe.
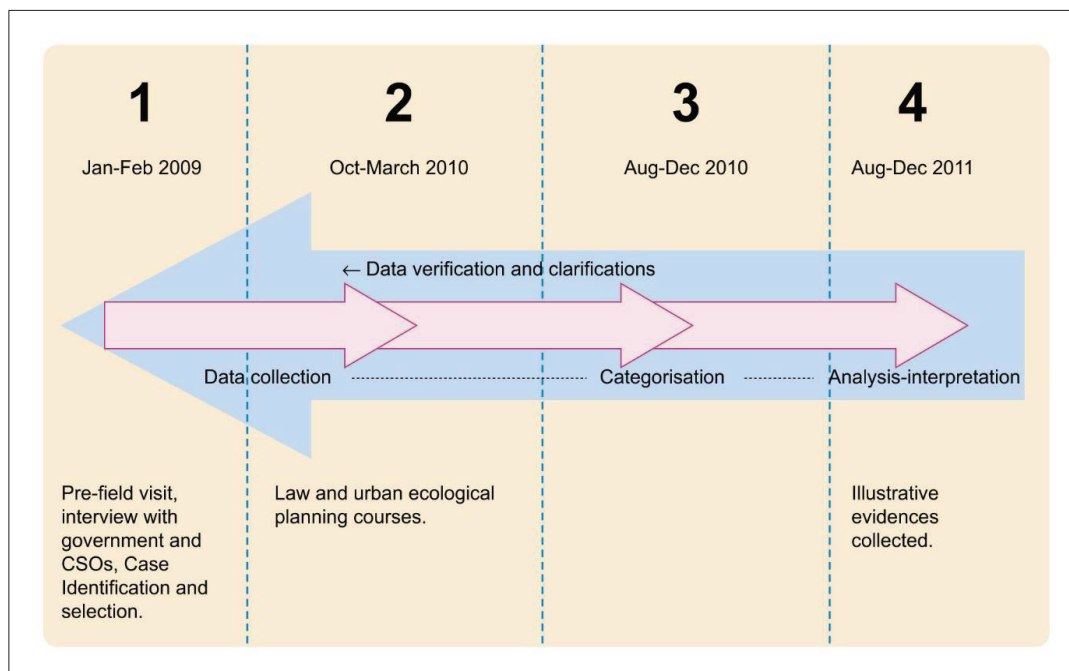
 Figure 8: Schematic approach to fieldwork strategy

Source: Researcher field visit and own conceptualisation

4.3   Case context: Amuru sub-county

As presented in 1.3, the Amuru sub-county in Amuru district was selected for this study due to the size of the area, its recent population growth, and its accessibility.

The Amuru sub-county is one of the five sub-counties forming Kilak County in the Amuru district. Other sub-counties are Atiak, Pabbo, Lamogi and Amuru town council. Six parishes form the Amuru sub-county, namely Tooro, Pagak, Pamuca, Palyec, Okungedi and Acwera. The sub-county administrative headquarters are located in Tooro, formerly host to one of the largest IDP camps.

In addition to the vastness of the Acholi territorial land, as documented in 2.2, the UBOS (2008) census data estimates that the population of Amuru sub-county increased from 20,876 people in 1991 to 38,200 people in 2012; an increase of 17,320 people (almost 54 per cent),

with an annual average growth rate of 4.8 per cent, compared to 3.2 per cent for the rest of the country.

Throughout the year, the Amuru sub-county and district headquarters are accessible via a partly tarmacked 53-kilometre road to the west of Gulu.

4.4 Research design

> When theory is no longer a guide, it is no longer useful; when the data do not
> fit to theory, it is time to look for a new theory (Fetterman, 1989, p.18).

Two conceptual perspectives guide the orientation and development of any research: (1) an idea and theory before any empirical research, referred to as a *theory-before-research model*; and (2) research before theory development, referred to as a *research-before-theory model* (Berg and Lune, 2014, p.25). These two conceptual perspectives, though distinct and separate, remain highly compatible and proceed along a linear and continuous progression (*ibid*, p.24). Karl Popper (1968) influenced the first conceptual perspective, where ideas come first before attempts to refute them through empirical tests. The second perspective draws more from Robert Merton (1968), where research is primed before the theory is developed or refined, and data-collection is a starting point before posing questions that help the theory to develop (Shkedi, 2005, p.30).

New approaches encompassing both models have been proposed and developed, which assume a spiral progression: the idea is born first; the literature review collected; the research plan is designed; the process of data-collection begins, including organisation, analysis, interpretation and findings; and finally, the dissemination of research results and findings are identified. The spiral progression fits well with the grounded theoretical, methodological approach adopted in this study (Shkedi, 2005, p.31, cited in Creswell, 1998). That approach appears to be located close to the 'after' end of the spiral progression continuum, as Figure 9 demonstrates.
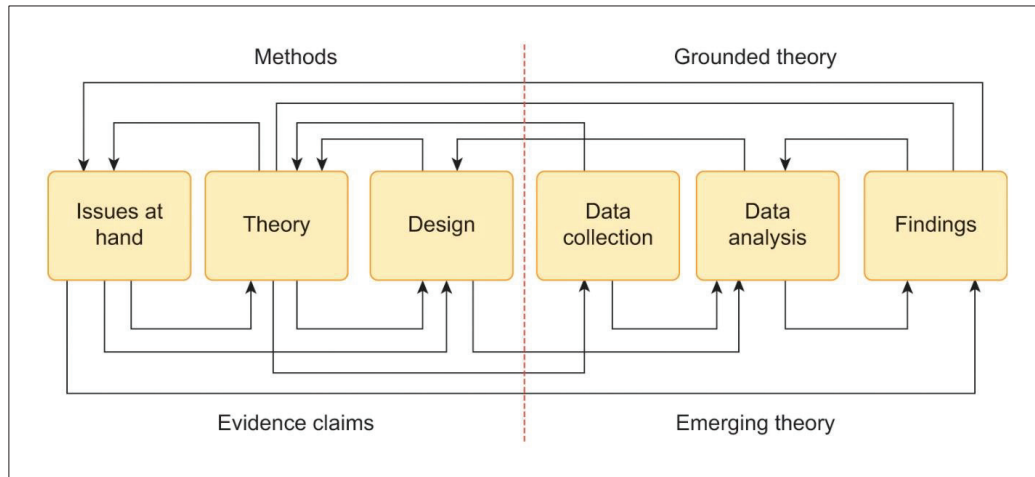
Figure 9: The spiraling approach to research methodological selection

Source: Adapted and modified from Berg and Lune (2014, p.25)

4.4.1 Formulating research questions

Corbin and Strauss (1990, p.38) define a research question as 'a statement that identifies the phenomenon to be studied by highlighting what to focus on and what is needed to understand about the subject'. Yin (2009, p.9) and Shkedi (2005, p.36) highlight three types of questions: (1) exploratory: relating to 'what' questions, asked when little is known about the phenomena; (2) descriptive: questions that focus on the relationship between cause and effect; and (3) explanatory: relating to 'how and why' questions, dealing with operational links tracing the phenomena under study over time rather than by incidence only. The three types of questions generate two further categories of questions: (1) empirical; and (2) normative.

Based on previous research investigations, subsequent field visits, the data-collection process and the linear chronological progression of field events, three interlinked empirical research questions emerged, as presented in the preceding chapter:

a)   What are the critical consequences of the Acholi people's forced displacement pertaining to asset ownership, demographic profile and the traditional institutions responsible for land administration and management?

b) How did the long-term forced displacement affect Acholi attitudes and perceptions toward land and livelihoods, and how do these help explain land conflicts arising on their return?

c) How are these attitudes and perceptions relating to customary land claims and conflicts affecting the process of the Acholi return and resettlement in Amuru sub-county?

Table 1: Research design and associated field tasks

Levels of investigation	Tasks and data to be collected/issues to be understood	Methods to be used
1.War, forced displacement and camp life (RQ1)	The Acholi insurgency, war and forced displacement The conduct of the war The Acholi asset entitlement before camp life Acholi demographics before and after the camps Living conditions in camps (security, food, healthcare and education)	Qualitative Methods Narrative interviews with returnees, local chiefs, and religious leaders Key informant interview Documentary evidence and archives (Census reports) Focus group discussion Observation and photography
2. Return home and resettlement (RQ2)	The social changes leading to the 1995 Constitution of Uganda The 1998 Land Act Ugandan land use policy The comprehensive PRDP policy Return and resettlement assistance	Documentary evidence and archives Interview with Ministry of Lands officials Interview local NGOs

3. Reconstruction and recovery (RQ3)	. Land claims by returnees and investors . Incidences of land disputes and resolution . Formal and informal resolution mechanisms . The process of cattle and assets restitution . Process of customary land demarcation . Boundary disputes . Returnees' level of participation and consultation on various issues	Interviews with returnees, LC II, LC III, and Magistrate Court officials Interviews with MGC official, Gulu RDC, Amuru Speaker, ARLPI official, Interview AWDLA officials Interview NRC/ICLA official Collect relevant maps Interview land commissioner

4.5 Grounded theory: Pragmatic symbolic interactionism

> It is not important whether or not the interpretation is correct – if men define situations as real, they are real in their consequences (Thomas, W. and Thomas, S., 1928, p.572).

This study aligned itself with the 'grounded theory' methodological approach to data-collection, evaluation and analysis – where the truth or nature of reality lies at the heart of the discussion of methodological preferences (Birks and Mills, 2012). The grounded theoretical approach was adopted because of its flexibility in terms of field data-collection and for the creation of new knowledge that is grounded on real data. Corbin and Strauss (2008) assert the dynamism of the approach, particularly in terms of emotional responses to situations or problems. Grounded theory has theoretical underpinnings related to pragmatism[36] and symbolic interactionism[37], in which the truth or nature of reality is a central tenet. It helped to illustrate, impart understanding of and instruct on the returnees' real-life experiences in lodging land claims and the associated disputes upon returning home.

Understanding the subjective experiences and the perceptions of the phenomena and situations as a whole was central to this position (Berge and Lune, 2014, p.9). Truth is an explanation that comes from scientific theory, methods and research results when put to use to solve theoretical and practical problems in the real world. The truth of a statement encompasses

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[36] Three American founding scholars proposed this philosophical approach: William James, John Dewey and Charles Peirce.
[37] According to Lindlof and Taylor (2011, p.42), symbolic interaction originated with Dewey, Cooley, Parks and Mead of the Chicago school orientation, developed during the development of the city of Chicago.

a process of day-to-day interaction and negotiations between various actors with different views and opinions on similar situations. Similarly, the truth that emerges does not represent a universal world view, as it is made up of the subjective experiences of different individuals. Opinions may be regarded as truth when they appear to work and when they are useful, which reflects the pragmatists' view. Understanding a truth is based on the process of finding and arriving at such a truth. Whenever researchers engage in data-collection and analysis, it is not the empirical fact of agreement that harbours the truth, but rather the agreement reached between a competent community of researchers (Skirbekk and Gilje, 2001, p.363).

Any social study of humans introduces some form of subjectivity, as it cannot be carried out completely independently. Study and interaction result in subjectivity due to attitudes and experiences.[38] These conditions are not only observable phenomena but are also objectively measurable (Berg and Lune, 2014, p.15). However, the subjectivity induced ought not to be interpreted as a failure that is to be removed, but rather as an essential element in shaping our social world. Social constructivists believe subjectivities are on the inside, immersing themselves in the social contexts and minds of the participants (Shkedi, 2005, p.6, cited in Sciarra, 1999, p.43).

During the construction of truth, the actors involved have an opportunity to control their destinies by responding to the prevailing conditions surrounding them (Corbin and Strauss, 1990). Understanding truth as constructed by various participants requires consideration of the internal values of both the researcher and researched, since no one else can duplicate their results, nor replicate their study or observe their experiences.

To the pragmatist, the truth that emerges in the course of interaction has practical consequences and helps to solve real-life problems. Knowing is a kind of doing, based more on a habit of pre-reflection than on conscious reflection (Healey, 2008). Those who label themselves as neo-pragmatists, such as Fischer and Forester, emphasise the need for experience in constructing and validating truth and knowledge. They suggest that emphasis ought to be placed on the practice, experience and use of ideas and theories produced by researchers. In this thesis, the central idea is introduced in chapter 2, which outlines the case context, particularly the social organisation and territoriality of the Acholi group. The literature review, as presented in chapter 3, constitutes a theoretical conceptualisation of various issues that underpin this study

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[38] Refers to elements associated with various background conditions, related to attitudes, perceptions, emotions, feelings and experiences.

– such as territory, land, property and modernisation. Practice-based experiences are presented in chapters 5 and 6, which discuss the construction and validation of truth and knowledge acquisition with particular regard to war, displacement and land and property claims.

Understanding the Acholi's forced displacement and return required knowledge of their social reality. In their everyday life, conversations as well as discourse and phenomena continuously constructed and produced truth interactively (Flick, 2006). The reality was not produced single-handedly by one actor, but by multiple actors (Shkedi, 2005, p.3). Most actors had different interests, agendas and opinions. However, the actor most crucial in the construction of reality depended on the situational context, since no one could claim to know the 'absolute truth' of what was happening in the field. The truth that developed was not a static one, but rather continuously changing according to the prevailing social conditions (Birks and Mills, 2012).

As we will see later, the Acholi group's perceptions and understanding, with regard to land and property claims and conflicts, differed from one individual to another. What constituted truth is what became useful and workable, especially in assisting them to re-assert claims to land and to engage in food production. Understanding the everyday societal conditions or circumstances of each actor, particularly the way in which interaction and negotiation took place between actors, was at the centre of resolving land claims and their associated disputes.

Bertrand Russell objected to this process of interpreting the truth, as it is hard to compare two conceptions of the same state of affairs. Which one is more useful than the other is a dilemma. The same question may be asked many times and receive just as many different answers. Through the lens of positivism, truth, reality and knowledge construction have been questioned. Defenders of grounded theory assert that the approach can produce similar results to those produced by the usual scientific methods after redefining them in order to fit their own specific procedures.

4.6 Qualitative research methods

A qualitative research approach was employed, aimed at describing, interpreting and evaluating the field data collected on the plight of the Acholi IDPs. The approach incorporated systematic, flexible, evidence-based guidelines. Logical reasoning was achieved through inductive processes. The new knowledge constructed, based on the real data, was used in theory building in a continuous process. The data collected and the new knowledge that emerged not only

106

uncovered the underlying conditions of the social world, but also the consequences of the respondents' actions. The knowledge uncovered is considered soft, spiritual and experiential, based on the individuals' social world. Most importantly, the knowledge produced was used to solve human problems.

4.6.1 Qualitative sources of data collection

Robson (2002) emphasises that the choice of qualitative research methods depends on what kind of information is needed, from whom and under what circumstances. Choosing and employing the best methods to respond to the research objective and answer the research questions is similar to choosing the right camera settings capable of producing the perfect image. Multiple sources of evidence were used, particularly the interviews and observations, focus-group discussions, documentary evidence, archives, literature and journals. My selection was based on the fact that they contained a substantial element of narrative, but also narratives related to the process of laying and substantiating claims to land and property on returning home.

The primary data collected included narrative interviews related to a series of events and incidents that focused on the Acholi group. Specifically, these interviews referred to the nature and sources of war and forced displacement and the associated impacts on loss of lives, cattle and assets; cultural loss and economic transformations; land ownership before and after the conflict; the nature of plot boundaries; and policy-related changes recorded upon return as evidenced from different methods of substantiating land ownership. Other questions focused on the land disputes that had emerged and the mechanisms for resolving them, as well as the contribution of such disputes to stalling efforts to recover household livelihoods.

Statistical data on land-related disputes in Amuru sub-county were obtained from the Information Counselling and Legal Advocacy (ICLA) database in Gulu. The data included 231 land disputes recorded between August 2003 and October 2011. Similarly, expert reports and testimonials submitted to various courts at sub-county and district level were accessed. These documents provided a great deal of information about the history of the disputed areas and the court resolutions. The number of freehold titles processed in Amuru district was obtained from the Ministry of Land, Housing and Urban Development (MLHUD) in Kampala. Demographic information was collected from the Uganda Bureau of Statistics (UBOS) population centre in Gulu, while maps and gazetted letters were collected from the Uganda Printing and Publishing Corporation, and the Survey and Mapping Unit Cartographic Centre both in Entebbe.

107

Information related to land conflicts between the Uganda Wildlife Authority (UWA) and returnees was collected in the Kampala offices.

4.6.2 Interviews and observations

In this study, a total of 69 interviews were conducted. Specifically, in Amuru sub-county, a total of 33 returnees (men and women) were engaged in both in-depth interviews and FGDs (see also Appendix 9.2). Most of these interviews were formal, but loosely structured, and were carried out while the Acholi were still in camps, living in transit sites or were resettled in their homes of origin. Interviews were carried out with each community member and lasted for more than an hour and a half.

In addition, in-depth interviews were conducted with 36 further people, mostly in Kampala, Entebbe, Gulu and Amuru district. The interviews involved government officials (at ministry, district and county levels), local chiefs and clan leaders, landlords and brokers, NGO employees and religious leaders, and comprised a wide range of men and women of all ages. Lastly, one person was interviewed while in Tanzania, though the information was only used to support discussion of African customary laws of land tenure and not case analysis and presentation.

Table 2: Field-based respondents used in the data-collection process, 2009–2011

Location	In-depth Interviews	General interviews	Focus group discussion	Total
Amuru	9	6	18	**33**
Gulu	21	6		**27**
Kampala	6			**6**
Entebbe	1	1		**2**
Tanzania	1			**1**
Total	**38**	**13**	**18**	**69**

Source: Author field data-collection (See also 9.2; list of talks and interviews)

NB: The number of interviewees in Gulu district is relatively equal to that of Amuru district because at the time of carrying out this research, most of the Amuru government staff were still living in and commuting from the town of Gulu.

Respondents from individual households were selected using snowball and purposeful sampling (Berg and Lune, 2014, p.52). Snowball sampling was used due to its advantages with regard to the lack of security and the sensitivity of the topic of land claims and conflicts. Local

council officials facilitated access to some of the Acholi interviewees. A purposeful sampling strategy was used in verifying various issues after some data had been collected. The snowball interview technique reached saturation point and no additional interviews were necessary due to the sample size and techniques of data collection used. Given the sample size, which was not too large, and also the interview technique used, it was possible to remember and also crosscheck some of the collected information. The use of this interview technique made it possible to make information triangulations, particularly in terms of speaking to people outside the snowball sampling. At a certain point, information triangulation was saturated – that is, when additional interviews would no longer provide a different account of the land claims and disputes.

Whenever any additional individual narratives appeared to add substantially to the research, a new theme developed. This happened as a result of confirmation of similar narrative experiences and repetitions. Also, the interview findings were corroborated by other techniques of data collection, which further confirmed the information yielded from interviews. Where the focus was not on individual cases that appeared demographically representative – for example, young people, the elderly and widows among the economically vulnerable individuals (EVIs) and marginalised groups – but rather on household returnees with cases rich in content, particularly experience that focused on land and property claims and associated disputes – the sampling approaches complemented each other. Most people interviewed not only admitted the existence of land disputes, but also possessed adequate knowledge of their origins and the impacts on their recovery. The knowledgeability of respondents made it easy to collect narratives of the events or incidents related to land claims and disputes.

Figure 10: Field case observations of various features and environment

Source: Author while working in the field in Amuru sub-county

I attended various local meetings and public talks held in local courts, as well as land mitigation meetings and conferences. In the process, I broadened my understanding of various procedures, incidents and events related to land that had occurred, as well as ongoing land-related cases. I observed the land mediation meetings in Tooro parish in order to document land claims and dispute cases. At some of the meetings I heard views and arguments that were influenced by issues related to territory, regional politics and ethnicity; specifically, when respondents wanted to prove that the large-scale land take-over was a result of people from other ethnic groups, political parties or military groups acquiring the Acholi land.

4.6.2.1 Languages and interviews

As presented in chapter 2, the Acholi group are Nilotic Luo, whose native tongue is the Luo language which characterised most of the interviews. Also, as Uganda is a former British colony, the English language continues to dominate the public sphere as the teaching language in government schools. A few – especially elderly people – understood the English used during the discussion. In most places where people were employed in large numbers, English was well-spoken and understood. A few people were fluent in Kiswahili, a language mostly used by the military. I used this language to delve further into some of the more fascinating areas of discussion and even to verify or triangulate some of the controversial issues. Recently, Kiswahili has been encouraged by the government as another East African official language, though this happened at a time when my research was over.

4.6.2.2 The use and role of a research assistant

The sensitivity attached to the topic and the associated language barriers that I faced necessitated the engagement of an Acholi research assistant to facilitate fieldwork data collection. My assistant was born and raised in Amuru sub-county and was fluent in both English and the Acholi language. The use of an Acholi research assistant was necessary in order for the local people to perceive him as 'one of their own'. As a university language graduate, he possessed high levels of interviewing and communication skills that enabled us to capture the issues at the centre of my research. To minimise misunderstandings associated with a change in research assistant, and to ensure consistency in the data-collection process, I used the same interpreter throughout the research period.

To orientate my assistant before carrying out the field research, we had an extensive discussion to explain the purpose of the research and what I expected from him and the interviewees. During conversations with some of the key informants, he probed the

interviewees in a way that enabled the informants to speak frankly on various issues. I have to admit that my research assistant was instrumental throughout the course of the research, whether in Northern Uganda or Kampala. He had a good eye for detail and cross-checked the interviews and field notes piece by piece – not only for the patterns of the narrative stories, but also their authenticity and validity of information.

4.6.2.3 Interviews and gender

It was possible to talk to women in some households about land issues without the presence of their husbands, thus widening the participation base and minimising the influence of gender. This was possible at various gatherings, such as local markets, court hearings and on the side-lines of NGO, religious and government meetings.

Table 3: Respondents' age and gender description (see 9.2. list of talks and interviews)

Age Interval (Years)	Women	Male	Total	Percentage
18–30	10	15	25	36.23
31–50	6	15	21	30.43
50+	6	17	23	33.33
TOTAL	22	47	69	100

Source: Author field research data collection

To minimise biases associated with the interview process, particularly related to gender issues, at times a woman was requested to help interview the few women who were uncomfortable being interviewed by a male research assistant. Interviews with female respondents were limited to the daytime only. As presented in 2.3, the Acholi group is in many ways a patriarchal society. In interviews, the conventional view that women are to be 'seen but not heard' was encountered, particularly in the presence of Acholi men. The Acholi culture literally gives women no voice when it comes to land issues, since women are not regarded as legitimate landowners, but rather only users of land – contrary to the recent legal changes. To make women's voices heard, particularly in female-headed households, I interviewed a number of widows who were the head of their household.

The female assistant selected happened to operate a local Medicare shop in Tooro parish, one of the cases under study. She was fluent not only in English, but also the Luo language and

the context under investigation. Furthermore, I trained her well in advance of the interviews in order to familiarise her with the specific research issues at hand.

4.6.3 Focus group discussion

Focus group discussions were conducted with different groups of returnees. While interacting with them and sharing their knowledge and experiences, the narratives and discussions captured were compared using various concepts and incidents related to the returnees' emerging perceptions of war and forced displacement, camp life and return. The FGD discussions not only widened but also strengthened my understanding of various issues pertaining to the study.

Three focus group discussions were conducted in Amuru sub-county, each involving six respondents. Because Amuru sub-county comprises six parishes, two householders from each parish – one male and one female – were invited to take part in order to create a meaningful and lively discussion. Before discussion, I introduced the topic and set down some rules and guidelines. Consent to record their voices was obtained. The questions asked were short and clear; comparisons between different concepts, incidents and groups were carried out with the help of my research assistant. While my research assistant probed discussants, I maintained a more supervisory, observational role. This helped me to capture their verbal expressions using a tape recorder.

Each discussion lasted for more than two and a half hours. The discussions were held in informal and neutral settings – preferably under a tree – on different days. Discussants were encouraged to engage freely in conversation. In the end, the focus group discussion approach was used as part of the triangulation approach (i.e. individual interviews) to complement other methods (Shkedi, 2005, p.76).

4.6.4 Documentary evidence and archives

Secondary sources of evidence, particularly documentation, tape recordings, newspaper clippings and letters, were used in the data-collection process. Various expert reports, letters and testimonies were accessed and collected from government offices, particularly ministries and local courts. Most of the newspaper clippings came from *New Vision*, the *Weekly Observer*, the *Daily Monitor* and *Rupiny* (Uganda), and the *Guardian* (London). Thus, many of the secondary sources of evidence used in this research are acknowledged in the text.

As this thesis came to a close, some of the interesting newspaper clippings, letters and other reports were additional references used either for support, verification or confirmation purposes

(Glaser and Strauss, 2008, p.162). The verification aimed to provide an understanding of the Acholi's real-life context.

Despite the significance of documentary evidence, the post-war situation caused some of the information to go missing or not be revealed by government officials. The missing information reflected FAO's (2005) assertion that the destruction of buildings harbouring land-related documents or the destruction of records is a common feature of any post-war situation. Keeping this in mind, whenever it was not possible to access such evidence, alternative methods were sought, specifically interviewing individuals conversant with the missing information. The complementarity of the methods, particularly switching from one source of evidence to another, vindicated their flexibility and also supported the need for accuracy in the data-collection process.

Despite existing perceptions that there were land shortages – as the land disputes and conflicts indicated – the fallow land that I observed perhaps suggested the opposite. While travelling by car and motorcycle from Gulu to Amuru, I documented various landscapes, which expanded my field experience. Fascinating pictures of various features and environments related to my topic were captured. The pictures provided me with insights into the local structures and context, which corresponds with Yin's (2009, p.109) view that photography may be used while making observations in the natural setting of the 'case'. Although some of the pictures used may not bring new insights into the study, they have been included in order to make this thesis a more fascinating and readable document.

4.6.5   Literature research and journals

Before going out into the field, sufficient literature research related to the topic was carried out, aimed at understanding the extent of existing knowledge and associated gaps, but also at rationalising my proposed research questions. Similarly, literature research aimed at rationalising the theoretical and methodological approach to be used in the data collection process. Most of the conceptual aspects were given due focus in the literature search and conceptualisation.

Reflecting the application of the literature search, this thesis presented chapter 2 in contextualising the case with regard to Acholi socio-organisation, particularly migration, asset ownership and territoriality. Similarly, the literature research assisted in mapping various concepts, discourses, and theories, as presented in chapter 3. The literature search mapped existing studies by conceptualising various issues related to this research. The mapping and

conceptualisation focused on issues related to territory, land and property, modernisation discourses, land grabbing and post-war reconstruction, with particular reference to land claims and associated disputes. Similarly, the literature search assisted in uncovering gaps in the existing literature, particularly on theory and practice.

The literature search was performed and accessed via various peer review journals and University libraries, particularly the Makerere University library, Makerere Institute of Social Research (MISR), the Law Development Centre and Makerere University (all in Kampala) and the Norwegian University of Science and Technology (NTNU) libraries. The search for literature was dynamic, and as it evolved, I progressed with fieldwork and report writing, similar to 'periodic optometric examination'[39] (Shkedi, 2005, p.33). The literature search assisted me in determining what types of questions to ask while in the field to assist in developing the theme under investigation – land claims and conflicts.

4.7   Data analysis and interpretation

According to Shkedi (2005, p.79), data analysis refers to the process of bringing order, structure and coherence to the data collected in the field, aimed at capturing their meaning. However, understanding an individual's perspective within the community was central to the 'thick description' approach (Denzin, 2001, p.120). Here the interpretation of the field findings aimed at clarifying and disentangling the hidden meanings and content of data produced by respondents that was based on their life experiences.

The process of data-collection, analysis and interpretation involved data coding (mapping) and categorisation that took place as soon as the first field data were collected. Analysing the collected data assisted in refining field questions and the direction of further interviews. For further analysis and presentation, the matrix and tools of analysis were constructed in order to accomplish the process of analysis and presentation.

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[39] This refers to the use of different lenses, in a process of trial and error, until an appropriate one is found.
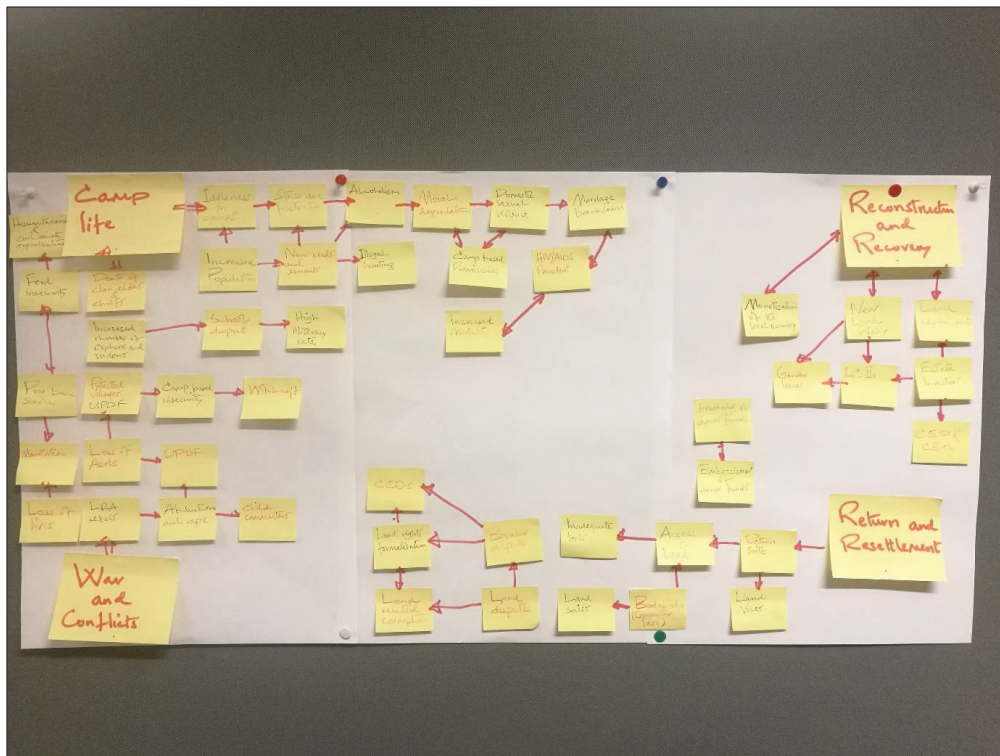
 Figure 11: Schematic approach to field data mapping, categorisation and analysis

Source: Author conceptualisation based on the grounded theory

As I progressed with field meetings, key narrative interviews and discussions were recorded, transcribed and re-written into field notes for analysis purposes. Analysing the collected field data involved simple sorting and mapping, in order to break them into contextual categories to obtain meaning from them (Shkedi, 2005, p.83). Through data categorisation, fragmented data were brought together, again based on their conceptual themes. The process of categorising data was similar to using building blocks for data analysis as seen in 9.5.2. Since categorisation was based on thinking systematically and logically, as well as creatively, it was possible to analyse stories relevant to the phenomena under investigation, while others were discarded.

The categorisation of some of the collected narratives and field notes demonstrated a coherent and interwoven pattern of the phenomena under study. The categorisation assisted in revealing a systematic and linear chronological progression of field events: war, forced displacement and return. The smooth progression demonstrated the whole process relating to the displaced Acholi, where they were grouped into camps and then sent home again – a

complete circle. To returnees, the pattern of the narrative demonstrated a positive future outlook for the Acholi on their return home, since it provided reassurance that their lives would return to normal.

In qualitative research, inconsistency in narratives is normal. Nonetheless, in this thesis, inconsistency and contradictions occurred mainly due to the use of snowball sampling. Various issues caused narrative inconsistency, related to favouritism, bias and nepotism. Resolving some of the narrative inconsistency entailed consulting with people outside of the snowball sample. Additional interviews, particularly with key experts in various related fields, helped to minimise – if not weed out – some of the inconsistencies.

4.7.1 Matrix of data analysis

Inspired by Corbin and Straus (1990, p.11) and based on the grounded theoretical approach to data analysis, the matrix of data analysis evolved from the contextual information collected in the field, later presented during the analysis of the empirical information and also reflected through the main findings and presentation. The construction of the matrix of data analysis used grounded data and was confined to conditions[40] with immediate consequences for the phenomenon of central interest, but also took into account broader structural conditions. The field-based data formed part of the 'matrix construction and analysis tools'. The construction was strongly influenced by the consequences of the internal and external (herein referred to as the socio-economic, legal and political) changes that unfolded during the Acholi's prolonged displacement and the associated land and property claims on their return home. The detailed elements emerging from the matrix of data analysis are used for data categorisation and case presentation (see also chapters 5 and 6). In chapter 7, the key elements emerging from the matrix will provide further case analysis but also form the basis of the field study findings and conclusions.

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[40] These conditions refer to the cultural values, political trends, and economic and social movements. These conditions were not only suitable for analysis but were also an integral part of the theory development stage.
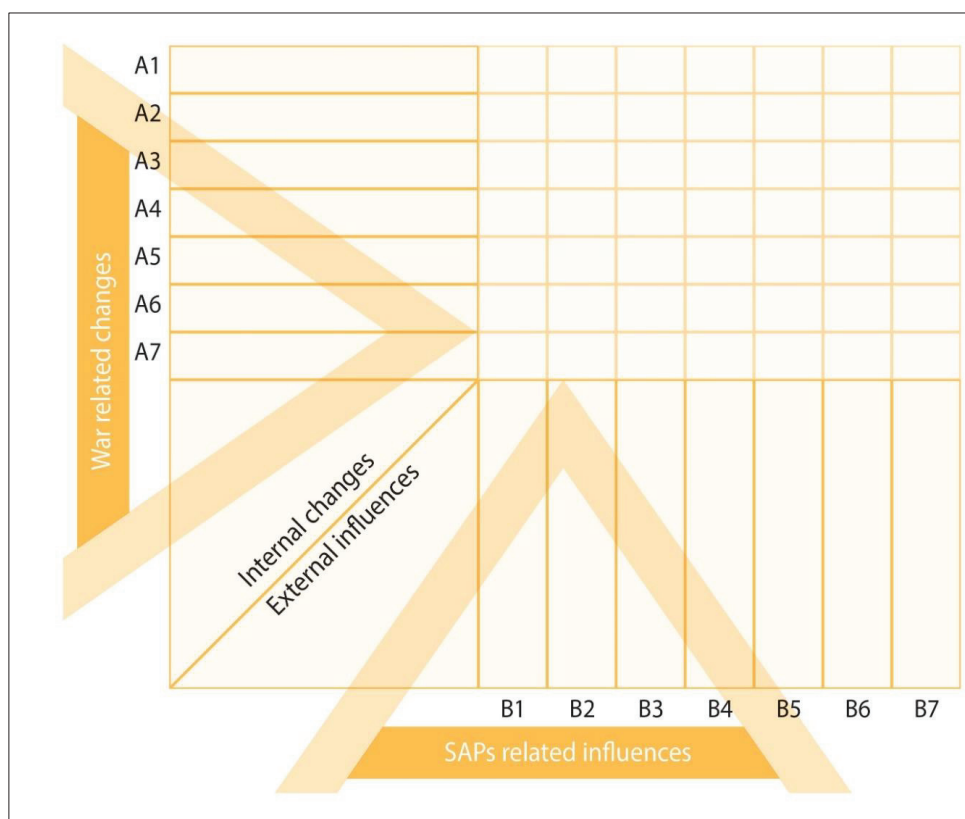
Figure 12: The Acholi displacement matrix and tools of analysis

Source: Author conceptualisation based on the grounded theory

In establishing the relationship between the research questions and the matrix of data analysis, this research formulated three empirical research questions, which uncovered chronological events relating to war, camp life and return. The events generated two categories of changes and influences: (1) internal changes and influences during the war and prolonged camp life; and (2) existing and evolving systems of laws, policy and practice. These internal and external changes and influences are summarised in the matrix of data analysis as presented above. The matrix forms the basis of analysis and interpretation, as will be seen in subsequent chapters 5, 6 and 7 when presenting findings, analysis, conclusion and recommendations.

4.7.2 Triangulation of methods

According to Shkedi (2005, p.180), no single method used in the field research process can claim to construct the ultimate truth and knowledge, since there are differences in the emphasis of each data-collection method. Knowing this, but also taking into account the interdisciplinary

nature of the study (encompassing planning, law, geography, and history), the field research approach comprised different methods: interviews, FGDs, documentation and observations. This thesis emerges as the triangulation between these different methods employed in order to study phenomena from different perspectives, with the aim of corroborating it.
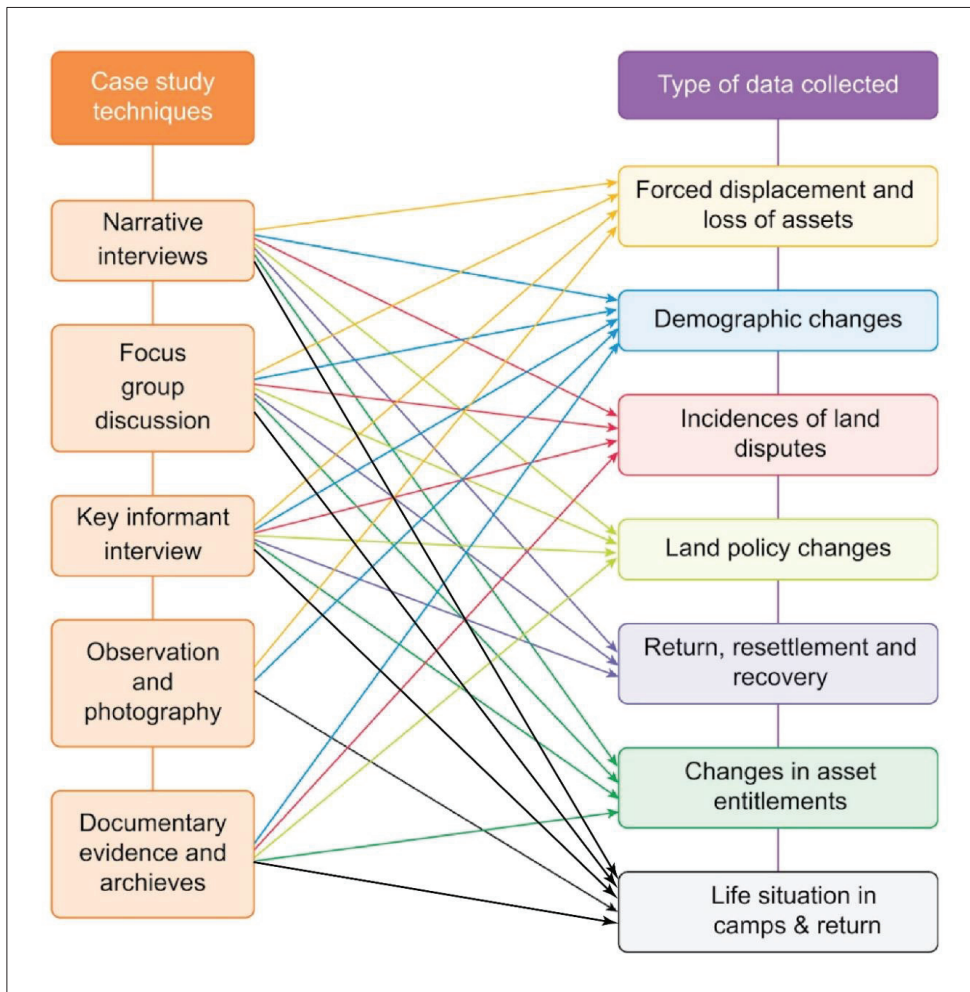
Figure 13: Methods triangulation and types of data collected

Source: Author's own methods and conceptualisation

Through the grounded theory approach, both the sources of evidence and the nature of the data collected formed part of the triangulation pattern. The emphasis during the triangulation process was on the strength of the sources used in the data-collection process (Corbin and Strauss 1990; Yin, 2009, p.114). For example, in verifying evidence, observation was used to corroborate evidence from other sources, particularly interviews and FGDs. Similarly, triangulation of the

data collected aimed to verify the validity of the statements collected or produced across various sources of evidence, particularly structured and unstructured interviews. Interviewees were invited to attend FGDs in an effort to obtain accurate responses, as this approach helped the subjects to cross-check, refute and remind each other of details in order to verify the content of the statements (Flick, 2006). As a silent observer of the interaction between various actors, I was able to cross-check the authenticity of the data I had collected.

4.8   Management and ethical issues

The ethical issues around the collection of field data had direct implications for the process related to truth and knowledge construction (Shkedi, 2005, p.6). Across various sources of evidence, the need for informed consent was taken into account before starting any of the official field activities, be it interviews, FGDs or photography. Part of the data protection obligation is adhering to research ethics, as some of the responses and images were kept anonymous and confidential as per participant's wishes. The collected information will be used for educational purposes, and nothing will be made public without the respondents' informed consent. Whatever information and pictures are used here is done so with the consent of the people involved in this research.

Demonstrating the rapport between interviewer and respondent, particularly the confidence gained after consent had been sought, an IDP in Pagak parish, Amuru, asserted:

> [We are] glad you finally visited us to share our story; nobody ever came before and asked my opinion about what happened here. Please go write everything we told you, we are not afraid of telling the truth at all; it is the reality of our lived experience.
>
> I am not concerned whether this interview will appear in a newspaper or be used in politics; my revelations aim to defend the children of the future against similar misdeeds carried out by rebels and government soldiers [15].

The interviewee's statement appeared to reflect the therapeutic benefit for returnees of sharing their stories, a point noted by Berg and Lune, (2014, p. 140). However, on a few occasions, some of the respondents did not feel comfortable enough to talk while being recorded out of fear of negative publicity, threats from public authorities and even contravening certain organisations' policies. More specifically, I was not allowed to record the Norwegian Refugee Council (NRC) official on the grounds that it would have contravened the organisation's policy, which I accepted, and therefore switched off my tape recorder.

The danger that rumours and gossip related to land issues could become field data was apparent, especially when dealing with sensitive topics such as land issues. The land-related rumour and gossip, and its influence on political attention and opportunism are evidenced in 6.2.6. Conducting interviews with government officials alleged to have grabbed land belonging to the local people became a dilemma for me as a researcher. Responses from such officials were more defensive than descriptive, which clearly demonstrated the sensitivity of researching land issues in post-war settings.

4.9   The validity of the collected data

'Validity' refers to the accuracy and relevance of the information collected while in the field, which largely depend on selecting valid cases and asking the right questions during the data-collection process (Shkedi, 2005, p.183). Although the research design stage is relevant in terms of ensuring the validity of the research findings, Yin noted that it is also important to ensure the quality of the research findings. Yin (2009, p.40) proposed four factual tests for evaluating the quality of case studies: data trustworthiness, credibility, confirmability and data dependability. These tests do not aim to generalise the field findings, but to add a deeper understanding of the study context and objective.

Trustworthiness in a qualitative case study is related to judging truth and is achieved by examining the research design and evaluating the field findings to assure readers that the research and its findings were carefully executed. Yin (2009, p.32) linked the trustworthiness of the research findings with 'construct validity', which is similar to identifying the correct operational measures for the concepts being studied. In my case, this test was passed by confirming the existence of a critical relationship between forced displacement, loss of cattle assets and incidence of land disputes. The incidence of land disputes observed to affect the EVIs contributed to stalling the return, resettlement and recovery efforts.

The credibility of the qualitative data collected and of the research results is ascertained by the 'internal validity' test, where a causal relationship between two different phenomena is established. It is concerned with 'why?' and 'how?', thus leading to a third inference. This research and the data collected attempted to establish a causal relationship between the nature of the forced displacement of the Acholi ethnic group into camps and the incidents related to land disputes on their return. Because unobserved events could not be taken into account during the data-collection process, this study referred to historical events, particularly their social

organisation and territoriality of the Acholi, in understanding the customary processes related to land ownership claims and associated disputes. The causal relationship remained incomplete as long as the third variable, which was related to the processes of the IDPs' return, was not taken into account.

Confirmability is related to the 'external validity' of the case or the data collected. According to Yin (2009, p.43), it refers to whether the case study's findings can be used beyond the immediate case studied. However, Shkedi (2005) noted the analytical generalisation of the data findings does not depend on whether there are single or multiple cases, but rather on various processes, including the development, testing and replication of theoretical propositions. With regard to this study, this condition had been satisfied, as the high-quality field data findings were analysed using a grounded theoretical framework, where a matrix of analysis grounded on field data was designed specifically for this thesis case analysis and presentation.

There are limitations associated with the confirmability of data collected through the case study method. These limitations relate to whether qualitative data findings may be generalised or not. However, various social scientists have dismissed such criticism, labelling it an attack on 'a straw man'. Flyvbjerg (2004) has partially defended the case study method as being more representative, even when a single case study is used. However, to ensure that a single case is more representative, further consideration was given during the design and evaluation stages of the whole research. Even so, others have dismissed the approach on the grounds that the case study method is concerned with the particular, rather than a generalisation of the research findings. Flyvbjerg introduced a 'strategic selection of cases' as a solution to the perceived flaws related to the generalisation of a single case. As this limitation relates to this study, multiple sources of evidence have been used in order to satisfy the external validity of the data collected. The multiple sources of evidence selected involved critical cases that appeared to harbour complex land disputes that were not only specific to the matter of dispute, but also representative of the entire northern region.

Data dependability relates to the reliability of the data collected. According to Yin (2009, p.40) and Shkedi (2005, p.186), it refers to the extent that when repeated (with other things remaining constant), the employed procedures and the data collected should produce similar results. Accordingly, the objective of this test is to ensure that if a later researcher carries out a similar procedure, then similar research findings need be arrived at, thus creating a similar

conclusion. According to Yin (2009, p.41) achieving reliability in the data-collection process may be achieved only if as many operational steps as possible are repeated.

Undertaking qualitative research remains a difficult, contentious process, but this condition of data dependability appears to have been met. The study reviewed the literature and used the grounded theoretical approach to generate field-based information. Following similar procedures when constructing the matrix of data analysis means that the results can be replicated in a similar case.

4.10 Limitations encountered while conducting the research

While in the field, it was difficult to move freely, particularly in villages at the centre of land disputes. There were difficulties not only in terms of transport, but also in terms of the fear and insecurity experienced in any post-war transition from conflict to peace, which at times exposes a researcher to significant danger.

Specifically, villages such as Lakang and Kololo were perceived as dangerous for government officials suspected of colluding to evict the people and were characterised as having 'neither government nor law', with returnees taking the law into their own hands. Despite the warning, I had to visit the villages; however, the approach had to be flexible enough to contain any danger that may occur. Therefore, I visited a public peace meeting held by the Acholi Religious Peace Initiative (ARPI). At the sides of the meeting, we managed to establish a rapport with local leaders and potential respondents for data-collection in the subsequent weeks. This approach was applied only in this context, just once, and involved few interviewees.

A few interviews were carried out during this meeting, mostly on the rights abuses committed by UWA and the police. Balancing and supplementing the information and case presentation, however, interviews with people who represented various local institutions, such as local media, government institutions and departments, and traditional organisations were used, as three narratives attest in 6.2.2. However, most of the individual information collected was used to check the authenticity of narratives presented on behalf of institutions, particularly government land officials, the Madhvani Group of Companies (MGC) and UWA officials. Most questions directed towards the UWA related to how the government, via the wildlife department, engaged into re-organising territorial boundaries between the Amuru and Adjumani districts. Questions were also asked about how the department engaged in evicting

the Acholi returnees perceived to encroach on the Aswa-Lolim game reserve park. My research, and my identity, was introduced through an official letter from the NTNU University when necessary, especially in offices and public meetings, as documented in Appendix 9.5.

Figure 14: Researcher's identification during field work in Amuru sub-county

Source: Author's field documentation and photographs

It must be emphasised that although the approach to the field might not have been as independent as the methods may suggest, various perceptions might have been generated regarding both me and my field research assistant, which at times were unavoidable. However, the approach and methods used ensured that the quality of the field data was not compromised. Despite what we perceived on the first day, the protection and support which we enjoyed in the subsequent weeks proved that respondents were attracted to, and developed further interest in, my topic.

4.10.1 Gatekeepers and researcher as the 'other'

As an 'outsider', conducting research in an alien country and culture proved to be a Herculean challenge, especially with the sensitive topic of land disputes being involved. Despite a letter

of introduction from the Norwegian University of Science and Technology, gaining access to information from the non-governmental and public offices was not easy. While some of the officials were quick to furnish me with information, others became more bureaucratic and promised to send me further information upon my return to Norway, but this was not forthcoming. To resolve the matter, I had to ask for assistance from a higher authority in some organisations – a strategy that appeared to work better, as I was subsequently allowed to access some of the field information.

4.10.2 Human conduct induces bias and prejudice

In field research, human conduct or interaction induces subjectivity. This applies to all qualitative methods, though it is influenced by a range of factors (Flyvberg, 2004). Daiute and Lightfoot (2004) referred to examples of these factors: 'ideology', 'culture' and 'society'. In this research, subjectivity is mostly discussed with regard to human conduct, particularly regarding my research assistant.

Acknowledging the potential for personal bias and prejudice, I used the same research assistant-cum-interpreter during the entire research period. Since qualitative interviews induce some bias, prejudice and even favouritism, these problems may still have been introduced in my data-collection process. Avoiding bias, my assistant might have interpreted and transcribed my field notes word-for-word. I had to discuss some of the preliminary findings with various individuals, some of whom were conversant with the case context, topic and my field experience. Rather than using direct quotes from my respondents, I had to discuss their input with my research assistant in order to arrive at a common understanding or interpretation. Most of the quotes used are our own construction, after rigorous discussion and interpretation.

My research assistant's role was broader than that of a mere interpreter. During the process of transcribing and translating the research data, much effort was directed at avoiding bias relating to the field materials. My research assistant's language proficiency, particularly in English, provided a basis for reducing misunderstandings introduced via language miscommunications. Similarly, when transcribing and interpreting recorded interviews, we played them several times in order to avoid using an incorrect word with potential for introducing a different meaning.

My research assistant's perspective, being born and raised in my case area, was possibly different from that of an outsider. There is also a danger that, in his translations, he may have added personal opinion and understanding of local issues related to my research topic. In order

to avoid this type of bias, literature research on the topic, context and ground information was sought before and immediately upon arriving in Kampala and Northern Uganda. Case context discussion with key researchers conversant with the context, especially the Makerere Institute of Social Research (MISR), developed my understanding of the case context, which helped to minimise bias.

4.10.3 Post-war research induces mistrust

I suspect that the sensitivity associated with maps illustrating disputed boundaries is the reason that the department of Survey and Mapping in Entebbe refused to issue the desired maps to me. Since maps indicate boundaries, they constitute potential evidence in a dispute between two parties. While in the field, I saw a case where one informant had used an official map to vindicate territorial land claims in Amuru.

There was also a serious limitation when using photographic evidence as part of the data-collection process. While trying to collect photographic evidence in Gulu, I got into trouble with a bank security guard who suspected I had taken a photograph of the bank premises, which happened not to be the case. The security guard stopped and interrogated me for more than an hour in order to establish my authenticity. Nonetheless, upon presenting my letter of introduction, I was allowed to proceed with my research work.

The primary use of qualitative interviews may have induced some bias, especially when using snowball sampling and carrying out research in a post-war setting. Because land is a sensitive topic and a political and ethnically affiliated resource, the use of local councillors was an entry point to the case context and the selection of interviewees. At the time of this research the sub-region was very much divided along party-political lines, and this may have introduced some bias, favouritism and prejudice regarding the various issues researched (see also 6.2.6). Since the local councillors working for the government may have been politically aligned to their employer or the ruling party, the National Resistance Movement (NRM), they may have referred returnees who had similar political affiliations and views, and vice versa in the case of councillors affiliated with the opposition party. This could have influenced the interview findings to a certain extent.

Purposeful sampling was also used in order to reduce the potential bias, nepotism and favouritism that could have influenced interview selection. On the sidelines, I occasionally selected respondents during meetings, particularly court cases, to check if this had occurred. The selection provided slightly different views and opinions on the concepts under scrutiny.

Theoretical sampling in the grounded theory approach also reduced subjectivity, since during the evaluation and analysis of field data, the emphasis was not on individual cases. Rather, it was indicative of the concepts, events, experiences and observations that mattered most, particularly in explaining the phenomena of land claims and the evolving theory. In addition, the process of data-collection, analysis and interpretation that was simultaneously performed helped to reduce any bias that may have cropped up.

4.10.4 Time management: 'one size does not fit all'

Despite the FGD method offering a unique opportunity to observe the interaction of a sizable and dynamic group of participants, a lack of consensus on some of the issues discussed meant that more time was needed. In any FDG, and particularly when dealing with a controversial and sensitive theme such as land, reaching consensus is sometimes hard. Time mismanagement during appointments with some respondents affected my schedule and my ability to interact with certain respondents.

However, I was comforted during one appointment with an Acholi chief; when I arrived punctually, he thanked me for turning up on time and advised: 'If you want to fight for your future and win in life, keep time'. He went on to say, 'Here in Uganda, the President promises to come at 10 o'clock, but ends up coming in the evening,' which possibly suggests that the culture of time mismanagement is neither taught nor shared by all Africans, but ought to be considered on an individual basis.

4.11 Summary of the chapter

This chapter introduced the field research and the case study context. It also described the research design and questions, situating the theoretical and methodological approach, where the grounded theoretical approach helped to explore the nature of the knowledge acquired and its alignment to that of the pragmatist symbolic interactionist. The approach helped to shape the choice of research methods, such as the qualitative sources of data collection, particularly: interviews and observations; focus group discussions; documentary evidence and archives; and literature research and journals. The chapter also discussed: the role of the research assistant; the types of data collected; the formulation of the matrix, tools of analysis and case presentation; the triangulation of methodologies; and, lastly, limitations encountered within the field.

SECTION IV

CASE PRESENTATION AND ANALYSIS

CHAPTER FIVE:

WAR, DISPLACEMENT AND LIFE IN CAMPS

Every time people come at us with intentions of killing us, I close my eyes and wait for death. Even though I am still alive, I feel like each time I accept death, part of me dies. Very soon I will completely die and all that will be left is my empty body walking with you (Beah, 2007, p.70).

5.1 Introduction

This chapter focuses on perceptions emerging during the forced displacement of the Acholi group in Northern Uganda. These perceptions relate to *internal factors* – such as the causes of the war, their displacement and the anticipation of return – and to *external factors,* such as regional and global changes affecting Northern Uganda. Both internal and external forces put pressure on the Acholi people in camps, which significantly impacts on traditional values and practices. Although the matrix of data analysis forms part of the analysis and presentation, the nexus of isolation, return and recovery also complements the presentation. The events demonstrate dynamism and associated changes over time. Isolation keeps the affected population out of time, while the rest of the population keeps on changing. The isolation makes it difficult for the displaced population to cope with policy changes and implementation – such as the Washington Consensus, as previously presented. This is summarised in the image below:
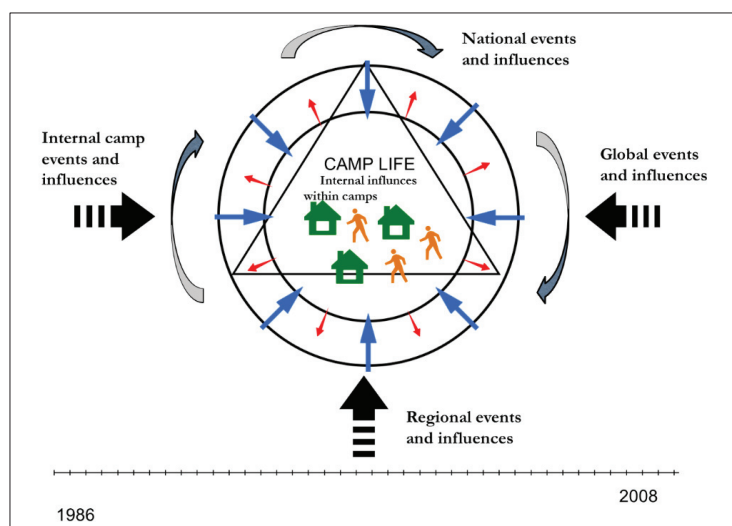
Figure 15: Local, regional and global events, changes and influences

Source: Author's conceptualisation based on field findings and documentation

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Key:

a.   Blue arrows: external influences that had significant consequences for the Acholi

b.   Red arrows: internal events that took place in camps and had a significant impact on the Acholi group and Uganda

c.   Black arrows: national, regional and global influences on the Acholi group

d.   Two circles represent the Acholi confinement in camps, and the rest of the population

e.   Triangle represents three stages: (a) war and camp life; (b) return and resettlement; and (c) reconstruction and recovery

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5.2   Internal and external factors

Unravelling the local, regional, and global influences above, I present 14 crucial elements referred to as internal changes and external influences in the outcome of my field investigation, thus contributing to the construction of the matrix of data analysis and emerging conclusions. The seven internal elements are presented and analysed in Chapter 5, while the seven external related elements are presented and analysed in Chapter 6.

5.3   Internal factors

The way the Acholi were displaced and the consequences of that displacement shaped their lives in camps. From my investigation, I found the following issues to be the most frequently addressed and hence I deemed them the most significant: a) perception of the causes of the war; b) perceptions of reasons for displacement; c) changes in entitlement to assets; d) impact of life in camps; e) demographic changes; f) rumours and loss of trust; and g) changes in cultural norms and values.

This chapter is divided into four parts. Firstly, I briefly present an overview of the rise of Museveni's regime and the associated consequences of war in Northern Uganda. Secondly, I present two contrasting narratives explaining the war, forced displacement and associated impacts on asset ownership among the Acholi group. Thirdly, I present the impacts of long periods in camps. Finally, I provide a summary of these changes and the possible implications for post-war return and resettlement.

Figure 16: Field-based key elements of the matrix of analysis

Source: Author's field findings and presentation

5.3.1 Perceptions of the causes of war

The peace treaty in Nairobi in November 1985 between Museveni and Colonel Tito Okello aimed to end the hostilities but failed. Factions emerged within Okello's UNLA regime, whose commanders were mostly Acholi. It was the battle to control the *Luweero Triangle*, from which Okello's commanders had withdrawn, that signified the regime's defeat. Okello's defeat paved the way for Museveni's regime under the NRA in January 1986. It marked the beginning of a prolonged period of war and instability in the Acholi sub-region.

One local chief claimed that Museveni's ascendance to power and efforts to pacify the Acholi sub-region were associated with an increase in cases of torture, disappearance and random killings of the Acholi people. They were also subject to destruction of homes, looting

of cattle and other property, and ultimately the forced abandonment of their land. The Acholi chief narrated it as follows:

> Museveni's overthrowing of Okello's regime caused an uneasy situation in the Acholi region. First, Okello's soldiers, mostly youth and in large number were arrested, their guns taken from them and imprisoned. Second, Museveni's regime used force, by torturing them, which included tying their legs and hands upside down, pinching and pricking them with hot, sharp bicycle wires… [i.e. bicycle wheel spokes] ... Lastly, they looted animals from us civilians, together with the *mabati* (iron roofing sheets), ox-ploughs, vehicles, generators, and tractors, claiming we stole them from the Luweero battlefield. The rest become history [49].

The war conduct of the NRA towards the Acholi fits well with Kaldor's (1999) description of recent methods used in the 'new' wars and conflicts. Rather than winning the 'hearts and minds' of civilians, recent wars have sought maximum havoc, involving killings, destruction, looting and other forms of intimidation. The havoc leads to dispossession and social, economic, political and psychological damage.

The vengeance of the NRA not only impoverished the Acholi group, but was considered by many Acholi interviewees to be an act of revenge that altered the entire political and military landscape of Northern Uganda. The perceived abandonment and occupation of land by the military and the large-scale land acquisition by various actors formed the main narratives of the war. This will be discussed further in the subsequent section and chapter 6.

The past actions of the Acholi soldiers affected the lives of ordinary civilians, who had not participated in what took place in the Luweero Triangle. Various researchers and Acholi returnees asserted that the past actions of the Acholi and subsequent LRA rebel activities, and particularly the scale and duration of the war, ought not to be compared with what happened around the Luweero triangle. Nevertheless, the Acholi soldiers (of Okello's army) were themselves entangled in the logic of war, and thus accused of atrocities.

Robert Gersony's (1997) report to the US Embassy in Kampala attested that Acholi soldiers had engaged in mass battlefield killings, abducted girls, and looted property. In the general absence of law and order, this may explain why Museveni's soldiers pursued revenge in Northern Uganda. The perceptions of past injustices committed by the Acholi people appear to have prompted the UPDF's actions and to have reinforced perceived divisions between north and south, and between ethnic groups, according to Museveni (1985, p.53) and Nalugo (2013).
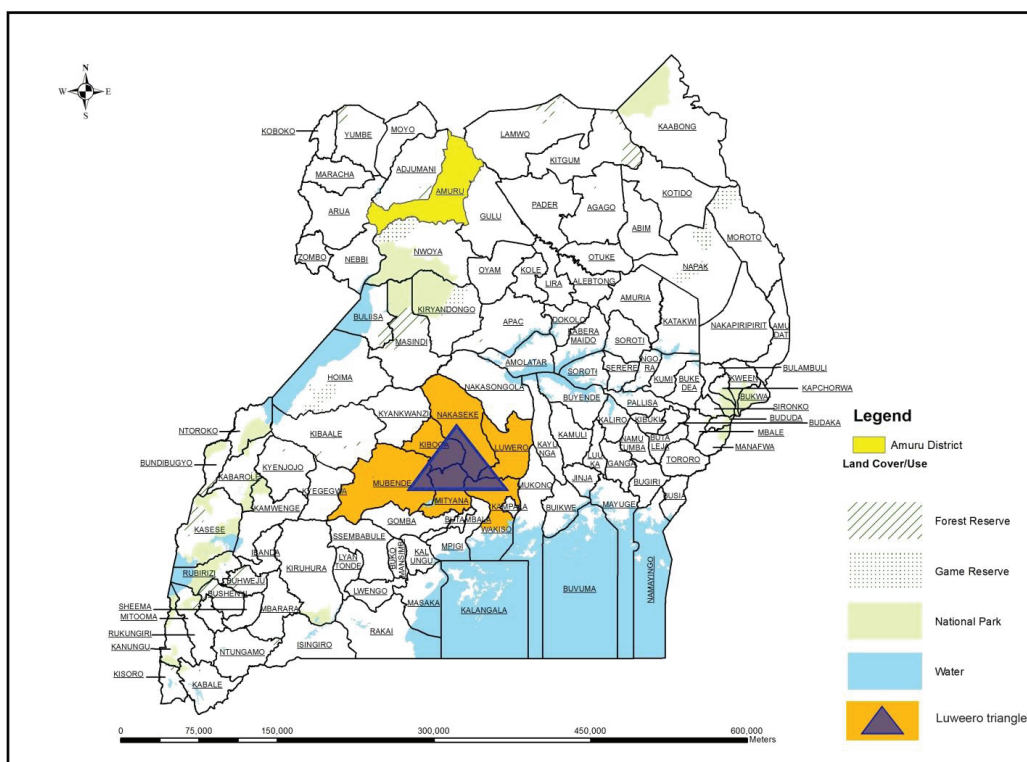
Figure 17: Map of Uganda showing the districts forming the Luweero Triangle area

Source: Entebbe mapping and survey department

Amii Omara Otunnu (1987) has written about the Acholi dominance in the national army:

> [...] the African sector of the army was not very representative of the ethnic composition of the country as whole. The largest contingent was recruited from the north, especially from people of the Acholi […]. By 1914, the Acholi had become the main recruiting ground for KAR [King's Africa Rifles], a pattern which continued in the post-colonial period (Otunnu, p.31.).

The British 'divide and rule' policy contributed to shaping the social, cultural and economic structures of the Acholi group. At that time, the Acholi were perceived as a militaristic group, which to some extent explains why the British turned the sub-region into a military recruitment centre. The 'divide and rule' policies applied throughout the British colonies strengthened division along ethnic and geographic lines, according to Roy (1986) and Elias (1956). In India, the policies strengthened divisions along ethnic, religious, caste and regional lines; while in Sudan, divisions around race and religion were perpetuated. The recent secession of South

Sudan, with the separation of the Arab and Islamic dominated North and the 'African' and Christian dominated South appears to be a case in point.

Obbo (1987) has documented that the post-independence regimes have inherited and implemented an ethnically focused policy approach, as evidenced during the first Obote military regime. The Acholi group accounted for approximately 30-40 per cent of almost 35,000 soldiers in the UNLA army. Obbo (1987) highlights the northern dominance within the UNLA:

> During the Obote regime it was hard to find a Langi or Acholi ethnic individual who was not a soldier, politician, government spy or at least a hanger on. However, with the Acholi group's humiliating military defeat, most families who depended on uniformed servicemen for their livelihoods collapsed. It was a difficult time to withstand.

Since the army had been the biggest source of employment for the Acholi group, their defeat not only shifted power but also changed income and wealth distribution patterns within the Acholi. The Acholi's humiliating defeat caused the eruption of violence aimed at defending their lost glory, which appears to confirm Carbonnier's (1998) position that socio-economic factors are the root causes of war and conflict.

The Acholi chief claimed the Acholi – via the LRA – had no option other than to stage resistance against Museveni's regime, which could explain the ethnic power struggle, according to Green (2006) and Gersony (1997, p. 34). Specifically, Gersony's report noted that during his meeting with Acholi elders, Kony angrily denounced the elders for abandoning him when he was sent to fight Museveni. Similarly, the current NRM regime drew much support from a few ethnic tribes, particularly those in the south of the country,[41] which attests to the view that the war around Luweero was more of an ethnic conflict.

Facing continued ethnic violence and regional insecurity, Museveni convened a meeting with the Acholi elders in Gulu's Pece War Memorial Stadium. The meeting aimed to convince the Acholi clan elders to ask young people and other prominent collaborators to relinquish their support for Kony and his LRA. The AWDCA official asserted:

> If Yoweri Museveni and the NRA hadn't gathered in Pece ground in Gulu and asked the Acholi elders to use their influence to ask the youth to turn their backs against Joseph Kony, the war in the north could have been more disastrous than reported [45].

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[41] The Bantu tribes that took a dominant role within the Museveni's war against the Acholi are reported as being the Banyankole, Banyarwanda, and the Bahima population, mostly from Western Uganda; they accounted for 20-30 per cent of the army personnel.

Museveni's call appears to corroborate Finnstrøm's (1997, p.7) suggested reasons for the prolongation of the war in the Acholi: perceived neglect and marginalisation, but also the LRA's widespread support from the Acholi. Kony is reported to have blamed the Acholi elders for relinquishing their support towards the war. Meanwhile, writers such as Collier and Hoeffel (2001) argue that regions that are in the periphery of the country tend to be neglected and marginalised from socio-economic development. The availability of rural unemployed and impoverished youth become a fertile ground for recruits into the rebel ranks.

Past historical narratives related to divisions between the Bantu (in the South) and Nilote (in the North) groupings appears influenced the ethnicisation of the Acholi war. Olara Otunnu (2006) described the ethnic division as taking the form of 'them' and 'us'. Museveni's visits to neighbouring countries stirred ethnic tensions among the Acholi group. For example, Museveni's visit to the DRC, a Bantu-speaking group, reportedly came with the request that they forge brotherhoods with their Ugandan Bantu counterparts (Finnstrøm, 2008). Accordingly, the Acholi group felt segregated as 'others'.

Despite the ethnicisation of the war, the Acholi support for Kony ended after he had committed further atrocities against his own ethnic group in the name of the 'ten commandments'. Kony's victimisation of local civilians happened after a perceived loss of support from the Acholi and took the form of looting, abduction and the burning of food granaries and villages.

5.3.2 Perceptions of reasons for displacement

Two narrative strands form a set of complex, competing and differing reasons for the Acholi displacement. The first strand revolves around the brutal tactics of the UPDF against unarmed civilians. This narrative strand reflects the views of the people displaced, the local community, religious leaders and local chiefs, politicians, NGOs and human rights activists, as well as the media. According to the first narrative strand, the forced displacement of the Acholi people into camps took place for social and economic reasons aimed at impoverishing them. As a result, the Acholi perceived their displacement as planned and carefully executed by the UPDF forces. By contrast, the second strand explains the government's decision to move the Acholi into camps very differently, defending it on security grounds. Government officials (including the Gulu RDC), district land officers and even some local and international NGOs upheld this view.

5.3.2.1   The 'local narrative': 'draining the whole sea'

The Acholi group complained that the military approach, where brutal tactics were employed against them, had resulted in their displacement. The military approach caused significant injury and death of unarmed civilians. During the FGD, most Acholi returnees claimed:

> Neither displacement nor dispossession of our symbolic cattle wealth had anything to do with the LRA under Joseph Kony particularly the annihilation of them. Instead, the measure was calculated precisely with the purpose of economically impoverishing us of our symbolic wealth, namely cattle and other property [65].

The Acholi perception that the war was planned parallels other war-related narratives, particularly that of the ethnic war in Rwanda. The 1994 war between the Hutu and Tutsi was seen as having been planned and executed by the Hutu militia. The war aimed at sweeping away the Tutsi minority, and was thus perceived as genocide of the Tutsi.

The Acholi perceived that their relocation into camps, which became a breeding ground for hunger and disease, was designed to impoverish them economically. This impoverishment came about via loss of cattle and property and the destruction of food. The relocation was implemented under the pretence of protecting the Acholi from LRA activities. Local Acholi people were caught off-guard, as scant prior information had been communicated to them.

To the Acholi informants, one major drawback of the government's relocation policy was the manner of displacement. They were informed at short notice, with excessive force being used. The Acholi questioned whether it was legitimate to use force on unarmed civilians in order to relocate them so far away from their original homes.

The Acholi group objected to the UPDF deliberately displacing them into camps, a position widely shared by local chiefs and religious leaders but also covered by the media. The local chief cited coverage by the Kenyan daily newspaper,[42] which claimed that the forced displacement of the Acholi was planned, and went on to quote Museveni's reply to the question: 'Well, after defeating the Okello regime, how are you going to end the war with various rebel factions in the north?' Museveni is reported to have answered: 'I will force people to move into camps, so that rebels remain without food.' As such, Museveni's statement appears to reflect the local chief's claims, where he linked their forced displacement with this interview: 'Yes,

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[42] Similarly, the *Daily Nation* of Nairobi, from January 1987, appeared to cite Museveni answering the question of forced displacement: 'the measure taken was important in order for the undisciplined ones to be identified.' He also, asserted: 'I do not think we are destroying people's crops. We are destroying rebels' crops and store'.

that is what happened to us, we the Acholi starved food.' Museveni's answer demonstrates that the decision to send the Acholi into camps was his alone. Local media reported that the Ugandan Parliament was not consulted on the process that led to the Acholi being moved into camps according to Oosterom (2016).

Otunnu (2006, pp. 11-12) regarded the UPDF's forced displacement of the Acholi as an act of revenge that aimed to wipe them off the map of Uganda. This supports the view that the LRA was just an excuse given in the process of displacing the Acholi people. The consequences of the loss of assets, as well as prolonged displacement, were reflected in increased insecurity, lack of food, lack of access to education, poor health and even loss of culture. This appears to support the revenge thesis.

Recently, the report by UNIRIN, the United Nations Integrated Regional Information Networks (2015), outlined a number of atrocities that had been committed by the UPDF against the Acholi group. Local people were killed, raped, sexually abused, tortured, treated cruelly and deprived of their liberty as well as their property. The UNIRIN (2015) report called for a fresh investigation not only into the LRA but also into the UPDF atrocities committed against the Acholi people.

Fatou Bensouda, Chief Prosecutor of the International Criminal Court (ICC), also heard this view during her visit to Lira district in Northern Uganda, when one returnee told her:

> […] we suffered and are still in pain because of this war – we lost relatives and property; we were forced into camps. One side alone did not commit the atrocities. The atrocities were committed by the LRA and government troops. (UNIRIN, 2015)

Human rights campaigners and NGO activists asserted that the forced displacement of the Acholi went against the Geneva Convention, which prohibits the destruction of material items necessary for sustaining life.

Given the suffering endured under the UPDF (and the LRA, while in camps), most Acholi said it would have been better to remain in their villages and continue with their economic activities, particularly agriculture, than be forced to move into camps. The same military effort that had hurriedly moved them into camps could have been used to protect them from the LRA while remaining in their own villages. An Acholi female respondent said:

> It was terrible and bitter experience seeing two military helicopter gunships dropped bombs; we were scared and terrified by bombs. As a result, people ran randomly in different directions. When trying to flee to nowhere, the soldiers apprehended and loaded us into military trucks. We could not do anything as they were fully armed and herded us into government-controlled camps [25].

The UPDF military activities, employing sophisticated military hardware to disperse the Acholi people, not only terrified them, but also forced them to abandon their homes. Most of the IDPs questioned the government soldiers' behaviour. They claimed that the military forces burned houses down, stole granaries, looted cattle, and displaced and dispersed people. O.J., a 41-year-old male respondent, commented:

> Our displacement into camps was not a voluntary one. The UPDF forces gave us a deadline of 48 hours to move into the government-controlled camps. When we failed to observe the deadline, ruthless methods were enforced, such as bombing the villages, and the use of the helicopter gunships. [67].

The conduct of the war not only made civilians homeless, but also made the implementation of the forced removal into camps easier. The Acholi people found themselves caught in the middle of the conflict. This mirrors Skotte's (2004) study of the war of ethnic cleansing in Bosnia and Herzegovina, where more than two million people were displaced causing significant consequences for housing and property. The destruction of housing, particularly in a situation of war, caused Skotte to assert: 'When your dwelling is violently destroyed and you have been banished from your home ground at gun point, your sense of home is lost'. (Skotte, 2004, p. 38)

In any conflict, land and houses become the main tactical target for fighting forces in order to force local people to flee (Hanlon, et al., 2013; Shanmugaratnum, 2008; Nordstrom, 1997; and Lan, 1985). These studies documented how land and property were handled during war and insurgencies, particularly in Sri Lanka, Mozambique, Zimbabwe and Vietnam. In Zimbabwe, more than 20 per cent of the local civilians were separated from the rebel groups, mostly in 'protected villages', as in the case of Northern Uganda (Hanlon, et al., 2013, p.6). Similarly, military tactics involved torching, destroying and occupying land and property perceived to support livelihoods and harbour opposing groups.

The government, through the UPDF military, set a specific deadline (September 1996) for all Acholi people to join the camps. Those who defied the order met the full wrath of the UPDF. Two stories demonstrate this. N.E., a male aged 47 born in the Pagak parish, explained:

> Initially, the LRA insurgents affected few people. Most of us moved voluntarily to the neighbouring villages and to the trading centres in an effort to run away from rebels' activities. However, with increased insurgency in the trading centres, we had to move to the village areas again where the security situation was relatively far better. Later, when the rebels intensified their activities in remote villages, it prompted most of us in villages to move back to the trading centres, as the UPDF increased the security.

> In 2002, as the LRA rebels intensified their attacks, both in the village and in trading centres, we were ordered by the UPDF to move within 48 hours. We experienced brutal sufferings and torture at the hands of the UPDF soldiers, as moving into camps did not turn out to be voluntary. Those who refused to join the camps were shot, and their houses were set on fire, or even being suspected of colluding with the LRA rebels [15].

When asked to confirm the story, a male returnee replied out of frustration:

> I can tell you, I am not bothered whether this story will appear in the newspaper or not or even if it will be used as political capital, but the truth needs to be said. I stand here trying to defend my children against any future misdeeds that might be committed by the government soldiers [15].

The Acholi displacement pattern reflects both heterogeneous and cyclical waves of movement. Local civilians were displaced to safer areas not only in space, but also in place and across different times. At times, insecurity displaced them in place forcing them to return to the same place where they had fled before. Similar situation had also been observed during the Angola's civil war (Rodriques, 2014, p.111).

A female, A.K, a widow from Pailyec parish, confirmed the use of force by the UPDF and further explained:

> [...] immediately in 1986, we moved into the trading centre in Tooro parish even before the use of force started. However, in 2002 the government forces stepped in and initiated mass evacuation of civilians into camps. It was no longer a voluntary exercise. The use of the helicopter gunships not only terrified people, but also increased the number of deaths and casualties among displacees… I tell you, that was a war within war and of its own kind!

> Whenever news spread that the LRA rebels crossed near our houses, the government forces would fire indiscriminately into our homes. People were harassed to the maximum by being beaten and others even shot at, accused of being rebel collaborators. Bad enough, women were subjected to rape by both

government forces and rebels. Sometimes, what other helpless people would
do was to cry. [25].

In most wars, invading forces have used various brutal techniques to punish the victims as a
tool of war or destruction. The Acholi experience of war reflects the civil war in Sierra Leone,
where rebels fighting for RUF engaged in looting, rape and even the killing of civilians (Beah,
2007, p.135, p.206). Similar cases were observed in Senegal's war-related displacement in the
Casamance region (Evans, 2014).

Most Acholi saw the loss of assets and inhumane treatment by the UPDF military as a
punishment because they were perceived as rebel collaborators. Afraid of being labelled as
such, most Acholi moved 'voluntarily' into camps. Similarly, avoiding indiscriminate killing,
torture, abduction and rape by LRA rebels necessitated that some Acholi people ran away from
their homes to places perceived as 'safe areas', i.e. government-controlled camps not far from
their homestead.

A small number the Acholi, some better-off and some not, moved away to larger towns and
cities in search of a secure place to live and better job opportunities. The better-off consisted of
the Acholi group that held various privileged positions within society, particularly
professionals, businessmen and entrepreneurs. This group integrated well with city life. The
less well-off comprised the un-educated and those without professional experience. This group
experienced difficulties in integrating well with city life. This group isolated itself by camping
within the city's fringes, i.e. the Acholi quarters. Most of them survived by engaging in various
informal economic activities, such as quarrying or working at bus terminals (in the washing
bays, carrying luggage), shopping centres, bars, homes and hotels. As of 2005, an NRC official
estimated that between 300,000 to 600,000 people were scattered in areas such as Masindi,
Gulu, Jinja and Kampala.

The Acholi displacement pattern reflects some similarities and differences compared to the
DRC, Angola and Senegal. Wars of insurgency between government forces and rebel fighters
forced a great number of people to (1) government-controlled camps; and (2) towns and cities.
In the DRC, the war of insurgency along the North Kivu displaced people to government-
controlled camps, mostly located in remote areas. However, insecurity in the camps and a lack
of basic infrastructure and social services forced young people to abandon the camps, thus
relocating to nearby towns and cities such as Butembo. Youth dislocation was mainly driven
by the hopes and possibility of bettering their lives (Raeymaekers, 2014, p.236). In Angola,

142

insecurity in rebel-controlled rural mining sites pushed many civilians to safer areas. The displaced population took refuge mostly in government-controlled mining towns and cities, either in the Lunda or other provinces along the coast, particularly Luanda (Rodrigues, 2014, p.107, p.114). Similarly, in Senegal, the war in the Casamance region prompted hundreds of civilians to flee the war zone, seeking refuge mostly in larger town (Evans, 2014).

5.3.2.2   The 'Government narrative'

The second, counter-narrative strand defends the forced displacement of the Acholi people into camps, mainly on security grounds. The Acholi displacement was presented as an inevitable consequence of the LRA's insurgency and the increased threat of insecurity in the entire sub-region. Following increased lawlessness, abductions and indiscriminate killings of innocent civilians, it was deemed imperative to relocate the whole Acholi group into camps.

The Atiak Technical School massacre (though not within Amuru sub-county case study) that took place in 1996 has been cited by the UPDF in support of the Acholi's forced displacement. O.B., aged 46, narrated the Atiak massacre as follows:

> […] I recall it was 20th of April 1995, when this horrifying massacre took place here, and narrowly survived the attack. Late that evening, rebels penetrated and surrounded our entire school and trading centre. As dawn approached, I heard sounds of heavy gunshots followed by indiscriminate exchange of gunfire. Some of the rebels had attacked the UPDF soldiers in Parokere barracks and had over-powered them. Consequently, the LRA rebels mercilessly went on burning civilian huts, breaking and looting shops, and arresting civilians. The rebels also went ahead vandalising the Atiak Technical school hostel using petrol. The LRA rebels arrested all students and local civilians and lead all of the abductees to the River Ayugi. Rebels categorised the abductees. Pregnant women, elderly and those carrying young children were put in one group and later released. While school children aged 15 to 30 and some few teachers were placed in a circle and thereafter inhumanely hacked and even killed. Children under 14 years were abducted into the bush.
>
> I recall 41 students of Atiak Technical school and 4 staff members to have been discovered dead (bursar, head cook, teacher, and caterer) […]. The identified bodies belonging to relatives were handed over to them for proper burials. While bodies that could not be identified by local civilians were buried in mass graves (4 or 5 dead bodies in one grave) [50].

Both Hoffman (2009) and Prunier (2004) have documented that the insecurity caused by the proxy war between the Ugandan and Sudanese governments helps to explain the frequent border attacks, including that at Atiak. The use of violence against civilians appears aimed at gaining the political support of the rebel group. Similar war tactics have been observed in the

cases of Chad and Senegal. In Chad, Behrends (2014, p.44) observed camps located between the Sudanese and Chadian borders attracted cross-border militia raids. Both Sudanese and Chadian militias cause insecurity, which forced local civilian to move into camps. Similarly, in Senegal, Evans (2014, p.62) documented that in the war in the Casamance region the *Mouvement des forces democratiques de la Casamance* (MFDC) used violence and terror against local civilians when fighting the central government crossing the border from their bases in Guinea-Bissau. The terror tactic forced local civilians to participate in the armed rebellion in order to extend rebels' territorial control.

However, increased insecurity in camps prompted many of the Acholi to raise doubts about the capability of the UPDF military to control the porous border between Atiak and Southern Sudan (almost 46 kilometres long). To them, the easy accessibility simplified and contributed to the LRA's frequent attacks. The LRA rebel activity was attributed to support, in terms of sanctuary and weapons received, from the government of Sudan. The Museveni regime retaliated by supporting the Sudanese People's Liberation Army (SPLA) rebel group. The proxy war explains the general insecurity, particularly causing havoc in Atiak sub-county with kidnappings, abductions and indiscriminate killings of local civilians.

The Atiak attack sparked a wave of IDP movement in search of refuge in Pabbo, Gulu and other towns. In response, the government increased security. This involved the consolidation of a large camp near Atiak, since more troops were brought from barracks in Bibia and Gulu. Similarly, the Gulu RDC informed me that the UPDF military widened the security situation in camps and villages. The approach involved forming Local Defense Units (LDU) to supplement the security situation, where each youth received a monthly pay of UGs 40,000. The NRC camp monitoring officer in Gulu estimated that by 2002, which was the peak of forced displacement, there were 247 government-controlled camps scattered throughout Northern Uganda. Most of them hosted between 10,000 and 60,000 people. Ninety per cent of those that moved into camps were of the Acholi ethnic group. Amuru district was the most affected by the LRA's insurgencies in the sub-region. As a result, Kilak County hosted major camps, such as Amuru, Olwal, Pabbo, Parabongo, Awer, and Lacor (see also Table 4).

Table 4: The Acholi displaced population in camps in Amuru, as of December 2006

Camp	Male	Female	Totals
Lacor	30	39	69
Awer	228	237	465
Keyo	448	489	937
Parabong	387	464	851
Pagak	96	119	215
Labongoogali	284	299	583
Omee I	94	133	227
Omee II	358	316	674
Amuru	1501	1664	3165
Pabbo	3749	3751	7500
Otong	133	144	277
Biira	315	298	613
Olwal	485	568	1053
Guru guru	490	517	1007
Jeng gari	640	608	1248
Olinga	193	218	411
Totals	**9431**	**9864**	**19295**

Source: The NRC camp monitoring officer in Gulu

Displacement and isolation as a purely military tactic are designed to annihilate rebel fighters. The approach aims at depriving them of access to food and livestock. According to the Kenyan daily (1987) newspaper, for Museveni this was possible only if the Acholi were separated from the rebel group. Museveni's position reflects de Waal's (2009, p. 16) assertion that displacement and isolation take place in order to create either ethnically homogeneous territories or controlled zones for security reasons.

The need to control rebel attacks on local civilians, particularly the abduction of children for use as rebel soldiers, underscored human rights arguments against the conduct of the war. Article 17(1) of Protocol II [Additional Protocol II of 1997 to the 1949 Geneva Convention] states, in part: 'The displacement of civilian populations shall not be ordered for reasons related

to the conflict unless the security of the civilians involved or imperative military reasons so demand'.

Various NGO officials claimed that the forced displacement of the Acholi resulted from the deteriorating security situation in the sub-region and went hand-in-hand with an increase in the LRA's terror activities. From 1991, during the height of the insurgency, kidnap and abduction was the only means for Kony and his LRA to sustain their numbers. Between 1987 and 2006, an estimated 60,000 to 100,000 children and young people had been abducted to serve within the rebels' military ranks (Nzwili, 2015). Men and boys were intended to serve within the rebel ranks of the LRA as sex slaves to rebel commanders, as porters and even as fighting recruits. Most of the people abducted were between 15 and 30 years old. The abduction of young girls and boys in Northern Uganda appears to reflect similar experiences in Sierra Leone. Local civilians were rounded up, captured and recruited into the rebels' military ranks. Young boys joined rebel ranks fighting for the Revolutionary United Front (RUF) and were recruited when as young as seven years old. The abductees were brainwashed, thus engaging in inhuman activities such as killing their family members, burning villages and killing local civilians (Beah, 2007, p.33, p.135).

Avoiding abduction and rape by LRA rebels, more than 40,000 children became 'night commuters' according to Otunnu (2006). Large numbers of children and young people had to trek every evening to nearby trading centres and towns in search of security. The streets, schools, bus parks, warehouses, hospital pavements and verandas sheltered them during the night. I was told that some humanitarian agencies set up centres for receiving night commuters. Some of them served food and other services. For example, in Amuru district, every evening the Lacor hospital turned into a refugee camp. Similarly, towns such as Gulu, Pader and Kitgum attracted large number of commuters as their security situation was relatively safe.

Despite finding sanctuary on pavements and verandas, 'neither a maximum-security situation was assured nor did a life situation turn out to be easy', said one child returnee. A significant number of young people claimed to have been chased away by night security guards at times, and there was the danger of night gangs who raped them. Otunnu (2006), a local politician writing for the Christian *Century Magazine* and in relation to the continued abduction of children, claimed: 'Northern Uganda was probably the world's worst place to grow up as a child'.

The Gulu RDC asserted that to avert the continued abduction of children and recruitment to rebel forces, the UPDF did what any credible army would have done – that is, to intervene by ordering the Acholi move to camps. President Museveni, as commander in chief of the UPDF, issued the order. The RDC remarked:

> The order to move the Acholi into camps was accomplishing the main role of the military; that is, protecting the lives and property of local civilians. […] whether such a policy was successful or not had to be judged based on the good faith of UPDF military and not otherwise [30].

The AWDCA official cited the divided opinion between the parliament and the cabinet of ministers with regard to the situation in Northern Uganda during the peak of the war: the parliament declared Northern Uganda a disaster zone, but the cabinet of ministers disagreed.

A significant number of the Acholi perceived the extensive use of force by the UPDF against unarmed local civilians, and the loss of cattle during their displacement, to be disproportionate compared to the destruction caused by the LRA rebels. For most Acholi, the UPDF's actions were at least as damaging as the LRA's actions. However, the motivation behind the UDPF's actions towards the Acholi was unclear.

Olara Otunnu described the UPDF's operation during the forced displacement as a 'genocide or deliberate act of extinction'. The entire strategy appears to have been aimed at wiping the Acholi ethnic tribe off the map of Uganda (Otunnu, 2006, pp. 11-12). Similarly, Behrend (1991, p. 70) confirms that the Museveni soldiers, when conducting the war, engaged in rape, torture, village razing and even genocide against the Acholi group.

To sum up, the two narratives stem from two main events: (1) Museveni and the NRA's efforts to consolidate and pacify the northern region, after the switch in power following the UNLA's defeat; and (2) the precarious and deteriorating security situation in the entire Acholi sub-region. According to de Waal (2009, p. 16), the tactic of displacing and gathering local people together has been applied before, although not necessarily to control rebel forces.

For the two narrative accounts to adequately explain the reasons behind the Acholi displacement, some modification must be made to qualify them, since a single account cannot fully explain it. A military strategy of protection appears the main reason for the forced removals, with significant impacts on local civilians. Museveni's UPDF approach was purely a 'military tactic' regularly employed by governments and rebels. Despite the aim being to save local civilians' lives, the result was no different from them being unwillingly held, as in the

147

African slogan: 'When two elephants fight, the grass suffers.' This illustrates that the weak suffer in conflict. Although the strategy aimed to starve Kony and his LRA rebels and force them into submission, it could not happen.

This applies not only to the Acholi, but also to groups in other parts of the world. According to Evans (2003a), forced displacement as a military tactic has been used not only by government forces, but also rebel fighters. As we have seen, the war between the Senegalese army and MFDC rebels in the Casamance region necessitated the latter displacing the local civilian population. Though for economic gain, the rebels emptied villages of their population, which paved the way to ransack livestock and crops and other property. While livestock and food were consumed by rebel fighters, valuables were sold and exchanged, while the proceeds were used to support war efforts.

5.3.3 Changes in entitlement to assets

5.3.3.1 The Acholi cattle loss

According to an AWDCA official, the Acholi were vulnerable to cycles of cattle dispossession over a long period. Common to all these epochs is how the memory of each historical loss continued to shape Acholi perceptions. Regarding the war-related displacement, one Acholi elder remarked: 'Cattle in the Acholi sub-region suffered similarly to the Acholi themselves.'[43]

Despite the Museveni government absolving the UPDF of its responsibility for what happened during the war, particularly the looting and destruction of cattle and other property, the military intervention certainly impoverished the Acholi. One local chief remarked, with regard to cattle looting:

> ....for years the Banyankole[44] took care of our cattle and that of the Langi's, however the war turned them against us. […] you know what happened? They invited their fellow Banyankole in the army and spotted all families with huge numbers of animals. Museveni's soldiers would terrorise the animal *Kraal* with guns, forcing the Acholi and Langi to run away. Lorries would load the cattle and others were grabbed and taken on foot across the River Nile to Bweyale [49].

Various researchers and local media reports covered the Acholi cattle and property loss. During the war, most cattle were looted or killed by fighting forces. Finnstrøm (2008, p. 71) documented the Acholi cattle being loaded onto military trucks and taken to undisclosed

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[43] Interview with one Acholi elder carried out during a land reconciliation meeting in the village of Lakang, Amuru sub-county.
[44] Refers to immigrant pastoralists from Rwanda who moved to Uganda.

locations. Peasants were forced out of their land, where cattle and food were either stolen or destroyed. The Acholi perceived stealing and destroying assets as an act of revenge, punishing them in order to make them submit and accept defeat, destroying the meaning of home and identity.

The treasurer of the AWDCA revealed that within one year of the forced displacement, the cattle and other property had vanished while under the control of UPDF forces. He added:

> Amuru sub-region was endowed with a reasonable amount of cattle wealth. There were over one million heads of cattle, and three million goats, sheep and pigs. Within one year after the forced displacement more than half a million Acholi cattle wealth vanished [45].

The AWDCA narrative corroborates Sadaka Ogata's statement delivered during the 55th session of the United Nations Commission for Human Rights in Geneva, 24 March 1999. Ogata stated that displacement usually involves the arbitrary loss of people's homes and possessions. One local chief insisted on the significance of cattle before the war: 'cattle had a very important place among the Acholis. Wealth and respect were highly expressed through the accumulation of heads of cattle' [45].

The Acholi group were presented as the richest in Uganda. 'Cattle accumulation counted ten times higher than the number of people', added the local chief. Cattle accumulation constituted their wealth, dignity and sense of pride. Those who accumulated cattle were more respected and successful than those who did not. Almost every homestead had cattle, goats, sheep and pigs. Confirming the large number of cattle in the sub-region, one AWDCA officer said that taking care of the cattle was not easy. As a result, the Banyankole of Rwandese origin, referred to here as the '*Balaalo*'[45], were hired to assist with herding and milking the cattle. Since the 1970s, the northern region produced enough milk to cater for the whole nation. Recalling the heyday of cattle and milk in Northern Uganda, the AWDCA official added:

> During the 1970s, the region had enough cattle. The *Balaalo* were hired to take care of our cattle. As a result, milk was produced in excess to the extent that the then President Obote decided to ban any importation of milk in the country [45].

According to the AWDCA treasurer, as of August 2011 almost 680,600 cattle had been stolen. In Amuru sub-county, more than 4,200 people registered losing cattle. Districts such as Gulu,

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[45] Refers to cattle herdsmen, and includes the Bahima of the Banyankole, Tutsi (from Rwanda and Burundi), the Bahuma among the Banyoro, the Batooro, and others.

Pader, Kitgum, Nwoya, Lira, Masindi, Agago, Arua and Kaberomainda were equally affected.[46] Altogether, more than 100,000 families are reported to have been affected by losses.

The loss of cattle deprived the Acholi group not only of milk, but also marriage dowries and income. According to Behrend (1991, p.344) cattle contributed to men's household welfare. The loss and their inability to access land, shifted the economic burden to women. As a result, the majority of the Acholi came to rely on relief handouts from government and humanitarian agencies.

The Acholi cattle loss prompted the Gersony Report (1997), which concluded that 'it was one of the greatest economic and moral blows of the war'. Estimates set out in the AWDCA (2010) report suggested the total value of lost revenue from cattle wealth, from 1987 to 2010, could have been as much as 34,125,499,600 Ugandan Shillings (UGX) (9 billion US dollars) on their home return. The AWDCA treasurer said:

> Today, only a fraction of the pre-war cattle wealth appeared to have been left. Paradoxically, the sheer size of the remaining cattle wealth within the Acholi sub-region does not guarantee the Acholi practising cattle herding only [45].

According to Atkinson (1994, pp. 56-57) despite the Acholi being rich in cattle, it was not a major source of income and subsistence, as seen in chapter 2. The United Nations Development Programme (2007, pp. 34-36) claimed that only 14 per cent of Acholi households possessed cattle. From 1983, there were almost 123,375 head of cattle in the Acholi sub-region. At the peak of the war, in 2001, the number of cattle left stood at around 3,000 heads, and on the Acholi's return only two per cent of the cattle remained (Finnström, 2008, p. 34, p.73).

In the Pagak parish, the looting of cattle caused bitterness among the returnees, particularly the middle-aged and elderly Acholi. One respondent remarked:

> Look, my friend; does it take the use of force to destroy the villages and disperse people in order to protect them? How about the use of mortars and helicopter gunships to unarmed civilians in the name of protection? How about burning houses, granaries and looting cattle and displacing and dispersing people? I, myself left 28 cattle and 36 goats! [15].

Whenever the military were asked about the missing cattle, they attempted to link any losses to the LRA rebels. Finnström (2008, p. 71) indicates that the UPDF military admitted to taking

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[46] See also, the article that appeared in *The Monitor* newspaper, 10 March 2013, entitled 'Oil and Land: Acholi Struggle With Uncertain Future', which reports that Agago, formerly a county and now a district, had 50,000 heads of cattle in 1985, but the herd had been reduced to a mere 400 in 1990. [http://mobile.monitor.co.ug/Oil-and-land--Acholi-]

close to 900 head of cattle, mostly from the Acholi. The acquisitions had been linked to the owners being rebel collaborators. The Acholi told me that the UPDF approach of linking cattle acquisition and rebel collaboration meant that no one sued the military – to avoid being labelled as rebel collaborators. This may explain why the government had no plan to compensate for lost cattle.

5.3.3.2 Not only cattle, but also other property

Although cattle wealth was the main Acholi asset that was depleted during the displacement, the chair of the Northern Commercial Farmers' Union (NCFU) claimed that commercial industries and agricultural equipment had also been sabotaged and looted. These were the engines of food production and livelihoods. The looting and destruction deprived and impoverished the Acholi people and sub-region. The NCFU chairperson asserted:

> At the last count before the war, the number of tractors and other heavy machinery owned by commercial and individual farmers in Northern Uganda had reached over 350. The tractors and heavy machinery boosted the agricultural sector. […] similarly, there were over 30 small-scale industries within Gulu, which ranged from maize and rice mills to woodwork. All of these tractors and heavy machines disappeared, and are now nowhere to be seen [46].

Various Acholi elders and other writers suggest that the British colonial administration in Uganda ignored the establishment of cash crop commercial farming in the Acholi sub-region. The British historical narrative characterises the Acholi and the sub-region as 'lazy and backward' when compared with other societies, according to UN-HABITAT (2007, p. 37). Similarly, in his book *Sowing the Mustard Seed*, Museveni wrote on the prosperity and marginalisation of Northern Uganda (Museveni, 1997, pp. 211-213): '[I]n the north, there was no evidence of past prosperity. The houses were all grass huts, and there were no permanent crops'. The revelation of the level of development that had been achieved by both the Acholi group and the whole of Northern Uganda before the war appears to refute both Museveni's and the British view of the people as lazy, poor and backward. Similarly, the presence of tractors and farm machinery demonstrates the level of agricultural mechanisation that had been attained by the Acholi.

The loss of commercial industries and agricultural equipment shed light on two other aspects of the Acholi's situation: 1) the prevailing perception of the Acholi's 'backwardness' fed a feeling of neglect and national inequality that added to the Acholi sentiments and explanations about the causes and conduct of the war in Northern Uganda; 2) the tractors and the industrial

initiatives may be seen as part of the Western 'modernisation strategy' where industrialisation was regarded as the road out of poverty, and formalisation of land seen as a critical dimension for development. This makes up the first entry in the complex land conflict conundrum.

The looting of commercial businesses and agricultural equipment, together with prolonged isolation, crippled the Acholi's economic potential. Land was thus perceived as the only economic resource left to the Acholi, according to the local chief. The loss of cattle and other property, along with relocation, appeared to support the widely accepted thesis among the Acholi returnees that the government wanted to make them beg. The local chief put it nicely, 'whoever is hungry tends not to take a firm side on any decision (position) since he swings like a pendulum'.

5.3.4 Impacts of life in camps

Despite the stated aim of Acholi displacement being to provide maximum protection and care by the government, most Acholi informants complained of the worsened overall state of affairs, particularly the difficult living conditions in camps. The reality of life in camps fell far short of their expectations in various areas. Apart from the insecure situation, the camps provided inadequate basic social services and public infrastructure (health, education, and water). Most of the inadequacies observed were consequences not only of the war, but also of Uganda adopting the SAP policies, as seen in the subsequent sections.

5.3.4.1 The paradox of insecurity

The Acholi's displacement had been carried out on the grounds of increased insecurity in villages and trading centres due to the LRA's intensified operations. Despite safety being cited as the reason they had to move to camps, most returnees blamed the UPDF military for failing to keep them safe in camps.

Outbreaks of mysterious fires in camps and the continued abduction of children were some of the upsetting experiences that the Acholi blamed on the UPDF and could not get out of their minds. Whenever one house was burnt, the news spread like wildfire. The fires continued unabated and unchecked, despite the presence of UPDF security forces that had a mandate to protect the lives and property of the IDPs. The Acholi people questioned whether these mysterious fires were caused by negligence or witchcraft. These frequent fires and abductions prompted the Acholi to ridicule the whole process that had forced them into the camps so abruptly. One male key informant asserted:

> If it could have been once per month, then that would not have been a problem at all. But I tell you, we experienced frequent fires and rebel attacks. At one time, we were attacked eight times in just a few weeks. No one was held accountable despite the presence of the security forces. Can you imagine? [24].

Three factors may explain Acholi perceptions with regard to the security situation in camps, particularly the frequent fires: (1) the UPDF approach to displacement; (2) camp location and planning; and (3) the LRA recruitment and survival strategy.

Figure 18: The Acholi group's life in camps in Tooro parish, Amuru sub-county

Source: Author's field documentation and photography

Figure 19: Sandals made from car tyres on display in Tooro IDP camp, Amuru sub-county

Source: Author's field documentation and photography

Figure 20: Shallow well water supply point in Tooro Parish, Amuru sub-county

Source: Author's own photographs and documentation

- The UPDF actions when relocating the Acholi in camps were brutal and may have influenced Acholi perceptions with regard to the frequent and mysterious fires in camps. Previous UPDF activity, particularly setting fire to houses of those suspected of colluding with LRA rebels or those who refused to move into camps, may also explain these perceptions.

- The planning and design of the IDP camps may have been responsible for the fires. Cramming IDPs into an area where huts with thatched roofs were too close together (see also Figure 18), alongside traditional Acholi cooking methods where firewood was used, could account for the frequency of the fires.

- Freeing the Acholi from the bondage of the camp, the LRA rebels launched attacks targeting the Acholi IDP camps. The aim of these attacks was to force a return to their homes. The return to their home of origin was hoped to allow them to re-engage in food production, thus sustaining the LRA's rebel activities. The sabotage of the camps involved sneaking into camps at night to loot food aid and other valuable property, as well as incidents of abduction and arson.

- Some Acholi informants linked the insecurity in camps, particularly frequent fires, to witchcraft. For example, in Pabbo camp, one old woman (a witchdoctor) was alleged to be behind a series of mysterious fires. As a result, an angry mob of young people threatened to lynch her or force her to leave the camp.

Increased fires and insecurity in camps could have resulted from intensified pressure and calls by Acholi religious leaders that the government release the Acholi and engage in productive activities. The Acholi Religious Leaders Peace Initiative (ARLPI) (2001) article, 'Let my people go: the forgotten plight of the people in displacement camps in Acholi', documented efforts by prominent religious leaders, such as Catholic bishops, demanding the release of the Acholi group. However, such pleas appear to have had little resonance with the government.

Demonstrating how desperate the LRA rebels became when the Acholi people moved into camps, one returnee narrated acts of terror committed by the rebels:

> The LRA rebels sneaked into our camps and abducted our children and looted the little stock of food aid that was supplied to us. […] we experienced frequent fires that burned to the ground most of our dwelling huts to ashes without any clear origin [36].

The sabotage of the camps appears to corroborate and confirm similar war-related observations and experiences across Africa - for example, in Sierra Leone, the war between All People's Congress (APC) and the Revolutionary United Front (RUF). Villages and thatched-roofed camps were vandalised by the RUF rebels. In certain cases, rebels are reported to have burned an average of three villages into ashes per day, according to Beah (2007, p.97). Similar cases were also observed during the Chadian and Senegalese civil wars between rebel groups and central government forces, where violence had been used as terror tactic to force local civilians into camps (Evans, 2014; p.62). Rebels emptied villages in order to loot, harvest and consume civilians' belongings.

The decision of the UPDF soldiers to isolate the Acholi group from rebel fighters remained a military strategy, hoping to weaken their morale to fight with them. The UPDF approach confirms similar views of writers such as Collier (1999) and Hoeffler and Collier (2001). Accordingly, there exists a linkage between the availability of rural unemployed youth and the likelihood of joining an armed rebellion (Raeymaekers, 2014, p.231). Their availability became the source of rebels' recruitment, which fuelled further insurgency (Hammar, 2014, p.233).

Finnstrøm (2008, p. 143), Espeland and Petersen (2010, p. 209), and Nordstrom (1997, pp. 97–104) explain that the ways in which displacement is handled and the associated camp formation are responsible for poor security arrangements, and even responsible for governments winning the wars in Uganda and Mozambique. In Northern Uganda, Finnstrøm found that rebel incursion into camps was made possible due to poor security arrangements. Most camps hosting military personnel were organised among the civilian population and could be described as a 'first line of defence' for the military, rather than a place for civilians to live and be protected by the UPDF. Thus, questions emerged. Who was being protected, the military or civilians? Did civilians serve as a buffer zone between the rebels and the government forces? In Mozambique, Nordstrom observed similar security arrangements, as FRELIMO[47] and RENAMO[48] rebels engaged in a civil war. Local civilians are reported to have been positioned surrounding the RENAMO rebel fighters.

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[47] Refers to Mozambique Liberation Front, a dominant political party and military wing when fighting for the independence of Mozambique.
[48] Refers to Mozambican National Resistance a rebel movement and political organisation that received military support from Rhodesia during the Ian Smith regime (Today Zimbabwe).

The Acholi group's feelings of disaffection with camp life were described well in the conclusion of the Gersony report (1997, pp. 52-53):

> […] In sum, the Gulu protected villages had caused significant economic losses. Were inadequately organised and caused increased disaffection from the government at the time when public support to insurgency was at its lowest ebb. […] The protected village policy merits serious re-evaluation and should be phased out as quickly as possible.

One acting sub-county chief had this to add:

> Imagine during the peak of the insurgence, this camp (in Tooro) was the home to between 15,000 to 25,000 people. All crammed into overstretched huts. Imagine that six-seven people packed into one hut (I was told approximately metre diameter) […], with only a few toilets to serve them. Camps were no different from makeshift houses [61].

The UPDF responded to increased insecurity by restricting the movement of the Acholi outside the camps. Despite the security arrangements that were supposedly in place, the UPDF imposed a curfew that restricted the Acholi to a specified time and radius. I was told whoever returned past curfew hour was beaten by the military.

The Acholi confinement in camps across time and place reflects similar situation during Angola's civil war. According to Rodriques (2014, p. 114), most of the war-affected civilians that remained in military-controlled camps were subjected to rules and regulations. The military controlled their movements within the region. This inability to move around freely is also reminiscent of Malkki's study on the Burundian refugees in Tanzania, and histories of the birth of the 'refugee' in Europe in the aftermath of World War II: 'Refugee camps were a vital device of power: The spatial concentration, and ordering of people that it enabled as well as administrative and bureaucratic processes it facilitated within its boundaries, had far reaching consequences' (Malkki, 1995b, p. 499). Based on Malkki's description, displaced people were treated as a military problem; therefore, camps adopted the form of military barracks in order to control people, mainly through isolation. The isolation from the rest of the population also provided space for relief aid distribution governed by humanitarian institutions and associated actors.

5.3.4.2 Food access

The war and subsequent isolation of the Acholi from their land meant they had to rely upon emergency food aid. According to Bøås and Bjørkhaug, (2014, p.188) and the FAFO[49] (2005) studies, more than 85 per cent of Acholi households survived by depending on food aid. Yet still, 30 percent of the households either could not get any food aid at all or received it irregularly. Both government and international relief aid organisations were engaged in food related challenges such as hunger and malnutrition. Their efforts reflected Article 25 of the Universal Declaration of Human Rights that states: 'everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing housing, and medical care and necessary social services.' Despite this assurance, in camps the reality was very different, especially when it came to the supply of food.

In Atiak, Amuru district, my informant confirmed that the WFP distributed food aid usually based on the size of the household. Households with five members or more received 50 to 100kg of flour, 20kg of beans and 5 litres of cooking oil per month. Families with fewer than five members received 25kg of flour, 15kg of beans and 1.5 to 2 litres of cooking oil per month. Similarly, the ration of porridge oats for families of less than five was half the ration distributed to families of more than five. The humanitarian food aid distribution in camps appears to reflect the Acholi customary land allocation and subsistence. Accordingly, the land allocation to individual household was determined mainly by the size of household members to use it for subsistence, as detailed in 1.1.

Most returnees complained that the food provided was not only unfamiliar and insufficient, but also did not allow them to eat a balanced diet. As a result, many of the food rations distributed were traded and exchanged at the weekly local food markets (see also Bøås and Bjørkhaug, 2014). However, an AWDCA official reflected on memories of the Acholi heyday:

> During the 1970s, the whole of the Acholi sub-region used to be Uganda's main food basket, supplying food to Sudan, the whole of East Africa and the Great Lakes region and as far away as India. For example, in the 1980s, the region went on feeding the rest of Uganda and as far away as Bukoba in Tanzania. Even before the insurgency, only 11 per cent of the land was under cultivation, still Northern Uganda supplied food to the whole of Uganda [45].

Various writers confirmed that excess grain was exported to other parts of the country, which also increased income for farmers in the region (Banfield and Naujoks, 2009, p. 14; Bøås, 2004,

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[49] Refers to Institute for Applied International Studies based in Oslo, Norway.

p. 286). The AWDCA official attributed increased agricultural production in the sub-region to rich soil, good rainfall and hardworking people. Referring to the time before the war, he said:

> We are not beggars, and it is an insult to the Acholi people to be a beggar given that we have our brains and hands ready to work in the fields. […] however, it is poverty caused by war that caused not only old people to beg, but even children in streets [45].

According to Carbonnier (1998, p. 31), in any conflict situation domestic food production per capita tends to fall. Conflict also disrupted the commercial food supply. In the case of Northern Uganda, Bøås and Bjørkhaug (2014), confirmed that isolation caused the Acholi group to live an inactive and unproductive life in camps. The inactiveness forced them to depend on food aid and at times engage into begging in order to survive.

The Gulu RDC claimed that the LRA rebels planted landmines and other explosives, instilling fear and making it impossible to use land effectively, thus affecting agricultural food production. Similarly, landmines along the roads affected food distribution in the sub-region. Despite humanitarian agencies establishing warehouse bases in various districts, camps and trading centres, fear of land mines sometimes delayed food supplies. At times, the LRA rebels ambushed and looted food, which also increased the transport costs of food aid. The increased number of humanitarian actors assisted food distribution, but in Senegal their influx increased risks for the livelihood of the displaced population. According to Behrends (2014, p.42), the Sudan-Chad border war not only attracted high numbers of humanitarian actors but also activated rebels' attacks. The rebels attacked food convoys, looting both the four wheel drives (4WD) and food aid, which left the displaced population vulnerable to hunger.

Despite the local displaced population trying to reduce donor dependence through access to land to produce food, insecurity resulting from landmines and explosions thwarted such efforts. O.C., aged 28 from Alero village recounted the landmine explosion:

> It happened when I was at primary II at Alero. One day, while returning home for lunch, unfortunately, I stepped on the landmine, which blew me up unconsciously. My two legs were completely shattered, and the doctors from Lacor hospital amputated them. I remained in a coma for over three months. By God's grace, I improved and was later discharged [62].

News of landmine explosions not only spread like wildfire to the camps, but also changed IDP working habits. Most Acholi abandoned their land, which remained fallow out of fear. However, such insecurity compromised their ability to engage in alternative activities within the vicinity of the camps. The presence of landmines and explosives in Northern Uganda

reflects a similar situation during the war in Senegal. In the Casamance war infested region, region, the presence of landmines caused land to be insecure and thus inaccessible for agriculture (Evans, 2014). Consequently, most displaced people abandoned land in the peripheral areas in favour of land located in the centre.

The Acholi vulnerability around food meant that young people would search for alternative food supplies outside of camps. Some engaged in illegal economic activities, particularly the poaching of wild animals from the nearby game reserve areas, especially in the Aswa-Lolim-Kilak. As a result, some of the meat was shared in the camps, while the rest was sold in nearby towns and trading centres. An informal trade in wildlife meat flourished. The money received contributed to individual and household incomes. While collecting field data, I witnessed bush meat being served in various restaurants in Gulu town. The re-emergence of the hunting practices in camps, though illegal, reflected social and cultural continuity rooted in early Acholi chiefdoms, as seen in 2.3.1.

The NRC official pointed out that inadequate food in camps resulted in some Acholi people engaging in agriculture, particularly small gardening within the vicinity of the camps. As O.A, a resident of Nyabong, Tooro parish, described:

> In general, during this period, most people who owned land within a 3–10 kilometre radius of a camp commuted back and forth to attend the farm or garden on a daily basis. Commuting to the farm or garden started in the morning hours and returned to the camp in the early evening [35].

The location of Acholi camps at a short distance from their homesteads and fields influenced local people to engaging in various economic activities including small-scale gardening. These activities echo those in the UNITA's rebel-controlled areas in Angola. Extreme poverty in rebel-controlled camps forced children and men to work as miners and serve within rebels' military ranks. Women were left to engage in small-scale gardening (Rodrigues, 2014, p.107). These activities not only generated additional wealth among household members, but also sustained rebel activities and livelihoods. In Senegal, the war-related displacement forced local civilians to cross the Gambian border. However, the refugees situated themselves strategically in order to allow them to commute across the border to maintain access to farms in the Casamance region (Evans, and Ray, 2013).

Figure 21: Impacts of landmines and shelling in Amuru and Gulu towns

Source: Author, interview and photograph while working in the field

Some who could not attend their own farms far away opted to rent land from locals who had available land near the camps. This resulted in competition among land seekers, which in turn increased the rent. Many Acholi tenants could not afford the rent ranging from UGX[50] 30,000 to 40,000 per acre per year. Given the oral nature of the land rental contracts, most IDPs who rented land opted to grow seasonal crops in order to obtain maximum harvests. Growing perennial crops was a risk, as landlords could evict tenants at any time without paying compensation since the agreements were outside legal channels. I was told that those who rented plots produced enough food to cover between 35 and 50 per cent of their household's basic needs.

Cases of poor coordination and distribution of food aid were reported, accounting for insufficient food in camps. Delays meant that the Acholi group sometimes had to wait months for food aid. Respondents described how the situation affected the health of family members. Most of the IDPs became vulnerable to chronic malnutrition, kwashiorkor and anaemia. One woman said:

> What will you do when children complain of hunger...? So imagine yourself as a woman with six children: what would you have done under such a situation... Handling them was not easy. It became a menace to us. Ask any woman, and she will tell you the same story [25].

Although most of the returnees acknowledged the efforts by various humanitarian agencies to supply food aid to the region, some felt that certain agencies had performed badly. The NRC was alleged to have supplied 'poor quality food'. The supply was not well-received by the Acholi. During the FGD, one participant claimed:

> In 2002, when the NRC tried to distribute maize flour, our leaders in some of the camps refused to accept it because it was spoiled. As a result, the food had to be returned to the warehouse in Gulu. […] we do not know if other people in other camps consumed it. Later, another NGO supplied us with cooking oil, which was beyond its expiration date. […] Listen, we were treated as if the camp and the IDPs were like a demonstration farm! [37].

The food supplied to camps was not only insufficient, but also endangered lives, as documented by the ARLPI (2001) report. News emerged of some Acholi eating poisonous food, as one widow recounted: 'Hunger forced us to eat poisoned food. Some even reached a point of eating chemically coated seeds, thus affecting our health' [25].

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[50] 1USD=UGX 3640 dated 01 October 2002

Figure 22: Children loitering in the camp in Tooro parish, Amuru sub-county

Source: Author's field documentation and photography

The Acholi group's confinement in camp exposed them to a situation, where 'beggars cannot be choosers', as it were. Due to the food aid situation, the Acholi IDPs likened life in camps to living as if there was no tomorrow. As one participant emphasised: 'their survival was no different from being up for sale, particularly to those involved in food distribution'. A significant number of the Acholi felt that the inadequate food supply in camps was linked with corruption, which put organisations under scrutiny. The IDPs commented that they would not have been surprised if the Ugandan government had supplied them with poor quality food, because such corrupt practices were common. Regarding corruption in government departments and institutions, one of the informants working with a local NGO in Gulu put it simply: 'In government systems, corrupt practices are not just an element in the system, but the system itself' [2].

Despite the humanitarian principles of impartiality, universality, neutrality and independence when assisting victims of war and displacement, some agencies appear to have contravened these principles. Corruption and manipulation of relief and development aid were widely reported. There were allegations of allocating relief aid to victims of war in exchange

for sexual favours. As another example, in Liberia and the DRC, the 'sex for food' scandal is testimony to how widespread this problem has become (Bowcott, 2005).

Other factors may also have contributed to food shortages. The NCFU, for example, argued that the disbandment of loss-making enterprises and the removal of subsidies on farming tools and products, contributed to insufficient food. The removal of subsidies meant that prices of fertilisers and pesticides skyrocketed, whilst also being in short supply. These policy measures certainly affected agriculture and food production. The planning and design of the IDP camps also led to the disintegration of Acholi social networks, which increased hunger and food vulnerability. Camp arrangements located people randomly, irrespective of which village or clan they had come from. The allocation of space irrespective of social background weakened the social fabric of the Acholi, making it impossible for IDPs who were relatives to live together and share food to soften the hunger. As families could not share food, 'it was every man for himself,' as one returnee insisted.

The lack of sufficient food aid was also due to severe underfunding of food by the international community. The reason for that underfunding was the change in climatic conditions, which caused low food production and increased the global price of food, as widely covered in 3.3.3.4. Louis Michel, the European Commissioner for Aid and Development, was concerned that the global increase in food prices, coupled with the global financial crisis, could cause the emergence of 'an economic humanitarian tsunami in Africa', according to Toussaint and Millet (2010, p.121). Uganda's appeal for more help from the international community, and particularly UN donations, went unheeded. In 2009, the lack of funds stalled the World Food Programme distribution of food to more than 750,000 people in camps and return areas in Northern Uganda (OCHA, 2009).

It is in this context that, upon visiting the northern region, Jan Egeland, the UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator at the time, described the situation in Northern Uganda as 'the biggest neglected humanitarian emergency in the world […] For me, the situation is a moral outrage' (Associated Press, 2004). Echoing this, the NCFU official said: 'Realising the pathetic food situation in the northern region during the conflict period, the Parliament of Uganda was forced to pass a bill in this respect, declaring the region a disaster area'.

Apart from the isolation of the Acholi, global events in the period between 1986 and 2008 coincided with the war and help to explain the inadequate food supply in Northern Uganda.

Toussaint and Millet (2010, p.199) outlined several factors that influenced the food crisis. First, the collapse of the Berlin Wall in 1989 ushered in a period of great economic transformation. In Uganda, the Museveni regime's adoption of SAP in the late 1990s affected agricultural food production. The focus was on the promotion of cash crop production, rather than food crops, which affected the Ugandan population, particularly the Acholi in camps. The increase in the price of food meant that many families struggled to make ends meet. Second, changes in climatic conditions, particularly severe drought, lead to diminishing grain reserves. As a result, countries such as Russia and Thailand, which acted as global food price stabilisers, curtailed food exports, which caused global food prices to skyrocket. Thirdly, the increase in the price of fuel due to political turbulence in the Middle East inflated transport costs, thus affecting the global price of food.

5.3.4.3   Access to healthcare

As we have seen, the government of Uganda adopted the SAPs related policy of decentralisation in the 1990s. This policy measure aimed in part to improve public health delivery. However, as of 1993, the government introduction of spending cuts and charges for users worsened the health sector. Specifically, in 2002, the spending cut on the health sector increased workload to health employees, and this affected service provision (Kobusingye, 2010, p.89). Citing the 2004 Parliamentary Report, Carlson (2004) noted that, due to spending cuts, only 22 per cent of the national budget at the time was committed to local government services in Northern Uganda. That budget could accommodate only 60 percent of the positions in the health sector.

The government spending cuts caused more suffering for the Acholi group than the rest of the population. Their life in isolation left them without any stable income to meet basic needs, including healthcare. Few, and sometimes none, of the basic healthcare facilities (for example, water pumps) existed in camps, which compromised the health of the displaced Acholi population. Insufficient water boreholes in camps compelled women to walk up to three miles to fetch water. While on their way, they risked their lives and security due to the risk of beatings and rapes by both rebels and government soldiers.[51]

Various communicable diseases including dysentery, meningitis, and Ebola were also widely reported. These diseases, particularly Ebola, resulted in a number of deaths. Many

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[51] The Maputo Protocol requires African states to enact and enforce laws punishing sexual and other forms of violence against girls and women. Similarly, the UN Council Resolution 1325 focuses on ending impunity for sexual offenders in conflict affected states.

Acholi people, plus one medical doctor[52] and 12 healthcare workers at St Mary's hospital in Gulu, died of Ebola. Camp design caused overcrowding, which was to blame for outbreaks of various communicable diseases. At Amuru Health Centre, a nurse alleged that almost 75 per cent of the deaths in camps could have been prevented had overcrowding been controlled. The claim corroborates the work of Bøås (2005, p. 12), who states that the war in Northern Uganda led to more than 25 per cent of children over the age of ten losing one of their parents due to disease, and that 9 per cent of children became orphans. Increased population density in camps also contributed to diseases emerging and spreading at an alarming rate. A lecturer at Gulu University claimed that in some camps the population density was higher than 1,700 people per hectare. In Amuru, at the peak of the insurgency in 2001, more than 35,000 IDPs were stationed in the camp. The ARLPI (2001, p. 16) recorded the number of IDPs in Pabbo camp to be more than 47,000.

The impact of war on civilians prompted Jan Egeland to comment: 'Nevertheless, as is the case in most conflicts on the African continent, the majority of the deaths are not caused by direct violence, but by the socio-economic effects of living in a conflict zone'.[53] Both Jacobsen (2011) and Bethany and Gleditsch (2005) also asserted that the main human costs during war are usually not the result of direct violence but of the associated consequences of conflict. Human suffering that intensifies after the shooting stops results from increases in the rate of diseases, hunger, forced migration and collapse of public services and livelihood opportunities.

The impact of the prolonged displacement on access to healthcare was well-reflected within indexes of human development. Access to health facilities in Northern Uganda remained poor beyond any national standard. Only 50 per cent of health facilities were operational due to war. The UBOS (2002; 2006) reports confirmed that poverty levels (income below 1 USD/day) had dropped significantly in both urban and rural areas of Western and Central Uganda (from 46 per cent in 1992 to 16 per cent in 2005). In the northern region, poverty - as indicated in the Human Development Index (HDI) - had merely fallen from 74 per cent in 1992 to 61 percent in 2005.

Finally, R.A, a 46-year-old widow born in Pagak parish, recalled the living conditions in camps in Amuru, highlighting another health-related consequence of displacement:

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[52] The *Christian Century Magazine* describes Matthew Lukwiya, a medical doctor at St Mary's hospital who worked tirelessly to save the lives of the Ebola victims, as one of the saints of our modern times.

[53] Refers to the former United Nations Under-secretary General for Humanitarian and Emergency Relief Coordinator when speaking at the international Red Cross Humanitarian Forum in Oslo on 7 February 2006.

> …in camps life continued to get more difficult. We were without drinking
> water. As a result, we become sick. In the year 2000 Ebola and diarrhoea
> erupted in the camp and many people died […] The tricky part was burying
> the dead. There were no places where you could bury the dead as the land was
> not ours. Even the dead needed respect. The home of the dead is the home of
> the living. So, we lived like animals. The owner of the land still wants us to
> 'remove all corpses' [16].

To the Acholi group, graves signified unity between the dead and the living. Burying the dead in the clan graveyard was perceived to be an important mechanism for honouring them (Shipton, 2009, p.5). The Acholi burials on clan land ensured a sense of continuation and identity. However, life in camps hindered the performance of these cultural rites. Owners who offered land for IDP camps demanded that their land should not be used for burial.

Figure 23: The Acholi graves as seen within the compound

Source: Author's field documentation and photography

5.3.4.4   Access to education

In 1997, the government of Uganda introduced the universal primary education policy, which abolished school fees. The AWDCA chairman asserted that due to prolonged displacement and government spending cuts, access to education for Acholi children was in flagrant breach of these laws. The government did not provide quality education for the children while in camps.

168

Most Acholi found themselves unable to meet day-to-day expenses, especially school fees. A local Acholi chief noted that, with the recently introduced decentralisation policies, central government delegated full responsibility to local governments for negotiating student accommodation, meals and other fees with parents. Teacher and parent committees introduced new fees to supplement inadequate school budgets. The new fees were to cover the costs of cooks, school maintenance and reconstruction, textbooks, uniforms, and so on. These fees were unaffordable to most parents who were in living camps without any meaningful economic activity.

The implementation of this decentralisation policy appears to have disappointed the Acholi chief. Comparing Museveni's policies with past regimes:

> Museveni's decentralisation of the education system made Gulu a pilot project. This disorganised the education sector. […] during previous regimes, schools were well-funded in terms of feeding and accommodation from primary up to the university levels. Students of that time were given full sponsorship and in big numbers. Those at the university were given full allowances, called 'boom',[54] on top of the government sponsorship. The removal caused a lot of student drop-outs from primary to university levels [49].

The reduced public expenditure following Uganda's SAP implementation in the 1990s introduced a cost-sharing system for basic social services, including the education sector – as documented in 3.3.3.2. This in turn paved the way for the emergence of a new private education system. One lecturer at Gulu University commented that, during the period of displacement, education facilities in public schools were patchy and the quality of education dropped. Despite the low school fees charged by government schools (relative to private schools), the quality of education remained poor.

I was told that in government schools, more than 200 students could be crowded into one classroom. For example, Acholibur Primary School in Amuru had only four classrooms and more than 1,050 students; only 17 per cent of the students passed their exams and continued with secondary education. The government schools experienced inadequacies related to staff, teachers' housing, classroom facilities, toilets and water points. These inadequacies compromised the quality of education. The Speaker of Amuru blamed the situation on the shortage caused by well-trained and skilled teachers moving from the public to take well-paid positions in the private sector.

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[54] Borrowed from development aid terms, particularly 'Boomerang', it refers to aid given with a primary purpose of benefiting people in donor countries. An example is US food aid to Africa.

Similarly, the emergence of humanitarian agencies offered better pay when compared with the public sector. Moreover, the increased insecurity sent other government employees fleeing their positions to find better-paid jobs in peaceful areas such as Kampala and other towns nearby. The movement of trained employees reflects Unruh's (2004, p. 30) observation that parallel institutions attracted trained personnel away from government. The Speaker of Amuru claimed that falling numbers of staff in the public sector was not limited to education, but also affected other sectors. He commented on the government's inability to issue appointment letters to new staff and to pay salaries and other benefits as being responsible for the decline, adding:

> We have problems in Amuru district, even the doctors who were recruited in 2007 have not been given appointments letters. Similarly, sectors such as education many people are working without appointment letters and even salaries for months. Others run away from their working stations [52].

Inadequate budget allocation appears to have been the main cause of unfulfilled appointments and salaries. In 1998, less than 30 percent of the funds allocated for primary education reached the relevant schools, according to Calderisi (2006, p.161) who linked the spending cuts to the diversion of funds for education to serve undisclosed priorities. However, Otunnu (2002) accused Museveni's regime of diversion of funds due to embezzlement by military officials. The Ugandan military inflated the budget to fight the war, which prolonged it. Between 1996 and 1997, the government's Auditor General revealed that more than 400,000USD went missing every month, to the detriment of the Acholi people, according to Pruiner (2004, p.379).

The introduction of private schools in Northern Uganda at the time when the Acholi were still in camps improved standards of education. They were fully equipped, but charged higher fees, which meant that the schools served the children of a small wealthy class in urban areas and trading centres. Children of average Acholi households were not served by these schools.

The local chief stated that most parents were also unable to send children to school because few primary schools were local to the camps. The small number of secondary and technical schools were located far away in urban areas and trading centres, while camps were mostly located in remote villages. Children had to commute as far as 35 kilometres on a daily basis, and this compromised the security of the Acholi children. With this insecurity in mind, one local chief asked:

> How could children commute as far as from Koch Goma to Gulu town daily amid the growing insecurity? Do you know what happened in Atiak technical school and Saint Mary's college? At Saint Mary's, while children were

sleeping, the LRA rebels snuck in, abducting 136 of them at gun-point, vanishing with them into the bush. Four of them are believed to have been killed by the LRA rebels [17].

Both the LRA and UPDF were the cause of fear and insecurity. Parents complained that poor education in certain areas had been caused by the UPDF's security arrangements. Many schools were forced to close or relocate. My informants also alleged that the UPDF engaged in the fatal shooting of 30 school children in Kitgum district in 1998, for an unknown reason. Both of these incidents shocked and caused fear among parents and children. A local religious leader thus remarked: 'Due to the lack of education during the 22 years of displacement, life in government-controlled camps produced many idle young people' [17]. In this context, it is hardly surprising that thee UBOS (2003) Report stated that literacy rates among the Acholi stood at 54 per cent, 14 per cent lower than the national average of 68 per cent.

5.3.5 Demographic changes

Their prolonged isolation resulted in, and perhaps even caused, an increase in the Acholi population. Within two decades, the number of Acholi more than doubled due to an increased birth rate. The population increased from 2 million before the conflict to 5.3 million after the conflict. In Amuru district, the population increased from 88,692 at the beginning of the conflict to 292,826 in 2012 (UBOS, 2012). At the Amuru sub-county level, the population rose from 20,876 in 1991 to 38,200 in 2012. Despite the increase in population, Northern Uganda remains sparsely populated compared to Southern, Eastern and Western regions of Uganda. For example, the UBOS (2014) Report cited Amuru district (North) as having 54 people per square kilometre, compared to 326 people in Mukono (Central) and 694 in Jinja (Southern). The average household size in 2014 was five people, and this applied across the country.

The LCII Tooro parish attributed the increased population in the sub-region, particularly of children and young people, to war-related insecurity:

> Limiting the movement of people and engagement in economic activities on security grounds, meaning during the night, the only activity people resorted to was to engage in procreation as the only comfort. Thus, the number of children increased. [20].

The above narratives demonstrate that insecurity in camps had a role in shaping the behaviour of the Acholi group. This is revealed by the increase in population, particularly of children and young people. However, their increase was associated with monetarised needs and demands. The inactive nature of the Acholi, not fully engaged in economic activities, caused difficulties in meeting such needs and demands and this necessitated relying on humanitarian aid supplies.

The Acholi population increase is thus linked to the humanitarian aid economy, particularly food as presented in 5.3.4.2.
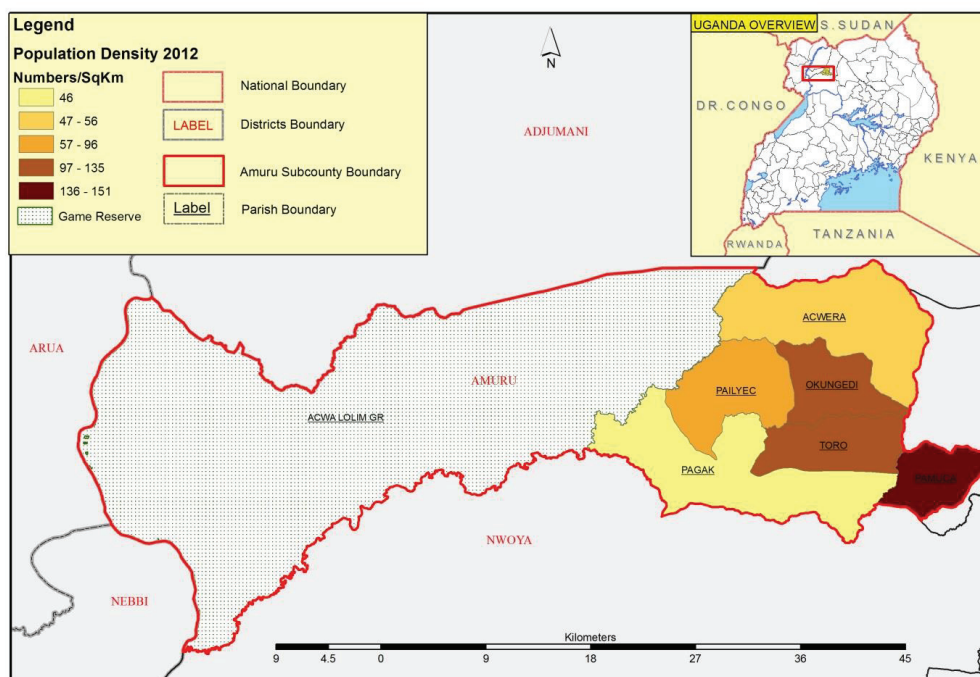
Figure 24: Map showing the population density of Amuru sub-county, Amuru district

Source: Modified map from Entebbe mapping and survey department

While the population of the Acholi had more than doubled, changes in the value of land resulted in the perception that land was scarce. This was not, however, linked to the absolute size of the available land, but rather to increased household size and changes to asset entitlement. The Acholi's 'perceived land scarcity' increased interest in land claims, which generated power struggles to access and distribute land among household members.

That Acholi camp life had been associated with increased population may account for some of the misunderstandings that emerged when lodging land claims. Three groups experienced difficulties in claiming land: (1) those born and raised in camps; (2) those born in villages and raised in camps; and (3) widows. This will be further discussed in the ensuing chapter.

Table 5: Population of Amuru district by sub-county

	1991			2002			2012*		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Amuru district	43,848	44,844	88,692	66,919	68,804	135,723	124,705	168,121	292,826
Amuru sub-county	9,941	10,935	20,876	14,448	14,521	28,969	19,000	19,200	38,200
Atiak sub-county	10,992	9,895	20,887	13,281	13,732	27,013	17,500	18,100	35,600
Lamogi sub-county	12,389	13,078	25,467	18,663	18,962	37,625	24,500	25,000	49,500
Pabbo sub-county	10,526	10,936	21,462	20,527	21,589	42,116	63,705	105,821	169,526

NB: * The population statistics were obtained via telephone after 2011 fieldwork period.
Source: Uganda Bureau of Statistics, Kampala

Most children who were born and grew up in camps missed out on the traditional knowledge associated with customary land ownership. The death of clan elders and parents conversant with farming skills caused a knowledge gap, as young people knew neither their homes of origin nor their plot boundaries. This inadequate knowledge contributed to claims and disputes and accounted for unfamiliarity with farming and village life among young people. Young people born in villages and raised in camps also missed the opportunity to practice agriculture. In camps and urban areas, the new economic opportunities that emerged influenced some of the younger people to engage with them, and their return home also provided young people with opportunities to engage in similar economic opportunities.

The death of husbands created vulnerable and marginalised groups. The majority of widows became household heads and were expected to engage in subsistence farming with limited access to land. This group of women demanded access to land to meet these new needs and demands, especially those of the children. However, the death of some of the clan elders and

local chiefs who had protected women's rights to use land crippled efforts to access land for agriculture (see Chapter 6).

5.3.6 Rumours and loss of trust

The isolation of the Acholi coincided with changes in the means of information acquisition and communication channels. The SAPs related policy opened the media and the communication sector to the private sector. Two principal modes of information acquisition and communication channels existed side-by-side: the formal and informal. A few trusted formal sources of information belonged mostly to the government. However, with the liberalisation policies, press freedom widened. Government sources no longer had an information monopoly. Buhembo (2002, p. 45) refers to improvements in traditional means of transport and communication (represented by mobile phones, newspapers, radio, buses and taxis), which supplemented information acquisition.

However, despite this widening press freedom in Uganda, the Acholi's isolation prevented them from enjoying it. A system of 'self-governance' was introduced in camps to facilitate relief distribution. The IDP camps were controlled and governed by rules and regulations defined and executed by government, through the UPDF and humanitarian agencies. However, the 'self-governance' system diminished the flow of information among the Acholi group. Similarly, the new 'self-governance' system diminished communication channels, which affected the level and degree of public participation and consultation on matters that affected them. The diminishing public platforms associated with freedom of speech and opinion, meant sensitive, political topics and opinions were to be avoided. For example, topics related to the conduct of war and peace negotiations were perceived to align with the ideology of the rebel group. One local chief told me:

> I have been arrested and detained six times in Luzira prison simply because of questioning Museveni's war conduct in the region. In response, the government perceived I was a rebel collaborator siding with Kony and his LRA group, which was not the case. [49]

The Acholi exchanged information with the outside world by commuting to and from the camps to urban centres. I was told, however, that at the peak of the war it took up to seven days to commute between Amuru and Gulu town, a distance of 53 kilometres. Similarly, other means involved contact with people distributing relief aid in camps, the use of mobile phones and local media such as radio stations.

The absence of credible sources of information in camps meant that rumours filled the vacuum. In camps, various informal sources of information emerged, particularly religious gatherings, water points, healthcare centres, markets and social clubs (referred to as 'Radio Katwe' in Uganda). These hubs not only facilitated the sharing of information and experiences, but also influenced the emerging perceptions of various issues.

Although most information spread informally from the outside world to the camps, some of the information created fear and tension among the Acholi. Informal information related to rumours circulating on 'Radio Katwe' that often suggested LRA operations, particularly abductions, killings and rape cases. Others related to land speculation and land-grabbing, particularly government intentions to give away land for free to prospective investors, alongside mineral and oil discovery, and the demarcation of Acholi customary land. However, the perceived truth of the information did not depend on individual perceptions of truth, but rather on the socio-economic and political environment that characterised their isolation and the actors involved in the construction of truth. Some rumours turned out to be true, while others were not. With isolation creating an environment for rumours to thrive, the Acholi tended to believe almost everything. The Acholi's behaviour reflected Buhembo's (2002, p. 45) view that Ugandans tend to create and accept rumours, gossip and fabricated stories about anything, the most favoured topics being politics, money, sex and death. Certainly, isolation not only confirmed the norm, but created a new environment for different kinds of rumours.

Certain rumours warned the displaced population of rebel groups advancing toward the camps and burying landmines and explosives. Others involving the re-organisation of administrative boundaries, land demarcation and registration, the MGC, the President's close associates, local elites and military generals engaging in land speculation turned to be true. Rumours of government giving away land to Muammar Ghaddafi and linking the land speculation with the discovery of mineral and oil deposits along the Nile in Amuru sub-county proved hard to verify.

The situation in Northern Uganda reflects a similar situation in Zimbabwe, however with some differences. War-related dislocation is responsible for creating an environment in which rumours could spread and flourish in Northern Uganda. However, in Zimbabwe, it is dislocation associated with socio-economic breakdown due to land policy reforms that created the environment for rumours to flourish. According to Jones (2014, p. 216), shortage of foreign currency was linked

to individuals working with the reserve bank to engaging in an illegal foreign currency black market.

In Northern Uganda, the emergence of environments for rumours caused mistrust to thrive, which shaped the development of the socio-political landscape in Northern Uganda. Three levels of mistrust emerged relating to war, displacement and land: (1) between Acholi clans; (2) between the Acholi and their central government; and (3) between the Acholi and other ethnic groups.

- Socially, mistrust caused different clans to take opposing ideological sides on the conflict. The differences widened even further on their return home. Relating to land claims, the mildest of provocations led to land related violence, injuries and killings as the case of Koro parish, Gulu (see 6.2.5).

- The Acholi's mistrust towards their government revolved around the new ways of owning land associated with land -related investment and the re-organisation of administrative units. The introduction of the new Land Act provoked a deep sense of mistrust about the intentions of the central government towards the vast Acholi land that had been depopulated and remained empty. The Acholi mistrust towards government was evidenced by state patronage aimed at allocating land to private investors particularly the Madhvani group.

- The scramble for access to land also created mistrust between the Acholi and other ethnic groups. The Acholi feared losing their land to the outsiders. In Amuru sub-county, this mistrust was pronounced between the Acholi and the Langi, Indians, Teso and Banyankole cattle herders. For example, the perceived involvement of the Banyankole during the Acholi cattle loss to the military appears to have heightened the mistrust against them.

The local chief cited the demarcation of the land along the Nile River between Amuru and Adjumani as a case in point related to the re-organisation of administrative boundaries as the Acholi were still in camps. Although these appeared as one-sided information and rumours, they nonetheless created tension and fear and lessened the state's influence on the local populace. In this respect, the Northern Uganda situation reflects a similar situation in Liberia, where the Firestone Company occupied one-tenth of the country's land for the purpose of establishing plantations (Wily, 2009, p.35).

One final consequence of the rumours and mistrust around the-organisation of administrative boundaries and land demarcation appear to have been its political influence which shaped ideological development in returnee areas. In particular, talk of large-scale acquisition influenced the political development of the sub-region, and expanded the strength of the opposition, as will be seen in 6.2.6.

5.3.7 Changes in cultural norms and values

The prolonged isolation of the Acholi disrupted and distorted the socio-cultural norms which had been practised for centuries. Camps also created a physical environment affecting the Acholi's cultural norms and values.

First and foremost, war-related isolation caused family breakdown. As a patriarchal system, men's traditional role within families was that of the breadwinner. The loss of income and numbing isolation in camps illustrate the loss of that traditional role. Deaths, disease and alcoholism, and the inability of the remaining men to attend to their families caused the breakdown of marriage. While the premature death of clan elders left many widows, men succumbing to alcoholism caused a significant number of divorce cases and children born out of wedlock. Many women felt abandoned by their husbands, which increased the burden of raising children. A significant number of women had to engage in illegal economic activities especially brewing illegal local alcohol known as *Chief waragi*, *arege, gulugulu,* and *liralira*. The alcohol was packed and sold within the camps. Similarly, young people's lack of engagement in meaningful economic activity left them more vulnerable to excessive alcohol consumption. One of the Acholi chiefs insisted that a 'culture of laziness' among idle young people flourished in camps; '…this "culture" also followed them home'.

The increased number of divorce cases may explain women's vulnerability to human immunodeficiency virus/ acquired immunodeficiency syndrome (HIV/AIDS). The Acholi local chief had this to say:

> Lack of income by men led to women being abandoned. Some of them engaged with multiple relationships in order to survive. Such a situation contributed some women producing children out of wedlock, while others contracting and spreading the deadly HIV/AIDS disease [28].

Relating to the difficult parenting conditions in camps, one widow in Pagak said:

> Being blessed with seven children, taking care of them was so difficult. They became vulnerable to all sort of illness, even the HIV/AIDS pandemic. I am not talking HIV/AIDS disease in abstract; it is real, since I lost a daughter during camp life [25].

Overcrowding was claimed to be the cause of diseases previously uncommon to the Acholi sub-region. One local chief claimed:

> …activities such as sexual abuse, rape, drunkenness and adultery, were illicit and new behaviours in our society, as they did not exist before this war and could even explain the increased cases of HIV/AIDS in camps. [28].

Conditions in camps appear to have contributed to criminal activity and social problems. In Kitgum, Northern Uganda, Vincent and Sorensen (2001, p.111) linked displacement with over-crowding and inactivity among the Acholi in camps. Lack of access to land and cattle meant that few families could afford dowries, resulting in fewer marriages.

The Ugandan government had tried to contain the spread of various diseases, including the HIV/AIDS infection, according to Calderisi (2006). Between the 1990s and 2000s, HIV/AIDS prevalence levels fell from 18 percent to 6.4 percent. However, this fall was mostly confined to districts that had not been affected by the war. The GoU (2007) report indicated that, during the 2004/5 period, HIV/AIDS prevalence in the war-affected districts such as Amuru, stood at an average 9 percent higher than non-war areas. Three issues are deemed critical in spreading of HIV/AIDS infections in camps: 1) lack of information and communication; 2) drunkenness and alcoholism; and 3) the increased presence of large numbers of UPDF soldiers.

- First, information dissemination and communication, especially sexual education for young people, was the preserve of clan elders. This role was generally performed during evening gatherings around a fireplace *or Wangoo.* However, Acholi isolation, limited movement and the death of some clan elders hindered the remaining elders in passing their wisdom on to young people. This had significant consequences for traditional values upon the return home.
- Second, increased levels of alcoholism among men became a catalyst for sexual activity linked to the HIV/AIDS infections. The local chief claimed that the lack of economic activities in camps meant that most men turned to alcohol and dancing as a way of seeking solace. Alcoholism also caused many older Acholi to somewhat lose their dignity among

younger people. Once drunk, some of them misbehaved as they exposed their emotional weaknesses in front of girls and children. Similarly, there were reports of increased alcoholism among men contributing to violence at home according to Vincent and Sorensen (2001, p.108).[55] The local chief added that some of these men are now finding it difficult to change such habits, as 'old habits die hard'.

• Finally, at the peak of the war, more than half of the 50,000 members of the Ugandan Army camped around Gulu and Kitgum. No imagination is required to fathom the impact their presence had on the lives of the camp dwellers and the women in particular. Incidences of divorce and children born out of wedlock mushroomed. The UPDF's harassment of local displaced women has been widely reported during their previous military operations, particularly in CAR and north-eastern DRC-Congo. There are reports of the UPDF soldiers of sexual exploitation and abuse among women and children in the CAR according to Human Rights Watch (HRW) (2015). In the Congo, the UPDF forces are reported to have brought home with them more than 300 Congolese women, leaving over 2,000 children behind (IRIS, 2002).

In Tooro camp, while carrying out fieldwork, I observed a conversation between my *boda boda* driver (motorcycle taxi driver) and one woman. On our way to Gulu, I asked what had transpired and he remarked: 'most women in camps perceive young men with a *boda boda* to have money, which makes us more attractive to them.' The motorcycle taxi driver's view corroborated narratives that linked the UPDF's monetarisation of the local economy with undesirable behaviours in camps. The local chief asserted:

> The emergence of ill behaviour in our society was a clear sign that the conflict
> and displacement in Northern Uganda had destroyed the very foundation of
> Acholi social and cultural norms' [28].

The war-related displacement associated the with influx of multiple actors appears to be responsible for the behavioural changes among the displaced population. However, it is physical dislocation and dispossession of assets and means of production that affected their livelihoods. Adjusting to their daily lives involved engaging in illicit behaviours such as illegal hunting, prostitution and even fighting on the rebels' side. In this respect, Rodriques (2014.

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[55] Accordingly, a study in Kitgum showed that increased economic activity among women in camps became a source of tension within families. Men's income was generally wasted on excessive alcohol consumption, and therefore men fought to control income earned by women - leading to incidences of domestic violence.

p.108); Kamete (2012, p.244) critiques perceptions of displacement and associated changes in the behaviours of the displaced population, reaffirming that displacement is no different from displacing livelihoods and needs to be understood as such and that changes in the behaviour of the displaced population emanate from changes in the pattern of their livelihoods. Specifically, in Zimbabwe, the government operation[56] to displace the young population destroyed all productive assets and dismantled production systems, as well separating from their ecosystem. Coping with economic hardship, the youth had to engage in illicit economic activities such as smuggling, forgery and fraud (Jones, 2014, p.215). In Angola, displacement in rebel-controlled mining villages forced children and youths to engage in illegal activities, particularly the manual digging of diamond.

The introduction of cost sharing in education caused some children to drop out of school. Those who dropped out of school were susceptible to high-risk behaviour, particularly loitering in camps, alcohol consumption, prostitution and often early pregnancy as a consequence. Girls who could not attend school most often engaged in looking for food, which influenced prostitution, particularly with soldiers. In return, soldiers supplied them with necessities to support the girls' extended families (Vincent and Sorensen, 2001, p.112). These desperate Acholi cases reflect the situation in post-earthquake in Haiti. O'Neill (2018) reported that children as young as 6 years old traded sex with UN peacekeepers and aid workers. This happened in exchange for basic necessities such as food, money and soap, and, at times, expensive items such as mobile phones.

The involvement of UPDF soldiers with the Acholi women and girls was not well-received within Acholi society. The Acholi blamed the war and its impacts for weakening the traditional ways of Acholi life. Expressing deep feelings about the war and its effects on the Acholi women, one male respondent said:

> UPDF soldiers were to blame, as they were largely responsible for the spreading of HIV/AIDS. The soldiers used their meagre salary to grab people's wives, thus paving the way for the many divorces, and the many children born out of wedlock [66].

Many cases demonstrate sexual abuse among various actors as reported in previous military and peacekeeping missions. In Haiti, the UN peacekeeping soldiers fathered 11 children to Haitian women and girls, known as 'peacekeepers' babies'. However, increased sex abuse cases

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[56] Jones (2014), refers to government operations known as Murambatsvina and 'restore order' displaced people not only in-space but also in-place.

among the military and peacekeepers appear to be breaking old traditions. 'Those who care for the children's homes and women are above the human temptation,' Nikki Haley, the United States ambassador to the UN, once said with regard to sexual abuse committed by the UN peacekeepers, 'What do we say to these kids? Did these peacekeepers keep them safe?'[57] In 2014, cases of sexual abuse by UN peacekeepers in CAR against children led to the resignation of one of the officials (UNIRIS opinion, 2016).[58] Recently, the mothers filed a legal case against the UN and individual peacekeepers over paternity and child support claims, reports McVeigh (2017).

Although sex abuse is reported to have affected mostly women and girls, humanitarian aid workers were not spared, particularly while trying to protect local civilians. The AFP (2017) reported cases in South Sudan, Rwanda and Mali of humanitarian aid workers being sexually abused and killed. Otunnu (2006) exposed the increase in sexual abuse and early marriages among women and children that not only made them targets of war, but also left them trapped between the brutalities of the LRA and UPDF. The abuses attracted international attention.

As we have seen, insecurity prompted a new form of night commuting behaviour among young Acholi. The war-related insecurity also 'slackened' Acholi behavior which previously guarded by their clan elders and local chiefs. One of the Acholi chiefs was alleged to have colluded with outsiders to sell their land through corrupt practice. This action caused anger among young people. One local chief at the centre of allegation asserted:

> […] during a parish meeting, an angry mob of youth from Amuru, Parabong and Olwal Kit threw sticks and stones at me. I felt humiliated by my own people, since taking matters into own hands is against the Acholi customary law. I considered taking the matter to the local court for further hearing and punishment [28].

Most rights groups and clan elders were against taking matters 'into one's own hands'. However, the incident exposed the extent to which the conflict in the Acholi sub-region had shaken the very foundations of traditional customs and values.

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[57] See also, Allen-Ebrahimian, B. (2017) article in the Foreign Policy titled 'U.N. *Peacekeepers Ran a Child Sex Ring in Haiti*'. Available at: http://foreignpolicy.com/2017/04/14/u-n-peacekeepers-ran-a-child-sex-ring-in-haiti/?utm_content=bufferba0a6&utm_medium=social&utm_source=facebook.com&utm_campaign=buffer
[58] Kampass, A. (2016). Exclusive: the ethnic failure: why I resigned from the UN. Dated 17th June. Available at: https://www.irinnews.org/opinion/2016/06/17/exclusive-ethical-failure-%E2%80%93-why-i-resigned-un (Accessed 21 June 2017).

5.4   Emerging conclusions and implications for return and resettlement

Based on the many issues that confronted the Acholi in camps, I present four issues that underpin the current discussion and will also characterise the subsequent chapter and the emerging conclusion. The issues relate to: 1) government military tactics; 2) entitlement to assets; 3) mistrust of the government; and 4) compensation claims for lost assets.

5.4.1   Government military tactics

The UPDF's 'military tactics' of dislocation and camp formation were designed to annihilate rebel fighters. The goal was to deprive them access to food and other supplies. Similarly, the approach aimed at cutting off the supply of recruits to rebel fights through abduction. The 'military tactic' could be compared with other 'scorched-earth policies' employed across the world – for instance, American forces when fighting in Vietnam. The US forces not only separated rural farmers from guerrilla fighters, but also destroyed their habitations. In Mozambique, the RENAMO rebels employed similar tactics when fighting the Frelimo forces. In Zimbabwe (formerly Rhodesia), the British regime established village camps to prevent peasants from supplying food and other necessities to the ZANU-PF forces under Robert Mugabe. Similarly, the British deployed the tactic in South Africa in order to control the Boers. The tactic was also used in Ethiopia in the 1980s, mostly in the 'government administered zones' (Walker, 2008; Nordstrom 1997, and Lan, 1985, p.32). Not one case, including that of Northern Uganda, suggests that this military tactic was effective. Local civilians suffered the consequences of both war and forced displacement, which necessitated the prohibition of such military strategies by Article 54 of Protocol I of the 1977 Geneva Conventions[59].

5.4.2   Changes in entitlement to assets

The revelation of the Acholi's dislocation and loss of tractors and farm machinery opens a Pandora's Box regarding the multiple activities uncovered in the earlier section 2.3. It confirms their early social organisation and the continued influence of cattle herding, subsistence agriculture and, recently, the emergence of commercial farming. The loss of farm implements demonstrates the previous level of agricultural mechanisation that had been attained by the Acholi group.

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[59] See also; the United Nations. Protocol 1: Additional to the Geneva Conventions, 1977. Part IV: Civilian Population, Section 1: General Protection Against Effects of Hostilities, Chapter I. 1977.)

Changes in the entitlement to assets influenced the Acholi focus on land claims upon their return. Land commanding monetary value affected women's land claims, particularly unmarried, divorced and widowed women. Efforts to claim land that belonged to their parental families on behalf of their children were often viewed as 'illegitimate claims', as discussed in 6.2.4.

5.4.3   The Acholi's mistrust of their government

The Acholi's isolation, together with external influences, shaped their view of their government. The loss of assets reinforced the perception that the war in the sub-region had been planned as an act of revenge by their government. It heightened their mistrust and their perception of being historically 'neglected and marginalised'.

Similarly, suspicion characterised Acholi interpretations of various government policies, particularly the land reform and re-organisation of administrative boundary units. This accentuates the fundamental conflict: between modern land regimes and customary land use. While the government pushed for the implementation of the land reform, the Acholi's deep mistrust of the government, supplemented by inadequate participation and consultation, led them to resist its implementation. The clash of ideas goes some way to explaining the land conflicts emerging upon the return of the Acholi people.

The premature death of some clan elders and local chiefs also impacted on traditional values and practices. The few remaining, in collaboration with government institutions, were involved in politically and financially motivated land allocation. The practice resulted in the emergence of land related corruption. This practice in turn heightened the Acholi's mistrust of some of the institutions engaged in land issues, such as local courts, police and administration authorities.

5.4.4   Compensation of lost assets

The isolation of the Acholi group impoverished them while in camps, but then opened an avenue for them to return home in large numbers and lodge claims for land and property. The compensation comprised resettlement packages and cash payments for lost cattle and property, mainly from government and donor agencies, as discussed in 0. The success of their reconstruction and recovery depended ultimately on successful land claims and compensation for lost assets and property.

CHAPTER SIX:
THE LEGAL AND POLITICAL CHANGES

… promote security of tenure for all segments of the society by recognising and respecting a plurality of tenure systems, identifying and adopting, as appropriate to particular situations, intermediate forms of tenure arrangements, adopting alternative forms of land administration and land records alongside conversational land administration systems, and stepping up efforts to achieve secure tenure in post-conflicts and post-disaster situations (UNHABITAT, 2011, p.32).

6.1 Introduction

This chapter is a continuation of the analytical framework associated with three intertwined levels of investigation: (1) war, forced displacement and camp life; (2) return home and resettlement; and (3) reconstruction and recovery. It focuses on the new reality emerging during the reconstruction and recovery of the Acholi returnees. I argue that the war and prolonged displacement, together with land-related policy reforms, have had significant consequences for the Acholi people, particularly regarding claims to land and associated disputes.

The chapter is divided into three parts. The first presents some of the land-related changes that occurred as the Acholi were trying to resettle and claim land and property and faced multiple land-related contestations and conflicts. The second explains the implications of these changes for their return and recovery. The chapter ends by summarising the main arguments.

6.2 The Acholi's new reality and perceptions

Seven key field-based elements are the outcome of the investigation and form the matrix of data analysis and the emerging conclusions, as will be seen in chapter 7. The key elements represent some of the socio-economic, legal and political changes that shaped the perception and actions of the Acholi on their return home: (1) land policy implementation; (2) new administrative boundaries; (3) land-related investments; (4) new approaches to dispute resolution; (5) the role of land-related institutions and actors; (6) political opportunism; and (7) property compensation. These key elements are presented and summarised in Figure 16. These changes were generated from the socio-economic, legal and political influences on the Acholi's customary way of life, as summarised in Figure 25.
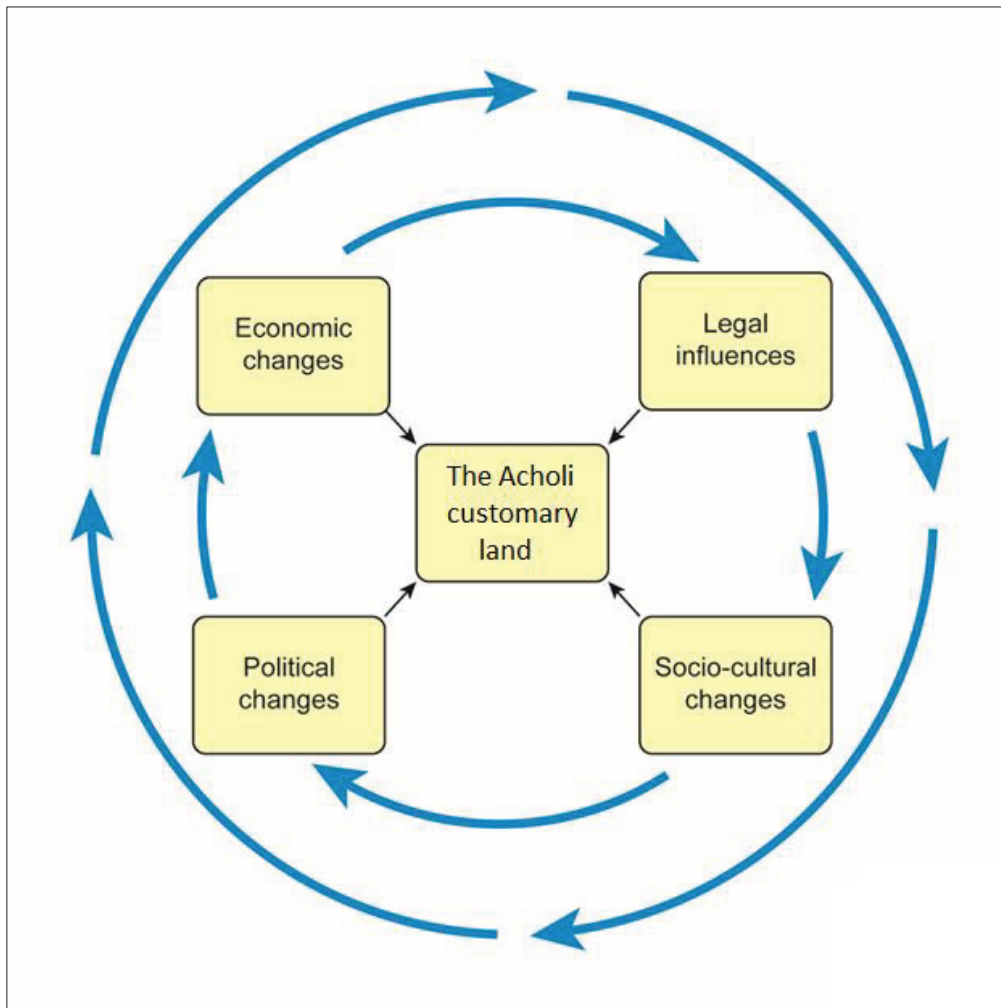
Figure 25: The socio-economic, legal and political influence on customary land

Source: Author's own conceptualisation of the forced displacement-return nexus

6.2.1 Land policy implementation

The Ministry of Land's official said that implementing the new land policy reforms within the Acholi sub-region involved: (1) the restoration of customary land; (2) land demarcation and registration; and (3) land rights of EVIs.

6.2.1.1 Restoration of customary land

The legal recognition of Acholi customary land also involved the introduction of new forms of land ownership within the Acholi sub-region, particularly freehold and leasehold tenure regimes. Moreover, legal recognition meant the Acholi customary land became individualised,

backed by the certificates of customary ownership (CCO) or community land trusts. The individualisation ensured both men and women had equal access and ownership rights as reflected in Articles 33, 34, and 35 of the new Constitution of Uganda and the associated Land Act of 1998. Legal recognition was envisaged to provide greater security over the Acholi customary land. However, legal recognition and individualisation meant the Acholi customary land was no longer attached to the clan or its fundamental communal, cultural and social values.

6.2.1.2 Land demarcation and registration

Individualisation was to be achieved through a certificate of customary ownership (CCO), which the customary land holder could convert into a fully-fledged title. Conversion refers back to modernisation theories, which view development in terms of a continuum, as seen in 3.3.1. Accordingly, informal rights to land are formalised into registered secure rights. It was hoped that the CCO could have opened the Acholi customary land into a modern liberal system, alongside de Soto's formalisation strategy, in which title acquisition could allow a land's potential to be sold and bought and to act as mortgage security for the acquirement of bank loans. Credit acquisition could enable the creation of additional wealth.

However, the inability to convert a freehold title into a CCO affirmed the inferiority of the latter and attested to the widely held view of some of the local Acholi and land theorists, where modern land ownership was perceived to be superior to customary land. One local priest stated:

> We have our own customary ways of owning land, based on clan [extended family] and communal values; they [the World Bank and the IMF] believe on their own ways of owning land based on individual liberty, which is different to our local settings [27].

Various land-related studies in Africa confirm that land tenure security does not depend on formalising land rights. Regarding South Africa, for example, Cousins et al. (2005, p.8) showed that informal rights to land remained more secure than formal arrangements. The security of land rights did not depend on the title acquisition, but rather on the perceptions of the local land community, as widely discussed in 3.2.3 and 3.2.4.1.

In Uganda, the uncertainty attached to the CCOs was widely reflected, particularly during the parliamentary debate that passed the 1998 Land Act. According to Manji (2006), converting land from communal to freehold ownership was met with social and political resistance among parliamentarians. Avoiding future uncertainty and confrontation, the former Prime Minister,

Prof. Apollo Nsyambya[60], insisted on retaining the customary land-tenure system. According to Batungi (2008), the benefits attached to an individualised title to land could convince people to voluntarily switch to it. Similarly, the Acholi Parliamentary Group (APG) raised concerns regarding inadequate consultation, mostly relating to the isolated Acholi group.

The Ministry of Lands remarked that the formalisation of customary land, particularly land demarcation and registration, caused friction between traditional and modern methods of land ownership. Local resistance and confrontation had been reported mostly between local people and land ministry officials. For example, in Northern Uganda, there were incidents during which local people attacked the Ministry of Lands officials when he was attempting to demarcate land. The ministry official declared:

> In the Aminit parish of the Soroti district, three of his employees were hacked at by an angry mob over attempts to demarcate customary land, resulting in them being admitted to the local hospital. In the Amuru sub-county, through telephone communication and media coverage, local people tried to block land ministry officials who were trying to demarcate the disputed land in the Kololo and Lakang villages. [9]

The confrontation appeared to reflect the ethos of Acholi customary land ownership and the opinion held by the survey and mapping official, who referred to the Acholi's rejection of land demarcation and registration thus: 'God gave this land to us. You can use as much as you want, but do not claim that it belongs to you. They were against land demarcation and registration, since, when land is registered they perceived it is gone!'

Acholi customary land ownership reflects two theoretical positions: the principle of first occupancy; and features associated with the African customary law of land tenure, as presented in 3.2.4.1 and 3.3.3 respectively. Based on the principle of first occupancy, an individual is at liberty to put their will on something, and particularly to appropriate property. However, the mode of first occupancy ownership of property is perceived to deny other people their continued rights of access and use. By contrast, the African customary law of land tenure presents land rights as being held by the community and individuals. Differences exist between 'possession' and 'ownership'; while individuals 'possess' the right to use land, 'ownership' remains with the whole community. The major area of contestation between the Acholi's traditional approach

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[60] Prime Minster of Uganda between 1999 and 2011.

to customary land ownership and modern methods of owning land centres on the inalienability of the land rights.

6.2.1.3 Land rights of EVIs

Despite modern land ownership promising equal access and ownership to the Acholi customary land, in practice the reality was very different. The NRC official confirmed that during the return of the Acholi, new groups of vulnerable and marginalised people faced uncertainty towards access and ownership of customary land, as widely discussed in 6.2.4. The threats reflect the Acholi land ownership ethos in which women can only command the right to use land with no authority over ownership. This tendency appears to contradict Article 6 of the Constitution of Uganda 1995, which states that 'men and women have equal rights to own land'.

Addressing the inequality, the NRC, through the ICLA project, initiated a programme aimed at empowering individuals, particularly marginalised and vulnerable groups, to acquire a CCO. The ICLA supported the CCO application process by covering demarcation, transport and allowance fees to field staff. As of 2011, the NRC database and, more specifically, the Amuru sub-county, had 217 applicants for CCOs, of which only 12 were women and none of whom had acquired the CCOs.

Most Acholi perceived that the implementation of CCOs would erode or weaken customary land ownership. This individualisation could cause uncertainty among the would-be new land holders and returnees. One local priest said:

> The CCO remains something abstract and with unforeseen consequences for returnees. Bad enough the CCO is perceived to raise fear that those who do not apply for it will be looked upon by their neighbours as future land-grabbers. … […] … everyone is rushing to apply, but no-one knows what to do with it [27].

The new mode of customary rights verification raised uncertainty among the Acholi returnees, which emanated from two sources: (1) Isolation and inadequate participation and consultation during the land policy changes. Acholi land accounts for 30 per cent of all land in Uganda, meaning their inadequate participation affected a large group of people. (2) Lack of social acceptance of the CCOs among returnees and other stakeholders. Because of the uncertainty attached to CCOs, linked to the inadequate participation of the Acholi, the Joint Acholi Sub-Regional Leaders Forum meeting recently proposed that the implementation of CCOs within the Acholi sub-region be halted.

Once customary land is registered, there is a fear that foreign investors could be interested in buying it due to the legal recognition and security offered in the context of de Soto's (2000) formalisation programme. The individualisation of land rights could trigger economic effects in which land becomes a commodity to be bought and sold. It is feared that the individualisation of the Acholi land could transform the sub-region, so that land is used for commercial agriculture rather than subsistence farming, causing local people to lose their land to outsiders, a widely held perception among my local population.

6.2.2   New administrative boundaries

The land dispute accounts from post-war Amuru demonstrate the complex, multi-faceted and contradictory cross-cutting issues related to prolonged isolation, policy changes, power structure and authority, ethnicity, and governance issues regarding the Acholi customary land administration and management. The land issues resulting from the new administrative boundaries are not only complex and hard to present and understand from a researcher's perspective, but are also difficult for all actors operating on the ground.

According to the Commissioner in Charge of Administrative Boundaries, the decentralisation policy was adopted to make public infrastructure facilities and social service delivery more effective and closer to local people. The policy approach involved the re-organisation of administrative units throughout Uganda. Despite re-organisations having already been carried out in 1958 by the British and in 1962 by the Obote regime, the 1992-2006 re-organisation by the Museveni regime is significant as coincided with the Acholi's displacement and return.

The re-organisation of administrative boundary units carried out between 1991 and 2006 more than doubled the number of administrative districts from 39 to 80. By 2011, the number of districts had almost tripled to 112. Similar processes were observed in other administrative units, in counties, sub-counties, parishes and villages (as shown in Table 6). Specific to this study, the Amuru district itself is the product of the re-organisation of the administrative units. It was established on [1] July 2006 carved out of the Gulu district.

Table 6: Dynamics of administrative units in Uganda, 1969–2010

Administrative unit/Year	1969	1980	1991	2002	2010
Districts	21	33	38	56	112
Counties	111	140	163	163	169
Sub-counties	594	668	884	958	1382
Parishes	3141	3478	4636	5238	7241

Source: Field data collected in 2012 from the Ministry of Local Government in Kampala, which might have changed since that time[61].

Although the re-organisation of the administrative boundary units happened throughout Uganda, the impact was particularly deeply felt in war-affected areas. The absence of the Acholi group, as potential territorial rights claimants, paved the way for the re-organisation of administrative units without their consultation or resistance. The inability of the Acholi to participate in the re-organisation process could explain the various disputes and contestations about territorial administrative boundary which emerged on their return home, particularly in the Amuru sub-county.

According to the local chief, most territorial border disputes that emerged in Northern Uganda were both local and international. The disputes were between districts which bordered countries, counties, sub-counties, and villages. Most of these border disputes were not only multi-faceted, but also became politically and ethnically controversial. Some of these politically controversial disputes involved international borders in districts located between Uganda and Southern Sudan. Local border disputes took an ethnically motivated direction between: the Amuru and Adjumani districts; Amuru and Nwoya; Gulu and Amuru; Amuru and Nebbi; and Nebbi and Adjumani. Some of these disputes not only involved government institutions but also districts that are predominantly occupied by the Acholi, Alur and Madi ethnic groups. In this study, the Acholi and Madi ethnic groups featured most in the border dispute between Amuru and Adjumani. Specifically, the Apaa land dispute featured most frequently even though it is not in the Amuru sub-county, but rather in the Pabbo sub-county. The conflict appears to have three dimensions: local community and government entities (UWA/NFA); the local community and land acquisition for the Madhvani sugar factory, and the district border dispute

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[61] See also, UBOS (2014) National population and census survey 2014; main report.

between Amuru and Adjumani. The remaining border disputes are outside my scope of study but will be mentioned to help explain territory re-organisation and associated disputes.

Three different narratives explain how the re-organisation of administrative units caused boundary-related disputes, mainly between the Amuru district and Adjumani. Each narrative justifies or refutes the re-organisation of administrative boundaries based on historical, speculative and market-based reasons: (1) that of the Acholi chief and clan elders; (2) that of a local journalist; and (3) that of an official of the Uganda Wildlife Authority (UWA). The three sets of narrative accounts presented are not only based on the field findings but also appear to confirm the emerging complexities, contestation and confusion of the situation on the ground.

6.2.2.1   Narrative of the Acholi clan elders and local chiefs

Representing the Acholi returnees, a narrative based on the history of the Acholi group emerged during the meeting held on 13 April 2011 in Lakang village. The meeting was convened following the deterioration in the peace. The government had issued an eviction order to more than 1,000 returnees alleged to have encroached on the Achwa-Lolim land. However, one local chief contested the allegations as he told me:

> … the Lamogi clan had lived in the Omee and Apaa areas even before the arrival of the British administrators in 1894. … […] … the land was used as hunting grounds. Once Kony insurgency broke out, the few Acholi living as far as Apaa were ordered to move into camps. The order made the land vacant [49].

Connecting the Acholi claim to their ancestral land, the local chief asked: 'The land in question should have had owners. Who began naming of those rivers, forests and hills? There are graves, old grinding stones, bananas, and even mango trees; who planted them?' [49].

The presence of cultural artefacts such as graves, trees, and traditional working tools appears to verify the usufruct rights attached to customary rights claims and appropriation. These cultural artefacts are essential in constructing the narratives supporting the returnees' rights claims and their appropriation of customary land. The rights claims confer and justify valid reasons for individual Acholi and for the whole group upon its return. In this respect, the Acholi claims to territory reflect similar principles to those of first settlement and the African customary law of land tenure.

6.2.2.2 Narrative of a local journalist

A local journalist representing media houses provided this narrative account of the development of land contestation and disputes since 2002:

> In 1970, the Idi Amin regime degazetted the area, and gave the land to four close family associates, mainly of his regime cabinet of ministers and commissioners from West Nile. The size of the acquired land measured between 400 and 500 hectares each, which became titled.
>
> As of 1981, six local families lived there, mainly in Pabbo Sub-county. These families accessed the land in the Apaa area, mainly for game hunting activities. With the emergence of Museveni's regime by 1986, no adjustments had been made.
>
> It is until 1999, when the UWA authorised demarcating borders of the game park. The demarcation, thus encroached the Zoka forest reserve that was under the Uganda National Forestry Authority (UNFA).
>
> In 2002, Adjumani District Council passed a resolution that designated part of the animal corridor to the auspicious authority of the UWA [58].

The journalist's account certainly raised more questions than answers. How could the game park, freehold title holders, and the Acholi customary land co-exist? When was the disputed land between the Amuru-Adjumani border designated as a game reserve? These and other questions are partly answered in the subsequent narrative account and its summary.

6.2.2.3 Narrative of the UWA representative

According to the UWA official:

> …the East Madi Game Reserve had been designated as a game reserve in the 1960s by the Obote regime. However, even before Amin came to power, the area was de-gazetted. The border between the East Madi controlled game reserve and that of the Acholi remained not clearly defined.
>
> In 2002, the UWA authority asked the Adjumani District Council to hand over the controlled hunting area. The local council passed a resolution supporting our request under the name East Madi Game Reserve. However, the demarcation coincided with the Acholi return, and claimed it to be their land. We tried to create a 10km corridor for animals cutting across the Nile, but the Acholi refused. Surprisingly, other tribes, such as the Alur and the Madi, accepted [63].

The Acholi territorial demarcation and acquisition reflects the legacies of the Western concept related to territory, as seen in 3.2.3, but also government's gerrymandering of district politics, mainly through re-organising administrative boundaries according to the Western concept of

territory as a legal jurisdiction, signifying rights possession over a certain piece of territory. In Uganda, despite the British territorial acquisition and legal demarcation of territory aimed at resolving multiple ownership disputes, new ones were created.

According to Evans, (2014, p.71), the re-organisation of the administrative boundaries relates to the consolidation of political power, since the re-organisation provides an avenue for concentrating the voting strength of competing parties as the case of post-war period in Senegal. Similarly, in Northern Uganda the loss of assets and land grabbing caused land claims to take a political direction. Opposition parties gained the upper hand over the ruling party, since the re-organisation of the administrative boundaries had acquired a political perspective; however, the government remade political space, however through an ethnic lens. As will be further presented in 6.2.6, the creation of new sub-counties, counties and districts certainly had an impact on influencing the election outcome.

Regarding the few influential people holding titles on the customary land in the Apaa area, the UWA official lamented: 'How could an area that had been under customary land ownership norms be issued with freehold titles? Obviously, those titles are to be cancelled'. The existence of legal titles over customary land exposes controversies underlying traditional and modern land ownership, particularly regarding the notions of 'ownership' and 'possession' as conceptualised and understood within Acholi and Western property contexts (as discussed in 2.3.2.2 and 3.2.2.3). For the Acholi, 'ownership' of customary land is held under a corporate body: the whole community. Individuals or families maintain mere 'possession' through the continuous use of land. 'Ownership' of customary land is vested not on legalities, but on the universal acknowledgement of all community members. In the West, by contrast, 'ownership' rights over land are embedded in individual legal titles as proof of ownership. The existence of legal titles on customary land, even before the recent land policy changes, not only exposes contradictions between the two systems of land ownership, but also appears to reaffirm the UWA official's position regarding the illegality of such titles.

Synthesising further the two sets of narratives based on the field findings as presented by local journalists and UWA officials, five common issues that demonstrate the complexities and contradictory nature of the policy decision cab be highlighted: (1) The Acholi people accessed the area for hunting, grazing and even habitation; (2) The number of titles issued in Amuru before, and immediately after, the start of the war stood at five or six, evidenced by the local journalist and Amuru; (3) There is almost common agreement on the justification for gazetting

land for wildlife, but not for re-organising the administrative units. There is a recognition that the Madi ethnic group were consulted by the UWA with regard to land demarcation simply because they were not deeply affected by the war; (4) No clear borders appeared to separate the game reserve between the Amuru and Adjuman districts as perceived by the Acholi returnees; (5) Differences in the accounts regarding the jurisdiction of the contested land existed between the local chief and the UWA official, on one side, and local journalist, on the other.

The formers' account claimed the land belonged to the Acholi and Adjumani. However, the latter's account claimed it belonged to the Acholi, and later to the National Forest Authority; when and how the land was transferred is not adequately explained. As verified by the Uganda Printing and Publishing Corporation, the notice that declared the Aswa/Lolim Game Reserve was published in the Government Gazette on 7th September 1959; and similarly that of its abolition was then published on 7th April 1972 (see also appendix 9.4.12.).

Many returnees linked the UWA's collaboration with the Adjumani in re-organising the border and taking over the land with a hidden agenda; this was not related to a wildlife corridor, as claimed, but was linked to rumours of selling land to a private South African game reserve investor. Also, the contested land along the border was located along the Albertine Graben, linked to mineral and oil discovery, as we shall see in 6.2.6.

The local chief recalled the Amuru and Adjumani dispute that started in 2002 when the Acholi were still in camps. The Adjumani District Council, which had enjoyed relative peace over many years, hurriedly passed a resolution giving part of what became known as the Apaa animal corridor to wildlife authority. This land, near the forest of Zoka, stretched up to a distance of 25 kilometres beyond the River Zoka, representing the border between Amuru and Adjumani.

The chief surveyor in Entebbe revealed that the UWA[62] had unsuccessfully tried three times to demarcate the contested border land, using private surveyors to demarcate the unoccupied land. Even when the mark stones had been installed, unknown people uprooted them. Uprooting the installed boundary sparked boundary-related disputes, and most importantly took an ethnic-motivated direction. The local chief said:

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[62] According to Nampindo, S. et al. (2005), in the 1990s, Uganda National Parks and the Game Reserves Department merged and the UWA came into being.

… in the whole world there are no marking stones between tribes and if the government thinks that I am being deceptive, let them start by putting the marking stone between Banyankole and Bakyiga. The British were wise, since they demarcated national or tribal boundaries using tangible features such as lakes, rivers, mountains, big hills, forests and big stones. ... […] …create tribal war, create religious war and create land war – you will never solve it and an example of this is Israel [49].

As we have seen, the passing of the new Constitution in 1995, and later the Land Act of 1998, paved the way for decentralisation policies which re-organised the territorial administrative boundaries throughout Uganda, thus affecting various ethnic groups. The Acholi case reflects similar policy practices in various countries. In Ethiopia, changes in the national Constitution in the 1990s, in which the federal system was to be adopted, involved the re-organisation of administrative boundaries, setting off boundary-related disputes. Similar cases have been reported in Kenya as the country implemented a decentralisation policy (Waal, 2009).

The intertwining of concepts of territory and ethnicity is a Western invention. In this sense, the concepts relate to (1) peaceful co-existence and cooperation, and (2) conflict and confrontation, although this remains disputed. In Uganda, the Western concept of territory and ethnicity can be traced back to the start of British colonial rule, post-independence and the post-war period. As seen in 2.2., territorial boundaries, including those of the Acholi, were informal, unnamed zones. They were zones for trade and intermarriage between different lineages and chiefdoms, as discussed by Atkinson (1996). The extension of the Western concept of territory not only imposed a new meaning on them, but was also used differently. In Uganda, the British used territory and ethnicity as an enforcement technique for their 'divide-and-rule' policy. The policy fostered sectarian tendencies among ethnic groups and regions, confirming Barth's (1994) assertions: 'Creating and enforcing a local boundary between two different ethnic groups, is similar to the state enforcing an ethnic divide'. Post-independence regimes have used territory and ethnicity in a similar way to the British policy of 'divide-and-rule', although through political manipulation and the power of the administrative units (Atkinson, 1994). However, the consequences of the policy decisions caused ethnic and political violence to emerge in Uganda and other African countries.

The nature of the Acholi isolation caused the Amuru-Adjumani border demarcation to be neither participatory nor consultative for the Acholi group. Inadequacies could help explain how the dispute took an ethnic-motivated direction, as stated by the local chief:

> …no tangible evidence had openly been provided to justify the arbitrary decision of the Adjumani district to give away part of our land to the wildlife authority. They sought neither consultation nor our consent on this. We are told, and from what is circulating here, that the wildlife authority intends to give away part of our land to Madhvani and another white South African investor for sugar production [49].

Despite the Acholi's isolation paving the way for inadequate participation and consultation on various issues, participation in the boundary demarcation process and liberal market-related policies had mostly been a tokenistic on the part of the government, and this could help to explain some of the border-related disputes.

The local chief believed that the attempt by the UWA and Adjumani District Council to grab their land appeared illogical and impractical:

> …. physically, Apaa land derives its name from the River Apaa, which is an Acholi word. The river starts from Acholi and joins the River Nile. The River Apaa does not touch any part of the Madi land, not even an inch! I wonder who is triggering bitter land rivalry between our Acholi and the Madi tribes if not [the government]? Why is this happening now?

> …The resolution passed by Adjumani District Council, is ironic and wrong. Since it clearly stipulates that part of East Madi was given to the wildlife authority, but the land in question, Apaa, is not located in East Madi. The boundary of Madi is the River Zoka, not Apaa! ... [He looked at the map thoughtfully] [49].

The re-organisation of the administrative boundaries had been interpreted differently by the Acholi local chief and other politicians. The inadequate consultation appeared to be linked to the mineral and oil discovery along the River Nile. The local chief said:

> '…there is a big oil well in Murchison Park on the Acholi land. … […] … the oil well can be economically exploited for 40 years and is in Pakuba (Jubi), inside the park claimed by the wildlife authority' [49].

The UWA official confirmed that some effort had been employed to consult the Madi and not the Acholi regarding the border demarcation process. The inability to consult appeared to demonstrate similar historical stigmatisation and stereotypes attached to the Acholi group because the Madi group was perceived as docile, and the Acholi headstrong, with a violent and war-like reputation.

The UWA official's view reflected a similar position shared by many Ugandans, including President Museveni and James Kazini when they were fighting Joseph Kony and his LRA group. Both held a somewhat negative view of the Acholi group. Specifically, James Kazini, a none-Acholi but a long-serving military official who administered the war in Northern Uganda and who died in 2010, once blamed the Acholi for the war: 'if anything, it is local Acholi soldiers causing the problems. It is the cultural background of the people here: they are very violent. It's genetic' (Finnstrøm, 2003, p.33; Human rights Watch, 1997, p.57).
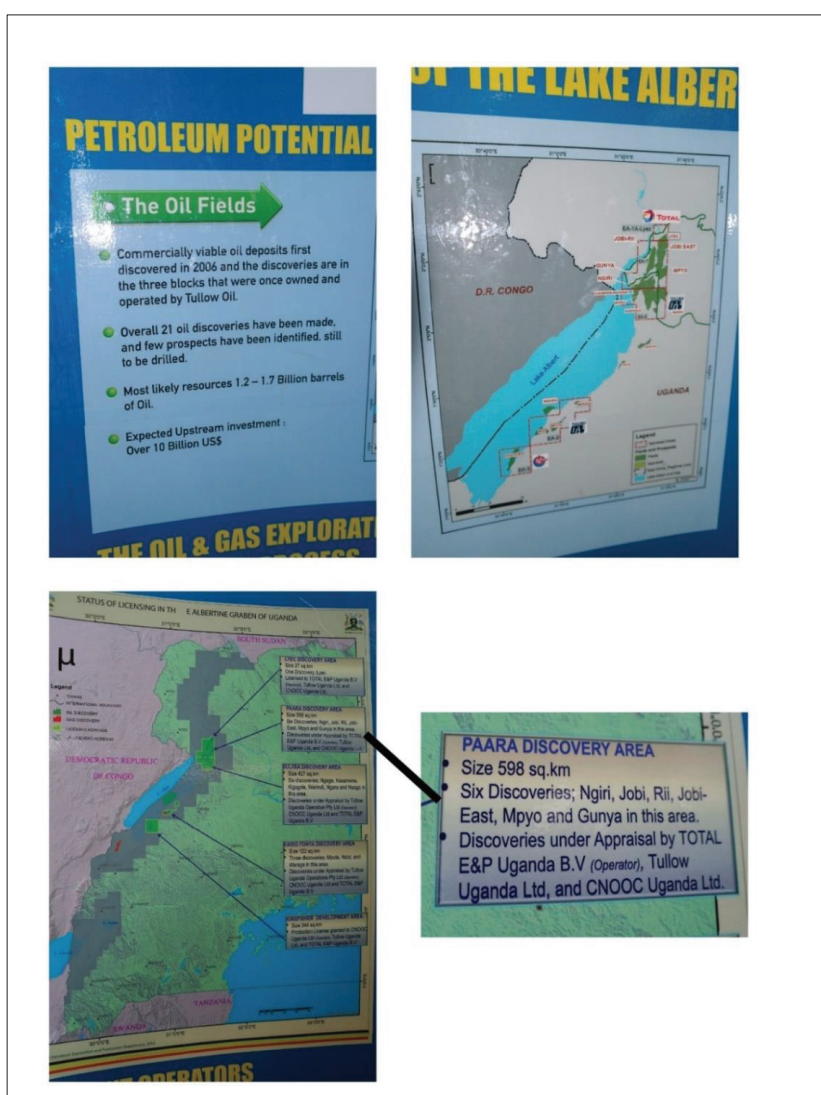
Figure 26: Areas with confirmed and further prospects of oil discovery in the Albertine
Picture credit: Author's own photographs (Kampala Museum)

6.2.3 Land related investments

Prolonged isolation, associated with land policy changes, transformed customary Acholi land from communal to individual property, reflecting the IMF's liberal market policies. The new land-policy changes attracted new land-related actors in the Acholi sub-region. Most actors engaged in land take-over for agricultural investments. Due to the administrative vacuum created by the war, the approach to large-scale land take-overs for investment purposes took a political, as well as an economic, flavour. Various individuals, companies and institutional authorities, along with wealthy and influential members of certain clans, businesses and political groups, used the administrative vacuum to lodge claim to the Acholi land.

According to the Amuru land officer, between 2006 and 2012 there was an increase in the number of applicants and titles recorded. Before the displacement, only five land titles were registered in the Amuru district. However, in a telephone interview, the commissioner for land registration and registry confirmed that from 2013 to August 2015, a total of 254 land titles had been recorded (see Table 7). A significantly larger number of men than women had acquired leasehold and freehold titles[63] to land. The increased number of title applications appears to suggest that more land titles will be registered in the near future.

The Amuru land officer stated that most of these titles belonged to wealthy and affluent people. A high cost, the lengthy process, and a low awareness of entitlement to land were responsible for attracting more influential and wealthy elites, and not marginalised groups.

Table 7: Number of land titles registered in Amuru district, 2006-2015

	Leasehold			Freehold		
Period	Men	Women	Total	Men	Women	Total
2006-2012	0	0	0	5	0	5
2013-8/2015	12	1	13	205	49	254

Source: Author's field findings and telephone feedback from the MLHUD land registry

The Amuru land officer linked the increased demand for land titles to their value and the associated land-related market. An interview with a land broker in Gulu indicated that, before

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[63] See also Kigambo, G. (2014), who states that approximately 20 per cent (or 500,000 pieces) of land appear to have been titled throughout Uganda, while the rest remains under customary ownership.

the war, hardly any land sales had been recorded in rural areas. As the Acholi returned, more land sales were increasingly recorded, mainly in towns, trading centres and rural villages. Both formal and informal land markets were recorded in Amuru and across the whole of Northern Uganda. Formal land markets comprised mostly of surveyed and titled land. For example, the new Amuru town council designated land for administrative headquarters in the Pagak parish. Informal land markets involved untitled land mostly located in emerging small rural villages, trading centres and peri-urban areas.

Differences in price existed between titled and untitled land. Titled land fetched double the price of untitled or informal land markets. Between 2006[64] and 2014, the sale price of one hectare of untitled land in Amuru varied from UGX 250,000 to 1,000,000, while titled land sold between UGX 5 and 10 million[65]. The size and location determined the price of land. In urban and trading centres, most plots of land were less than a hectare but fetched a high price. The few Acholi that fled to towns and cities during the war sent home remittances used to purchase surveyed land particularly in new established town centres.

In remote villages, thousands of hectares of land were recorded for sale, but fetched low prices as shown in Figure 27: Land sales by local land brokers in the township of Gulu. The LCII of Pagak parish asserted:

> Land stretching along new public infrastructure and basic services such as schools, water points, health centres, electricity and roads became prime locations for dwellings and businesses and so attracted high prices [18].

Despite the emergence of land markets, outsiders doubted them. This uncertainty was revealed mostly in Gulu town, where some land brokers refused to identify themselves within the land business. Some land brokers would not confirm their views on land markets and sales. One university lecturer from outside the Acholi sub-region felt the uncertainty of the Acholi customary land market's lack of social and political sanction. Uncertainty existed over the sale and lease of the Acholi land to outsiders. Because the rights that were sold or leased remained uncertain, most prospective buyers feared such transactions could be disputed in the near future.

The Gulu RDC attributed the uncertainty to the nature of land sales and the actors involved. The Acholi's return had been associated with young people's increased involvement in customary land claims and sales. Most land belonged to their families. At times, land sales were

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[64] 1 USD =1800 UGX (as of 1 January 2006).
[65] 1 USD = 3382.27 UGX (as of 1 August 2015).

carried out without seeking consent from heads of households, leading to conflict. The Gulu RDC remarked that:

> The mother of the LRA commander, Colonel Owing, who is fighting alongside Joseph Kony, took refuge in my home […] You know what? The mother realised that her younger son had forged land documents and sold off their only land to outsiders. When she tried to question him about the land sale, her son threatened to kill her. I tell you, children have become enemies of their own households, due to land [30].

Land-related incidents involving the youth acting against their own household demonstrate a type of conflict unheard of at earlier times. The traditional authority of the elders weakened as many died during their displacement, and the youth, having matured in insolation, were confronted with a new 'land-related market reality', which opened up new financial opportunities. Women, especially widows, were often major victims in direct contravention of their right to protection and equal rights to land. During the ARLPI meeting in the Amuru sub-county, the local police confirmed the increase in conflict cases involving vulnerable and marginalised women.

The perception among the Acholi youth of the value of land changed. Land held potential commercial value. With the changing lifestyle in camps, some youths wanted to engage in monetary rather than productive work, particularly in agriculture. Most youths I spoke to believed that customary land held monetary value. New alternative economic opportunities attracted some young people, i.e. *boda boda*-motorcycles. The *boda boda* business and the stream of income generated thereafter resulted in some of them selling land to purchase motorcycles. Prolonged isolation, resulting in young people's lack of awareness of traditional subsistence farming and plot boundaries, caused them to evict people who had been allocated land by their deceased fathers in order to sell it. This naturally triggered increased disputes over land at family and community levels.

The vice-chairman of the Amuru district revealed land-related dispute cases were not limited to youths but were evident throughout the Acholi community, in which: 'brothers were fighting brothers, families fighting families and even clan fighting clan. All these conflicts related to some of the family members wanting to sell land without clear consent'.

The vice-chairman remarked on the youth engaging in land sales:

> …[young people] are grabbing land belonging to people who are still in camps in order to sell it. We should expect a fresh explosion of land disputes

upon their return. These land-related disputes could cause more danger to returnees' livelihood than the war itself [53].

Determining the ownership of land depended mostly on the strength of arguments given by different patrilineal members of a family or clan. The premature death of clan elders weakened some of the patrilineal links, resulting in much traditional knowledge going missing. As a result, many people were susceptible to eviction, particularly marginalised and vulnerable groups. Upon their return, most family members, whose links had become broken, fell victim to land claims and evictions. As we have already noted, women with children born out of wedlock or had lost husbands while in camps, were major victims.

Figure 27: Land sales by local land brokers in the township of Gulu

Picture credit: Author's own photographs

Figure 28: Formalised land sales in Amuru Town Council as captured in Gulu town

Picture credit: Author's own photographs

Figure 29: Modern farm machinery shown at Kaunda grounds, Gulu town

Source: Author's own photographs

The Speaker of Amuru district council revealed an overlapping case in the Amuru sub-county, where 22 sub-county Area Land Committee (ALC) members awarded themselves more than 20,000 hectares in the Pailyek parish at the end of their term in office, while the District Land Board (DLB) considered allocating the same land to the Madhvani, which caused overlapping claims by various actors. The speaker asked: '…who recruited these Area Land Committee members? How about their appointment letters?'

Overlapping authority claims happen simply because one organisation did not abide by the decision of another. This overlapping reflects Harris's (1996, p.57) similar claims, in which ambiguity in land law and policy are responsible for the manipulation, overexploitation and acquisition of land by powerful groups in society. Wealthy and political elites influence land allocation due to connections with relevant authorities.

Various returnees, humanitarian agencies and religious leaders perceived most large-scale land-related acquisition deals in the Amuru sub-county and Northern Uganda as being tainted by corruption. Most of the scandals that surfaced within the land-related acquisition process involved traditional leaders, local elites, businesspeople and government officers. The ARLPI official confirmed that some local chiefs had admitted receiving UGX 150,000 and several kilogrammes of sugar. This financial influence happened during their guided tour of the Jinja sugar factory, financed by the MGC[66].

Most Acholis perceived such action as being no different from local chiefs, traditionally guardians of the Acholi land, colluding with the MGC to facilitate the land take-over in Acholi. Some even compared it to betrayal, contributing to a loss of trust and credibility among the local community. The new tendencies by local chiefs appeared to go against the traditional Acholi ethos of serving as a custodian of the Acholi land to guard against occupation by outsiders (as previously discussed in 2.3.2.2). My research assistant summarised that corruption-related allegations during the large-scale land take-over contributed to Acholi resistance, while local Acholis voiced their anger and frustration regarding the loss of land fuelled by corruption: 'Our land is sweeter than sugar, so it should be left to us.'

A new culture of corruption-related influences in customary land allocation was observed in most of the investigated return areas. The practice appeared to involve financial and material

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[66] See also, Adure's (2011) article in The Monitor titled 'Acholi Chiefs Confess to Receiving Bribes to Offer Madhvani Land'.

influence among a few local wealthy elites, local politicians, local police, local chiefs and clan elders. The weakened values of clan elders, and the prospect of substantial financial gain, made the chiefs favour wealthy people who wanted to acquire land in Amuru.

During one incident in Amuru, the Lamogi chief admitted to allegations that he had conspired with a UPDF officer over the acquisition of land in Amuru. The local chief remarked:

> I was involved in a scuffle with my angry subjects. My subjects wanted to beat me simply because they alleged that I had colluded with Brigadier General […] in a bid to acquire 10,000 hectares of land in Pailyec parish in Amuru. ... […] ...The news angered my subjects, who felt betrayed by me, since they believed I had colluded with outsiders [28].

Two issues were observed: 1) the changing value of land and influences on the youth; and 2) the role of customary chiefs as custodians of customary land. The isolation associated with land policy changes hugely influenced the monetary value of land and changed the behaviour among the youth, the local chiefs and clan elders. Before the war, the Acholi local culture promoted good behaviour from everyone, especially the young. They were required to respect their elders and all that belonged to the local community. According to Beah (2007, p.33), similar war-related behavioural experiences in Sierra Leone were reported among the youth before their clan elders and everyone in the community.

The allegations regarding the local chief engaging with outsiders to grab their land demonstrates the absolute possession of the land, which is contrary to Acholi customary values. The Chief's involvement in land issues angered the Acholi subjects, and some felt a sense of neglect and betrayal in the safeguarding of their local land interest. The perceived 'corruption practices' that tainted the image of the Acholi customary leaders, showed the extent of the impact of conflict in the sub-region.

The perceived corruption scandal was not only limited to traditional and religious leaders but extended into three broad categories of actors: (1) donor-funded humanitarian agencies; (2) the private sector, led by wealthy prospective investors, businesspeople and private contractors; and (3) land-related government departments. Reports linked humanitarian actors to corruption which affected relief aid distribution and development operations in camps. The corruption-related incidents were widely practised by the private sector, particularly prospective land-related investors and private contractors carrying out the post-war reconstructions of public infrastructure and basic services. Government interference in land allocation for prospective investors, mostly through illegal channels, had been perceived differently by local returnees.

Government interference in the land-acquisition process, particularly in the MGC case, was widely seen to contravene good governance, transparency and accountability. The land dispute case involving the MGC acquiring land belonging to the Lakang and Kololo villages threatened to evict 'more than 10,000 people' or 1,000 households, mostly returnees.

Local returnees complained of being harassed by the Amuru RDC and other district officers. The RDC used local military police to needlessly arrest local people, even students. Property was also destroyed (particularly huts), crops vandalised and animals killed. As a result, hundreds of people were injured and left homeless, as documented in 9.4.11.

Figure 30: Local land related meeting in Tooro and Kololo parishes in Amuru sub-county

Source: Author and the ARLPI documentation and photographs

The returnees wondered why these officers had failed to respect the court injunction and the actions prompted one local chief from Pamuca to ask:

> Why can't the Madhvani come here and negotiate with us? This is a game played by high-level government officers, who want to grab our land and sell it to investors. Why should the authority bypass us and sell our land without the consent of us owners? What will be our fate? [19].

The Uganda National Land Policy 2013, Article 86, highlights the use value of land for different purposes including farming for livelihood and investment. Despite the policy's emphasis on the need for foreign investments, balancing the rights related to the livelihoods of vulnerable individuals with those for investments appears important. However, the 1995 Constitution of Uganda and the Land Use policy appear contradictory, since the Constitution provides an overriding power to allocate customary land to investors whenever needed and under the pretext of public interest. The contradiction was widened further by the government's failure to compensate land acquired for investment, fuelling land-related disputes and conflict.

The appropriation of land for investment purposes, particularly the government's decision to allocate Acholi community land to the MGC and other prospective investors, raised concerns for the Acholi and Civil Society Organisation (CSO). The concern regarding land acquisition for new development-related projects caused clashes of ideas between new forms of land acquisition and customary practice. The ARLPI official informed me that, in 2008, during a consultation meeting of the AGP, the Acholi Paramount Chief and local people, it was unanimously agreed that neither the MGC, nor any other investor, would be allowed to acquire land in Amuru. This decision led to a civil court case to stop the government's decision to grant land to the MGC.

The Gulu RDC claimed that the MGC case had been exaggerated mostly by land rights activists and local opposition politicians. Even before the court ruling, the RDC assured me that 'MGC land acquisition is inevitable, and that they would win the land acquisition case', and this is exactly what happened in 2012. The High Court in Gulu ruled in favour of the MGC, a decision that angered the Acholi returnees because it displaced many people, some of whom, at the time of this writing, were still in camps and were mostly vulnerable and marginalised individuals. The Acholi accused the government of using the court to defend the interests of the MGC and not vulnerable returnees. With the help of human right activists, the Acholi filed further appeals to stop the implementation of the court judgement.

Most of the indiscriminate land-related arrests of local people were linked to wealthy people's corruption and influence. The matter received much attention, particularly during the land dispute mitigation meeting in Amuru. Local leaders voiced their concerns regarding the conduct of the local police whenever land cases were reported. The Acholi's sentiments towards the local police's land-related arrests were shared with the Uganda High Court (UHC) land registrar. The UHC official cited corruption-related practices as endemic in almost every governmental department. Specifically, the UHC land registrar expressed scepticism about most court rulings regarding land disputes in Uganda, especially those relating to duplicated allocations of plots of land. He asserted: 'corruption has been the biggest problem in our judicial system; it has become like cancer'.

The Speaker of Amuru also described the way corrupt practices had taken place, not only in higher magistrate courts[67] but also in lower courts. He accused officials within the Sub-county Court Committee (SCC) and the LCII of not acting impartially when resolving land dispute cases. The Speaker alleged that SCC and LCII court officials had colluded with the 'haves', giving them favourable verdicts at the expense of the 'have nots'. The Speaker described the corruption in land cases to have 'eaten the administrative bone marrow of some of the SCC and LCII officials'. The Speaker's comment reflected a land-related case that involved two returnees in the Pagak parish. The land case was transferred from the Pagak parish LCII court to the Gulu Magistrates court unnoticed, which involved corruption. One respondent indicated:

> I am surprised on the manner and speed at which this hearing and transferring case has taken. I wonder if money has not been used. Is it possible for land-dispute cases to by-pass the sub-county court and then jump to the magistrate court before being decided and appealed at lower court? [16].

In the Amuru sub-county, the perceived corruption among the LCIIs during the conduct of land-related cases was mostly proven. The Speaker of Amuru noted that while the law provided for a two-week extension, during which an appeal could be made after the court judgement, some LCIIs colluded with the wealthier party as the fourteenth day approached. The LCIIs were alleged to have switched off their phones and hidden away, particularly in Gulu. These actions aimed to deny the losing party their right to appeal.

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[67] See also, the *Daily Monitor*, dated 31st August 2012, with the heading: Judiciary most expensive to bribe-report. According to the 2012 East African Bribery Index compiled by Transparent International, the Judicial and Land services were reported as the most notorious institutions susceptible to corrupt practice. The perceived average sum accepted as bribe stands at Ugshs. 594,137 as the standard sweetener to smoothen the country's notoriously slow wheels of justice.

The Speaker added:

> No, LCIIs are to blame for judging cases without clear justice; this is true in the sense that those with money often influence case ruling' […] 'The local courts attended ruling without even visiting the field, and also, were easy to manipulate by using money, and sometimes rulings made by lower hierarchy or institution at the community level may be dishonoured. [52].

The Amuru situation reflected similar post-war land claims tendencies, in which powerful actors used their influence and connections to manipulate local court decisions to their own benefit. The perceived corruption reflects Adoko and Levine's (2008) findings in which most local communities in Uganda claim they cannot receive justice in a magistrate's court without bribery.

The local courts' ability to make rulings without visiting the field jeopardised the justice system in return areas because some of the local council (LC) officials did not know plot boundaries, contrary to traditional leaders familiar with history of the Acholi territory and such boundaries. The LCs' inadequacies in handling land cases appeared to reflect Adoko and Levine's (2008) similar observation that 'court rulings [in Northern Uganda], if they cannot be bought, are simply ignored'.

The ineffectiveness of local courts in handling land-related cases could also be linked to the inexperience of the young cadre of new councillors. This is how the local priest saw it:

> The dismantling of the traditional structure responsible in resolving customary land disputes has worsened land disputes and conflicts. The emergences of appointed LCII, who are too young at the age of 20–30, have worsened the situation. The majority of them are not only too young, but also illiterate, inexperienced and not guided well in resolving land disputes [27].

Traditionally, clan elders and chiefs had handled land issues. Their accumulated experience proved successful, not necessarily deriving from formal education, but rather acquired through informal training systems.

Lack of participation in various legal policy frameworks has been questioned in Uganda and could explain the inadequate training of LC officials. According to Adoko and Levine (2008, p.112), poor knowledge of land law was not only limited to the local councillors but was also prevalent among most of the Ugandan population. Recently, inadequate awareness among stakeholders regarding the Uganda Land (Amendment) Bill of 2007 was singled out,

confirming similar situations, in which new land-related changes were passed while the Acholi were in camps[68].

In Amuru, the inability of LCIIs to understand and adequately implement the legal framework for land and associated dispute resolution, stemmed from three factors. First, there was a lack of adequate communication and consultation during the drafting stage and when passing the changes, but, even on their return, the LCIIs were not adequately trained on how to implement land-related policy changes. Second, most of the proposed land bills and the subsequent Land Act were written using legal terms and mostly in English, a language that many LCIIs did not know well. Lastly, despite the LCIIs being legally recognised, they were not paid, which caused low morale when performing their duties.

In the Pagak parish, one of the local court meetings revealed flaws regarding gender when resolving land disputes. Of six parish land committee members, only three could understand English. The only two women in the committee could not speak English at all. It could be said that the women were acting as no more than a 'rubber stamp' for the committee.

During the post-war return, many land and court officials fell victim to court manipulation and corruption; the marginalised and vulnerable were the most obvious victims. One sub-county official reported how LCIIs abused their position when carrying out ICLA activities:

> Most officials dealing with land demarcation demanded a 'facilitation fee' of UGX 50,000. The amount demanded was ten times the recommended and accepted one. ...[..]... money has characterised every stage of the CCO acquisition. If you are poor, and the ICLA programme gives no support, it is difficult for poor people to afford it [61].

The above statement reflects similar observations by Sebina-Zziwa et al. (2003, p.20) in Northern Uganda, where 'local communities perceived that one cannot get justice in the magistrates' court without paying a bribe'. Furthermore, they found that corruption practices emerged during land-related market transactions and the delivery of legal justice. The same is found in this research, but it is now linked to post-war land claims, weakened land administration and legal institutions. The corruption causes local returnees to be victims of, and lose trust in, the legal institutions. Once trust in legal institutions is lost, it is difficult to restore.

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[68] See also, Mugerwa, and Kasasira, (2009), article titled: 'Museveni Wants Fresh Land Bill Sensitization' where lack of adequate consultation of the local population, the bill remained controversial and could cause social unrest.

Addressing the challenges associated with a weakened legal institution depends not only on strengthening the court system, but also restoring public confidence in them.

6.2.4 New approach to dispute resolutions

The Acholi's return home and difficulties in claiming land caused heated feelings and disputes. In the Pagak parish of the Amuru sub-county, the LCII official reported that, in 2010, an average of three land cases were received every month. Most of these disputes related to individuals, clan boundaries, trespassing by neighbours and even contested plot ownership.

The war-related displacement associated with the re-organisation of the administrative boundary units caused conflict. The governmental decision to designate the Tooro parish to host displacement camps caused disputes between individual landowners and the government. The strategic location of the displacement camps attracted new business opportunities. For example, despite Tooro parish being a small place, it still attracted a handful of shops, a market and services. The emerging opportunities caused land around the camp to gain exchange value. Land gaining value became susceptible to encroachment and conflict.

The large-scale land acquisition for investment and the creation of new administrative headquarters was mostly implemented in the Pagak and Pailyec parishes. These cases affected large numbers of people involved in large-scale customary land acquisition and demarcation, which raised group-based grievances and challenges. Increased interest in the Acholi land for large-scale agricultural investments caused land disputes and related emotions. For example, in the Pailyec parish, an average of two cases were reported every four months.

The government's decision to designate the Pagak parish to host the Amuru district council headquarters required a town site survey plan, as well as gazetting the new administrative areas of the town council. This paved the way for customary land demarcation and titling for which a project was planned. The demarcation caused land to gain value, thus further escalating disputes. For example, in the Pagak parish, at the time of writing, 260 plots of land had been surveyed and were on sale to potential developers, as seen in Figure 28. Each plot of land cost UGX 5 million. I was told the government had not only delayed compensation but had also paid it selectively and inadequately to customary landowners, since few claimed to have received compensation.

Table 8: Land disputes mapping by cases in the Amuru sub-county by parish, 2010

Parish	Cases received	Women involved	Cases judged	Cases appealed	Pending cases
Pagak	42	0	30	8	4
Pailyec	57	0	50	7	7
Tooro	39	3	34	9	5
Acwera	6	0	6	0	0
Pamuca	6	3	3	1	3
Okungedi	8	1	7	1	1

Source: Author's own field findings

Despite the figures showing relatively few disputes, the Amuru sub-county and Amuru district hosted some of the most complex land-related disputes in the whole of Northern Uganda. The multiple actors and programmes, particularly the conflict over the proposed Madhvani sugar plantation, affected many people not only in Amuru sub-county, but throughout the district.

Table 9: Areas affected by land disputes in Amuru district by sub-counties, 2010

Amuru District	Sub-county	Parish
	Pabbo	Gaya, Pogo, Labala, /Apaa sub-parish, Palwong, Barubanga
	Atiak	Pacilo, Kal West, Palukere, Parwaca, Pacilo, Bibia (Elegu)
	Lamogi	Olwal, Guruguru, Pagoro
	Amuru	Lakang, Pagak

Source: Author's own field findings through ARLPI peace mitigation meeting in Amuru sub-county

The Speaker of the Amuru council indicated that most land disputes and feelings were linked to land allocation for investment being tainted by inadequate participation and consultation of the local returnees. In addition, corrupt land claims mostly influenced land allocation, taking a speculative form. He likened the way that land claims were lodged and acquired to the way that the Acholi land was taken. The local chief said:

> …. the Pailyec people were ignored […] Madhvani decided to use mediators and the Amuru District Land Board, who did not know the history of the land. […] there was no consultation; neither were we [Acholis] allowed to participate in the negotiation process leading to the land acquisition [49].

The inability of the government to adequately consult the Acholi group on the potential commercial investors interested in their land appears to be the main source of the disputes and sentiment. The disputes happened due to the Acholi's perception of being side-lined during the decision-making process, over their rights to land and other resources. An Acholi chief added:

> We are willing to lease or sell our land directly to the investors. However, the investors should show their interest to the central government, then the government should introduce the investors to the land owners – the Acholi people – in order to negotiate the terms and conditions. The local government's role is to guide the land owners so that they make valid and objective decisions during the land transactions [49].

The overlapping responsibilities and competition among various actors appear to be responsible for the emerging disputes involving large-scale land acquisition for investment. Governmental interference uses a top-down, rather than bottom-up, approach to land rights acquisition and control. Through the new land-policy changes, the government had mandated District Land Boards to allocate land to prospective investors in their respective areas. Decentralisation policies also empowered the Acholi at the sub-county level in which the ALC handled their customary land and related resources, as seen in 6.2.2.

According to Acholi tradition, everyone had equal access to and use of land within households. The emergence of individualistic tendencies among some of the returnees changed that. Women's rights to land were strongly protected by clan elders under customary law. Regarding the African patriarchal system, social and kinship relations and obligations were responsible for structuring access to, and the use of, customary land: 'every person depended on kith and kin to protect life and property' (Mamdani 1996, p.119).

The increased number of vulnerable and marginalised groups, mainly divorced and widowed women and youth, faced difficulties in accessing and claiming clan land. A UNDP report (2007)

found that 18% of women between 30 and 49 were widows. These groups remained without an adequate 'safety net' to secure their rights to clan land (as widely covered in 2.3.2.2). Groups of vulnerable women perceived land as the only remaining resource to sustain their livelihoods. Their efforts to claim land on behalf of their children were confronted with difficulties or individualistic tendencies, as some clan members, mostly men, refused, which caused land-related disputes.

The Lamogi Chief stated that some of the refuted land claims were those lodged by women, particularly those with children born out of wedlock. The chief said:

> Children born out of wedlock are considered to have quit the clan and are not legitimate claimants. Just imagine children born from different clans: where do they belong and where should they inherit land? These women, however, demand land from whomever they produced a child with [28].

Although customary rules and practices related to inheritance have not changed, such rules fail to accommodate the impacts war caused on the changes in the demographic profile. Isolation accounted for premature death of some husbands and clan elders (all men) due to the difficult living condition in camps. This happened due to old age and stress from the loss of assets and income. Similarly, the outbreak of diseases, particularly the advent of HIV/AIDS and EBOLA, accounted for a significant number of deaths. The situation in Northern Uganda corroborates Evans' (2003b) study in Senegal. War-related isolation and the stress of living in exile accounted for elderly deaths.

The premature death of some clan elders and traditional chiefs weakened women's access to land. The inability for widows to access land appears to contravene the 1995 Uganda Constitution, Article 33(6), which clearly establishes the rights under which widows and widowers may inherit from their spouses and enjoy parental rights over their children. However, the local chief claimed:

> […] women are not entitled to inherit or own land from clans that they have already quit. If such claims were aimed at using it [the land] for the livelihoods of their families, then that would not have been a problem. However, these women's claims are solely linked with the intention of selling it [the land] (*ngom kwaro*); thus, causing land wrangles. But the Acholi rule of thumb is clear: 'Non-clan members should not claim any clan space'; customary land is never sold as it remains the preserve of the Acholi community [28].

The local Chief's perception regarding widowed and divorced women reflected views similar to those aired by the Members of the Parliament of Uganda. According to Manji (2006, p.107), during the Ugandan parliamentary debate, most men opposed the views aired by women when demanding to inherit family land. Most men feared that women's claims to family land would act as an incentive to engage in serial marriage. Entitling women's ownership rights to inherit clan land was perceived to be the same as accepting the transference of clan wealth.

Various interviews confirmed that the in-laws' perception that widows' claims to land were not legitimate, stemmed mostly from the awareness created by local media and humanitarian actors on the potential value of land to returnees. This new awareness appears to have acted as a wake-up call to most Acholi, who became suspicious of the new demands to access household land, mostly by widows. Similarly, youth returnees experienced difficulties when trying to access land that belonged to their parents. World Vision officials cited cases of youths, often abducted as children, encountering difficulties when claiming rights to land that belonged to their parents to use for agriculture. The Gulu RDC claimed the denial emanated from the fact that most young people made claims to land without having clear knowledge of whether it belonged to their parents. The RDC humorously asserted: 'How can they claim to know the boundaries of their fathers when, at the time the parents acquired the land, they were not even sperm?' [30].

Despite Museveni undertaking economic policy measures praised by various international financial institutions and donors, the Acholi's prolonged displacement demonstrates that the economic improvement was not shared equality. The northern region appears economically marginalised in terms of investment and youth employment: thus, land contestation among the youth.

According to the MLHUD commissioner, the increased Acholi youth population experienced difficulties in accessing household land upon their return. The difficulties stemmed to a large extent from the vacuum created by the death of the clan elders and traditional chiefs. Before the war, most of the clan heads were guiding the youth regarding land management and the control of plot boundaries. Their death caused a vacuum of knowledge between the elders and the youths, which caused numerous boundary-related disputes.

Table 10: The Acholi age groups in the Amuru sub-county as of December 2006

Age groups	6-18		19-34		60+	
Location	Female	Male	Female	Male	Female	Male
Lacor	17	12	3	7	3	2
Awer	80	90	46	50	8	11
Keyo	193	212	102	86	28	18
Parabongo	173	161	106	81	16	14
Pagak	53	42	19	20	8	12
Labongoogal	85	94	68	64	16	28
Omee I	66	26	26	24	8	2
Omee II	135	171	61	52	19	9
Amuru	539	559	387	328	85	40
Pabbo	1298	1473	826	827	104	93
Otong	45	47	28	29	4	2
Biira	98	122	68	62	11	11
Olwal	211	205	115	103	24	16
Guruguru	227	211	93	77	16	11
Jeng gari	221	257	141	121	25	19
Olinga	78	89	53	37	8	1
Totals	**3519**	**3771**	**2142**	**1968**	**383**	**289**

Source: The NRC camp monitoring officer in Gulu

The above table shows that prolonged displacement caused demographic changes in the composition of the Acholi group and particularly of Amuru sub-county. Two factors help explain the demographic changes: birth rate and mortality. High birth rate had been a single factor that caused the bourgeoning of the Acholi population. This happened due to the increased number of children and youth (see age groups 6-18; and 19-34), while mortality due to poor living condition in camps caused the premature death of older people (see age group 60+). Similarly, the premature death mostly of men accounted for the imbalance between males and females. The imbalance could explain the increased number of widows and widowers.

The changes of the Acholi demographic profile reflect Evans' (2014, p.70, similar study in the Casamance region in Senegal. Though contested, war-related displacement and increased mortality are inseparable. Poor living conditions in camps account for the high mortality rates, particularly the premature death of older people.

Figure 31: Glimpse of displaced people as captured in Amuru sub-county

Source: Author's field documentation and photograph

Figure 32: Glimpse of some of the youth as captured in Gulu district

Source: Author's own photographs

Resolving some of the emerging disputes proved to be a Herculean challenge. The clashes between the two modes of dispute resolution, traditional and modern, attested to the challenges of the return and recovery of the Acholi.

6.2.4.1 Dual system of dispute resolutions

According to the Amuru land officer, a dual system of dispute resolution had been introduced to resolve land-related disputes: informal (customary), and formal (the Western model). Despite the Acholi being at liberty to choose the legal system in which to present their case, neither system could resolve land disputes, especially at a lower administrative unit such as LC1 and LCII. Apart from complicating the land claims, the dual legal system was in fact observed to contribute to land-related disputes, confusion and institutional overlaps.

The World Vision official claimed that despite the legal recognition of the Acholi system of dispute resolution, it was not overtly efficient or fully acknowledged. The prolonged displacement of many Acholi traditional elders and the death of leaders who were responsible for the dispute resolution caused the erosion of the land-related administrative authority. The remaining clan elders and local chiefs could not attend to all the demands of the emerging land disputes. Similarly, when compared to new systems of dispute resolution under the LC officials, they felt they no longer received the respect and attention they deserved when handling land issues. Similarly, the parallel system of land dispute resolution and the increasing demands on land meant clan elders no longer had absolute command over land disputes.

The traditional Acholi structure of leadership and authority existed at clan and community levels as seen in Chapter 2. The land dispute resolution system followed a similar pattern, as seen in Figure 33. Most of the land-related disputes were related to issues of individual ownership. There was a lack of documentation, as their prolonged displacement affected boundary markers. Most of these disputes were resolved at a lower level of authority, i.e. village chiefs and clan elders. This study noted that the few remaining clan elders and traditional chiefs still had the ability and authority to handle some of the land-related cases. Their ability emanated from their capacity to recall some of the boundary markers and their closeness to the local situation, but they also appeared to underscore the resilience of the customary system.

A few land-related cases reached the highest level of traditional authority for resolution. The cases in question involved the interests of the whole community and were related to district boundaries and large-scale land acquisition for investment purposes. For example, the district border dispute between the Amuru and Adjumani districts involved the Acholi and Madi ethnic groups and MGC land acquisition.

The Speaker of Amuru emphasised the effectiveness and competence of clan elders in resolving land-related disputes with their knowledge to clarify and verify territory-related boundaries. Since the Acholi held land without documentation, ownership verification relied on clan elders remembering natural features such as streams, trees or plants, some of which had blurred and even overgrown. Their knowledge of natural features, from historical migration to the recent isolation, appeared significant: this is what most LCIIs were lacking. The clan elders' knowledge underscored Toulmin's (2008, p.46) assertions: (1) confidence in the narratives when substantiating claims to land, particularly the ways land passed from one generation to the next; (2) concrete evidence related to boundary demarcation. Piecing them together appears to assist the effectiveness of the Acholi traditional leaders in resolving land claims and associated disputes.

The Acholi's customary approach to land disputes was based on mutual understanding among the contending parties. Emphasis was on reconciliation through a 'win-win' situation, as also seen in 2.3.4. The Amuru district LC5 highlighted the differences between the two systems:

> Land reconciliation approach is the best step in resolving disputes, since the final decision represents a "win-win court scenario" not a "lose-win scenario". Basically, in a legal court, there is always a winner and a loser [54].

The traditional dispute resolution puts much emphasis on a win-win approach, as people would leave the court content as no-one could lose completely. As a result, equity, forgiveness and reconciliation appeared not only prime considerations for peaceful resolution, but also for societal reconstruction.

The new land policy changes and associated dispute resolution mechanism installed LCs and magistrate courts to resolve land disputes and conflict. These courts operated at the lowest LCII to the highest LCIV courts and individuals were at liberty to appeal to the highest level for dispute resolution as documented in Table 8. This research focuses on the incidences of land disputes mostly at LC or parish level in the Amuru sub-county. This lowest level of dispute resolution is associated with the operation of LCII officials, while few community-related and land-related disputes, especially the MGC case, were investigated at the highest level of authority i.e. magistrate court in Gulu, the Survey and Mapping Unit of Entebbe, the Ministry of Lands, and the Uganda High Court Land division in Kampala for further verification and documentation.
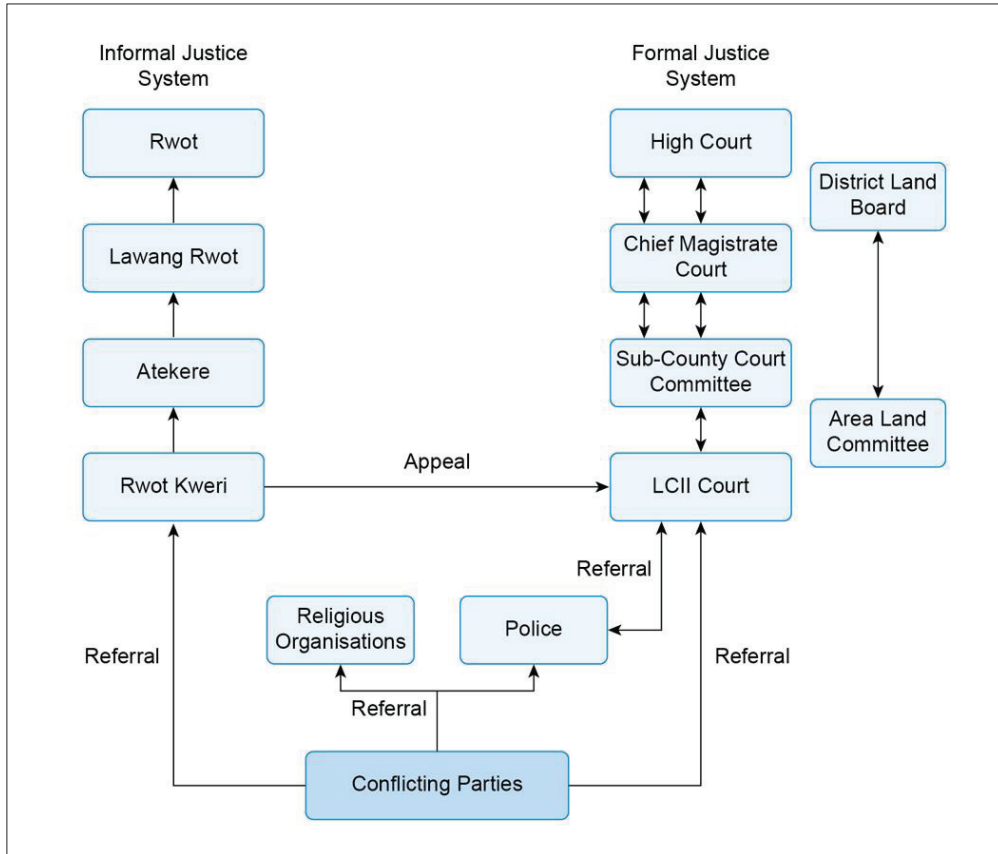
Figure 33: The parallel formal and informal land-dispute resolution systems

Source: Adapted from interviews with the UHC land registrar and the Acholi local chiefs

The parallel systems of land dispute resolution observed in post-war Uganda reflect the influence of British colonial systems of land administration. According to Vincent and Sorensen (2001, p.102), British colonial rule set up new administrative institutions running parallel to traditional institutions, from district level to village level. District commissioners and county chiefs were set up as parallel administrative units. A similar approach had been replicated during the post-independence regimes.

The UHC deputy land registrar revealed that the implementation of land policy changes and particularly dispute resolution experienced huge unforeseen challenges: huge costs, logistical challenges, corruption allegations, lack of funding and short-staffing. This rendered the institutions responsible for resolving land disputes ineffective: for example, the new law

required the establishment of more than 4,000 parish-level land boards and district land tribunals throughout Uganda. Despite few land boards and tribunals being previously established, they were abolished after only five years (from 2002 to 2007). Their abolition left a power vacuum in land-related dispute resolution. That vacuum had to be filled by multiple institutions and actors as evidenced when addressing post-war land-related reconstruction challenges.

Despite the land tribunals covering a very large area, each sub-region received only one member of staff. In Gulu, one person served the entire Acholi sub-region[69]. The UHC registrar mentioned the case of the Karamoja district:

> …only two judges having an average of 1,000 cases attend the whole of Karamoja district in Northern Uganda, yet they are inadequately equipped. The two magistrates may resolve an average of twenty cases per year. That means at the current pace of dealing with land cases, it could take 50 years to finish the 1,000 pending cases [4].

A Gulu magistrate confirmed the links between lack of staffing, finance and tools and the increased backlog of land cases. A Gulu magistrate confirmed there were inadequate staff, finance and tools to handle the land disputes and the increasing backlog of land cases. Similarly, Deininger and Castagnini (2004), Rugadya (1999, 2003), and Sebina-Zziwa (2003, 2008), linked the increased backlog of land cases to the process that formulated the Land Act, as it did not consider the funding aspects of the administrative human resource.

The co-existence of the new system of dispute resolution with traditional methods not only opened a situation where land governance became chaotic, but, more importantly, undermined or neglected the Acholi's traditional system of authority. The two hierarchies overlapped, competed for responsibilities, and even contradicted each other. The Amuru parish priest remarked:

> […] look, clan elders and local chiefs are claiming to defend the interests of Acholi customary land holders, especially vulnerable returnees, such as women, widows and children, from land deprivation. Similarly, the local councillors are claiming to do the same: protecting returnees from land take-over and sales. People are confused because, for years, traditional chiefs and not LCs were responsible for guarding and resolving land issues [27].

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[69] The situation was not limited to the Acholi sub-region, since in Lira, one person served the whole of the Lango sub-region, and in Arua one employee served the whole of the West Nile region. In areas where magistrates' officers were appointed, lack of funding made them inefficient and unable to manage a wide geographical coverage.

The modern legal system demonstrates government commitments to addressing women's rights to land, including inheritance. However, a legal system based on a 'winner takes all' makes it difficult for two contesting parties to come together after the dispute resolution, and they may never stay in harmony. This was the very essence of the traditional system of resolution. Because land is the only valuable resource left, putting emphasis on 'winner takes it all' justice logically cultivates individualistic and protectionist tendencies among returnees and may thus instigate further household land claims and disputes.

6.2.5 Role of land-related institutions

Acholi camp life promoted camps being turned into spaces for various actors including humanitarian agencies. Camps became a site where various relief aid activities took place. Most actors interacted freely with each other when fulfilling their roles and responsibilities and pursuing the interests and voices they represented. Two broad categories of land-related actors can be grouped according to their worldview: traditional and modern. Their characteristics reflect their interests, particularly potential cooperation, competition and opposition.

Table 11: Multiple actors in post-war land claims and resettlement, by interest

Traditional	Interests	Modern	Interests
Local returnees	Livelihoods Security Land	Government agencies and departments	Tax collection Stability Attract investors
Local politicians	National security, and stability Political gain	Land investors	Profit-making Financial stability
Traditional chiefs and elders	Strong and united community	Land-brokers and agencies	Buying, selling and leasing land and property Lobbying Economic profit
Local religious leaders	Respect for human and property rights Obey laws	Humanitarian agencies (NGOs)	Accountability Respect for human and property rights

Local media	Lobbying Give opinions	Local media	Lobbying, Give opinions
Land activists (CBOs and CSOs)	Lobbying	Financial institutions	Financially sound and well connected

Source: Researcher's field findings

Understanding how these actors interacted and the way their practice influenced the returnees' attitudes toward land claims and associated dispute resolution necessitated analysing their numbers, resources, capacity and impact to influence behavioural change. While in 2003, By 2009, more than 147 humanitarian-related actors had been recorded operating throughout Northern Uganda[70]. Most of the humanitarian aid agencies had their headquarters in Kampala, while a few were hosted mainly in Gulu town, which turned into an aid hub. For example, the NRC agency maintained its headquarters in Gulu town, with a small coordination office in city of Kampala. The influx of multiple humanitarian-related actors into Northern Uganda reflects a similar situation in the Chad civil war. According to Behrends (2014, p.41), at the peak of the conflict, more than 100 national and international agencies operated in the war-affected region, mostly under the auspicious of the UNHCR and coordinated under the Office of Humanitarian Affairs (OCHA).

Specific to land related actors, a ULA representative mentioned that 67 humanitarian-related actors were engaged in building the capacity of formal and informal land-related institutions for addressing land issues. These actors greatly varied in terms of policy, ideology, financial capacity and technology, as well as their power to influence change among returnees. Their success was built on greater access to resources, particularly externally related finances, expertise and social networks. However, differences in their ideologies and agendas meant that they often duplicated or opposed one another.

Actors who supported the traditional approach to land claims and disputes emphasised the rebuilding of informal institutions that had been eroded by war and isolation. Those supporting modern methods appeared to be influenced by Western development discourses, as advocated by SAPs and widely theorised in 3.3.3.2. Most modern land-related actors worked in collaboration with government institutions and departments, particularly local councils, district and court officers, sub-counties, parishes, land committees, planners and development officers.

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[70] According to Branch (2013), as of 2003, more than 100 humanitarian agencies had established their operations in Gulu town, with an estimated annual budget of more than US$200 million to spend in camps.

Their role involved advocacy, legal representation and creating awareness of land tenure and rights protection. Other actors engaged in the generation of income and in training activities to enhance returnees' livelihoods, options and poverty reduction, particularly through agriculture and micro-credit projects.

The NRC official explained a programme known as ICLA, which strengthened the capacity of local institutions to resolve land disputes and conflict in return areas. Government officials in four local councils, Gulu, Kitgum, Pader and Amuru were trained in land dispute issues. The intervention took place after more than 20 people were injured in land-related conflict involving clan members in the Koro parish, Gulu, in Northern Uganda. The ICLA official told me:

> … the incident was new and shocking, as never happened before. The blood bath received much attention and was highly publicised by the local media. The grievances attracted many commentaries from local communities, the government, CSOs [civil society organisations], CBOs [community-based organisations] and NGOs [2a].

The scope of humanitarian agencies had revolved around the distribution of relief aid to war- and disaster-related short-term emergencies. The war in Northern Uganda provided a turning point for new humanitarian roles and responsibilities. The new role reflected Desiree's (2000, p.23) assertion that NGOs assumed a role that had previously only been performed by the state. The scope of relief aid widened to include long-term development. Some of the NGOs crossed from providing emergency relief to long-term land-related development projects. The changes in the humanitarian situation in Northern Uganda reflects a similar case in the Sudan. Nilsson (2000, p.23) confirmed that most NGOs were engaged in addressing post-war land-related conflict resolution, human rights issues and reconstruction.

The Amuru LC5, and LCIII commented on the humanitarian agencies in addressing land issues in the Amuru sub-county as follows:

> The NGOs efforts in addressing land issues are welcomed. However, the challenge ahead is that 'it is not enough' … […] …. the only war left as of now is land wrangles, all of us have the duty of fighting it hard. [54]

Humanitarian land-related intervention during the post-war return had been previously described as expensive, as well as 'too sensitive and complex to be addressed' according to Boudreaux (2013). However, de Waal (2009) argues that their engagement, particularly focusing on the impact war has had on land tenure and settlement patterns, could enhance the future livelihood options of the returnees.

Implementing modern methods of land ownership, the external actors emphasised individualised rights to customary land through demarcation and registration. The NRC and Land and Equity Movement in Uganda (LEMU) focused on the formal recognition and protection of the customary land-tenure system. The ARLPI engaged in land-related documentation and advocacy, particularly promoting the security of the Acholi customary land in return areas. Their scope of sensitisation was focused mainly at village level to sub-county level. Four sub-counties with a high level of land-related disputes were covered: Amuru, Purongo, Pabbo and Koch Goma. Through the ICLA project, the NRC assisted with the documentation of Acholi customary rights to land, establishing a land registry and land dispute resolution court in Amuru sub-county.

The NRC director remarked with regard to actors' advocacy role:

> '[…] every agency is talking about rights to land, but no one is talking of responsibilities related to the ownership and use of land. […] Since use rights to land is more significant than its mere ownership' [44].

Returning from isolation in camps, customary land had lost much of its symbolic status in favour of being perceived primarily as an economic asset, hence the attention of land-related humanitarian actors. These primarily emphasised legal and economic privileges, rather than residual and usufruct rights to land, as presented in 3.2.3. The increased number of returnees called for access to, and the effective use of, land to renew their livelihoods.

Actors such as the Ker Kwaro Acholi (KKA) engaged in promoting peace by organising a cleansing reconciliation ritual for the formerly abducted children (FAC[71]). Known as the *Mato Oput* ceremony, this ensured that peace prevailed as seen in 2.3.4.1. The local chief recounted:

> A traditional ritual of stepping on an egg (*nyono tongweno*) was carried out. Our belief is that all evil deeds perpetrated by FACs pass to the broken eggs, which absorb all the evil. After the egg ritual, the FACs jump over a sappy tree called *Pobo*. This further washes and cleanses the FACs from any negative action they were involved in while in the jungle [19].

Performing the *Mato Oput* ceremony, which is attended by all local communities, seems to confirm Young's (1995, p.8) claims that 'the traumatic memory of the individual victim tends to be socially constructed, and socially deconstructed'.

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[71] It refers to a group of male and female youngsters' returnees that had forcibly been abducted and displaced far away from their maternal homesteads and recruited to serve within the LRA military ranks.

World Vision Uganda in Gulu launched an 'Outreach Service' programme aimed at counselling and rehabilitating the FAC returnees. More than 600 had received counselling or rehabilitation, while more than 14,000 were recovering from memories of war-related trauma and deprivation. The World Vision official remarked:

> [W]e have achieved a lot in rehabilitation and integration of children. We have encouraged them to form local community groups in order to work together in their farming activities for their livelihoods. We are proud of this, but a lot still needs to be done [42].

World Vision dealt with land issues that affected access to land for shelter and livelihood. Some clan elders and household members denied FAC returnees access to and use of the land. The Gulu RDC claimed: '… it is greed related to land after the conflict that causes youth being sent away to go and trace paternal family members.' Meanwhile the AWDCA, a CSO based in Gulu town, campaigned for the government and international community to pay compensation to the Acholi's loss of cattle and property as further discussed in 0.

Figure 34: NRC support for sub-county land conflict resolution in Amuru

Picture credit: Author's own photographs

Despite large-scale humanitarian-related activities in the sub-region, in the Amuru sub-county, local respondents were highly positive about only a few humanitarian actors, particularly CARE, the German Development Services, UNICEF, Save the Children, the NRC (though not on food supply as earlier mentioned) and World Vision. Most of these actors attended various programmes particularly land issues and the delivery of various social services on return to their villages. A few Acholi respondents, mainly from the Tooro parish, complained that some NGOs prioritised the purchase of expensive cars and paid huge salaries to employees, rather than meeting returnees' basic needs, such as resolving the looming land disputes.

Through a telephone interview, the Gulu court registrar confirmed that the efforts of external actors contributed to heightening the number of appeals received at the Gulu Magistrate High Court. At the beginning of the Acholi's return home, the number of land-related cases increased significantly. Kigambo (2014) determined through the NULP study that 70–80 per cent of crimes reported to the police and cases filed at the magistrates' courts were related to customary land. Recently, such appeals have reduced significantly. The registrar attributed this reduction to the complete return and resettlement of returnees and the increased efforts by engaged actors to raise land-related awareness.

Table 12: Land-related appeal cases received by the Gulu Magistrates' Court

Year	2006	2007	2008	2009	2010	2011	2012*	2013*	2014*	2015*
Number of civil appeals	47	88	138	179	93	57	25	22	12	7

NB: *Data collected after fieldwork by telephone with the Gulu Magistrates' Court
Source: Researcher's fieldwork data-collection

External actors' increased participation in land-related sensitisation is considered the reason for the reduction of land-related disputes. However, emphasis on demarcation and title registration was differently received. One local priest felt that some actors' presence and their advocacy role in the Acholi's customary land policy was no different to facilitating the emergence of a land market 'through the back door'. Their advocacy role overshadowed the communal rights to land ownership practised before displacement, and now threatened to greatly benefit land speculators. Their advocacy role caused a backlash from returnees, local

politicians and religious groups, thus confirming the similar theorisation presented in section
☐, in which the formalisation of customary land, particularly through demarcation and
registration, was linked to individualisation and sales. Individualisation leads to the specific
rights of individuals, particularly widows or other related groups, being altered or lost. A few
may emerge as winners, while the majority loses.

Like the priest's sentiment, most Acholi people believed that clan members should own land
to ensure continued access for future generations. Their perception contrasted with both the
new land policy and the actions and apparent ideology of the external actors. Their advocacy
appeared to raise more questions than answers for the returnees. The local priest remarked:

> We do not know what these NGOs are up to in using aid packages advocating
> and implementing land demarcation and registration programmes instead of
> directing money into development programmes that are of necessity to
> returnees.

> Freehold represents individual title, and individual title means male
> dominance. Where will these widows, divorcees and children go to secure
> their livelihood sustenance if not on customary land, which is no longer the
> same? [27].

Articles 33, 34 and 35 of the new Constitution of Uganda and the associated Land Act of 1998
provide equal access and ownership rights to land for both men and women. Despite the
inequality associated with the Acholi customary land-related rules and practices, actors'
engagement in land related advocacy, particularly on land rights that belong to women and the
youth, not only emphasised equality, but also strengthened the rights of these new groups of
returnees' similar to the new Constitution.

According to the director of Mega FM radio, radio and newspapers were instrumental in
strengthening land rights advocacy for returnees. While radio stations existed at the beginning
of the war, i.e. the Uganda Broadcasting Corporation (UBC), at least 14 radio stations are now
in operation, mostly located in Gulu. MEGA FM, Rupiny FM, Choice FM and King FM have
the widest coverage and large numbers of listeners. The department for international
development (DfID) funded MEGA FM radio to help spread peaceful messages related to war
and displacement, missing people, and land issues. World Vision Uganda and the NRC
sponsored radio programmes that disseminated reliable and credible information on land issues
and the justice system. The NRC, through their ICLA programme, aired by the MEGA FM,
locally known as *Wangoo*, sensitised the return of vulnerable and marginalised groups and
associated land rights. Similarly, traditional leaders warned the Acholi returnees against land

sales. The advocacy role reflected similar airtime given to Bosmic Otim's Luo lyrics, which cautioned returnees against selling land:

Acholi (Luo)	English translation
Kakana wun wucato ngom me ngo?	My tribe, why do you sell land?
Kakana lurok tye kabino pingom --	My tribe, foreigners are coming for land.
Wucato ngom ka ngom otum wudok kwene?	If you sell land and it is over, where will you go?

The advocacy and lyrics raised land-related awareness and appeared to reflect and confirm the Acholi's fear and sentiments. However, most of the land-related fears and sentiments were grounded and shaped by the Acholi's isolation in camps, where information primarily relied on rumours, thus breeding ethnic and regional perceptions.

Figure 35: Media houses: newspapers and radios in Gulu town

Source: Author's own photographs

My informant mentioned incidents of people with financial and political influence using radio stations to suppress their opponents. Similarly, others went on radio talk shows to rebuild their image after being accused of grabbing land belonging to the Acholi.

One local journalist revealed extensive coverage of the fate of the Acholi land in print media. As of 2006, local and national newspapers began an extensive land-related debate in *New Vision,* the *Weekly Observer,* the *Daily Monitor* and *Rupiny* (see also Table 13 and Figure 35).

Table 13: Newspaper articles on the land debate in Northern Uganda

Date	Newspaper	Title
January 2006	*The Monitor*	Investors to get land free-government
24th March 2007	*New Vision*	Madhvani wants land for sugarcane
30th July 2007	*New Vision*	Sugar is sweet, but Uganda cannot afford a raw deal
2nd December 2007	*New Vision*	Land rows derail resettlement exercise
22nd January 2008	*New Vision*	Madhvani's investment in the north is good for the people
1st October 2008	*The Monitor*	Give investors land
June 2008	*New Vision*	Land disputes threaten IDP's resettlement in Acholi
2nd July 2008	*New Vision*	UGX 1 billion set for land dispute resolution
30th June 2008	*New Vision*	Land disputes worry IDPs
3rd September 2008	*The Monitor*	10,000 facing eviction as land board claims 85,000 Ha.
3rd December 2008	*New Vision*	Acholi IDPs return home to land wars
10th December 2008	*New Vision*	Museveni promises investors free land
24th April 2009	*The Monitor*	Land wars threatens 30 districts
24th July 2009	*The Monitor*	Landlords pile up pressure on IDPs to leave their land
9th November 2010	*The Monitor*	Why land is a key issue for President Museveni in Lango

Source: Researcher's field findings and documentation

These articles were dominated by news regarding the government's influence on land disputes through its institutions, such as the UWA, NFA and the military. Similarly, businessmen, local elites, the military and investors (particularly the MGC) were reported to have stakes in land that belonged to returnees. Articles continuously covered topics related to: land grabbing; the rights of the Acholi to return to their homes; property restitution, particularly cattle; and access to, and ownership of, land, irrespective of gender, marital or social status. The fact that news coverage reflected the reality on the ground helped to shape the Acholi's perceptions and

actions regarding land claims and the associated disputes on their return and resettlement. Because most of the news was reported from the media's perspective, the land issues caused panic and anxiety among returnees. Some of the land-related news went as far as inciting violence, collective land claims and associated disputes. As a result, land claims took various forms, including the claims of ethnic and political narratives.

6.2.6 Political opportunism

The Acholi's return home and its associated land claims and disputes attracted political attention, and then opportunism involving both (Museveni's) government and the opposition. The first strand in this attention reflected the commitment of the government of Uganda towards the Bretton Woods institutional policy, promoting a land-related market policy, as presented in 3.3.3.2 and 6.2.1. Advocates of this strand comprised government officials, local politicians and the investment promotion centre (IPC).

The Gulu RDC claimed that the policy approach aimed to transform the Acholi war-affected region to one of prosperity, driven by private investors in modern industries and agriculture. The approach to land-related investment aimed to generate employment opportunities mostly to young returnees, but also contributed to the improvement of basic services and public infrastructure facilities. The approach to investment would be able to address the impact of more than two decades of isolation and the perceived economic marginalisation and stagnation of the sub-region.

The government's approach to land policy received overwhelming support from government institutions and departments, local politicians from the NRM, local wealthy elites, influential members of certain clans, media houses and other business sectors. Cited in the *New Vision*, Museveni, stated: 'Land should be given for free […] No question of rent. We shall recover it through creating more jobs for our people' (Among, 2008).

The local news reporting of land given away for free to prospective investors appears to mirror the observations of de Waal (2009, p.13), who believed most land was allocated, free of charge, as a political reward to local politicians and business elites within the government. The authority to allocate land to prospective investors reflected the new Constitution of Uganda and the absolute rights to land. The new Constitution vested all rights to land in the hands of Ugandan citizens. However, the President retained a custodial role and power, on behalf of all

citizens, to acquire land for the national interests[72] including for investment. This custodial role also reflected the absolute rights bestowed on the president as theorised in 3.2.3.1. Usually, society, state, and corporate bodies have the right to define what and how rights and obligations attached to land could be accessed and used.

Few foreign investors heeded Museveni's call to acquire land for investment in Northern Uganda. The Gulu RDC and the ARLPI official revealed that land acquisition ranged from 5,000–40,000 hectares per individual or organisation. These included MGC (10,000 hectares), Kadher Investment (15,000 hectares), and Danish and German companies who had requested 8,000 hectares and 10,000 hectares, respectively. The MGC project representative revealed some of the social and economic benefits attached to the project:

> …. once the project takes off, we anticipate jobs for between 7,000 and 8,000 people, mostly sugarcane cutters, mechanics and transporters. Similarly, infrastructure facilities, such as road networks, are to be opened, linking Amuru with other parts of the region. Electricity will be generated, mostly from factory biomass, benefiting both the factory and the surrounding communities.

> Communities near the factory will benefit as out-growers, supplying sugarcane to the factory. In return, a special fund will be set aside to support them with agricultural extension services and equipment. … […] … five villages will be constructed to accommodate factory employees. Health and leisure services will serve factory and non-factory staff. Educational grants will be established to cater for the Acholi children. In 2011, more than 40 students benefited from the educational fund for university studies [40].

The second strand of political interest opposed the government's policy decisions, particularly the motives behind the large-scale land acquisition. This position reflected scepticism among Acholi returnees, human rights groups, traditional chiefs and opposition politicians (the Acholi Parliamentary Group), who accused the government of allowing the Acholi customary land to undergo speculation, mostly under the banner of land-related investment. Government officials (i.e. the military), politicians who were aligned to the government, individuals and business elites were accused of acquiring land mainly for speculative purposes.

In most cases, the Acholi were sceptical of the benefits attached to the project due to experiences elsewhere. Whenever investors acquired land, such projects ended-up displacing

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[72] According to the new Land Act, the government may acquire land in the public interest under article 237 (2) (a). Similarly, the government remains as major controller of all the natural resources in the country.

large numbers of people and jobs were often fewer than promised; taxable profits were exported. Similar to the Chinese investors in Mozambique (as seen in 3.3.3.4), the Acholi's concern was influenced by the local media, particularly news on the expansionist behaviour of companies that requested land, for example, the MGC and its sister company, Kakira Sugar Works in Jinja. Local media reported that local people living in the vicinity of the factory in Jinja had been evicted, and thus were left landless.

One local priest appeared to support this oppositional strand, regarding the land take-over as follows:

> Opposition politicians are not here to confuse and cause panic among the people […] but [they] are here to act as checks and balances by holding the government to account, also opening people's minds to see the world through their eyes [27].

An interview with the Gulu RDC revealed that he had acquired 5,000 hectares of land and was negotiating partnerships with British investors. However, the RDC blamed opposition politicians and media for creating political mayhem in Northern Uganda. He accused opposition politicians of mud-slinging, thus blocking land-related investment in Amuru. The Gulu RDC then claimed:

> My friend, look at Pader MP's shameful statement, he has reiterated his intention of opposing any investor's move to his constituency by spearing them. However, why can't he spear his opposition MP, who has acquired 10,000 hectares of land far from his home of origin? MPs are supposed to represent the views of the people and not personal greed! [30].

The Gulu RDC seemed to confirm the role of rumour and gossip in constructing the perceived 'truth' among returnees. Opposition politicians were cited as the source of such rumours, resulting in land-related confusion for returnees. Most of the rumours aimed to tarnish the image of government officials in the eyes of the Acholi group.

The RDC recounted:

> …they accused me of having illegally grabbed 5,000 hectares of land in Amuru […]. The matter was [eventually] forwarded to the Gulu High Court […] The allegations culminated in the formation of the Presidential Commission of Inquiry in order to investigate this particular land. The Presidential Commission proved my innocence; the High Court in Gulu cleared my tarnished image, as I emerged victorious.

> I come from here, yet still I am associated with land-grabbing. So, where should I go and claim land if not here where I was born, and have a connection to the land? [30].

The Gulu RDC's accusations of land grabbing appear to confirm that returnees' perceptions were generated while in camps, based on rumours and gossip. The Gulu RDC claimed that opposition politicians were a major source of fabricated information, or what we today call 'fake news', regarding land in Amuru:

> These young boys, such as MP […], who don't even own land, with … […] … assertion of spearing any investor who would like to come to Northern Uganda. A person like […] is a total liar who could even instigate anarchy among the Acholi by forging statements that the president of Uganda has directed Gaddafi to acquire a big chunk of land here in Northern Uganda [...], young MP is not ashamed of his age, is constantly deceiving the people that the opposition is the only guardians of the Acholi land […]. This is not true [30]!

Media coverage on land grabbing (as seen in 6.2.5) appears to have influenced and won the hearts and minds of the Acholi. Upon their return, most of the Acholi identified themselves with the politics of the opposition, defending the Acholi land from speculation and claims. Land issues took a political direction, contributing to the transformation of the sub-region into a solid opposition stronghold before 2011.

Politicians such as Norbert Mao and Olara Otunnu not only opposed land take-overs, but also linked the increased activities of multi-national companies in land acquisition in Amuru to rumours of mineral and oil discoveries along the Albertine rift. During the Buganda Cultural Conference[73], Mao claimed: 'the rock underneath the surface contains huge mineral and oil reserves.'[74] Similarly, Otunnu was reported claiming: 'Madhvani [other investors] is just a front for (Mr) Museveni (and) the interest in land is driven more by what is beneath the surface (oil) than top soil (Otunnu, 2006, p.)'. The discovery of oil along the Nile River, could explain the multiple claims, contestations and power struggles. Local politicians used returnees land claims as political capital to achieve their own gains.

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[73] Refers to the conference I attended, held on 18 December 2009 at the Africana Hotel, Kampala.
[74] See also, Kasita (2008). Huge oil well discovered in Amuru district. *Sunday Vision* [Online] 22 December. Available at: [http://www.newvision.co.ug].

6.2.7 Property compensation

The prolonged displacement and return home were associated with claims seeking compensation and restitution of lost cattle and property. These claims sought: (1) reparation from the government and international community in the form of 'starter packs'; and (2) compensation from the government and the international community for those who had lost cattle and other property reflecting the Pinheiro principle 2.1, which recognises the fundamental rights of refugees and IDPs to restitution and the compensation of lost land and property (UN-OCHA, 2007).

The first strand of these claims received overwhelming support, mainly from humanitarian organisations. The refugee law project (RLP), was of the view that all Acholis had suffered equally from both the LRA and UPDF operatives. The RLP official claimed that returnees experienced social and psychological trauma and mental illness from being in a war zone and its associated prolonged displacement. The Acholi's loss of livelihood prompted financial compensation and resettlement packages in the form of 'starter packs'. These packs included machetes (*palapanga*), axes, sickles, corrugated iron sheets, basic household items, agricultural tools and seeds. Again, the Acholi's return home and reconstruction efforts reflect a similar situation as in Senegal. According to Evans (2014, p. 69), the post-war return home in the Casamance region provided an opportunity for fewer returnees constructing temporary and permanent shelters. However, it is the international community that assisted returnees to rebuild permanent houses.

The RLP's view was like that of the NCFU chairman, who demanded that returnees receive not only financial compensation from the government and donor agencies alike, but also youth training because there were no opportunities to practise agriculture in the camps; returnees needed training to help them become more skilled and engage in productive activities.

The AWDA demanded compensation for all people for the devastation caused by the war:

> [N]ow, the Acholi sub-region has the highest number of people living below the poverty line when compared to the rest of the country because the whole region was seriously affected by the war. Just look, all the social services and public facilities, such as education, health, and water, had collapsed. Even the social safety nets that were at the heart of fighting poverty no longer exist. So, who do you compensate, and who not; if not all? [45].

According to Carbonnier (1998, p.37), when compensation is uniformly distributed among returnees in the form of relief aid, this can assist returnees' transition from war to peace. The

Acholi's demands for compensation, irrespective of whether property was lost or not, could reflect the South African post-apartheid Land Claims Commission. According to Walker (2008, p.6), under the Restitution of Land Rights Act of 1994 and subsequent amendments, 'just and equitable' settlements were awarded to all victims of the century-old apartheid policy.

Compensating all Acholi returnees could represent a clear recognition not only of the cattle and property lost, but also of human rights violations. More than 90% of the Acholi lost their personal liberty, human rights, decent family life and citizenship, their sense of home, engagement in income generating activities, and their use of (and enjoyment of) property. Compensation is well-articulated in the Basic Principle and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Law (2005). For example, in 2009, the UNHCR distributed 30 tractors to Arua, Malacha/Terego, Jumbe, Moyo, and Adjumani. The tractors were a gesture of appreciation for the local communities for hosting refugees predominantly from the DRC and Southern Sudan.

The second strand of claims appeared to support financial compensation to those who had lost cattle and other property. The AWDCA chairman claimed that prompt financial compensation, aimed at the restoration of small and medium-sized enterprises, could contribute to revamping agricultural expansion, employment and income creation, mostly for the youth. The AWDCA chairman believed that if adequate compensation for lost cattle and other property was paid, the whole sub-region would fully recover within five years, contrary to the 25 years proposed by the WB and DfID (AWDCA, 2011).

With the loss of cattle, most children no longer needed to herd, but the value attached to education and employment opportunities were increased. The AWDCA chairman said:

> All these phone calls that you hear since you arrived come from our members asking if funds that have been promised by the government to compensate their lost cattle have arrived. They want to use them to settle school fees for their children [46].

Citing the *Daily Monitor* (11th April 2010), Museveni's government distanced itself, and remarked, 'The people who lost property as a result of the LRAs insurgency in the Acholi sub-region will not be compensated, since so many people were equally affected during the same period'. According to the AWDCA chairman, the government's refusal to compensate returnees prompted more than 1,717 Acholis to file a civil case at the Gulu High Court referred to as 'Gulu Civil Suit No. 38 of 2006'.

In 2007, the government launched a comprehensive PRDP for Northern Uganda aiming to stabilise and lay a foundation for the return, rehabilitation and reconstruction of the Acholi sub-region. Specifically, the PRDP aimed to promote the socio-economic development of the returnee communities that had been affected by the war, the overall goal being that of bridging the development gap between Northern Uganda and the rest of the country. In the end, the PRDP was expected to bring about average levels of development as far as socio-economic development indicators are concerned.

The PRDP budget received its funding from the donor community and aimed to compensate returnees. In 2008, Museveni's regime acknowledged their responsibilities and promised to compensate those who had lost cattle and property, according to Otim (2013)[75]. The AWDCA chairman explained that, in 2009, the PRDP budget stood at USD 300 million[76]. Since then, more than UGX 3 billion (USD 1.5 million) has been allocated for social services, public infrastructure and resettlement packages to returnees. During the first quarter of 2011/2012 more than UGX 200 billion (USD 100 million[77]) of PRDP funds had been requested to pay compensation to returnees. However, only UGX 1.5 billion was released, while more than US$ 12 billion was abused, according to IRIN (2017)[78].

Few respondents in the Pagak parish reported receiving the resettlement package. Of the 15,000 corrugated iron sheets promised for the whole of the Acholi sub-region, only 1,500 reached the Amuru district (distributed to 122 returnees, each receiving 30 sheets). One interviewee remarked:

> [U]pon the return home, the government distributed sheets of paper in order to record the number of cattle lost for compensation. Likewise, we were promised that iron sheets will be provided as a resettlement package to all returnees. In our parish, only two people received 30 iron sheets each; how about us? Since the government has all the power, we can do nothing [38].

Others complained of inadequate resettlement packages:

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[75] See also, Government plans to pay Teso war claimants. The Monitor [Online] 9 August. Where the government planned to verify war victims in Lango, Teso, West Nile, Karamoja and Acholi. Accessed September 2013.
[76] 1 USD =1995 UGX (January 2009).
[77] 1 USD =2295.17 UGX (January 2012).
[78] See IRIN, 2017, (*Online*), 'Neglected Northern Uganda mustn't be ignored any longer'. Corruption is reported to have hampered the success of rehabilitation efforts, whereas of 2012, the Uganda auditor general discovered USD 12.7 million misappropriated by staff of the Prime minister. Accessed 20 September 2017.

> [T]he government promised a resettlement package as a starting toolkit after returning home. The package was supposed to include hoes, *palapanga* [machetes], axes, sickles, corrugated iron sheets, basic household items, seeds and planning materials … up to now the only items some us have received are hoes and *palapanga*. Are these enough to kick-start our lives after all those years? [14].

Despite the government' construction of houses for 54 traditional cultural chiefs, to facilitate the Acholi's early return and settlement, some returnees demanded more social services and public infrastructure. One returnee added:

> [A]nother negative feeling, which I had against the government, is promise of settling us with resettlement package, and also good schools and healthcare centres. None of these have been fulfilled. This makes us lose trust in this government [13].

The embezzlement of funds allocated for reconstruction, as outlined by the PRDP, caused returnees' needs and demands not to be met. The abuse of PRDP funds by some government officials prompted donor countries to demand that stringent measures were taken to deal with the officials responsible. Moreover, some donor countries refused to pledge further support, while others completely froze support. The decision stalled reconstruction and recovery efforts and partly explains the failure of the PRDP to bring about a quick recovery.

6.3 Emerging conclusions and implications for return and recovery

Based on the main issues charactering the Acholi isolation that had been associated with land policy changes, I summarise four issues that emerged and which have significant impact on land and property claims, but also on post-war return and recovery.

- Dual competing hierarchies

A dual system of resolving land disputes has emerged (formal and informal), but the two hierarchies appear to overlap and compete in their responsibilities. The competition is mainly linked to the abuse of power through corrupt practices, which, in turn, results in the hierarchies undermining each other. However, this is to the disadvantage of the informal hierarchy.

Both hierarchies emerged from the war-related environment, but neither appeared capable of administering or resolving land-related disputes. Despite the traditional hierarchy operating on the edges of the modern system, it has still showed a certain resilience. Both hierarchies remain influential in affecting the returnees' perceptions and actions regarding land claims and associated disputes.

- Citizen engagement

Isolation creates environments that affect governance issues related to citizen participation and consultation. Inadequate participation and consultation on important policy changes may help to explain some of the decisions made by local administrative bodies, as well as the growth in the number of land and boundary-related disputes.

- The role of media houses

Local media coverage on the impacts of land policy changes increased local awareness of the value of land, but also attracted multiple claims to the Acholi land. The increase in multiple land claims by various actors could help to explain the speculation and land-grabbing tendencies.

- Return provides political and ethnic vantages

Local politicians used the opportunity offered by the people's return and land claims as political capital for their own gains. While traditional and religious leaders used administrative border disputes to intensify ethnic conflict, unresolved land and border disputes fuelled the ethnic tensions in the region.

SECTION V

**MAJOR FINDINGS, REFLECTIONS, RECOMMENDATIONS
AND AVENUES FOR FUTURE RESEARCH**

CHAPTER SEVEN:
REFLECTIONS ON THE FINDINGS, ANALYSIS AND CONCLUSION

7.1 Introduction

This study has been an attempt to examine the consequences of war-related displacement and camp life lasting over two decades, as well as the impact of these issues on land claims and associated disputes among the Acholi group on their return to Amuru sub-county, Northern Uganda, their resettlement and recovery. The findings of this thesis are expected to respond to/address the three main questions. The three main research questions were formulated as follows:

1) What are the critical consequences of the Acholi people's forced displacement pertaining to asset ownership, demographic profile and the traditional institutions responsible for land administration and management?

2) How did the long-term forced displacement affect Acholi attitudes and perceptions toward land and livelihoods, and how do these perceptions and attitudes help explain the land conflicts arising upon their return?

3) How are these emerging attitudes and perceptions relating to customary land claims and conflicts affecting the process of the Acholi return and resettlement in Amuru sub-county?

This chapter is structured into three sections. The first section consolidates the matrix of data analysis; the second section presents the main findings and conclusions; and the final section reflects on the main findings with regard to the research questions and conclusions. This reflection assists in revisiting the theoretical concepts and methodology underpinning the thesis.

7.1.1 Consolidating the matrix of analysis

After stating the main argument of the thesis and research questions in chapter 1 and then presenting case evidence in chapters 5 and 6, I highlight here some of the most crucial issues emerging from my interviews and related to forced displacement and camp life. From the matrix of research materials, a matrix analysis derived key issues for this research for triangulation. The matrix uncovered the underlying nexus of issues as documented (see appendix).

The matrix involved internal war-related changes (A1-A7) and external policy changes and influences (B1-B7). Through the matrix, it was possible to address some of the issues which are most challenging when dealt with individually. Through the matrix, different but common issues were uncovered; then the significance attached to the issues was assessed, particularly in explaining incidences of land claims and associated disputes, together the strength of the relationships between them. For example: '0' represents the absence of any significant relationship, '1' weak and insignificant, '2' medium and '3' a strong and significant relationship.
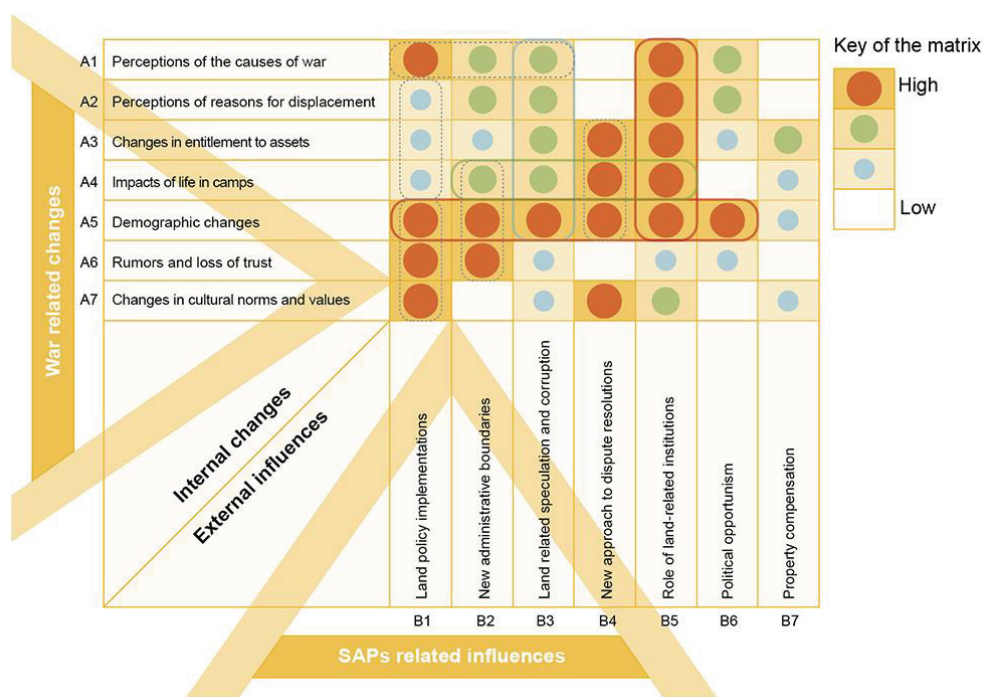
Figure 36: Emerging field-based matrix of analysis

Source: Author's own field findings, analysis and presentation

7.2 Main research findings

I state the main findings in accordance with the research questions highlighted above:

7.2.1 Research question 1

7.2.1.1 Isolation and loss of assets

This research shows a significant relationship between the causes of the Acholi war (A1, A2) and associated impacts related to isolation and the influx of various actors (B5). The war between the UPDF and the LRA rebels resulted in the Acholi group fleeing their homes due to a lack of security. The security situation caused the government of Uganda to adopt a variety of measures, including the isolation of the Acholi population from the LRA rebel group. This isolation caused the Acholi group to lose various assets and property, particularly cattle and their abandoned land. The Acholi's loss of cattle changed their entitlement to assets in the long term, as I have documented (see 5.3.3.1). The changes in asset entitlement shifted income, gender roles and responsibilities among household members.

The Acholi's isolation and loss of assets attracted an influx of multiple actors and associated activities. As of 2009, this study found that more than 147 related actors had been recorded throughout Northern Uganda. Similarly, as of 2002, a large military contingency of more than 50,000 was stationed in the sub-region, whose influence not only shaped the local economy but also compromised the traditional values and customs of the Acholi women and young girls. Their presence fuels high-risk and illicit behaviour among the displaced population.

The camp formation and operation resulted in changes to the demographic profile and composition of the Acholi population. Over the course of two decades, the Acholi population as a whole more than doubled, with increased numbers of children and young people. Humanitarian food aid distribution influenced this increase in the birth rate, as the size of a household determined the amount of food aid it received. Bøås and Bjørkhaug, (2014, p.188; FAFO (2005) estimated that more than 85 per cent of Acholi households survived on food aid from humanitarian agencies.

The creation of the camps was neither designed nor planned, but rather they were established as 'protected villages' in marginalised and peripheral areas. The inability to design the camps effectively caused congestion, disease and frequent fires. Various communicable diseases claimed lives, mostly of children, old people and health workers. As one local nurse remarked, 'almost 75 per cent of the deaths in camps could have been prevented had overcrowding been

controlled'. This claim corroborates the work of Bøås (2005, p.12) who found that more than 25 per cent of children under 10 years had lost one of their parents due to disease, and that 9 per cent of children became orphans in camps.

7.2.2 Research question 2

7.2.2.1 Changing traditional values and practices (C)

The study found that there is a medium-strong relationship between the prolonged displacement (A4) and the associated land policy changes and their implementation (B2-B5) in disrupting and re-orientating traditional customary values and practices relating to land.

It has been found that the premature deaths of the Acholi husbands and clan elders created both a protection vacuum and a knowledge gap that affected the most vulnerable and marginalised groups, particularly women, young people and children. The effects relate above all to the inability to identify and distribute clan land.

The shift in asset entitlements and associated income affected the economic ability of most men to meet the needs of their household. The influx of more than 50,000 soldiers and their associated income compromised Acholi family values and cohesion. Some military officials used their income to lure young Acholi girls and women, resulting in early pregnancies among girls, marriage breakdown and children born outside of marriage. A *boda boda* taxi driver remarked that 'most women in camps perceive young people mostly from Gulu town with *boda boda* taxi to have money, which makes us more attractive to them'. Indeed, soldiers' involvement in sexual abuse prompted one local chief to remark: 'the emergence of ill behaviour in our society was a clear sign that conflict and displacement had destroyed the very foundation of the Acholi social and cultural fabric.'

It was also observed that most of the children born out wedlock were at the centre of land claims and contestation. According to the Acholi's customary values, children born outside of marriage are not entitled to claim land that belongs to the clan. As the local chief explained: 'Children born out of wedlock are considered to have quit the clan and are not legitimate claimants.'

7.2.2.2 Monetisation of the local economy (B)

This study found out that there is a significant and strong relationship between prolonged isolation (A1-A5) and the external land-related policy changes (A5), influencing the monetisation of the local economy. Isolation, associated with various socio-economic changes, influenced the emergence of alternative economic activities, both formal and informal.

This study showed that the influx of various external camp-based actors was associated with formal economic activities in camps, trading centres and urban areas. Most of the camp-based actors engaged in the distribution of food aid, the provision of security, health care, and schools. The presence of humanitarian agencies, private investors and the military increased employment opportunities and income. The formation of Local Defence Units (LDU) not only created employment opportunities among local youth but also boosted the camp-based economy. This study showed that Gulu town, with fewer than 300,000 inhabitants, hosted the majority of the 50,000 soldiers and the many humanitarian agencies.

It has also been found that isolation influenced the emergence of the informal economic activity in camps. The informal activities included gardening within the camp vicinity, illicit alcohol and illegal hunting. These activities attracted the emergence of weekly local markets, and these markets became a locus for the exchange and sales of food and non-food items. The emergence of the alternative economic activities, such as agriculture and the hunting of wild animals, not only complemented the food aid supply in the camps but also encouraged the monetisation of the local economy.

Loss of assets and the return of the displaced people to their homes of origin resulted in the government and donor countries setting aside funds for monetary compensation and resettlement packages for the Acholi. Similarly, humanitarian agencies assisted some of the returnees in lodging monetarised compensation claims and resettlement packages. The AWDCA chairman remarked, regarding compensation claims, 'all these phone calls that you hear since you arrived come from our members asking if funds that have been promised by the government to compensate their lost cattle have arrived. They want to use them to settle school fees for their children'.

7.2.2.3 Land-related markets

This study found a strong relationship between the war-related changes (A5, A6, and A7) and land policy implementation (B1) in influencing land markets. Isolation and loss of assets, the influx of various actors, and the implementation of decentralisation policies influenced the emergence of both formal and informal land markets. As we have seen, isolation and loss of assets led to alternative economic activities in camps, including small-scale gardening within the vicinity of the camps. However, as land was a finite resource, demand intensified competition among land seekers. This competition, in turn, led to high rental values. The rental market shifted customary land from a symbolic to an economic resource. The Uganda Land Alliance (ULA) remarked: 'The loss of cattle and land sales are inseparable. You cannot talk about land sales without talking the disappearance of cattle after the war…'

The activities of the new actors in the region, particularly food aid distribution, transformed some of the camps into trading centres, so that they became like 'small towns of their own'. Land near these strategic distribution centres attracted monetary and rose in market value. The land markets also attracted brokerage offices to facilitate land sales and purchase as observed in Gulu, Pader, and Kitgum.

This study found that three elements determined the monetary value of land: its location, size, and type of ownership. Land located in trading and urban centres, along strategic areas, such as main junctions, and near basic infrastructure and social services reached a higher monetary value than land in remote areas. The size and type of the land ownership determined value of land, so that in trading and urban areas a well-located and properly documented piece of land up was typically offered at a size up to one hectare. In villages, by contrast, due to the low value of land, land sales typically involved large pieces of customary land sold at low prices. The plot sizes ranged from one hectare to 5,000 hectares. The Amuru district attracted large-scale land sales compared to other districts in the sub-region. Vast areas of fertile land attracted investors, in a phenomenon which was perceived as a 'land rush'. Land acquisition was associated with titling, which increased both security and associated land value. Between 2006 and 2012, there were only six titles recorded, but from 2013 to 2015 the number increased to 254 titles.

This study found that the Acholi's prolonged isolation caused the emergence of groups of vulnerable women and young people unable to access land on their return home. Most of the land belonged to their parents and husbands. They wanted to access it in order to advance their livelihoods, but the clan elders and traditional leaders perceived the land claims from vulnerable

women and young people differently. One local elder claimed: 'most of the women's land claims were solely linked with the intention of selling it [the clan land], thus causing land wrangles.' Meanwhile a local government official took the view that 'young people's land claims is money-motivated aimed at selling clan land in order to finance new emerging opportunities in camps and trading centres.

It has been found that some humanitarian actors assisted the groups of vulnerable women and young people to access and own land independently on their return home. This approach, particularly by the NRC, involved the ICLA's land rights awareness campaign on the radio, which influenced the formalisation and titling of the Acholi's customary land. While greater land awareness increased the monetary value attached to customary land, this study found that in Amuru sub-county, 217 returnees had applied for the CCOs since 2011, although no one had yet acquired it.

This study also found that the government of Uganda implemented the re-organisation of administrative units while the Acholi were still in camps, particularly districts[79], counties, sub-counties, parishes and villages. The re-organisation also involved elevating some of them to Town Board and Council status. This elevation involved the introduction of modern town design and the planning of new administrative headquarters, and this design and planning attracted customary land buyers. This study found that in Amuru sub-county Pagak parish was elevated to Town Council headquarter status. Although the government acquisition of customary land was associated with compensation to landowners, this compensation was not only delayed but was also paid selectively and inadequately.

7.2.3 Research question 3

7.2.3.1 Issues related to participation and consultation

This study found that isolation subjected the Acholi population to various camp-based rules and regulations, and these rules affected their participation in and consultation on various policy issues, including those relating to land and decentralisation. Due to their isolation, the Acholi group were left unaware of what was happening outside of the camps. The Acholi's inadequate, tokenistic participation in what were less significant led to new perceptions on a number of issues, including land claims, and these had a significant impact on policy implementation on their return home. Their inadequate participation caused clashes between the traditional and modern institutions responsible for land administration and management. The traditional

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[79] In the Acholi sub-region, as of 2010, the number of districts multiplied from 3 to 7.

institutions of the Acholi perceived formalisation via CCOs and titles as being similar to the commodification of customary land, as simply another back-door route to land grabbing, with the potential danger for future landlessness. These clashes halted the implementation of the formalisation programme.

This study also found that due the Acholi's inadequate participation and consultation allowed a few wealthy and influential individuals to seize Acholi land. The large-scale land acquisition not only evicted some of the returnees and marginalised groups but also contributed to perceived corruption, mostly involving government officials, clan elders, and traditional and religious leaders. This perceived corruption resulted in land-related tension and disputes taking a politically and ethnically motivated direction. Members of opposition parties used these disputes as political capital in order to garner political support among returnees. These politically motivated perceptions changed the political landscape of the Acholi sub-region. The Acholi group perceived clan elders and leaders to have engaged in corrupt practices when allocating land to the few wealthy and elite individuals. These perceived corrupt practices eroded the social legitimacy of the clan leaders in the eyes of their subjects.

7.2.3.2 Misinformation and communication

This study found that the Acholi's prolonged isolation created a vacuum in formal information and communication channels. The informal communication channels that emerged in camps filled this vacuum. However, most of the informal communication channels were characterised by rumours and fabricated information. Some of the fabricated information was misleading, and this caused confusion and loss of trust between groups of people. This study was able to confirm some of the previously unconfirmed reports related to the land take-over by the Gaddafi regime and the discovery of oil and mineral deposits along the Nile River.

This fabricated rumour-filled information originating in the camps influenced the Acholi's mass return home. The Acholi's interest and willingness to return home was associated with lodging claims to their abandoned land. However, as the Acholi returned home en masse, this affected their efforts to claim land, leading to further disputes and conflicts.

7.3 Emerging conclusions

As such, although the Acholi group's isolation was implemented as a military strategy, aiming to eliminate LRA fighters, it was also intended to isolate them from the rest of the population. In addition, locating camps in marginalised and peripheral areas and setting security zones

restricted the movement of the Acholi across time and space. These restrictions not only separated the local civilian population from their land but also inhibited the effective use of that land, leading to food shortages and even starvation. The starvation of the population not only attracted humanitarian actors' food aid, but also brought about changes in the demographic profile of the Acholi.

As we have seen their prolonged isolation and subsequent return brought about new perceptions and changes in behaviour that had significant impacts associated with land claims and restitution. However, such perceptual change needs to be understood from a wider perspective, not only in terms of the loss of assets and property and knock-on effects on the livelihoods of the displaced population, but also in terms of changes in behaviour for other camp-based actors, including government institutions, land related investors and humanitarian aid agencies. The participation of some actors in looting cattle and other property, land grabbing, corruption and the embezzlement of aid money are some of the new and negative behaviours that emerged, with significant consequences for the displaced population.

As has been noted, the influx of multiple camp-based actors contributed to the creation of employment and business opportunities and a flourishing trade in goods and services in the camps and on their return home. However, some of the goods and services were available at inflated prices relative to local income of the Acholi group, mostly in trading centres and towns. For example, the rental housing market in Gulu was beyond the reach of the general population.

Successful return and early recovery depend not only on land claims and restitution but also on the payment of financial compensation and resettlement packages to returnees, irrespective of whether property was lost or not. This drove the Acholi's early return and their demands that both the government and donor agencies invest in infrastructure facilities and services in returnee villages. The infrastructure and service investments appear to have stimulated land - related markets and the local economy, as per the World Bank and DFID reports (AWDCA 2011).

The misuse of donor funds by a few government officials meant that the payment of compensation and resettlement packages for the Acholi's return and reconstruction were halted. The corresponding withdrawal of these funds by donors not only contributed towards stalling return and reconstruction, but also redefined wider country-donor relations. This confirmed the failure of the Acholi's early return, reconstruction and recovery efforts.

The lack of citizen participation and consultation in policy changes and implementation help to explain who benefited and who did not in the whole ordeal of forced displacement associated with land claims and disputes. A few emerged as winners, while the majority were left behind as the losers in the land claims and acquisition process. The group of winners are mostly local elites, army personnel and wealthy private investors. The main losers were the vulnerable and marginalised groups among the Acholi returnees.

In this context, rumours and perceptions originating in the camps shaped the decisions and actions of the returnees. The large-scale return of the displaced population reflects the impact that new perceptions have had on return and resettlement. However, an uncoordinated, large-scale return of this nature results in challenges for all those involved in reconstruction. Caught unprepared, they faced challenges not only in resolving land disputes, but also in supplying returnees with the necessary basic amenities, including water, health services and education.

7.4 Revisiting theory and methods

The findings and emerging conclusions prompt reflection on the existing literature relating to theories, concepts, discourses and methods associated with development and the proliferation of concepts to do with territory, land and property, together with approaches to post-war displacement and return, and to the reconstruction and recovery period.

7.4.1 Theory revisited

The two sets of ideas have been central in explaining the forced displacement of the Acholi people: 1) the development and proliferation of concepts of territory, land and property and their relationship to current practice; and 2) post-World War II development and reconstruction discourses. These concepts and discourses offer a basis for studying forced displacement that is associated with land claims and conflicts. The concepts and discourses may be replicated elsewhere when studying similar war-related forced displacement cases, depending on the local situation and context.

7.4.1.1 Territory and related concepts

The Acholi people's territorial claims reflect the Western understanding of the concept territory and its application in the African continent in several ways. Through migration, contact and interaction with other ethnic groups it shaped not only their social organisation and economic activities, but also identity, claims over rights, and territoriality (see 2.3).

The Acholi people's claims to territory reflect the concept of autochthons as presented by Elden (2013, p.23). Through migration and settlement in search of pasture and water, the Acholi acquired and established a special relationship with their territory which required them to claim it as autochthonous. As autochthons, the Acholi acquired an entitlement to territorial resources, which passed down through the generations. However, the recent dislocation appears to have dismantled not only rights to territorial access and use, but also disturbed their local livelihoods.

The influence of the concept of territory and its conceptualisation during the Acholi dislocation and return appears to be reflected in questions of inclusion and exclusion in relation to territorial resources. The new land policy changes and the re-organisation of the territorial borders appears to have reinforced the concept of citizenship rights and obligations related to territorial and land-based resources. The implementation of the policy changes reflects the Western nations' use of the concept of territory during state formation, the definition of borders and associated rights and obligations attached to citizens. Through territorial borders, citizenship rights included access to state resources for those within those territorial borders and excluded those outside. Despite the concept of citizenship granting rights and obligations to all citizens of Uganda to use and access state-based land resources, traditional local rules and customs appear to have inhibited these rights as for the Acholi group.

Addressing development-related challenges after the Acholi war, the new changes not only reflect but also confirm widening rights to citizenship related to the access to customary land. Through new modes of land ownership, particularly freehold and leasehold, all citizens had rights to access and use land, irrespective of ethnic affiliation. Similarly, the changes opened up routes even for foreign land-related investors to gain rights to access and use territorial land.

Addressing governance issues related to citizen participation and consultation, the re-organisation of the territorial administrative units coincided with the Acholi's war-related dislocation. The dislocation not only limited consultation with the Acholi group, but also confirmed the implementation of policy decisions without any further resistance. However, on their return home, the inadequate participation of the Acholi caused the new administrative boundaries to be a source of dispute and conflict. The Acholi's experience reflects the Western extension of the concept of territory to include overseas territories in Africa, and in Uganda in particular. Although the colonial notion of territory led to the establishment of territorial boundaries in order to resolve disputes, the inadequate participation of local people caused most

of the territorial border disputes to have been inherited by post-independence regimes in Africa. The disputes appear to sanction what it had intended to resolve.

Isolation and inadequate participation cause boundary-related disputes over territory to take an ethnic and political direction. Although the re-organisation of the administrative boundaries had sought to include all ethnic groups, it appears the policy managed to gain the support of some ethnic groups, while excluding others. In the Amuru district, the re-organisation of the territorial border while the Acholi group were still in camps excluded them, while including the Madi ethnic group. This ethnic inclusion and exclusion reflects Bøås' (2009) and Barth's (1994) critique of concepts such as territory and ethnicity. While Bøås indicates that territory and associated borders can be used as a tool to reinforce citizenship rights and obligations, Barth argues that the concepts can be used as tool for manipulation in order to achieve a certain goal on the part of those in power.

The Acholi's isolation attracted politically motivated land claims. Both the government and opposition parties used the re-organisation of administrative boundaries as a political tool in order to garner political support and consolidation. This study confirms that, before 2011, the Acholi's return and its associated land disputes influenced most of the Acholi sub-region to turn into a solid opposition stronghold. Similarly, the government used the isolation that had been associated with the re-organisation of the territorial units in order to acquire a political advantage, particularly in concentrating voting strength, which appears to have paid-off.

In this respect, the situation in Northern Uganda reflects similar cases in Zimbabwe and Senegal. In Zimbabwe, though not a war-related case, changes in the administrative boundaries took a political slant and were perceived as a consolidation of power, mostly through vote rigging by the ZANU-PF party (Jones, 2014). In Senegal, the war-related dislocation in the Casamance region created an opportunity for the central government to devise both political and economic spaces (Evans, 2014, pp.71-72). Politically, the existing administrative boundaries were devised as a tool of exclusion and inclusion, along geographical and ethnic lines. The policy was also used as a military tool in order to isolate rebel-controlled areas. The implementation of these changes involved recognising a unique identity in certain regions and also preferential treatment with better access to state services and resources. During the return, the re-organisation provided an opportunity to achieve ethnic and economic goals.

7.4.1.2 The principles of first occupancy and labour theory

As they have been defined by classical liberals, both historical and contemporary, neither first settlement nor labour theory appear to be applicable, not only in the normal Acholi situation, but also in the post-war context. Social and legal changes associated with war-related isolation make both concepts inapplicable within the Acholi territory. These changes include the loss of assets, changes in population relative to land, and new land policies.

Dislocation caused the loss of assets and property but also shifted asset entitlements. This shift changed Acholi perceptions of asset ownership from cattle to land, which also influenced the economic value attached to land. The Acholi situation confirms that it was not the symbolic meaning attached to customary land which drove the large-scale return home and land claims, as the principles of first occupancy and labour theory would suggest. Rather, it was the perceived economic value as a result of changes in entitlement to assets. As we have seen, the Acholi's isolation was associated with an increased population, particularly of children and young people. The increased population was associated with particular needs including food. The growing population meant more land brought into cultivation. This study confirms that the Acholi return was associated with some vulnerable groups experiencing difficulties in accessing clan land. Similarly, in a general situation of increased population, large-scale land acquisitions instigated fear and panic of 'land scarcity' among the Acholi group. The panic did not correspond to the size of available land, but rather to increased needs and the increased value attached to customary land.

This study confirms that prolonged isolation exposes young people to new needs and different lifestyles and opportunities. On returning home, meeting such needs and opportunities influences young people to claim land in order to sell it. Some of the land sales caused household and clan-related disputes. However, the lack of familiarity of some young Acholi with their parents' home villages, plot boundaries and agricultural skills influenced a significant number of young people to engage in land sales. The Acholi situation reflects post-war and tsunami cases in Sri Lanka. The prolonged ethnic war between government forces and the Tamil New Tigers rebel group in the north-east caused most of the younger generation to be unfamiliar with their parents' original homes. However, the higher level of education among young people influenced their return home and restitution of property (COHRE, 2005).

The isolation that had been associated with land policy changes makes both theories hard to apply especially to traditional societies characterised by 'unoccupied land'. In Uganda and the Acholi sub-region, the land policy changes legally recognised the Acholi's customary land. The legal recognition vested all rights and interests to land under local institutions and associated actors: both traditional and modern. Traditionally, all ownership rights to customary land were vested under the clans and lineages rather than the individual, while all rights to 'unoccupied lands' were vested in the state. The new parallel system of land ownership meant traditional institutions had no absolute command over all customary land, which could explain some of the frictions and disputes between parallel systems. The Acholi case reflects a similar situation to Chad, where Behrends (2014, p.51) confirms that both legal and traditional systems ran parallel to each other.

7.4.1.3 Formalisation-related concepts

In Northern Uganda, and the Amuru sub-county, the Acholi return home and resettlement were associated not only with land claims but also with the formalisation of rights to customary land. The formalisation programme reflected De Soto's ideas, whereby improving tenure security demanded that government institutions facilitate land-related formalisation and dispute resolution. In the Acholi sub-region, codifying customary rights to land appeared to be similar to increasing tenure security but also attracted land-related investment and improvement in industry and agriculture.

Despite Desoto's' emphasis on the role of the government in facilitating the formalisation of customary rights to land, the humanitarian agencies supported the formalisation of customary land. This approach also involved funding from various land-related advocacy projects on dispute mitigation and resolution measures. Through the ICLA project, the NRC assisted the Acholi returnees in documenting their customary rights to land through the established land registry. It was hoped that upon acquiring CCOs, customary land holders would voluntarily convert their rights into freehold and leasehold titles. Similarly, the ICLA project assisted vulnerable and marginalised groups in the courts of law whenever their rights to customary land were under threat.

Humanitarian activities in camps and the advocacy role of the local media not only raised awareness of land rights but also influenced the emergence of land-related markets, both formal and informal. Similarly, the implementation of the formalisation programme in the Acholi sub-

region caused clashes between traditional and modern paradigms, and these clashes halted the implementation of the formalisation in the Acholi.

By allocating land to prospective investors, government involvement caused overlapping institutional authority and conflicts between the traditional and the modern. The modern institutions put more emphasis on allocating land to prospective large-scale investors than the Acholi returnees. However, large-scale allocation to prospective investors had been tainted by land speculation but corrupt practices. The land acquisition by the Madhvani Group of Companies in order to establish a sugarcane plantation is a case in point.

The Acholi's post-war situation reflects similar studies in Sudan and Liberia. In Sudan, Nilsson (2000) confirmed that the post-war return involved most humanitarian agencies addressing land-related dispute resolution. Similarly, in post-war Liberia, return was associated with an influx of large-scale investors. Wily (2009) cited the Firestone Company as having one tenth of the country's land in order to establish rubber plantations. Most significantly, the NRC (2010) study confirmed that most of the post-war land acquisition by multinational companies in Liberia involved corrupt practice.

7.4.1.4 Modernisation theory

Reflecting on the continuum model of land rights transformation, the government of Uganda adopted modernisation-related strategies in order to address some of the development and gender-based issues related to customary land ownership; the Acholi's land arrangements being gender based in favour of men entailed reforming land laws and practice to help achieve gender equality between men and women. Despite the Acholi's isolation being connected to the government of Uganda reforming some of the existing land laws, this study confirms that the changes failed to capture specific challenges associated with isolation and return. Specifically, the new land policy changes failed to accommodate new groups of vulnerable women and children who were unable to claim rights to customary land upon returning home.

Modernisation of the local economy influenced Uganda adopting and implementing the IMF sponsored SAPs policy related measures (Toussaint and Millet, 2010). This study confirms that despite these austerity measures affecting all of the Ugandan population, the Acholi group suffered most. Cutting subsidies on farming tools, commodities and services widened the gender gap not only between war-affected and unaffected regions, but also between men and

women (vulnerable and marginalised). The adoption of IMF-sponsored SAPs in Uganda and the Acholi sub-region reflects similar situation in Zimbabwe and Zambia. Though not war-related cases, the mixture of austerity measures, privatisation, and free market policies caused socio-economic decline, which most affected the vulnerable and marginalised, as documented by Jones (2014); Toussaint and Millet (2010).

Although modernisation theory aims to achieve tenure security and gender-based equality in land ownership between women and men, the study of the post-war Acholi acknowledges a different experience. The policy changes proposed a transition from traditional to modern, so that these co-existed and competed with each other. The competition appears to have been a source of tenure insecurity and appears to contradict the continuum model.

7.4.1.5   Post-war land claims and restitution

Reflecting the four procedural stages associated with land and property restitution, as presented in 3.3.3.5 the study of the Acholi demonstrates some similarities and differences. The Acholi war accounted for three intertwined stages of flight, camp life and return and recovery.

a)   The Acholi flight

This study confirms the Acholi war caused a simultaneous isolation and loss of assets and property. Most of the Acholi group were dislocated physically and geographically. More than 1.8 million Acholi were physically dislocated from their homes to shorter distances in IDP camps. A few better off Acholi were geographically dislocated to distant places for safety, mostly in towns and cities such as Gulu, Masindi and Kampala.

In the cause of dislocation, both groups lost their livelihoods, assets and property, particularly cattle, land, as well as homes and food and farm machines. The loss happened as a result of the UPDF and LRA rebels looting and destroying granaries. The loss of livelihoods influenced the influx of large numbers of humanitarian aid agencies and associated activities.

The Acholi situation reflects similar cases across Africa, Eastern Europe, Latin America, and Asia, though not necessarily war-related cases (see 3.3.3.5), where insecurity forced a large number of people to abandon their land and property as they moved to safer areas mostly in camps and urban areas. However, the prolonged stay of the Acholi in camps and urban areas influenced new perceptions and attitudes on various issues including how they had been

displaced, their home and associated land and property claims, as will be seen in the return and resettlement stage (see also c below).

b) Camp life

This study demonstrated that the Acholi group's life in camps lasted over 20 years. The Acholi's prolonged isolation was associated with the loss of cattle, land and property and the loss of livelihoods. However, the loss of livelihoods, particularly food, attracted an influx of large-scale humanitarian agencies. Most of the agencies assisted them by distributing food aid and related supplies.

The Acholi's isolation confirms that inadequate food aid in camps influenced new forms of economic activities. Since more than 90 per cent of the Acholi had been displaced within short distances of their homesteads and fields, a physical connection to their land was maintained. In addition, poor living condition in camps influenced some Acholi to engage in alternative economic activities in camps, both formal and informal. Most women engaged in small gardening within the vicinity of the camps. The food produced supplemented the household's humanitarian food aid supply. Similarly, a few young people and women engaged in illicit activity, particularly wild poaching in a nearby game reserve and brewing illegal local alcohol. However, both of these trends only helped to advance the rebels' course. The LRA rebels not only ambushed and looted food aid in camps but also abducted children and youth as war recruits within their military ranks.

The Northern Uganda experience in camps reflects similar cases to those documented by Hammar (2014, p. 13), but with a difference. Referring to war and non-war related cases, such as Angola and Chad, a situation of crisis, violence and uncertainty associated with isolation attracted new alternative economic activities. Specifically in Angola, the war-related dislocation forced the Lunda group to move to rebel controlled mining areas and government-controlled coastal towns and cities. In UNITA controlled areas, women, children and men were forced to work in illicit diamond mining as alternative survival strategy (Roudriques, 2014). However, the additional wealth generated was used to sustain rebel activities as the rebels annexed most of diamond proceeds. In Chad, Behrends (2014, p.36) confirmed the mass dislocation of people mostly over short distances with significant impacts on livelihoods. The IDPs commuted over short distances in order to access land for agriculture. Despite trekking over short distance to access land, however, the quality and fertility of the land mattered a great

deal to IDPs. Their engagement in agriculture caused them to regain some form of autonomy. This happened through reduced dependence on humanitarian food aid and supplies.

c) Policy formulation

This study demonstrated that the Acholi return home was proceeded by the government of Uganda formulating a comprehensive PRDP policy together with the international community. The PRDP policy, which is equivalent to the National Land Policy for the IDPs, not only encouraged the Acholi return home and their resettlement but also land and property claims and restitution. The PRDP land and property compensation and restitution took two forms: (1) a resettlement package and (2) monetary payments for lost cattle and property. The success or failure of the Acholi reconstruction and recovery hinged on the PRDP policy, particularly compensation for lost assets and property. In this sense, the Acholi's dislocation and return presents a similar situation to that in Colombia, South Africa, Zimbabwe and Sri Lanka, as outlined in chapter 3.

d) Reconstruction and recovery

This study demonstrated that the Acholi's dislocation was associated with a mass return home and reconstruction. However, the return faced various challenges, including stresses on the available infrastructure and social services, land claims and associated disputes, but also the payment of compensation and resettlement packages. Due to the increased Acholi population, the return was associated with inadequate public infrastructure and social services. The inadequacies were also connected to some government officials abusing donor funds meant for reconstruction. The abuse caused some Acholi to receive monetary compensation and resettlement packages while others did not. The abuse of funds contributed to a re-definition of the relations between the government of Uganda and donors.

Similarly, the Acholi home return associated with land disputes and conflicts. Most of the disputes related to individuals, clan boundaries, trespassing by neighbours, and even contesting the whole plot ownership but some also related to multiple corporate claims. The conflicts caused some of the vulnerable and marginalised groups to remain in camps while waiting further disputes to be resolved.

This study demonstrates that reinstating land claims and property took on an ethnically and politically motivated slant. Multiple land claims and acquisition by prospective investors drew

a few traditional leaders, government officials and even local politicians to engage in land allocation. However, traditional leaders and government officials were implicated in allocating land to prospective investors via corrupt practices. As a result, most of the land allocated to investors not only displaced large number of people but also caused land-related tension, disputes and conflicts.

This study confirms that local politicians used the land disputes and restitution as a platform to garner political support from local civilians. Similarly, traditional leaders used the boundary-related conflicts resulting from the re-organisation of the administrative boundaries as a route to mobilise and encourage ethnically based sentiments and support.

In this sense, the Acholi return and restitution resembles similar war and non-war-related cases particularly in the Balkan region, Eastern Europe, Latin America and other African countries, albeit with some minor differences.

7.4.2 Methods revisited

Most fieldwork studies focus on data collection and interpretation and the presentation of field-based research findings. However, in the post-war context, the use of a grounded methodological approach proved different. The approach demanded not only data collection, but also simultaneous analysis and interpretation of the field findings. This research experience shows the need to ensure that the literature search and selection are accorded equal weight in order to assist in reviewing research questions, field data collection and the interpretation process.

The use of a narrative technique during field data collection is not a means to an end, but the end itself. The data collection, analysis and interpretation process were not only interconnected but also influence one another. The process demonstrated a similarity to the analysis of war-related societal affairs – particularly the nexus of flight, camp life and return. Researchers need to consider the organisation of the fieldwork, how the literature is selected, and how the data is gathered and analysed, as well as how all three form part of the whole research nexus.

Existing views hold that the use of research assistants induces subjectivity; however, during data collection this proved partly untrue. Since collecting and interpreting land-related data using an alien language and culture demanded effective training and recruitment of a research

assistant from the same researched community, this approach proved that the field-based benefits outweighed the disadvantages. This was the case particularly when researching a sensitive topic such as land issues in the post-war context.

Access to land-related data in a post-war context remains a sensitive and political issue. In Amuru sub-county, land was the only resource left with value capable of sustaining the livelihoods of returnees. Collecting field interviews and illustrative evidence, such as maps and policy declarations, not only proved time-consuming and costly but also inflamed sensitivities in government institutions and departments. Critical evidence such as maps and policy declarations need to be collected early, in order to reduce unnecessary time and monetary costs. Here we might agree that 'a picture is worth a thousand words'.

The sensitivity around land-based resources and associated data tends to be connected with the 'politics of mud-slinging'. New perceptions of land-based resources, particularly potential mineral and oil discoveries, exacerbated rumours and gossip around the whole process of land claims and disputes. Researchers need to revise their approaches to methods, so that land-related field data is well-scrutinised during the collection and analysis process, in order to avoid rumours and gossip which, when not well-handled, may become field data themselves.

Field-based material is no different from any other admissible form of legal evidence. Any disputing parties can present the data in a formal court of law. Researchers need to take precautions whenever handling land-related field data, particularly by adhering to ethical issues related to consent from respondents on data collection and dissemination. Field interactions require building a rapport between interviewer and respondents. Whenever required, the confidentiality and anonymity of the sources of information need to be strictly observed. The emergence of actors contesting territorial ownership calls for careful handling of land-related field data in whatever format. Mishandling must be avoided as it risks fuelling instability between disputing parties and exposes a researcher to significant danger, particularly between two opposing individuals or institutions (government or rebel groups, for example).

Interviewee participation during the focus group discussion demands careful management too, as the technique brings to the negotiating table various group members from different backgrounds, both powerful and marginalised groups. When managed well, focus group discussion has significant consequences for the effectiveness of the approach to data collection. For effective participation and data collection processes, researchers need to ensure: (1)

meetings are held in a secure environment; and (2) the emphasis is on bringing in the voices and rights of marginalised groups.

7.5 Conclusion

By way of conclusion, it is worth returning briefly to the procedural framework set out by Fay and James (2009) and the four stages they identify in the restitution process: (1) loss; (2) dispossession; (3) restitution policy; and (4) staging a property claim. Although the Acholi's forced dislocation and return does reflect a similar pattern, it is clear from the findings above that the framework fails to include issues related to participation and consultation of the displaced population at relevant stages in the process (i.e. displacement, restitution policy formulation and return and resettlement decisions). As the findings above make clear, these are the cornerstone of early reconstruction and recovery processes.

CHAPTER EIGHT:
MAJOR RECOMMENDATIONS AND AVENUES FOR FUTURE RESEARCH

8.1 Emerging recommendations

Based on the findings and conclusions, several critical recommendations emerge, forming a possible contribution to policy and to legislative and practical reforms. Some of these recommendations may also be relevant in countries facing similar experiences – particularly in the Great Lakes region of Africa.

8.1.1 Reform the formalisation process for marginalised groups

This research reveals that women's rights to access and own land, specifically among the most vulnerable and marginalised, is a key issue in ensuring wide and inclusive reconstruction and recovery. Whenever widows, widowers, orphans and young girls are assisted in claiming land, this contributes to family well-being. Agriculture promotes self-reliance, which in turn contributes to timely societal recovery. Where formalisation of customary land is not yet in place, this study calls for returnees to use the new social networks acquired in camps to protect the land rights of vulnerable and marginalised individuals.

Improving land tenure security among female returnees requires change in the ambiguous customary rules and practices associated with oral culture. Formalisation facilitates the legal recognition and protection of customary rights to land, as in the case of NRC's ICLA approach and their CCOs. However, a balance must be maintained between traditional and modern approaches, as dispute resolution appears to be most effective via the traditional approach.

Humanitarian agencies have proved that formalising rights to customary land is possible. However, sustaining the project with inadequate financial and budgetary resources remains a Herculean challenge, both in the short and long term. To ensure the effectiveness of the project and the sustainability of the formalisation, this research calls for greater collaboration among stakeholders and associated institutions. Government institutions may collaborate with the private sector to provide financial assistance.

There are limits to the value of private sector investment in designing and implementing the formalisation project. The private sector inevitably seeks profit maximisation, which could

affect vulnerable and marginalised groups. This study calls for government and other actors' intervention in order to protect the interests of vulnerable groups. Where the private sector is unwilling to invest, both government and humanitarian agencies need to work together to reduce the adverse impact of policy decisions on vulnerable and marginalised groups.

Formalisation of land provides an opportunity for foreign investment in land. Despite such investments being perceived as crucial for the creation of employment opportunities, particularly for young people, they can adversely affect vulnerable and marginalised groups. To reduce the adverse impacts associated with land acquisition by the private sector, the government must ensure adequate and timely compensation for victims of eviction in accordance with existing laws and market values. Compensation could also take the form of alternative land. In addition, land allocation for investment must be more transparent and inclusive of the local population.

Forced displacement causes the emergence of vulnerable and marginalised groups. Despite these groups commanding different needs and demands, both government and humanitarian actors tend to treat them equally and as similar to normal IDPs and refugees. This research suggests that future humanitarianism should consider vulnerable and marginalised groups differently, as they have special needs and demands, not only in camps but also during the return and resettlement period.

8.1.2 Improve public education and vocational skills

Improved access to agricultural education and training among young returnees is key to local integration and early recovery. The effort of the Ugandan government and World Vision Uganda to develop agricultural skills in young people is a positive model, alongside the government decision to convert Gulu vocational training college into an agricultural university. Further government efforts should focus on increasing school enrolments, improving teaching and learning tools and even setting quotas for university admissions for students from war-affected areas.

World Vision's establishment of a vocational technical training school for FAC also deserves acknowledgement. The school enables child soldiers and victims of sexual exploitation to receive special technical training and develop skills to help them face life's realities upon their return home. This study calls for such efforts not to be limited to technical

skills, but also to address the other social aspects of recovery. After coping through years of trauma, victims of abduction, rape and torture should be provided with psychological support, particularly counselling. Women and young people should also be included in the empowerment process in order to equip them with entrepreneurial skills to manage their informal economic activities and business.

8.1.3 Diversification of local economic activities

Prolonged displacement provides an opportunity for the monetisation of the local economy. However, monetisation causes the emergence of illegal activities and associated informal markets. This study suggests further stimulation of informal, but legal, economic activities and associated markets. Informal activities could include small-scale industry, small businesses, animal herding, bee keeping and honey production.

Sustaining the functioning of the informal activities and markets, the governments should ensure security in camps. Camp-based security could motivate the local displaced population to engage in economic activities such as agriculture – with reference to the United Nations comprehensive refugee response framework (CRRF).

Camp-based markets are vital in the diversification and the stimulation of informal economic activities and livelihoods among the displaced population. Further growth and expansion depend not only on camp-based security, but also on free movement goods and services. However, whenever local taxes are introduced by local council authorities to informal traders and entrepreneurs, it hinders or interrupts both the movement of goods and the operation of the markets. Consequently, taxes inhibit local markets. This study, thus, suggests that local council authorities should avoid tax interference in the emerging local markets. Instead, both central and local governments should extend subsidies to the markets in order to strength the operation and management of such markets.

8.1.4   Encourage early camp design and preparation of resettlement sites

This study acknowledges that most of the challenges in camps result from inadequate design and location. This study calls for both government planners and humanitarian agencies to prioritise early camp design and location preparation in order to ensure security and the effective use of emerging economic and entrepreneurial opportunities. These new opportunities could contribute to a reduction in illegal activity and also improve the well-being of the displaced population.

Poor camp design and preparation hinders access to land by IDPs and refugees. However, access is needed not to poor quality land, but also to fertile and arable land in order to support agricultural activities: access to poor quality land causes the displaced population relying on humanitarian food aid. As such, this research suggests that governments and the international community should set aside funds to purchase land used to establish camps and that the design and location of the camps should take into account the future economic activities of the displaced population in camps, particularly fertile land for agriculture.

Well-designed camps provide an opportunity for people living together to develop new social networks, which are key to societal reconstruction and recovery. However, relief and development interventions fail to recognise and tap into these relationships. This study calls for government and humanitarian agencies to use these new social networks in order to help design and prepare the return sites and villages. Similarly, the social networks must be used to encourage returnees to work collaboratively on income-generating activities.

A link between short-term emergency relief and long-term development plans should be established if sustainable return and recovery are to be achieved. Short-term measures include the provision of adequate basic social services in camps, while long-term plans should ensure that basic infrastructure facilities are established as an effective means of enhancing communication and transportation in order to facilitate the emerging markets for business and trade. Improved means of communication and transportation will also open avenues for new cooperation among neighbouring regions and countries, such as Uganda and South Sudan. This study calls for the government of Uganda -– together with the international community – to support the establishment of strong public infrastructure networks and communication facilities. Their equal distribution will contribute to the dissemination of economic opportunities and incentives throughout the country.

This study acknowledges the difficulties in attracting foreign funding to compensate victims of war and displacement. There are limits to the available financial resources, and therefore great competition among fund seekers. This research therefore suggests alternatives to compensating individual victims of war, such as improving public infrastructure, communication networks and basic social services. Improved roads will bring basic services such as clinics and schools closer to people, thereby contributing to the dissemination of socio-economic opportunities and incentives and thereby closing the perceived development gap between war-affected and non-affected areas.

8.1.5 Emphasis on governance issues during the reconstruction process

Implementation of land formalisation during post-war periods, when the capacity of existing land administration and management has been weakened, results in corrupt practices among traditional and religious groups, government departments and institutions. This study suggests that the land acquisition process for investment purposes should be preceded by improved governance, particularly related to accountability, openness and transparency. This would improve the formalisation process.

This study acknowledges the difficult political context of dealing with post-war corruption issues and suggests the intervention of the international community to support efforts directed towards strengthening the local capacity of civil society organisations and anti-corruption departments. Strengthening anti-corruption departments could also assist in establishing better mechanisms for tracking corruption among government institutions and private entities. Local media houses could be used to promote corruption-related awareness campaigns among local institutions and returnees.

By adopting Arnstein's (1969) model of citizen participation, some of the corruption could be addressed. Through citizen participation, local returnees could be given a voice during government negotiations for prospective large-scale investments. Effective participation by returnees will help them make informed decisions during the land acquisition process. Humanitarian land advocates, acting as whistle-blowers, are encouraged to increase their engagement in helping local people evaluate the social and economic costs and benefits attached to land-related investments.

Citizen participation and consultation is key to closer ties between various institutions and actors. Peace is vital for successful policy change and effective participation and consultation. Any policy changes must be carried out whenever peace has returned, and displaced people have resettled in their homes of origin.

8.1.6 Role of the local and national media

This research acknowledges the role of local, regional and national media in supporting post-war reconstruction, and particularly in advocating for the land rights of vulnerable and marginalised individuals. This study suggests that government and donor agencies set aside financial grants to support the establishment and operation of community media houses in war-affected areas, as in the example of the DFID support for MEGA FM radio in Gulu town.

Post-war return provides an environment for governments and powerful individuals to interfere in the operation of local media houses for their own gain. Certain governments use media houses to violate press freedom, rather than to serve the interests of the general population. Similarly, some wealthy individuals use their financial muscle to influence media houses to defend their illegal land acquisition. Securing the independence of local media houses must therefore be seen as part of the mandate of international donors and agencies working in the field.

The interaction between displaced people and other actors in camps is subject to rumour and misinformation. If reliant on misinformation, post-war land claims can result in political, ethnic and regionally based tensions. To correct misinformation, both governments and humanitarian rights groups must increase their efforts to disseminate reliable information to IDPs and returnees. Local media, such as community radio, could help to correct some of this misinformation.

Furthermore, this study suggests the use of media, particularly community radio, to air special programmes aimed at assisting the displaced population to locate missing family members during the war-related flight and upon their return.

8.1.7 Strengthening emerging land markets

This study recognises the security of land rights as key to strengthening land markets. Field research suggests that humanitarian land advocates should take the lead in bringing together the actors involved in resolving land issues during the return period. An approach to land mitigation meetings funded by humanitarian agencies could be adopted, as in the case of the ARLPI in

Northern Uganda. However, the effectiveness of these mitigation meetings will improve only if the private sector is invited to engage in building trust and addressing the land claims and disputes.

Isolation associated with land policy changes stimulates customary land markets. However, sustaining such markets hinges on continued coordination between the various institutions and associated actors. The use of local media to raise awareness, via ongoing campaigns, is key to sustaining land markets. However, when they are not subject to controls, elites and wealthy individuals will use their power to influence the local media in order to fulfil their own goals.

Field observation suggests that the inadequate participation and consultation of local people during land policy changes create friction between traditional and modern institutions. This friction impedes the implementation of the formalisation of rights to customary land and emerging land markets. Future land policy changes must result from adequate consultation with and participation of all actors, with an emphasis on traditional, religious and political leaders.

Despite post-war return providing an opportunity for some actors to seek funds in order to support the reconstruction process, the misappropriation of funds causes donor countries to withdraw, which hinders the reconstruction and early recovery process. This study calls for increased international pressure on actors found to misuse donor funds meant for reconstruction, alongside increased openness regarding the ways in which reconstruction funds are disbursed and spent. Funds should be channelled directly to NGOs and grassroots institutions for the intended projects.

8.1.8 Resolve human rights issues among war-related actors

There is a moral imperative for organisations with officials implicated in human rights violations to expose them instead of concealing them. Various war-related actors appear to conceal human rights offenders in order to protect the reputation of their organisations at the expense of the victims. This research suggests that humanitarian actors and UN agencies must assist governments affected by war to reformulate their existing national laws and regulations in order to tackle impunity in war among human rights violators. The international community should raise small grants in order to support governance and human rights groups engaged in awareness creation in war-affected areas. The awareness creation should aim to raise the alarm

when individuals are suspected of involvement in the sexual abuse of victims of war and disasters.

8.2   Avenues for future research

This research has demonstrated the ways in which the prolonged displacement of the Acholi group is associated with internal and external socio-economic, legal and political changes – with significantly impacts on land and property claims and associated disputes upon their return home. A grounded theoretical approach to methods guided the data collection process and analysis. A matrix of data analysis was constructed, which uncovered a nexus of significant perceptual issues that shaped the main findings, presentations and conclusions. The findings revealed that the emerging perceptions of various issues affected the Acholi group during the process of claiming land, with its associated disputes. The perceptual influences are reflected in: threats to women's rights to land; monetisation of the local economy; land-related markets; and lack of citizen participation and consultation during the formulation and implementation of various policy issues.

These findings open new avenues for further studies to enrich the common understanding and knowledge of post-war conflict, primarily focused on the Great Lakes region and horn of Africa. In the field, I came up against a gap in the research related to forced displacement, which demands further scholarly inquiry.

8.2.1   War-related migration

War-related forced migration entailed great numbers of people running away from their homes in search of secure areas. This group of migrants is non-segregative, irrespective of gender, age and social status. Although the issue of migration and urbanisation was not the focus of this study, it is a growing phenomenon in most countries in Africa, including the Great Lakes region. This migratory pattern remains vital in influencing the urbanisation process, and most importantly it is responsible for pushing up land values in emerging towns and trading centres.

It could be of interest to carry out further research focused on land ownership changes: 'How do returnees access land, and what are the implications for ownership patterns and urbanisation processes?'

8.2.2 Land markets and associated rights

War-related displacement causes the emergence of camp-based activities and associated actors. The increased activities and actors create new opportunities for local people, resulting in the increased monetary value of customary land. Rights acquisition via informal means entitles the owners to land rights, particularly in transferring down a generational line through sale or inheritance.

It could be of interest to look at the security of the informal land sales in the post-war return areas, such as the Acholi sub-region. This raises one of the key subjects for future research: 'What constitutes a customary land sale, and to what extent does it differ from a legal transaction?' Or: 'What are the divergences or parallels that exist between customary and legal land transactions and associated rights?

8.2.3 Linking emergency relief to development

While in the field, I confronted challenges related to the relief-development dichotomy. Most of the humanitarian interventions regard camps as temporary, rather than future permanent settlements. This disregard leads to camp design and planning being focused on short-term, rather than long-term development. This hampers the transformation of camps into future trading and urban centres.

Specifically, in Amuru district, the transformation of former camps into trading centres and towns is the case in point. Trading centres such as Lacor acted as a site for 'night commuters', but their post-war expansion forms part of the Gulu urban fabric. Despite continued expansion, the infrastructure investment during the humanitarian interventions appears to have been inadequate, hampering long-term societal transition from relief to development.

Acknowledging the complex logistical challenges facing former camps as they transform themselves into fully-functioning trading and urban centres is a key issue and a subject for further research: 'To what extent does humanitarian intervention through short-term relief hamper the long-term development of displacement camps? Alternatively, 'how does short-term investment in camps affect their long-term functioning and their transition into trading centres and towns?

Lessons learned could assist international donors, especially the Norwegian government, to underline the importance of long-term rather than short-term investment, given its commitment to improving the lives of people in camps and return areas. The commitment would ensure a smooth transition from relief to development in countries affected by conflicts and disasters, including those in the Great Lakes region.

8.2.4 Improved security and economic diversification

This study acknowledges that the displacement of the Acholi has been associated with a lack of security, further exacerbated by camp-based misinformation. Improving security in camps and return areas requires reliable information and communication channels.

An affordable energy supply is key to improving security in camps and return areas. When this investment is realised, agencies could respond to protracted crises in a more flexible and timely fashion. As an example, with a reliable energy supply cell phones could be used to facilitate easy access to goods and services, as seen in Tanzanian and Jordanian refugee camps. Therefore, I propose the following key issue for further research: 'What impact does access to a reliable energy supply have on security in camps? How does supplying reliable energy to camps and return areas contribute to the diversification of economic activities?'

The lessons learned could assist in reducing the economic, social, and cultural vulnerabilities in camps and upon return that threaten the displaced population's rebuilding process.

8.2.5 From government to governance

In spite of the government policy changes from centralised to decentralised modes of decision-making, the war-related displacement in Northern Uganda distorted the implementation of this strategic change.

This research acknowledges the inadequate participation and consultation of the Acholi group in various policy changes. Specifically, the decentralisation-related policy associated with the re-organisation of administrative boundaries was not adequately consultative. The inadequate participation demonstrates the lack of linkages between policy formulation and implementation, which is central to some of the emerging administrative boundary disputes in return areas.

Further research and scholarly contribution is proposed: 'What modes of citizen participation were used to enact the land policy changes while the Acholi were in camps? How did the confinement of the Acholi in camps affect their participation in land policy changes?

These findings, emerging recommendations and areas for further research are part of the scholarly contribution of the project related to property, possession, and conflict in re/building settlement.

SECTION VI

REFERENCES, BIBLIOGRAPHY AND APPENDICES

REFERENCES, BIBLIOGRAPHY AND APPENDICES

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303

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317

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9.2   List of talks and interviews

1.	30.01.2009	Rugadya, M. PhD. Research Fellow, Maastricht University
2	03.02.2009	Patricia, NGO worker and fellow passenger from Kampala to Gulu
2a.	13.02.2009	Akello, D. Project Coordinator; NRC, Research, Advocacy & Capacity Building ICLA
3.	13.02.2009	Opira F. District Planning Officer Amuru District
4.	16.02.2009	Keitirima, J. E. Deputy Registrar Uganda High Court Land Division, Kampala
5.	17.02.2009	Sebina-Zziwa, A. Makerere Institute of Social Research. Makerere
6.	18.02.2009	Joseph, Magistrate Court Gulu.
7.	18.02.2009	Ojera, A. Gulu District Land Officer, Gulu.
8.	27.02.2009	Naomi, Ministry of Housing Lands and Urban Planning
9.	27.02.2009	Vindembile, V. Ministry of Housing Lands and Urban Planning.
10.	28.10.2009	Mwebe, J. Uganda Land Alliance, Kaunda Grounds Gulu.
11.	28.10.2009	Kurora, L. Legal Aid Clinic/Law Development Centre
12.	02.11.2009	Achaye, G, Returnee land claimant, Alero, Sub-County
13.	02.11.2009	Ojwnya, L. Returnee Land Defendant Alero Sub-County
14.	02.11.2009	Opwa, O. Returnee Land Claimant, Amuru sub-County
15.	02.11.2009	Nyeko E. Returnee, Powel clan, Pagak Parish, Amuru sub-county
16.	02.11.2009	Auma, R. Returnee, Palyec clan, Pagak Parish, Amuru sub-county
17.	14.11.2009	Akena J.J. LCII, Religious leader Palyec Parish, Amuru sub-county.
18.	14.11.2009	Okello, J. LCII Pagak, Parish, Amuru sub-County
19.	14.11.2009	Otto, J. Rwot Pamuca

20.   14.11.2009   Ogwok, M. LCII, Tooro Parish, Amuru sub-county

21.   14.11.2009   Oceng, B. LCII Pamuca Parish

22.   14.11.2009   Obina P. LCII, Okungedi Parish

23.   14.11.2009   Okeny C., LCII, Acwera Parish, Amuru sub-county

24.   14.11.2009   Acaye Oola, clan elder returnee from Tooro Parish, Amuru sub-county

25.   14.11.2009   Auma Klementina, Widow returnee, Pailyec Parish, Amuru.

26.   10.12.2009   Lawok, O.M. Chairman Amuru sub-county

27.   12.12.2009   P'Ogiki, I. O (Rev.) Parish Priest, Tooro Parish, Amuru sub-county.

28.   13.12.2009   Atukamoi, M. O. Rwot of Lamogi, Gulu town

29.   15.12.2009   Ocowun, C. (Journalist), The New Vision Newspaper, Gulu

30.   15.12.2009   Ochora, W. (Col.) Gulu Resident District Commissioner, Gulu Offices.

31.   17.12.2009   Mao, N. Chairman Gulu District Council-Kampala.

32.   18.12.2009   Land Broker 1, near bus stand, Gulu

33.   15.03.2010   Lokwina, F. Acholi Religious Peace Initiative Project, Gulu

34.   16.03.2010   Ojera, E.Ojok. Accountant and traveler, Finaco Co & Ltd.

35.   14.07.2010   Oyet, A. Returnee, Tooro Parish.

36.   14.07.2010   Auma G. Returnee Land Claimant, Tooro Parish, Amuru sub-county

37.   14.07.2010   Kilama, O. Returnee Land Defendant

38.   14.07.2010   Oyet, G. Land Claimant, Tooro Parish, Amuru, sub-county

39.   14.07.2010   Olanya, C. Land Defendant, Tooro Parish, Amuru sub-county.

40.   15.07.2010   (Anonym) Madhvani Officer, Kaunda Grounds, Gulu

41.   14.12.2010   Ojok, B. NRC Project Officer, Gulu Offices

42.   14.12.2010   Ochwo, A. World Vision, Gulu.

43.   14.12.2010   Oryema, J. Programme Manager, MEGA FM, Gulu.

44.   14.12.2010   Lamin Manjang, Country Director, Norwegian Refugee Council, Gulu.

45.   17.08.2011   Latigo, J. Acholi War Debt Claimants Association officer, Gulu

46.   17.08.2011   Noah, Northern Uganda Commercial Farmers Association chairman.

47.   17.08.2011   Mildred, S. A. Amuru Land Officer, Gulu.

48.   17.08.2011   Amuru Physical Planning Officer

49.   17.08.2011   Adek Yusuf (Rwot) Pageya Chiefdom, Gulu

50.   18.08.2011   O.B. Teacher, Atiak Technical School, Pabbo

51.   16.10.2011   Ng'asi, J. (father) Customary land purchaser

52.   14.11.2011   Lakony Michael-Speaker of Amuru District Town Council

53.   14.11.2011   Lungajul, J. Vice Chairman, Amuru District Council.

54.   20.11.2011   Atube, O. Amuru District Chairman (LC5)

55a.   19.12.2011   Lokwina, F. Officer, Acholi Religious Peace Initiative Project, Gulu

56.   20.12.2011   Kakoza, J. Senior Staff Surveyor, Entebbe Mapping and Survey Office

57.   21.12.2011   Okello, M. Head Research; Refugee Law Project, Gulu Office.

58.   21.12.2011   Odwang, Journalist at MEGA FM radio Gulu.

59.   21.12.2011   SPRING-Food Agricultural Organisation, Gulu Office.

60.	22.12.2011	Land Broker 2, near Standard Chartered Bank, Gulu.
61.	14.11 2011	Jukumoi, C. Acting Sub-county Chief Amuru sub-county
62.	14.11.2011	Okwonga, C. Land mine victim, Alero village
63.	17.11.2011	Buhanga, E. Deputy Director Officer Uganda Wildlife Authority
64	15.10.2010	Laboke Justine *boda-boda* cyclist and resident in Lakang-Amuru
65	15.10.2010	Opio John (45) returnee Lakang, Amuru
66	15.10.2010	Okello Richard (28) returnee Lakang, Amuru
67	15.10.2010	Odongo Vincent (41) returnee Lakang, Amuru
68	15.10.2010	Opoka Alfred (32), returnee, Lakang, Amuru
69	20.12.2011	Kitaka John Mayanje, Entebbe, Incharge, Entebbe Mapping and Survey Office
70	20.12.2011	Commissioner in Charge of Administrative Boundaries, Ministry of Local Governments, Kampala

9.3   Field Questionnaire

This questionnaire is divided into four main areas. Most of the questions focus on issues related to the Acholi people: insurgency, war, forced displacement, camp life and home return and resettlement. Most of the questions are directed at individual Acholi returnees, CSOs, and NGOs, government officials, and traditional chiefs.

A.General Information

a)   Name of the person interviewed……………………………

b)   Date and place of interview and interviewee's age……………………………

c)   Gender of interviewee   (i) Male   (ii) Female

d)   Education qualification/ job position……………………………

e)   Married, divorced or widowed?…………………

f)   Duration of life in camps………………………………….

B. Individual Acholi: Perceptions of Land and Property

1.   Which area did you live in before the conflict?

   (a) Same area/land

   (b) Different area/land

   (c) Other (specify)

2.   Is the area an ancestral ground or associated with your lineage?

3.   How did you own the land (ancestral or lineage lands)?

4.   How do people locate to or lay claim to the land?

5.   What type of rights are exercised by the land and property owner?

   (a) Right to use (for residential or cultivation purposes)

   (b) Right to occupy

   (c) Right to possess (claim back)

   (d) Right to alienate

   (e) Right to rent or sublet

6.   What benefits were associated with such rights, if any?

7.   What type of properties (assets) did you own before displacement?

8. Has there been any change with regard to land ownership after the displacement and home return? If yes, why?

9. Have you claimed back your property upon return home?

     (a) Yes   (b) No

(10) Do you have any documentation relating to your ownership claim?

     (a) Yes   (b) No

     (c) If yes, how did you obtain this?

     (d) What types of documents do you have?

(11) What are the threats to customary Acholi tenure security?

     (a) Illegal occupation of land by neighbours

     (b) Boundary trespass

     (c) Inheritance disputes

     (d) Large-scale commercial interests

     (12) What are the sources of land disputes in your return area?

  (a) Displacement

  (b) Unclear land boundaries

  (c) Land scarcity

  (d) Unfair land allocation

 (13) What measures have been taken to address the land ownership threats?

C. Local Chiefs and Land Officials

   (1) What are the historic roots of the Acholi community?

   (2) What are the forces behind changing boundaries or territorial relations?

   (3) Are there any groups of people with interest on the Acholi land?

   (4) Is there any shortage of land in Northern Uganda?

(5) Are there any land-related disputes in return areas?

(6) If so, what types of land-dispute resolution mechanisms are in place?

    (i) Formal system   (ii) Informal or local system

(7) Is there any community-based organisation in your neighborhood that is dedicated to resolving land disputes and improving the living conditions of returnees?

    (8) If yes, how is it contributing towards improving the living conditions of returnees?

(9) Do you have any comments with regard to local community participation during the implementation of various projects?

D. Youth Returnees: Life Experiences of Conflicts and Displacement

(a) What was your experience of life in village before the conflict?

(b) What was your experience of life in camps after the displacement?

(c) How do you perceive the living conditions in return villages when compared with the IDP camps?

    (a) Very good   b) Good   (c) Moderate/fair   (d) Poor

(d) What is your present situation with regard to land claims and disputes?

E. Women Returnees: Gender Participation in Household Matters

1. How equitable are access rights to land between men and women?

2. How are women within households engaged when it comes to the ownership and sale of land?

3. How are women engaged during the return and resettlement process?

4. What opportunities are available to assist women to engage in economic activities?

5. In your opinion, what facilities are lacking?

6. Do men and women have different views and perceptions with regard to land?

F. CBOs, CSOs, and NGOs: Return and Resettlement Challenges

List of NGOs to be visited:

SPRINGFAO-USAID, ACHOLI War Debt Claimant Association; Norwegian Research Council; Gulu District Disaster Management Committee; World Vision; Acholi Religious Leaders Peace Initiative; Uganda Land Alliance; Refugee Law Project, and Northern Uganda Commercial Farmers Association.

- Name of the organisation ……………………………………………………….
- Duration of operation in Northern Uganda…………………………………
- Where are the organisation's sources of finance? (i) Domestic (ii) Foreign/Overseas
- What types of activities are performed by your organisation?
- If land-related, which organisation does and what type of advocacy is offered to returnees?
- What approach is taken to advocating on behalf of returnees in relation to land issues?
- What are the main results of your advocacy role?
- How do you view the Acholi traditional land-tenure system in a post-conflict context?
- If you provide services provision, how do you engage returnees?
- How have you addressed the interests of EVIs upon the IDPs return home?

G. Government Officials - Land Official - Kampala

1) How are the peace and return processes going in Northern Uganda?

2) What land tenure and access rights exist? How are they determined?

3) How have land registration and policies evolved to respond to new demands and emergences?

4) How is the government addressing land and property rights claims by returnees?

5) What is your opinion on ethical issues when it comes to land allocation and distribution?

6) How will the new land legislation/ policies alleviate poverty after the IDPs return? How do they relate to customary rules and practices?

7) Is there any clarification of returnees' land rights?

8) How can land related investors be given access to land while respecting the rights of the host population?

9) Are land allocation rights equal between men and women? What differences exist among social groups (ethnic, tribe or generation)?

10) How are land disputes and conflicts resolved?

11) Are there any formal or informal mechanisms that exist for resolving land disputes that involve returnees?

12) If so, is there any relationship between them?

H. Specific Key Informants
To Gulu RDC

1. Why was the Acholi group displaced and moved into camps?

2. How do you react to allegations of the Acholi that they were forcefully displaced, and lost their cattle and property?

3. Could there have been another way of handling the insecurity and forced displacement?

4. How is the government addressing land rights claims involving returnees?

5. What is your reaction with regard to a few individuals trying to grab returnees' land?

6. What is your reaction to the allegation that you have amassed large swathes of land in Amuru?

7. Who is behind such an allegations?

8. Could you explain the Madhvani take-over of land in Amuru?

9. Is there any possibility that Madhvani will win the case?

10. Why have returnees who lost their relatives, land and property not yet been paid compensation?

To The Uganda High Court Official

1. What are the land-ownership patterns or land-tenure systems in Uganda?

2. How do Acholi people establish land ownership?

3. What rights are exercised by landowners in Northern Uganda?

4. Are there any changes in terms of land ownership before and after the displacement?

5. Is there any legislation or are there any policies in place to address or respond to new land demands in Northern Uganda?

6. What actors are responsible for addressing land issues in Northern Uganda?

Acholi Religious Leaders Peace Initiative (ARLPI)
1. How is the return process going in Amuru and Northern Uganda?

2. How are people trying to locate or lay claim to land ownership after their return?

3. What rights are exercised by owners of customary land in Northern Uganda?

4. Is there any threat to customary land tenure security in Northern Uganda?

5. What are the sources of land disputes in Northern Uganda?

6. Which areas are highly affected by land disputes in Amuru district, and why?

7. What measures have been taken to address land-ownership disputes in Amuru district?

8. What kinds of dispute mechanisms are exercised in Amuru and Northern Uganda?

9. Are there any campaigns to raise awareness of land rights among returnees?

10. How are the rights to land among vulnerable and marginalised groups being addressed upon their return home?

Land Brokers

(1) What are the sources of land-sale information?

(2) What is the existing price per hectare of customary land?

(3) How do you determine the value of customary land?

(4) What evidence or proof of ownership is given upon selling land?

(5) How does the transfer of customary land take place?

(6) Is this transfer of land ownership temporary or permanent?

(7) Is the granting of customary land valid only to an individual or to all that individual's descendants?

9.4 Newspaper Clippings

9.4.1 The Acholi perception on war in Northern Uganda

UPDF looting sparked war in north - Col Mande

New narrative. He says the turning point was when Gen Sejusa arrived as overall commander and ordered that the NRA "stop treating Acholi with kid gloves".

BY TABU BUTAGIRA
tbutagira@ug.nationmedia.com

STOCKHOLM. The long-running insurgency in northern Uganda was provoked by plunder of the region and revenge killings by the victorious National Resistance Army troops upon taking over power in Kampala in 1986, a former senior NRA commander has said.

The NRA was renamed Uganda Peoples Defence Forces (UPDF) following the promulgation of the 1996 Constitution.

Col Samson Mande, who commanded the NRA troops that captured Gulu and surrounding areas, says claims that people in northern Uganda started a rebellion against President Museveni's government simply to reclaim lost state power, are inaccurate and misleading. **P.3**

WHAT THE ARMY SAYS
"It is true there were some things which were not done properly on the side of the NRA. But the conduct of the NRA soldiers could not have been the original cause of the insurgency."
Lt Col Paddy Ankunda, the UPDF Spokesperson

9.4.2 Newspaper articles related to war and land conflicts

NRA looting sparked war in north, says Col Mande

New narrative. The turning point was when Gen. David Sejusa, aka Tinyefuza arrived as overall commander and ordered that the NRA "stop treating Acholi with kid's gloves".

FROM PAGE 1

In an interview in Stockholm, Sweden, on September 16, Col Mande said the defeated Uganda National Liberation Army (UNLA) soldiers, who were largely drawn from northern Uganda, had reached out to him through local church leaders, willing to surrender. But they fled after their colleagues who had assembled at Pece Stadium in Gulu town were instead tortured by the NRA (now UPDF) and some made to "disappear".

According to Col Mande, the late Lord Adimola and a one Fr John of Alokolum Seminary had approached him to negotiate surrender of the former UNLA soldiers and he agreed. He temporarily assembled them at Pece Stadium with assurances that they would not be victimised and would be considered for integration into the NRA.

Those gathered at the stadium, Col Mande says, included now top UPDF commander Charles Otema Awany, one Charles Kareba and Lt Col Okoth.

Mass cross-over

"They surrendered in large numbers and I called President Museveni who visited Gulu, and I showed him all the weapons they [UNLA soldiers] had surrendered willfully and he said I had done a good work," he said.

Col Mande, who now lives in Sweden, said he was later surprised when the overall commander of the counterinsurgency operations in the north, now Gen David Sejusa, aka Tinyefuza, arrived and ordered him to "stop treating Acholi with kid's gloves".

"That meant I should have molested them, but how could I? When I refused to follow the instruction which was against my conscience, Tinyefuza said I was trying to use the group to stage a mutiny," Col Mande says.

Subsequently, Gen Salim Saleh and Brig Matayo Kyali-

gonza were hurriedly deployed to quell the 'mutiny' but Col Mande says they found no evidence of such a planned revolt.

Col Mande says the assembled UNLA soldiers were loaded in five lorries ostensibly to a prison farm in Kiburara in Ibanda District "and those soldiers have never been seen again and those that remained at Pece Stadium vanished".

Things then ran out of control when under Tinyefuza's command, NRA soldiers reportedly

began torturing residents, confiscating their property both in homes and trading centres.

For example, Col Mande says, a generator owned by Lacor Hospital was stolen during the systematic plunder under the pretext of reclaiming property the owners "seemed to have obtained from Kampala".

"I sent the President a message that [looted] things were being sent down south and he should intervene. But the President instead said I should stop

being alarmist," Col Mande told the *Saturday Monitor* in the interview in Sweden.

According to Col Mande, the northerners with guns began individual defiance but one Capt Ojuk volunteered to organise the group for formal resistance. The late Alice Ouma Lakwena of the Holy Spirit Movement later assumed command of the group before it morphed into the Joseph Kony-led Lord's Resistance Army insurgency.

The UPDF spokesman Lt Col Paddy Ankunda, however, refuted Col Mande's claims that the northern insurgency was provoked by the behaviour of the NRA troops. He admitted there were some mistakes done by the NRA but insisted they were not sufficient to cause the rebellion.

"It is true there were some things which were not done properly on the side of the NRA. But the conduct of the NRA soldiers could not have been the original cause of the insurgency," Lt Col Ankunda said.

He added: "The UNLA wanted to regain political power they had lost in Kampala and when they were retreating north, they went with that mentality, but did not agree on how to do it. A few misguided elements were propped up by the Khartoum government and thought they would fight the Uganda government."

The blame game

When he was reminded that Col Mande had dismissed that very claim of UNLA seeking to regain power as the cause of the insurgency, Lt Col Ankunda countered that the renegade NRA commander was distorting history.

"Then Mande is a bad student of political science," Lt Ankunda said.

On the alleged brutal treatment of the defeated UNLA soldiers by the NRA troops, Lt Col Ankunda said, without admitting nor denying culpability, that the change of the NRA's operational mode was dictated by the resistance they met on the ground.

Read full interview in *Sunday Monitor* tomorrow

Col Mande, who now lives in Sweden, says the NRA's looting sparked war in Northern Uganda. FILE PHOTO

9.4.3 The Acholi historical grievances based on the north south imbalances

UN to Uganda: Stop regional imbalances

Evelyn Lirri
Al-Mahdi Ssenkabirwa
Kampala

Uganda should address the huge disparities in development that still exist in the country, United Nations has said.

In his message to mark the World Day for the Eradication of Poverty on Saturday, the UN Resident Coordinator for Uganda, Mr Theophane Nikyema, said the country is still faced with inequalities in terms of development, which has also led to huge gaps between the rich and the poor.

"Inequitable development makes the country more vulnerable to ills like conflict and HIV/Aids and therefore is a burden in achieving national progress," said Mr Nikyema.

He said while Uganda has made significant strides in eradicating poverty, bringing down poverty levels from 56 per cent to 31 per cent over the past two decades, more needs to be done.

"Statistics show that northern Uganda is the worst performing region in terms of development indices and poverty prevalence. This makes the region more vulnerable but also a development burden," he added.

Despite improvements registered in recent years in terms of economic growth, most people in Uganda continue to live in abject poverty.

9.4.4 Impacts of the Acholi war and forced displacement on orphans

Uganda has two million orphans

The north is most affected, school drop-outs still high in spite of UPE, USE

JEFF LULE

OVER 2.5 % children are total orphans and 46 per cent of them are estimated to be affected by HIV/AIDS, a government report shows.

The report by the Ministry of Gender, Labour and Social Development on the status of orphans and other vulnerable children in Uganda shows that districts in the northern region have the highest proportion of orphans and vulnerable children.

These are followed by the districts of Kalangala and Rakai from the central region, while western districts have the lowest number.

The proportion of the orphans has been increasing since 1999 with 15% of children below the age of 18 years.

The report indicates that the increase is due to the effects of HIV/AIDS. About 45% of the orphans are as a result of the epidemic.

Approximately 45% of the orphans below the age of 18 years in the country are vulnerable and need support and care.

The report notes that there are still high numbers of school drop-outs, in spite of programmes like Universal Primary Education (UPE), Universal Secondary Education (USE) and the many non-governmental organisations.

It attributes the high number of drop-outs to poverty, especially in the north and east. Kiboga and Rakai districts, however, reported a good number of organisations abiding by the principles of providing quality services.

It states that since the late 1980s, Uganda has recognised that the HIV epidemic was contributing to an increase in the number of orphans in the country and straining the capacity of directly and indirectly affected households (those taking care of orphaned children).

The report also points out that one in every five children in Moroto and Nakapiripit have been subjected to child labour.

The Commissioner for Youth and Children Affairs in the Ministry of Labour and Social Development, Willy Otim, told participants at a one-day workshop on orphans and vulnerable children at City Royal Hotel in Bugolobi yesterday, that there was still limited support to orphans and vulnerable children.

9.4.5   The impact of the Acholi forced displacement and prolonged stay in camps

IDPs refuse to exhume dead

Residents of Odek Sub-county in Gulu District have resisted a directive requiring them to exhume bodies from camps for re-burial at their ancestral homes, *Saturday Monitor* has learnt.

Sam Lawino reports that the residents argue that the exercise requires huge sums of money among other requirements which they currently lack. This follows a call by their sub-county chairman, Mr Mathew Olobo, giving former displaced persons one month to exhume all the bodies of their departed loved ones and return them to their original villages. "My message to you is that start exhuming bodies from the camp and return them home because AVSI will start ploughing the camp next month," Mr Olobo said on Tuesday. His message was particularly directed to the families of the 45 people massacred by former LRA second in command Vincent Otti in 2004 and buried in the camp. But Mr Olobo's was recently speaking at the handover of Odek health centre III staff houses built by the Northern Uganda Transition Initiative (NUTI).

9.4.6   Donors response against Uganda after the misuse of funds

UK demands tougher action on corruption

By Henry Mukasa

JIMMY ADRIKO

THE United Kingdom has asked the Government to take a tougher stance against corruption so as to give momentum to poverty eradication programmes.

Launching the British government programme to fight poverty in Uganda, the director of the Department of International Development (DFID) in East Africa, Joy Hutcheon, said while Uganda had made progress in reducing poverty, graft and rebuilding the northern region after the Lord's Resistance Army war remained a big challenge.

"There are important steps which need to be taken, including implementation of the peace, recovery and development plan in northern Uganda.

"A tougher stance on corruption and renewed attention to public sector reform will all be critical for Uganda to make progress in the next five years," Hutcheon said.

The DFID Uganda 2009-2014 country plan was launched at the British High Commission gardens in Kamwokya last week.

The plan is in line with the UK's White Paper for 'Building our common future', which was launched in July to fight poverty in the face of the global recession.

The programme will focus on tackling corruption, supporting demand for public accountability, assisting the poor, supporting regional integration and infrastructure development.

It will also aim at building mechanisms to maximise benefits of peace in the north and budget support for provision of quality public services.

Hutcheon warned that the effects of the global recession and climate change would strain the national economy.

She added that climate change would affect agriculture productivity, tourism as the glaciers melt and fishing as temperatures increase by two degrees.

Jane Rintoul, the organisation's country head, said DFID would work with the IGG, Auditor General, parliamentary accountability committees, civil society and logal governments to build the citizen's demand for accountability.

In response, the state minister for finance, Fred Jachan Omach, said the Government had increased funding of the office of the IGG and Auditor General to enable them fight corruption better.

"This financial year, we have allocated sh120b to projects in Northern Uganda," Omach added.

He said good financial policies cushioned Uganda from the global financial downturn.

Omach chats with Hutcheon and Rintoul at the DFID Uganda's launch last week

9.4.7 Coverage of the Acholi land take-over by military officials

UPDF in land row

By Frank Mugabi

THE Uganda People's Defence Force has asked the Arua district council to grant it ownership of a prime piece of land.

The district allocated part of the land to the lands ministry for the construction of a regional office.

The West Nile regional army spokesman, Capt. Peter Mugisa, said they had sent a formal request through the executive committee to take over the 2.23 acres of land between Pajulu and Anuá roads.

"We have held meetings with the authorities over the matter, but it requires the council to make the final decision," he said.

Mugisa explained that they were interested in the land because they had already annexed it to the 409 Brigade headquarters and installed there a number of security gadgets.

"We have support weapons, an organic weapon, and soldier's houses, which are hard to relocate," Mugisa said.

Other facilities in place include the military clinic and a water tank that serves the entire brigade.

He clarified that they had no problem with the land's office construction, which is nearing completion, but claiming more land from the barracks would distort the setup.

Mugisa warned that their displacement would compromise the security of the town.

He also rebuffed earlier reports that the army had evicted people from the area.

"We have not evicted anybody. I challenge those claiming to have been evicted to show up," Mugisa said.

The security secretary, Luigi Candini, said the request would be discussed by the executive committee before being forwarded to the council.

"This is our force. We don't want to embarrass them. We are going to consider their request and hopefully it will be successful," Candini said.

He said they wanted to keep a good relationship with the military.

9.4.8 Land conflict between the Acholi and the UWA in Amuru District

A ranger delivers a sack of maize flour to former internally displaced people

UWA clash with displaced people

By Daniel Edyegu

THE former internally displaced persons (IDPs) in Angisa Satellite Camp in Katakwi district clashed with officials from the Uganda Wildlife Authority (UWA) during the delivery of relief food on Thursday.

The drama started when the IDPs complained that UWA had delivered the maize flour without notifying them of their coming.

They also wondered why the food delivery came during the conflict over ownership of part of Pian-Upe wildlife reserve.

"Has UWA brought this flour to bribe us to forget our land in the reserve? How sure are we that this flour has not been poisoned to kill us?" queried John Okitoi.

About 415 households that lived in the camps of Toroma, Magoro, Katakwi, and Ngariam are stranded outside the wildlife reserve.

The tourism minister, Serapio Rukundo, last February directed UWA and Katakwi district officials to resettle the IDPs near the Anti-Stock Theft Unit in the parish awaiting a government resolution.

Initial efforts by the district vice-chairperson, Margaret Ikulot, to calm the residents were futile as she was booed. They claimed Ikulot had connived with UWA to grab their land.

"Go away, we did not request for your food. We are used to our suffering. Is it UWA that fed us all this long?" an elderly man yelled.

Ikulot explained that the district had submitted a report to Parliament requesting for either alternative land or gazzetting part of the reserve for them.

They later accepted the flour but vowed never to accept food because it could be used to insinuate that they had accepted to relinquish their claims over the reserve land.

338

9.4.9 UPDF allegedly engaged in rape cases in Central African Republic

B B C   News   Sport   Weather   Shop   Earth   Travel

'I was 12 when I was raped by a Ugandan soldier'

By Catherine Byaruhanga
BBC Africa, Central African Republic

6 hours ago   Africa

Ugandan soldiers sent to the Central African Republic to hunt for rebels are facing accusations that they have been raping local women and girls.

A mother by the age of 13.

When I meet Eloise what strikes me is how incredibly small she is. Her arms are tiny and she's not very tall either.

The thought of a man - a soldier - raping her seems unimaginable.

But it's not only the trauma of sexual violence Eloise has to deal with - she has a nine-month-old baby to look after too.

We are not using her real name because she is a minor and also for her own protection from possible retaliation.

She says that when she was 12 a Ugandan soldier, deployed to protect her town, attacked her.

"My mother sent me to the market to buy something," she says. "On the way, a Ugandan soldier grabbed me. He dragged me to a nearby lodge [hotel] and raped me."

9.4.10   The standard format for filling land dispute case in Uganda

Examples of Written Cases in the Second Category

A Dispute of Land held under Customary Tenure

The Village Court of Lukaya.
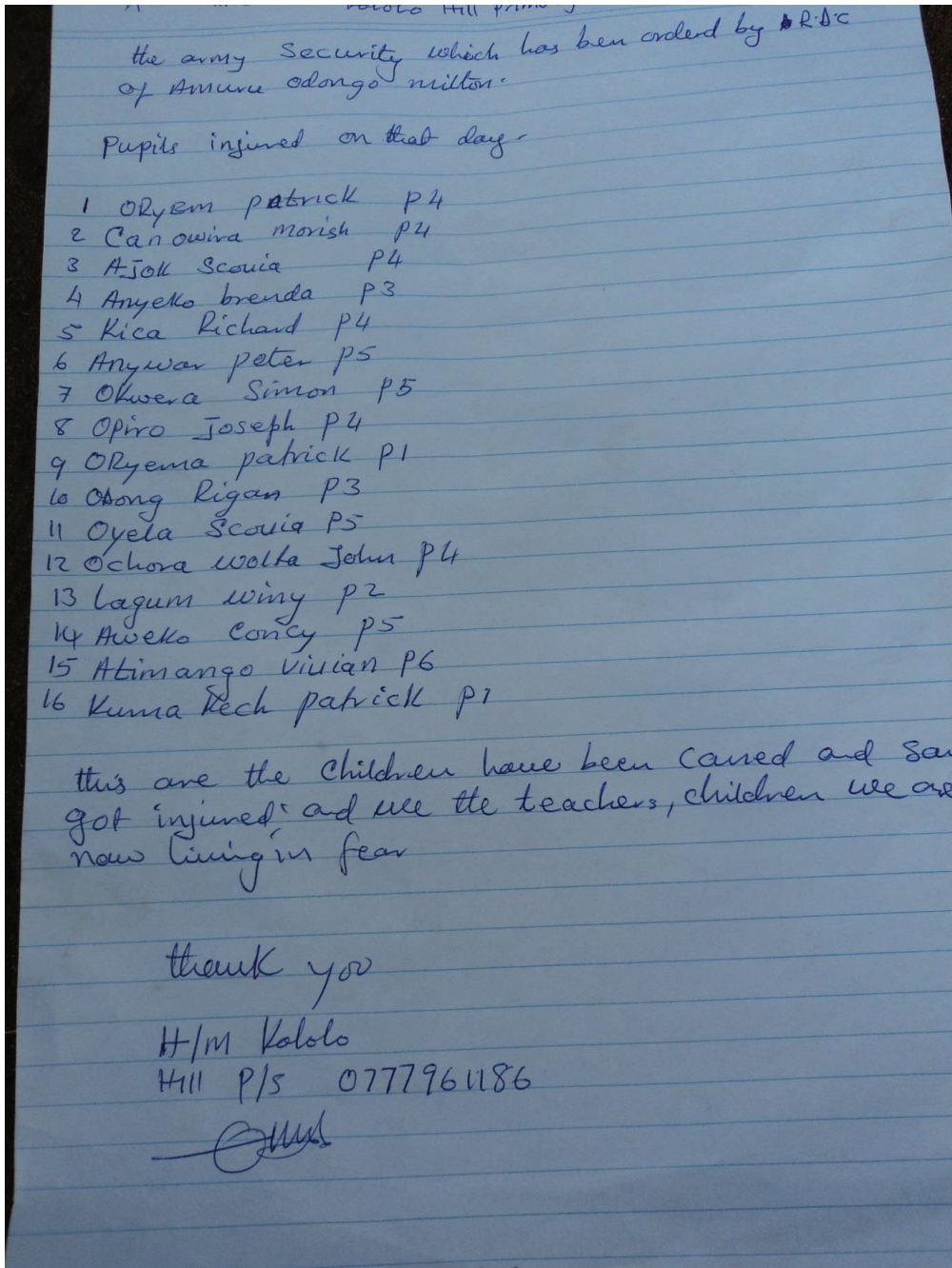
Date 28th November, 2002

Moses Kafuko of Lukaya village has reported Tuuka Takuba of the same village for refusing to vacate his land. Kafuko reports that he entrusted Tuuka with his land in 1996 when he went to work in Gulu. On his return in November 2002, he started living in his former house. Tuuka told him not to dig the land claiming that he inherited it from his father.

Kafuko also states that what Tuuka did has deprived him of the use of his land. He wants the village court to assist him to evict Tuuka from the land and reinstate him as the true owner.

Signed Peter Mutono   Signed Moses Kafuko
      Chairperson   Complainant

9.4.11 Local returnee meeting resolutions after land related violence in Amuru sub-county

the army Security which has been ordered by R.D.C
of Amuru odongo milton.

Pupils injured on that day.

1 ORyem patrick P4
2 Can owira Morish P4
3 Ajok Scouia P4
4 Anyeko brenda P3
5 Kica Richard P4
6 Anywar peter P5
7 Okwera Simon P5
8 Opiro Joseph P4
9 ORyema patrick P1
10 Obong Rigan P3
11 Oyela Scouia P5
12 Ochora wotta John P4
13 Lagum winy P2
14 Aweko Concy P5
15 Atimango Vivian P6
16 Kuma Rech patrick P1

this are the Children have been Caused and Sa
got injured: and we the teachers, children we are
now living in fear

thank you

H/M Kololo
Hill P/s 0777961186

341

9.4.12 The government decree that gazetted and degazetted land in Kilak County

Legal Notice No. 217 of 1959.

THE GAME (PRESERVATION AND CONTROL) ORDINANCE, 1959.

(No. 14 of 1959).

DECLARATION OF GAME RESERVE.

NOTICE.

(*Under section 39 of the Ordinance*).

Aswa/Lolim Game Reserve.

IN EXERCISE OF the powers conferred upon me by section 39 of the above-mentioned Ordinance, I hereby declare that the area specified in the Schedule of this Notice shall be a Game Reserve to be known as the Aswa/Lolim Game Reserve.

C. H. HARTWELL,
Chief Secretary.

ENTEBBE,

7TH SEPTEMBER, 1959.

(*N.R.C. 24*).

SCHEDULE.

The area comprised within the following boundaries: —

Commencing at the point on the Murchison Falls National Park boundary where the Anaka–Pakwach road crosses the hill Opokopung approximately 11½ miles from Pakwach; thence in a northerly direction to the summit of the most westerly hill of the Lolim group; thence to the source of the River Kulunyang; thence following the thalweg of the said river to its junction with the River Aswa; thence in a northerly direction to the hill Ladwong on the Aswa escarpment; thence in an easterly direction following a line of cairns and "Reserve" notices approximately one mile north of the River Aswa to a point on the eastern bank of the River Dengdenga (Jansohachu) marked by a cairn; thence in a southerly direction following a line of cairns or "Reserve" notices on the eastern bank of the River Dengdenga to the River Aswa; thence in a southerly direction following a line of cairns along a series of ridges to the River Laminayele; thence following the eastern bank of the said river to its headwaters; thence in a southerly direction following a line of cairns or "Reserve" notices to a point on the Murchison Falls National Park boundary on the Anaka–Pakwach road approximately 19 miles from Anaka; thence following the said boundary in a westerly direction to the point of commencement.

30

Appendix C: The Game (preservation and control) (Abolition of Game Reserves) instrument 1972, and the Game (Kilak Hunting Area (Revocation Order) 1972.

STATUTORY INSTRUMENTS.

1972 No. 54.

The Game (Preservation And Control) (Abolition Of Game Reserves) Instrument, 1972.

IN EXERCISE of the powers conferred upon the Minister by section 39 of the Game (Preservation and Control) Act, this Instrument is hereby made this 30th day of March, 1972. *Cap. 226.*

1. The Kikagati Game Reserve and the Aswa/Lolim Game Reserve specified in the Sixth Schedule to the Act are hereby abolished.

2. This Instrument may be cited as the Game (Preservation and Control) (Abolition of Game Reserves) Instrument, 1972.

W. B. BANAGE,
Minister of Animal Resources.

Date of publication : 7th April, 1972.

STATUTORY INSTRUMENTS

1972 No. 55.

The Game (Kilak Hunting Area) (Revocation) Order, 1972.

IN EXERCISE of the powers conferred upon the Minister by sections 71 and 72 of the Game (Preservation and Control) Act, this Order is hereby made this 30th day of March, 1972. *Cap. 226.*

1. The Game (Kilak Hunting Area) Order is hereby revoked. *S.I. 226-25. Vol. XIII; p. 3122.*

2. This Order may be cited as the Game (Kilak Hunting Area) (Revocation) Order, 1972.

W. B. BANAGE,
Minister of Animal Resources.

Date of publication : 7th April, 1972.

91

32

343

9.5 Field Reference and Documentation

Emoll: pebudiministud.go.ug
Telephone: General: 0414342597 /2
Hon. Minister Direct: 041 433071
Hon. Minister of State (Lands) Cell 43531025
Hon. Minister of State (Housing): 0414534526s
Hon. Minister of State (Urban Development):0414226032
Permanent Secretary: 0414070975
Under Secretary: 041 4323359
Fax: 0414322089;

THE REPUBLIC OF UGANDA

Uganda
Vision 2040

MINISTRY OF LANDS, HOUSING
AND URBAN DEVELOPMENT
P.O. BOX 7096
KAMPALA, UGANDA

In any correspondence on
this subject please quote No LAD70/289/01

12th October, 2015

The Permanent Secretary,
Ministry of Local Government
KAMPALA

RE: OFFICIAL DESCRIPTION AND ENACTMENT NOTE OF AMURU DISTRICT

The department of Surveys and Mapping has been approached by Mr. Albogasto John Ngasi a PhD. Student at the Norwegian University of Science and Technology (NTNU) and currently finalizing his research work on the Acholi post-war return and resettlement. As an input to his dissertation he has requested for: the map and official description and enactment note of the current Amuru district.

The purpose of this communication is to refer him to you for the official description and enactment note of the current Amuru district after which the department of Surveys and Mapping will issue him with the descriptive boundary map.

I thank you for your cooperation.

Ogaro Wilson
FOR: PERMANENT SECRETARY

NTNU
Norwegian University of
Science and Technology

Faculty of Architecture
and Fine Art
Department of Urban Design and Planning

Dean of the Faculty of Law
Dr. Ben Twinomugisha,
Makerere University
Kampala

Telephone no.:
0784455332

Copy

Dated: Sept 13, 2009   Our ref.: Hans Skotte   Your letter dated: Your ref.:

REQUEST TO ATTEND LECTURES OF THE 'LAW 2105' 'FOUNDATIONS OF LAND LAW'

Dear Dr. Twinomugisha

Upon the advice of Dr Nawangwe of the Faculty of Technology I request, on behalf of my PhD candidate Albogasto John N'Gosi, that he be allowed to attend lectures of the Law 2105 course of your faculty. He is currently in Kampala with me and my group of international students. They are here to do field work on Urban Ecological Planning. We are closely cooperating with the Arch. Department and with Dr. Nawangwe as well as with the Geography Department. We have thus – without further ado - included five students from Makerere into our two months field work studies.

Mr. N'Gosi is studying land issues in post-war settings and how parties directly or indirectly involved in the conflict justify their claims to land and possessions, and how this might impact the recovery processes . His central field works takes place in Northern Uganda. He will go there shortly, but while here would appreciate attending the classes of the Law 2105 course, and if possible even interact with the lecturers and students, in a similar fashion to what 'our' Makerere students do.

I would much appreciate if this was made possible.

Yours Cordially

Hans Skotte
M.Arch PhD.
Associated Professor
Department of Urban Design and Planning
Faculty of Architecture and Fine Art
Norwegian University of Science and Technology
Trondheim
Norway

c.c. Albogasto N'Gosi
Dr. Nawangwe, Fac. Of Technology

Address	Tel.	+47 73 59 50 30	Location	Page 1 of 2
NO-7491 Trondheim	Fax	+47 73 59 50 18	A. Getz vei 3	ntnufaculty of architecture albogasto-anbefaling
	Org. no.	NO 974 767 880		

NTNU
Norwegian University of
Science and Technology

Faculty of Architecture,
Planning and Fine Art
Department of Town
and Regional Planning

TO WHOM IT MAY CONCERN

Telephone no.:
+47 73 59 50 27 / +47 918 219 20

Dated: 2009.01.06   Our ref.: Hans Skotte   Your letter dated: Your ref.:

This is to confirm that Albogasto John Ng'asi is a PhD student at our Department and is in Uganda
to undertake preliminary investigations into his PhD-thesis. He will explore how local perceptions on
property and land rights may bear consequences on the environment and the emerging peace
processes in Northern Uganda. Refer his enclosed introductory presentation.

I ask you kindly to receive Albogasto as a researcher in search of knowledge for the benefit of future
development of post-conflict ridden regions, and Northern Uganda in particular.

Please give him access to your insights, knowledge, and informative data.

Thank you

Hans Skotte

Associate Professor
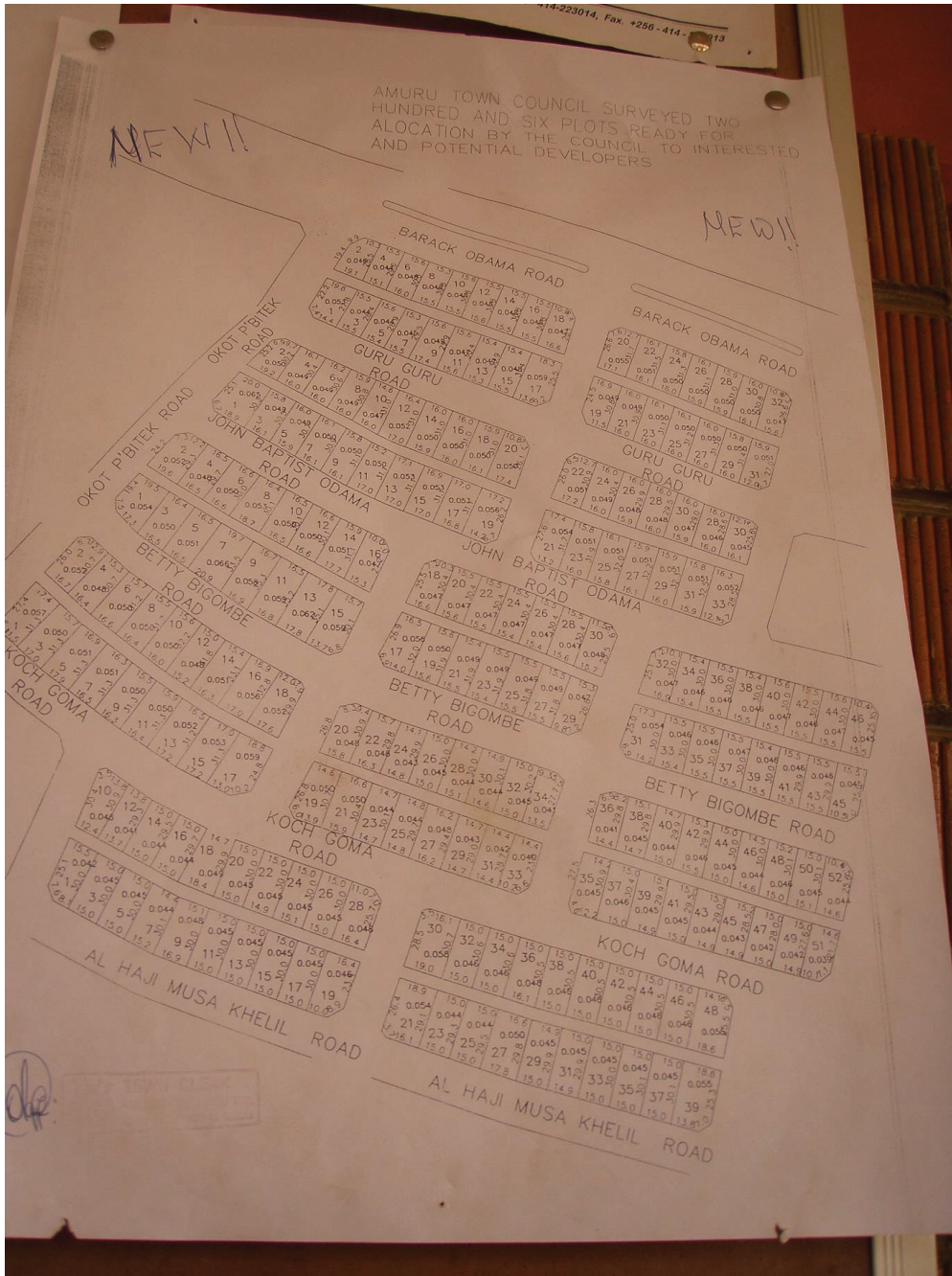Norwegian University of Science and Technology

Albogasto's tutor

9.5.1 Amuru town Survey plan

9.5.2 Mapping of field data analysis

9.6   Errata

p. ix:	date changed in preface: 15 November, 2019
p. xviii	glossary term edited: **Land conflicts**
p. xix	glossary term edited and moved: **Return home**
p. 5	caption moved to below figure: Figure 1:
p. 14	caption moved to below figure: Figure 2
p. 15	caption moved to below figure: Figure 3
p. 22	caption moved to below figure: Figure 4
p. 41:	highlight removed: as illustrated in 3.2.
p. 57:	typo corrected: bundle of rights
p. 113:	additional space between paragraphs deleted: Each discussion
p. 144:	broken cross-reference mended: see also Table 4
p. 145:	gap at top of page removed: Table 4:
p. 145:	spaces between paragraphs removed: The need
p. 148	sub-heading changed: Changes in entitlement to assets
p. 149:	gap at top of page removed: Various researchers
p. 152	sub-heading changed: Impacts of life in camps
p. 154:	gap at top of page removed: Figure 19
p. 159:	broken cross-reference mended: as detailed in 1.1
p. 161	grammatical correction: in the UNITA's rebel-controlled areas
p. 173:	gap at top of page removed: Table 5
p. 173	paragraph indent added: The death of husbands
p. 177	whole quotation moved onto same page: Being blessed
p. 185:	broken cross-reference mended: in Figure 25
p. 198:	caption moved under figure: Figure 26
p. 199:	source caption moved under table: Source: Author's field findings
p. 216:	first lines of new paragraph moved to top of following page: The changes
p. 211:	subheading changed: New approach to dispute resolutions
p. 219:	sub-heading changed: Dual system
p. 220:	broken cross-reference mended: Table 8
p. 223:	sub-heading changed: Role of land-related institutions
p. 224:	new footnote added: According to Branch (2013)
p. 231:	broken cross-reference mended: Figure 35
p. 235:	new section moved to top of following page: Property compensation
p. 238:	indented quotation moved to top of following page: [T]he government promised
p. 238:	extra space deleted in footnote: See IRIN
p. 239:	comma added: However, this
p. 239:	bullet point heading moved to top of new page: Citizen engagement
p. 243:	change to chapter 7 title: ANALYSIS AND CONCLUSION
p. 243:	gap at top of page removed: CHAPTER SEVEN
p. 261:	'an' corrected to 'a': boundaries as a route
p. 265:	change to title of chapter 8: MAJOR RECOMMENDATIONS
pp. 265–72:	8.1 Emerging Recommendations. To be replaced by text included in Appendix 9.6.1. Text could not be included in the original thesis for technical reasons.

9.6.1   Text for Sub-section 8.1

8.1   Major Recommendations

Based on the main findings and conclusions, I have selected a small number of critical issues that form part of my (albeit modest) contribution to future policy and recommendations for reform, both legislative and practical. These reforms would address the conduct of forced war-related displacement and its associated post-war return, reconstruction and recovery. Although these policy recommendations emerge from the context of the Acholi sub-group in Northern Uganda, they are also relevant to countries facing similar experiences, particularly in the Great Lakes region of Africa. This region is vulnerable not only to war-related displacement but also to loss of land and property. Some of these recommendations require modification in order to fit other specific contexts, particularly in the countries of the Middle East, South America and East Asia.

8.1.1   Improve land tenure security

This research reveals close links between the security of customary land tenure and early Acholi return and recovery. A significant number of humanitarian land-related advocates have engaged in the formalisation process in order to improve the security of customary land tenure, especially for vulnerable and marginalised groups. Their approach involved documenting and formalising some of the existing ambiguous customary rules and practices. As such, this group of actors has assumed responsibilities previously held only by governments, indicating that the scope of land related actors should be widened to include humanitarian land-related actors, in order to improve tenure security. To enhance the effectiveness and sustainability of these projects, the NRC's ICLA formalisation project model should be adopted. Governments should ensure that close collaboration exists between various stakeholders, that is, formal and informal land-related institutions and actors.

Introducing land-related policy changes while the displaced population is still in camps attracts multiple land-related actors with the intention of acquiring land. This perceived acquisition of land causes panic and anxiety among returnees. The government of Uganda should ensure that adverse impacts caused by these land-related projects are minimised by: 1) giving precedence to resettling returnees over large-scale land-related investments; 2) ensuring adequate and timely compensation for land take-overs in accordance with existing land market values; 3) allocating alternative land for victims of eviction; and 4) ensuring that procedures

used to allocate land for investment are transparent, consultative and inclusive of the local population.

8.1.2 Support economic diversification

Prolonged war-related displacement which is associated with the loss of property influences the emergence of multiple actors and associated economic activities, and these actors' activities in the camps play an important role in monetising the local economy. Insufficient food aid and local economy activity have encouraged some individuals to engage in new activities, both legal and illegal. Access to land within the vicinity of the camp helped supplement household food. However, the increased demand for land caused customary land to command a new monetary and exchange value through land rent. Lack of income among the youth caused a significant number to engage in illegal activities, particularly the illegal hunting of wildlife in the nearby game reserve. To help sustain camp-based economic activity, both government and humanitarian actors should ensure that the creation and location of future camps take into account conditions that will encourage legal income-generating activities. Emphasis should be placed on the diversification of local economic activities and effective use of entrepreneurial skills. The government should ensure both land and security in and around camps if people are to engage in economic activity, including agriculture. Humanitarian actors should support informal income-generating activities in camps, particularly among women and youth. These income generating activities would assist women and youth to avoid alcoholism, early pregnancy and illegal trade. Similarly, vocational training schools should be opened in order to impart technical knowledge capable of assisting young returnees to face life's difficulties on their return home. The World Vision project in Northern Uganda, which targets formerly abducted children (FAC), should be adopted.

8.1.3 Encourage infrastructure and service provision

War-related displacement negatively affects the early preparation and planning of camps with significant impacts on public infrastructure and basic social services. Overcrowding in camps associated with inadequate water and energy supplies compromises the safety of women and young girls. Women walking long distances to fetch water and firewood accounts for some cases of rape and abduction. To ensure early return and sustainable recovery, both government and humanitarian actors should undertake early camp-based preparation and planning. Humanitarian intervention should ensure a linkage exists between short-term emergency relief needs and long-term development plans. In particular, long-term plans for return sites should ensure that a network of public infrastructure facilities and basic social services is established.

Funds set aside to compensate returnees should not be distributed to individuals, but rather compensate the whole population affected by war and displacement, so that the funds can be used to extend basic infrastructure and social services. Their establishment will also create economic opportunities and incentives that come with these facilities, i.e. strengthened land values. Finally, improved infrastructure networks will help to bridge and heal the perceived development gap between war-affected and non-affected areas.

8.1.4   Emphasis on governance and transparency

Post-war land-related investment is crucial in creating employment opportunities in returnee areas, particularly for the youth population. Since prolonged displacement creates an environment of moral breakdown, this, in turn, causes corrupt practices in the land acquisition process among traditional and religious groups, government departments and other institutions. Government and humanitarian land advocates should promote land governance issues, particularly accountability, openness and transparency during customary land-related investments. Better mechanisms should be established for tracking corruption in government institutions and private bodies involved in land acquisition and reconstruction work.

Post-war return and reconstruction create an environment for fraud and for the mismanagement of funds intended for resettlement packages and compensation for victims of property loss. The abuse of funds, especially among government officials, causes donors to withdraw funding, thus adversely affecting the reconstruction and recovery process. To ensure effective use of donor funds, the government should promote the highest standards of integrity, accountability and transparency in the departments and institutions administering the funds. A 'zero tolerance' policy should be adopted towards those abusing donor funds, including recovering the relevant funds.

8.1.5   Encourage early participation and coordination

Prolonged war-related displacement also affects the level and effectiveness of citizen participation when it is associated with policy changes. This inadequate participation causes policy implementation (i.e. the decentralisation and formalisation of customary land) to encounter strong opposition, mainly from local groups. Arnstein's (1969) model of citizen participation, where levels 6, 7 and 8 represent 'citizen power', should be adopted and implemented. The model advocates delegated power and control by citizens over consultative and decision-making processes. Members of the public should enter into negotiations directly with large-scale land-related investors. Their early participation will help them make better informed decisions. Acting as whistle-blowers, humanitarian land advocates should help local

people not only in resolving land disputes and in conflicts, as seen in Northern Uganda, but also during the land negotiation process. Their engagement could centre particularly on evaluating the social and economic costs and benefits attached to land-related investments.

Similarly, a lack of coordination among the various actors involved in implementing land policy results in inadequate financial resources to meet budgetary needs, which threatens the sustainability of the projects. For effective land policy changes and implementation both government and humanitarian actors should: 1) cooperate in raising the finances necessary to ensure adequate participation and consultation among the displaced people; and 2) defer any related national land policy changes with potential impact on the displaced population, when these funds are not available. Changes should be carried out when the displaced people are peacefully resettled in their home villages.

These humanitarian agencies are instrumental in supplementing government efforts, particularly donor funds assisting the local displaced population to sustain and rebuild their lives in camps and on their return home. However, despite the presence of a large number of humanitarian agencies in Northern Uganda, a mixed level of performance has been noted: a significant number have performed well (e.g. CARE, German Development Services, and NRC etc.) while others have not. The government should establish a checklist of local needs and compare this with the proposed performance of the humanitarian agencies, ensuring above all that these efforts are effectively coordinated to avoid duplication and lack of coverage. Some assistance should also be channelled directly to the affected population without passing through various agencies.

8.1.6 Strengthening information and media services

Prolonged war-related displacement creates an environment where formal communication and information channels break down. This information breakdown not only paves the way for informal communication to take over but also creates misinformation, mostly based on rumours, gossip and a lack of trust. Lack of trust happens at three levels: between local displaced individuals; between displaced people and central government; and between displaced people and other ethnic groups and private investors. The misinformation related to land acquisition can fuel political, ethnic and regional tensions not only among IDPs but also among other actors. An example of this is the delay in implementing customary rights formalisation in the Acholi sub-region. Correcting some of the misinformation requires the government and humanitarian agencies to establish and subsidise local media houses in order to enhance formal communication channels. The decision of the British government, through

the DFID funds, to support the establishment of MEGA FM radio in Gulu town helped not only in correcting some of the camp-based misinformation but also in advocating early return home and claims to customary land. Similarly, local media channels should be used as platforms for campaigns promoting rights and corruption-related awareness among local people and associated institutions. Local training should be funded and involve a wide spectrum of actors, i.e. government, not-for-profit organisations, donor countries, traditional elders and religious leaders and the private sector. Training should equip them with skills necessary to prevent misinformation leading to land-related conflicts.

The use of local media houses for awareness campaigns by the government and humanitarian land-related actors can influence the value of customary land and, therefore, informal land markets. However, post-war return provides an environment for a significant number of individuals to misuse local media channels for their own gains rather than the general interest of the population. The misuse of media channels may also impede formal markets from emerging. A few people may use media houses for personal gain, particularly defending their land acquisition through illegal channels. Strengthening the emerging land markets requires the local media to promote not only land-related awareness campaigns but also transparency on the acquisition of land for investment purposes. The government should monitor the operation of local media houses to prevent them from being used to defend illegal land markets.