

Unable to Return:

Internally Displaced Persons (IDPs) Seeking Defence of their Rights to Customary Home Lands in Amuria district, Eastern Uganda Soroti, Teso Region, Uganda

October - November 2010

Report Based on a Pilot Study Conducted in Amuria in Partnership between
Arbeiter-Samariter-Bund (ASB)
and
Land and Equity Movement in Uganda (LEMU)

Written and edited by Jessica Krentz, Judy Adoko and Theresa Auma Eilu

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TABLE OF ACRONYMS	
ASB	Arbeiter-Samariter-Bund
EVI	Extremely Vulnerable Individual
IDP	Internally Displaced Person
LC	Local Council Court
LEMU	Land and Equity Movement in Uganda
LRA	Lord's Resistance Army
R	Respondent
C	Complainant

Executive Summary

In 2007, ASB, while attempting to relocate IDPs in the aftermath of the LRA insurgency, formulated a hypothesis that people continued to stay in IDP camps due to land conflicts at home. Acting with ASB and UNHCR, LEMU identified, interviewed, and profiled 60 EVIs that remained in the camps after attempts to return home, and discovered that all profiled EVIs except for one were involved in land conflicts at home.

LEMU found that most of the EVIs were in the camps because of the Karamojong cattle raids and/or the LRA insurgency. Some EVIs even lived in the camp for decades, though every EVI interviewed attempted to return home at some point. All IDPs share the key vulnerability of displacement; encroachers could opportunistically seize the land while the owners were absent and seeking refuge elsewhere. Additional vulnerabilities identified included female gender, old age, having many children, having children not old enough to defend the land, status as an orphan or widow, divorce or separation, unclear marital status and poverty.

All of the EVIs interviewed attempted, to some extent, to return to their village homes. Upon return, many encroachers reacted violently, using threats, assault, alleged murder, destruction of property, arson, or imprisonment of the EVI, and many physically chased the EVI away. Families occasionally chased their own children or siblings from the land. In rare cases, family members unsuccessfully intervened on behalf of the EVI.

EVIs often sought help from their clan or from the LCs. Many times, these institutions simply referred the case; at other times, they refused to take it altogether. Frequently, the LCs were either biased or bribed to support the encroacher and leave the EVI without an appropriate method of redress. When EVIs sought help from courts, they were frequently unable to get redress or were unable to pay court fees. Many cases continued pending for years while the EVIs attempted to pay necessary fees. Grabbers also often committed crimes in conjunction with grabbing, such as arson, assault, and alleged murder.

Land grabbers used several different tactics to take the EVIs' land. Grabbing by excuse, by challenging a land sale or gift, by gradual encroachment, by intimidation/slander, and by adverse possession were the most common techniques used. More often than not, the EVIs had previously demarcated their property and its boundaries, as evidenced by boundary trees, graves, and/or constructed landmarks; additionally, almost half of EVIs named numerous witnesses, elders, and clan members that knew the true ownership of the property, or who had even attempted to intervene on behalf of the EVI.

Based on the composite profiles of each EVI, the LEMU office in Soroti was given action points to take towards resettling IDPs. LEMU conducted further assessments and mediations, involving community members and leaders in the process, and helped clans and communities reach successful mediated outcomes. Additionally, many clans and LCs were able to reach successful lasting outcomes independently, particularly after sensitization on customary tenure land rights. Leaders and communities must acknowledge that the IDP camps continued to exist long after they were "officially closed"; land grabbing made it impossible for the EVIs to return home. In such cases, community support and cooperation of existing institutions was needed to resolve underlying conflicts before resettlement was attempted.

I. Introduction

Arbeiter-Samariter-Bund's (ASB) Foreign Aid Department provides both direct emergency relief to people internationally who have been hit by disaster, and also long-term rehabilitation to refugees, IDPs, and other vulnerable people to promote recovery and to rapidly restore lives and livelihoods. In 2005, ASB began work in Uganda with a branch office in Kampala and a field office in Lira.

To provide emergency assistance to vulnerable IDPs during and after the LRA insurgency, ASB focused its intervention in Uganda on returning displaced persons to their homes. Operations entailed relief interventions into IDP camps and rehabilitation activities for returnees in Lira, Oyam, Apac, and Dokolo Districts. In 2007, operations were extended into Teso Region. ASB was surprised to find that even though the insurgency ended, people still remained in IDP camps. Based on interviews with IDPs who were unable to return home, ASB formulated a hypothesis that people remained in the camps due to land conflicts at their village homes.

To test this hypothesis, ASB, under the Mixed Solutions for EVIs in Pader and Teso Districts Project, funded by UNHCR, hired Land and Equity Movement in Uganda (LEMU) as an experienced land rights organisation to conduct research and profiling of the EVIs in the Amuria and Katakwi Districts. Due to resource constraints, LEMU only worked with IDPs in Amuria. LEMU's objectives were to confirm if land conflicts were present in reported cases, to research conflicts by interviewing EVIs and clan members, and to recommend courses of action for resolving the land conflicts so that the EVIs could return to their rightful homes.

II. Research Design and Methodology

LEMU retained four research assistants to profile EVIs in Amuria District. These assistants were thoroughly trained in customary tenure by LEMU's Executive Director. LEMU then compiled a checklist of information desired from each informant, including background information on the informant, a description of the property in conflict, a report of illegal actions taken in association with the conflict, and a list of institutions that were consulted for conflict resolution assistance.

The research assistants then went to several camps to talk with the LCs and leaders of the camps in order to identify specific EVIs who wanted to return home but could not because of land conflicts. Originally, 44 widows were identified as EVIs and only 3 camps were visited. However, through further investigation, LEMU identified 60 EVIs, including males and married individuals. Additionally, LEMU began investigating land conflict cases from 9 camps. These camps were: Osukunya, Oditel, Airabet, Kapelebyong, Angedakiteng, Obajai/Ajesa, Amilimil, Orungo, and Obalanga.

The research assistants then collected data and conducted interviews regarding the land conflicts, following the check-list of information created by LEMU in the planning stage. The research assistants were unable to obtain all of the requested information originally, so they returned to the field to collect the missing information. From these two visits, a profile was created for each EVI who was interviewed. These profiles were refined and verified; additionally, an American Fullbright Scholar conducting related research examined and further refined the profiles. Data compiled and insights gained from these verified reports are the main focus of the Findings section of this report (Part 111).

Based on these profiles, the LEMU office in Soroti was given action points to take in resettling IDPs. Specifically, four young lawyers were recruited and occasional field mediation visits by fourth year law students of Uganda Christian University (UCU). These young lawyers worked with the EVIs, their adversaries, relatives/family members, clan leaders, LCs and the police to resolve the land conflicts and resettle the EVIs back to their family home lands. The research then concluded while the field office implemented the proposed action points.

At the writing of this report, information regarding the effectiveness of the LEMU staff towards resolution of the conflicts and eventual resettlement of the EVIs was compiled by the field office

in Soroti and analysed by the authors of this report. . The outcomes of the intervention efforts are described under the Resettlement and Conflict Resolution section of this report.

III. Findings

(1) Reasons for Being in the Camps

An old proverb says that in order to understand where you are going, you have to understand where you have been. It is imperative to understand why and when EVIs fled to the IDP camps in order to fully understand the complexity of the property law issues at play in their displacement and land conflicts upon return, bearing in mind that all EVIs surveyed attempted to return home at some point during and after displacement.

A majority of EVIs reported fleeing to the IDP camps during one of two periods: during the Karamojong cattle raids (13 EVIs; 21.7%), or during the LRA insurgency (22 EVIs; 36.7%). One EVI (R32) noted that she fled to the camps to protect her children, and another widow (R41) only fled to the camps after her husband had been killed by the rebels. Several EVIs sought refuge in the same camp multiple times after unsuccessful attempts to return home. For example, one widow (R15) fled to an IDP camp after her husband was killed by the cattle raiders, returned home, but was again forced to flee to the camp during the LRA insurgency.

A few EVIs lived in the camps because they were born there or grew up there (4 EVIs; 6.7%). For instance, both the parents and the grandparents of one EVI (R8) were born and raised in the camp, and all passed away without showing the EVI or her siblings, who were also born in the camp, where their home land even is; she is not even sure which village her family's land is in. Additionally, in 3 cases (5%), the EVIs owned the land on which the IDP camp is located and could not use the land because the IDPs had not left; an EVI (R14) said that the IDPs located on his land refused to leave and have even attempted to sell the land.

(2) Vulnerability Factors

In previous research,¹ LEMU discovered that weaknesses within the person, position, or character of an individual make that person an opportune target for land grabbing. Vulnerabilities not only make an encroacher more likely to grab land; they also make the true owner, the EVI, more likely to stay in the camps for an extended duration due to a feeling of weakness or helplessness. Displacement within an IDP camp is the most fundamental weakness that all 60 EVIs shared; simply being absent from the land for an extended (and seemingly indefinite) period of time enables an encroacher to take, build on, and cultivate the EVI's land without any immediate repercussions, which encourages continued expansion and claims of ownership. Grabbers see and seize opportunity in the extended absence of the true owners. Beyond attenuated absence from the land, LEMU also discovered several other EVI vulnerability patterns, as discussed below. It is important to note that most EVIs interviewed displayed more than one vulnerability; such characteristics act in conjunction and make the EVI's more vulnerable to losing land rights.

a. Gender

75% of EVIs were female and 25% were male, as is reflected in **Figure 1**. This demonstrates that women are significantly more vulnerable to land grabbing while displaced than men. Part of this may be related to misunderstandings and misuse of customary law. For example, an EVI (R37) shared that her brother denied her rights to land, saying that "a woman cannot own land."

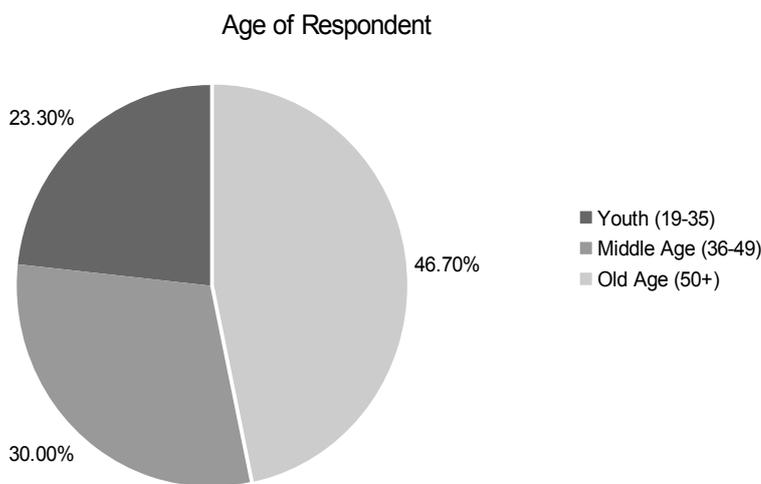
¹ Land and Equity Movement in Uganda, *Let's Face Up to Land Grabbing*, 2011, available on the web for download at: <http://www.land-in-uganda.org/Land-Grabbing-NRC.htm>.

Figure 1: Gender Analysis of EVIs

	Frequency	Percentage
Male	15	25.0
Female	45	75.0
Total	60	100

b. Age

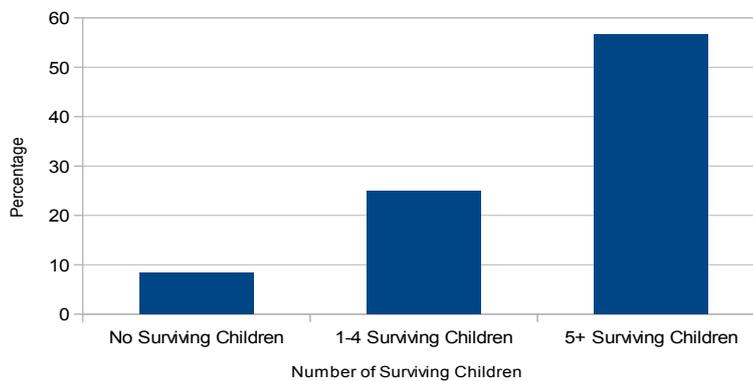
The age distribution of the EVIs is reflected in **Figure 2**; nearly half of the EVIs are in the “Old Age” category (aged 50 and older). One widow (R2), age 80, could not assert rights over her land – or even make a living for herself – because she is too old and feeble; additionally, her children are old, married, and located elsewhere, thus leaving the EVI without any relatives to help her fight off encroachers. Similarly, a male widower (R10), age 76, has no living children and is too weak to fight the encroacher himself.



c. Children/Childlessness/Lack of Familial Support

Figure 3

Figure 3: Number of Respondent's Surviving Children



For 13 EVIs (21.7%), number of children was a factor in their land conflicts and decisions to stay in the camps. Having too many young children may make an EVI more vulnerable to land grabbing while displaced, or more likely to stay in the camps for protection of the entire family. As **Figure 3** illustrates, a majority of EVIs have five or more surviving children. For example, a widow (R6) with five children under the age of eight did not put up a fight for either her marital land or family land, but just returned to the camps instead because she had so many children in tow. Alternatively, when

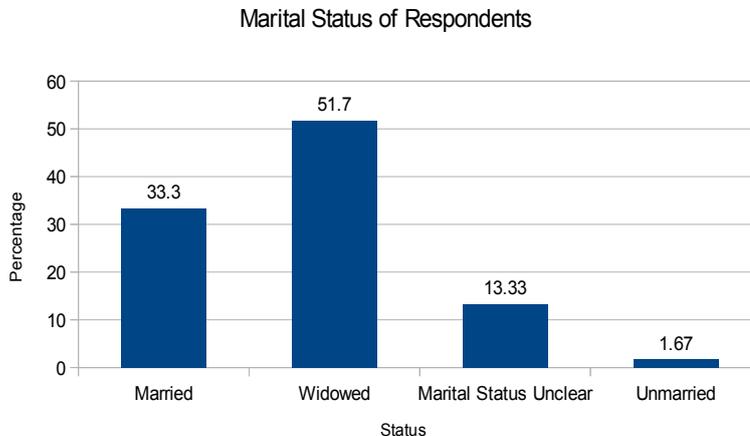
the elderly have no children to defend their land from land grabbers, they become vulnerable. One EVI (R59) was chased away from her land by her late husband's clan upon his death because she had not produced any children; similarly, another widow's (R30) clan leaders believed that since she did not have any children with her late husband, she had no rights to the land. In these few cases, childlessness is a prime excuse for land grabbing, forcing EVIs to stay in the IDP camps. Occasionally, an encroacher waits until an EVI has no family support before making a claim to land. One EVI's (R42) neighbour waited to encroach on the EVI's land until her husband and son died; he then threatened her and destroyed her property until she retreated to safety in the IDP camp.

Orphans are also uniquely at risk for land grabbing while residing in IDP camps; not only are they absent from the land and lacking in family support, but they may also have grown up in the camps without being shown the land and its boundaries. 7 EVIs (5.7%) were identified as orphans. For example, three children (represented by R54), aged 8 to 12, became orphans after their father died in 2008 and their mother died in 2009; soon afterwards, their land was sold by their uncle, despite attempts of the clan and other relatives to protect it.

d. Marital Status

As illustrated in **Figure 4**, over half of EVIs (31 EVIs; 51.7%) were widows. 8 EVIs (13.3%) were identified as "Marital Status Unclear" and may be either widows, cohabiting, or separated. Widows and separated women in particular are especially vulnerable to land grabbing while in IDP camps because they may be denied access to both their marital land and their family land. For example, a widow (R22) was chased away from her marital land and denied re-entry to her maiden family's land; she stayed in the camp because she had nowhere else to go. Similarly, a widow (R43) was chased from both her marital land, and had no other choice but to remain in the camp.

Figure 4



e. Disability/Illness

People suffering from sickness, injury, or disability, or those who care for someone suffering from sickness, injury, or disability, are also less able to fight off land grabbers and, accordingly, more likely to remain in IDP camps when denied access to village land. 17 EVIs (28.3%) reported that they are either ill or disabled, or care for those who are ill or disabled. As an EVI (R2) revealed, often-times those who are ill or disabled came for refuge at times of turmoil and were physically unable to leave; one such EVI (R49) was physically unable to return to his village to mediate the land dispute due to his illness.

g. Poverty

Many of the inhabitants of IDP camps are very poor; poverty can decrease the ability of an EVI to legally fight against a land grabber, leaving the EVI with no alternative but to remain in the IDP

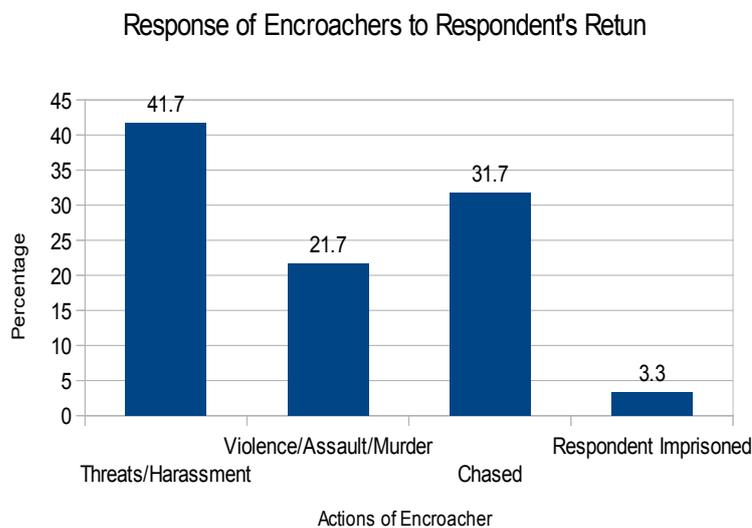
camps. 6 EVIs (10%) cited an inability to pay court, police, or LC fees as a reason they were unable to fight encroachers and, therefore, why they remained in the camps. One EVI (R42) was unable to pay necessary court fees and police costs to combat an encroacher, so the encroacher continued to file cases, knowing he would eventually prevail.

(3) Reactions to EVI's Attempted Returns

A criterion for consideration in this report was to have manifested a desire to return home after displacement. The most common manifestation, exhibited by nearly every EVI, was at least one attempt to return home, though some EVIs attempted to return home multiple times. To explain why the EVIs continue to remain in the camp despite attempts to return home, it is necessary to examine what occurred upon attempted return home.

a. Reactions of Encroachers

Figure 5



As **Figure 5** demonstrates, 41.7% of EVIs (25 total) were threatened or harassed by encroachers upon return to their homes. For example, one EVI (R16) was told she would be killed with a panga if she returned and tried to claim her land. 31.7% of EVIs (19 total) were physically chased from their property, and 21.7% (13 total) experienced some type of violence, including beatings, assault, or alleged murder of a loved one. One EVI (R29) was threatened by her stepsons and told that both her and her children would be killed if they tried to reclaim her land; the EVI was then severely beaten by her stepsons and by a corrupt LC I official to force her to flee. Another EVI's (R4) son attempted to return to their family land and constructed a house, but was killed by the encroachers, who went to jail for the crime, but were later released and continued to encroach on the land.

In 2 cases (3.3%), the encroacher went to the police to have the EVI or EVI's protector imprisoned; several other encroachers utilized the court system to prevent the EVI from claiming his/her rightful land. In one case, an encroacher began a string of lawsuits against the EVI (R57), who could not pay the necessary court fees to defend her rightful land; while the cases were pending, the boundary trees the EVI had planted were mysteriously uprooted overnight.

b. Reactions of the Family

In some cases, the land grabbers are family members of the EVI; in 8 cases (13.3%), the family refused to let someone with rights to land (usually a daughter or sister) return and live on the land. Family disputes and arguments also often occurred as a result of the EVI's return.

Occasionally, members of the family attempted to intervene on behalf of the EVI such that he/she would not have to return to the IDP camps, but such attempts were typically unsuccessful. One EVI's (R7) mother told the EVI's brother, the encroacher, to let the EVI remain on the land, but he only threatened to beat up his own mother. Another EVI's (R37) mother admitted her inability to combat the encroacher and told the EVI to stay in the camp to avoid problems and future conflicts.

c. Reactions of the Clans/LCs/Courts

Figure 6

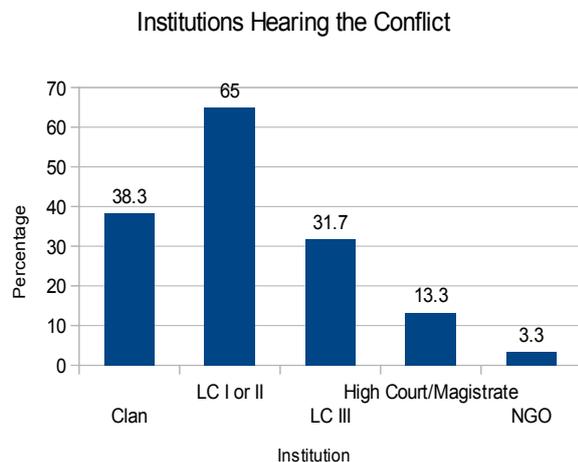


Figure 7

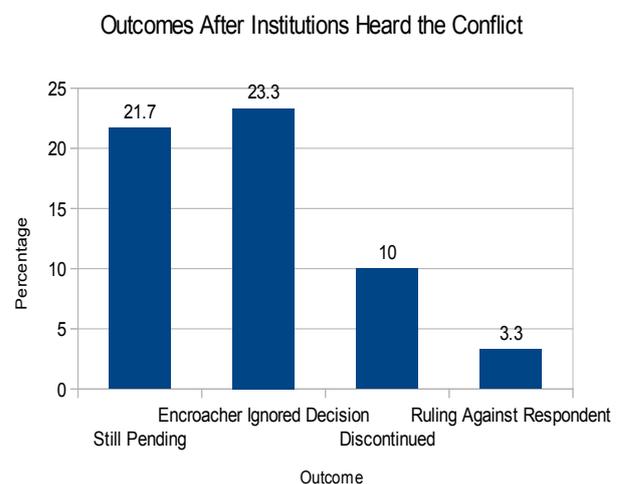


Figure 6 reveals that the most common institutions EVIs turn to for help with land conflicts when attempting to return home are the LC I and II. 65% of EVIs (39 total) brought their conflict to an LC. Some LCs (e.g., R21) merely referred the case to others. Others ruled in favour the EVI (e.g., R23), but their decisions were ignored because the LC was regarded as weak and ineffective. One LC I (R59) refused to solve a land conflict because he said the conflict is “cursed.” At other times, the LCs are complicit in the conflicts. One EVI (R35) told LEMU that members of the clan advised him not to raise the case before the LC I until the current LC I steps down, because the EVI would surely lose the case due to the LC’s bias. Another EVI (R34) said that the LC I ruled against her, but, two days after the ruling, she found out that the LC I had purchased the very same land in conflict for four bulls. In a third case (R13), the LC I and II were the same person, and he had been bribed by the encroacher; when the EVI attempted to bypass the bribed LC official by going to the High Court, the High Court sent the case back to the LC I. LCs have even participated in forgeries (e.g., R15 and R19) and beatings (e.g., R29).

Figure 6 demonstrates that 38.3% of EVIs (23 total) brought the land conflict to the clan. Often-times, the clan supported the EVI, but was ignored by the encroacher. At other times, the clan refused to help the EVI; one widow (R30) reported that a clan leader got so frustrated with the complexity of her conflict that he refused to help her. In other cases, the clan chose appeasement over protection of rights; for example, one widow (R32) took her case to the clan leaders, who divided her land to pacify the encroacher; the encroacher was not appeased and set the EVI’s house on fire three days later.

13.3% of conflicts (8 total) were taken to the High Court or to the Magistrate, but these cases were often referred back to the LCs (e.g., R13). The inability to pay necessary court fees often resulted in discontinuation of the case; the general discontinuation rate is 10%, as is reflected in **Figure 6**. Courts can become tools in the hands of wealthy encroachers to threaten EVIs or waste their time and money; one EVI (R36) was summonsed to High Court in Soroti, which was likely a veiled threat since the summons ordered him to arrive without any witnesses.

At the time the profiles were compiled, 21.7%, or 13 total cases filed in both LC and magistrate’s courts were labelled “pending” decision. Several cases were pending because institutions feared

the encroachers; others were pending due to corruption of officials; and still others were pending due to an inability to pay necessary court fees or bribes. While these cases were still pending, the encroachers continued on the land undeterred, and the EVIs were forced to remain in the IDP camps.

d. Referrals and Police Reports

In more than half of the profiled cases (33 EVIs; 55%), the institution that the conflict was first reported to did not deal with the conflict but, instead, referred the case to another institution. To illustrate this, consider the following story of one EVI (R30): after returning from the camps, she went to the LC I for help, who sent her to the clan leaders, who called a clan meeting, who made a decision that the encroacher ignored; the clan told the EVI to take her case to the LC III, who wrote a letter to the LC II, who wrote a letter to the LC I, who called for a meeting with clan leaders. The process was entirely cyclical, expensive, time-consuming, and unproductive, and the encroacher continued undeterred; the EVI was forced to remain in the IDP camp.

Occasionally, the EVIs reported the crimes committed during the conflict (as discussed in Section **III.5 of this report**) to the police. 14 EVIs (23.3%) sought assistance from the police. In only two cases (R4 and R11) was the encroacher was imprisoned by the police, but in both cases, the encroacher was released soon thereafter and continued grabbing the land. The home of one EVI (R45) was burnt down several different times, and each time, her husband filed a report with the police; nothing was ever done to the encroacher/arsonist. In another case (R42), after receiving reports of destruction of property, the police merely referred the case to the LC I.

(4) Strong Evidence of Land Grabbing

Many land conflicts are not obviously land grabbing and may frequently appear, on the surface, to be a genuine dispute over land. However, analysis of the 60 reported cases from the IDP camps reveals strong evidence that most of the conflicts leaving EVIs in the IDP camps are land grabbing cases.

a. Land Grabbing Tactics

- (1) *By Excuse*: EVIs reported grabbers using excuses, such as the invalidity of a marriage after the spouse died (R22) or demand of dowry refund after the spouse died (R6). Additionally, husbands may chase wives away and say that they no longer want to be married without getting an official divorce, which leaves the wives no land at their birth homes (because they are technically married) or at their marital homes (because their husbands threaten them), and forces them to return to the camps (R24). Still others may use the excuse that children born at home do not have any land rights (R53). Interestingly, one EVI (R58) was told that she couldn't own land because she was illiterate and could not speak English. Another common excuse is to use a small debt owed, such as a cow (R19) or 100,000 shillings (R36), and say that the small loan was exchanged for the EVI's entire land.
- (2) *By Disputed Sale/Gift*: This tactic is used particularly with widows shortly after the deaths of their husbands. A grabber may either try to sell a widow's land and claim ownership (R25), or may claim that a sale by which the woman has land rights was not legitimate (R56). For example, one widow (R25) was told that a sale to her husband from the grabber was not legitimate, and she could not prove it was because she was not a witness to the sale. Grabbers may also attempt to retract gifts of land (R6).
- (3) *By Encroachment of Borders*: A grabber may be the EVI's neighbour and may encroach over their property borders, or even destroy boundary trees and boundary markers (which is a criminal offence). One EVI (R44) returned home after the cattle raids to find that a long-time friend and neighbour encroached on over half of the EVI's property. Some

neighbours may deny the EVIs any access to their rightful land (R46), while others may uproot plants used as boundary markers (R22). An EVI (R12) told LEMU that a grabber dug away his family's grave and cut down the boundary trees in an attempt to erase the boundary so that the EVI could not reclaim his land.

- (4) *By Intimidation/Slander*: 12 EVIs (20%) reported grabbers using extreme fear tactics to intimidate the EVIs into abandoning their land rights. Some grabbers may scare land owners into remaining in the camps with death threats (R11), with witchcraft (R39), or by using connections with dangerous individuals such as LRA rebels (R51). Others may slander the land owner in the community such that it becomes difficult to garner clan support (R41).
- (5) *By occupying land of an owner who is absent from land for a long time*: When land is abandoned over long periods of time while the true owners seek refuge in the IDP camps, grabbers may settle and cultivate, making themselves at home on the land through adverse possession. One EVI's (R12) land was cultivated for over twenty-seven years while she remained in the refugee camp. Similarly, another EVI (R49), who had lived on her family land for over 30 years without dispute, fled to the camps during the cattle raids and remained there for 20 years; during most of that time, a fellow clan member lived on and cultivated that land.

b. Presence of Boundary Markers

Even though only one EVI (R26) out of sixty had any type of paper documentation of land ownership, a strong majority of EVIs had their property marked properly under customary law. Almost two thirds of EVIs (37 total; 61.7%) had their property demarcated with boundary trees, and over one third (21 total; 35%) used family graves for boundary marking and land identification purposes. An additional 13.3% of EVIs (8 total) constructed significant landmarks on the property. Such markings as identified by EVIs indicate clear boundaries and ownership over land under customary law. The extensive efforts of some encroachers to remove those boundary markers (R12) or dig up graves (R9) testify to the strength of evidence of ownership that such markers provide. One grabber even ploughed over 8 graves of the EVI's (R46) relatives in order to cultivate and construct on the land. The presence of clear boundary markers in a majority of the cases reported by the EVIs indicates that the land was clearly delineated, and grabbing was not genuine land conflicts where parties are sincerely attempting to sort out who has rights to what land.

c. Witnesses and Social Support

26 EVIs (43.3%) reported strong support from neighbours, clan members, or other community members who believe firmly that the EVI has rights to the land in question. Only two EVIs had no support from the clan or community. This speaks strongly to the existence of many witnesses to land ownership. Several community members told LEMU that they knew the EVI owned the land (R1); occasionally, they expressed a fear of violence caused by the EVI asserting land rights (R4; R43). This illustrates that, though the community may believe that the EVI is the rightful owner, the community fears involvement and prefers peace and pacification over involvement in the conflict.

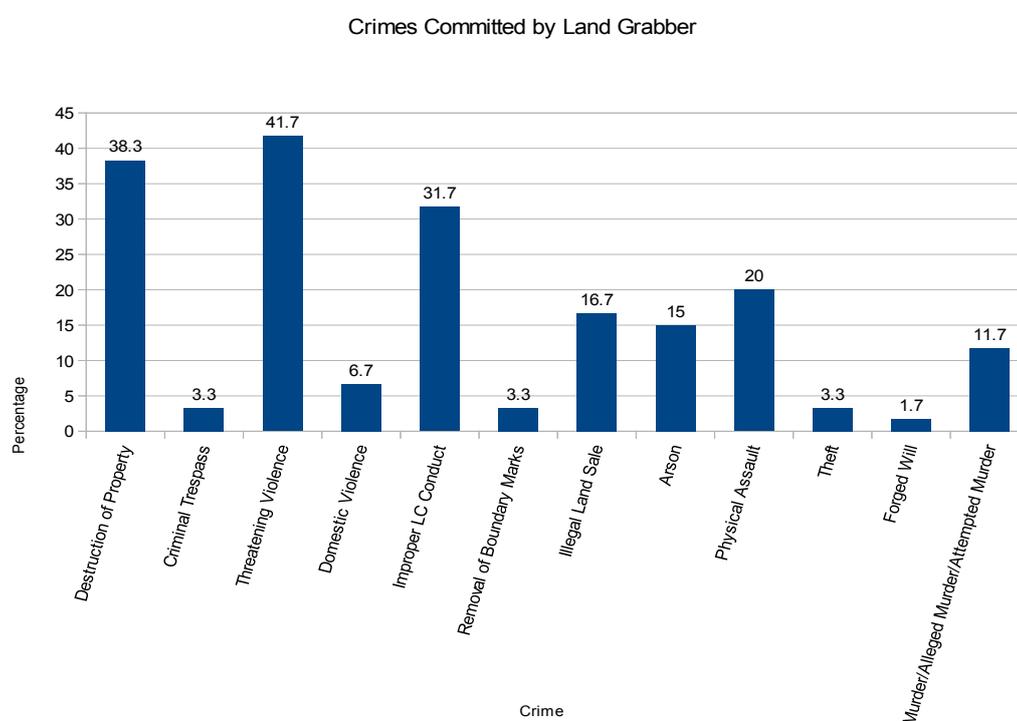
Some community members told EVIs (R13; R35) to stay in the camps until the conflict has settled. Community members may attempt to reason with an encroacher, but such efforts were generally unsuccessful; in one case (R15), elders approached the grabber to tell the grabber of the EVI's rights, but the grabber ignored the elders.

It is noteworthy that, often, many witnesses know the EVI's land rights. One EVI (R18) easily provided LEMU with the names of 10 witnesses who knew their land rights. Many witnesses even recognise the grabber's actions as land grabbing. For example, in one case, community members overwhelmingly agreed that the EVI's (R44) piece of land had been grabbed from him by a certain individual; in another case, community members recognised that a land sale occurred without the EVI's (R45) required consent.

(5) Criminal Acts Committed by Encroachers

Associated with the fear of returning home (and, thus, necessity of staying in the camps) are the crimes that land grabbers commit against EVIs, both while they are in the camps and upon attempted return from the camps. **Figure 8** shows the different crimes reported in association with the EVIs' land conflicts. Below are examples of each type of crime from the stories of the EVIs.

Figure 8



a. Destruction of Property (23 accounts): Frequently, grabbers will destroy the EVI's efforts to cultivate land or construct a home upon return from the camps. One EVI's (R21) house was completely destroyed, and her garden crops were destroyed and ploughed over. Another EVI (R18) had just begun construction on her home when the grabbers cut down the house's support poles, destroying her efforts.

b. Criminal Trespass (2 accounts): In one case (R11), several grabbers admitted to the LC II that they were trespassing and agreed to pay an arranged compensation. However, the parties refused to pay and the police arrested them, but they were immediately released, and they continued to trespass in violation of the LC II's orders.

c. Threatening Violence (25 accounts): When two neighbouring clans grabbed one EVI's (R11) land while he was in a IDP camp during the cattle raids, the EVI received written death threats from one clan's leader. Combined with the fear that his father may have been poisoned by land grabbers, the EVI was persuaded to remain in the camp to avoid becoming a victim of violence. *See section also III.3(a) of this report.*

d. Domestic Violence (4 accounts): One EVI (R24) lived in the camp because her husband threatened her life and chased her from her home. Her husband burned her hut down twice, saying he no longer wanted her as his wife. She tried to return home once to cultivate some food, but her husband got a stick, beat her, and threatened to cut her with a panga, which caused her to run away in fear. Similarly, another EVI's (R27) husband beat her, burned her mother's house down, and chased her from their marital land several times with a panga or a hoe; each time, when he failed to catch her, he killed a small animal, took it to his children, and told them, "Your mother would be the one lying there if she had not taken off." He threatened to kill her and her oldest child, who is disabled, if they ever returned to the land.

e. Improper Clan/Court/LC Conduct (19 accounts): One EVI (R3) returned to his homeland and found that his cousin had grabbed his land. He went to the clan, but the clan leader showed little concern, asking him for a "kiti kidogo" (bribe); the EVI, however, had no money. The cousin began to sell the land without family approval, but the EVI could not go to the LC I, LC II, or clan because he did not have enough money to pay the necessary bribe. *See also section III.3(c) of this report.*

f. Removal of Boundary Plants (2 accounts): *See section III.4(b) of this report.*

g. Illegal Land Sale (10 accounts): *See section III.4(a)(2) of this report.*

h. Arson (9 accounts): One EVI (R45) and her husband lived in a camp because they were constantly threatened with violence by a land grabber. The grabber burnt down their grass-thatched home on several different occasions, the first of which was in November 2007. In 2008, the grabber tore down the wall in the EVI's home. Each time the house was burned or destroyed, the EVI's husband reported it to police, who never acted on the reports.

i. Physical Assault (12 accounts): After returning from the camps, one EVI (R23) began to harvest a crop of sweet potatoes, which were then destroyed by a land grabber. When she confronted the grabber, he and his family beat her severely. She reported the incident to the LC I, who took it to the police, who brought him in for questioning and let him off with just a promise to never do it again. The exact same sequence of events occurred a year later. Similarly, a widow (R29) returned with her children to her late marital village to her land, where she found her stepsons living. Together with the area's LC I, they severely beat both the EVI and her children, broke all of her plates, demolished her house, and killed her goat. They chased her and her children away, threatening to kill them all.

j. Theft (2 accounts): In May of 2010, a EVI (R31) tried to rebuild her home upon return from the camps, but one night, all of the materials she collected to rebuild the home were carried away by someone using oxen. She followed the trail and found the materials at the home of the land grabber. The EVI went to the LC III, who scheduled a meeting, but the meeting never occurred and nothing was ever done about the theft.

k. Forged Will (1 account): When an EVI's (R50) father died, the EVI's brother produced a forged document that he claimed was his father's will, which he read to the clan. The clan members disagreed with the brother about the document, but decided to wait until another one of the EVI's brothers resolved the issue. The other brother was threatened into silence by the brother who forged the will, as the grabbing brother said he would kill the other brother if he pursued the matter.

l. Murder/Alleged Murder/Attempted Murder (7 accounts): After living in a camp for over thirty years, a EVI's (R4) son attempted reconstruction of their family home. A land grabber, however, killed him when he returned to the village; his murderer served a short term and was released from prison, where he continued to occupy the EVI's land. The EVI returned to continue construction, but her houses were burnt and she was chased back to the camp. In

another case, the EVI's (R32) home was set on fire by her in-laws. She reported the arson to the LC I and police, who did not respond effectively. Her brother-in-law later kicked the EVI's daughter in the stomach very hard. The child was taken to the hospital. When the EVI told the doctors that the girl had been kicked, the father-in-law chased the EVI away; the child died soon afterwards from damage to her internal organs. Several years later, another one of the EVI's children mysteriously passed away while under the care of the same father-in-law and brother-in-law.

IV. Resettlement and Conflict Resolution

After interviewing the EVIs and compiling profiles based on the information collected, the LEMU field office in Soroti stopped researching and began implementing recommendations on how to relocate the EVIs by working to resolve their land conflicts, the proposed actions are illustrated in figure 9 below. The outcome of LEMU intervention towards conflict resolution and resettlement is also presented in figure 10 below.

Figure 9:

Actions proposed for resolution of EVIs' land rights disputes

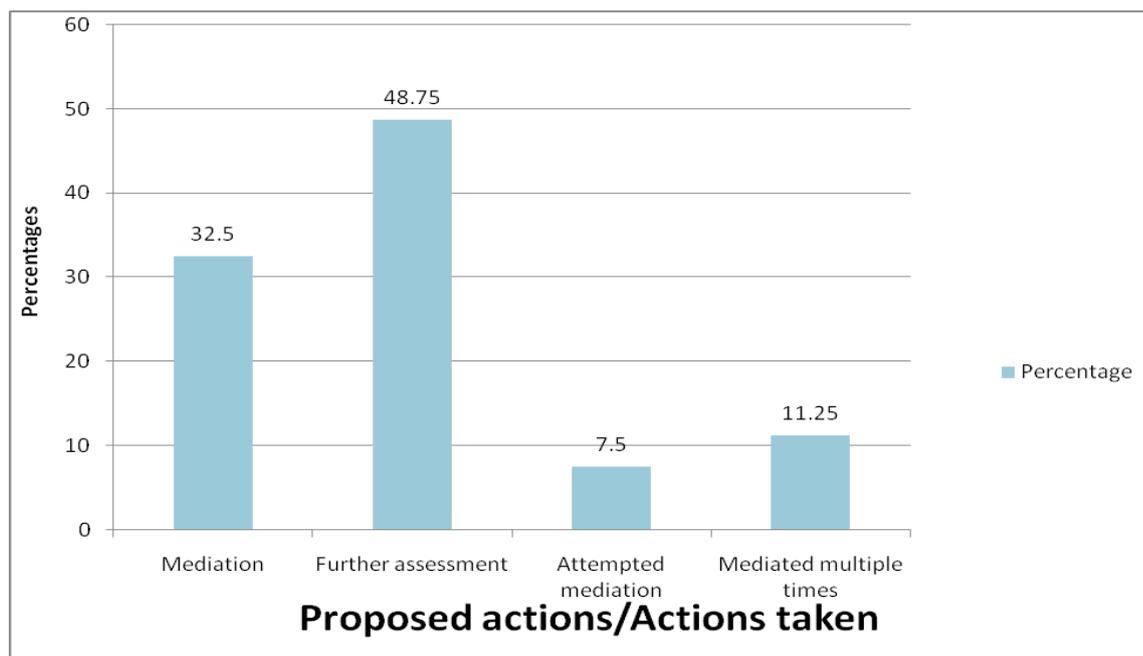
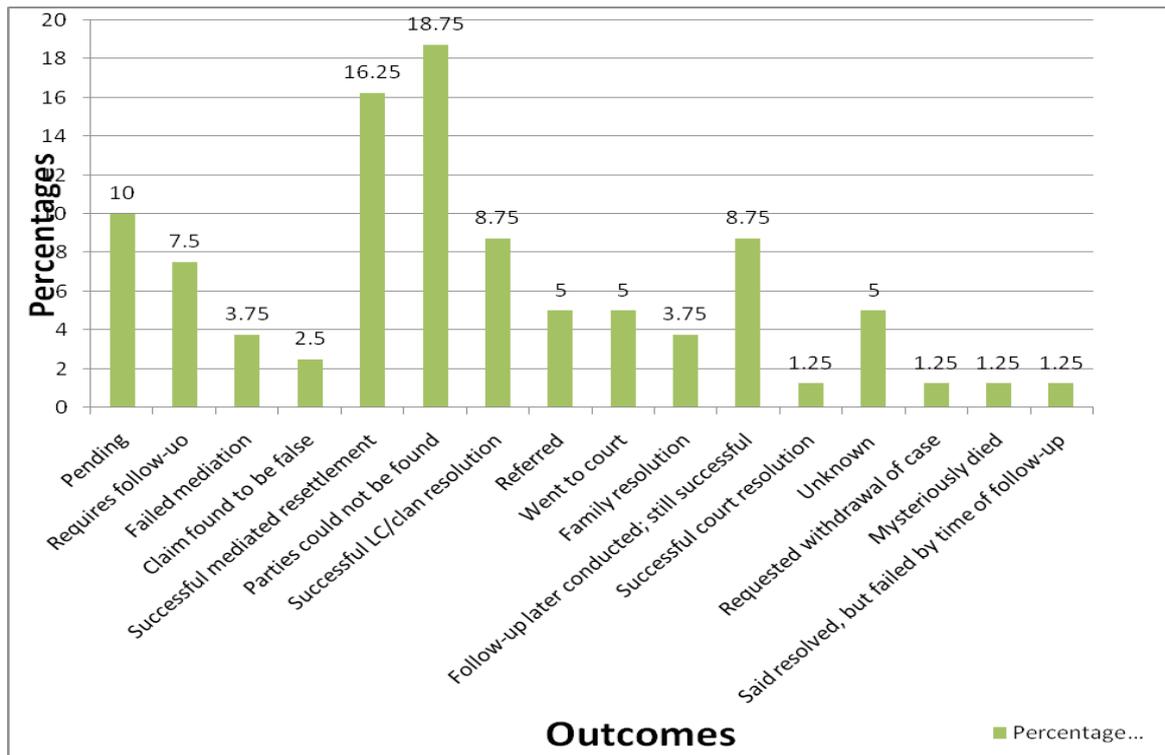


Figure 10:

Outcomes of LEMU intervention towards the resolution of the EVIs' land disputes

LEMU staff and university law students conducted 39 assessments (48.75%) and 26 mediations (32.5%). 9 cases (11.25%) required multiple mediations, and in 6 cases (7.5%), mediation was attempted but did not occur for various reasons.



As illustrated in figure 10 above, LEMU tracked the success or failure of each case, often conducting a follow-up visit to ensure that if successful resolution was reached, it was not contrived or temporary. At the writing of this report, 8 cases (10%) are still pending. As previously stated, 26 cases were mediated, and out of those cases, 13 cases (16.25% of the mediated cases) resulted in successful resettlement. During mediation, 2 claims were found to be false; 1 case seemed successful, but had failed by the time of follow-up; and 3 cases failed to reach a mediated agreement. Many mediations (e.g., R1, R3, R5) were held with clan leaders playing key roles in the mediation. For example, in one case (R10), the LC I and II both attended to offer a complete history of the conflict, which helped the parties reach successful agreement. In another case (R31), a mediated agreement was reached quickly and successfully because the clan cooperated in the mediation and provided support for the proceedings and agreements reached. Mediated cases where the clan took control of the mediation (e.g., R50) were generally successful in reaching lasting resolution. Also, cases where the parties were in the process of negotiations already before mediation was conducted (e.g., R36) were generally successful in reaching lasting resolution.

In some mediated cases, sensitization played a critical role. For example, parties to one case (R35) reached a successful resolution after being told what land rights existed under customary tenure, which clarified the dispute for the clan and for the parties involved. In another case (R6), no mediation was even required because sensitization alone clarified the EVI's land rights before the clan, who then acknowledged and protected her rights to the land.

Aside from mediation, 7 cases (8.75%) were resolved successfully through the clan and/or LC, 3 cases (3.75%) were resolved by the family without outside help, and 1 case was resolved successfully through the courts. In summary therefore, a total of 24 cases (30%) was resolved and the EVIs resettled back to home lands by the different actors like LEMU, clan leaders, LCs, family members and the court.

It is important to note that the survey of the EVI recommended many strategies and action points towards resolving the conflicts such as prosecution of offenders in some cases where crime was reported, the principal aim of creating peace among the conflicting parties and families made LEMU to use mediation in most of the cases. The use of mediation however limited the resolution of the most cases as this approach relies on good faith of both parties, a quality which was lacking on the side of the land grabbers.

Even with the support of the clan, some cases were unable to reach resolution; for example, in one case (R44), the elders of the clan supported the EVI, but the grabber still refused to back down from his encroachment.

4 cases (5%) were referred by LEMU for various reasons. One case (R9) that was referred by LEMU because mediation failed, and the case is still pending in the courts at the time this report was written; the conflict thus continues years after displacement officially ended. Additionally, 4 cases (5%) have an unknown outcome, either because one or more of the parties could not be located at the village address compiled by LEMU during the EVI survey, one or more of the parties died, or the EVI lost interest in the case and gave up land rights.

V. Conclusions

1. IDP camps were still occupied by EVIs, even after they were officially “closed by the Uganda Government.” Though many in Uganda would deny that IDP camps continued to exist after the insurgency, this research reveals that not only did the camps continue to exist, but they also were of considerable size. **Figure 3** reflects that a strong majority of EVIs had more than five surviving children; not only did the EVIs continue to live in the refugee camps, but entire sizeable families lived there as well. Many lived in the camps for decades and were unable to relocate because of lasting severe land conflicts.

2. Many EVIs remained in the camps because of land grabbing. Originally, LEMU had anticipated only profiling 44 widows who remained in the camps because of possible land conflicts; however, as LEMU’s investigation continued, it became evident that not only were those EVIs unable to return home because of land conflicts, but also that a greater number of such EVIs existed than anticipated. LEMU surveyed 60 EVIs, and this number included not only widows, but a wide range of individuals, including men and married individuals, who were vulnerable to land grabbing. These individuals wanted to return to their village homes, but were unable to do so because their land remained embroiled in unresolved land conflicts. Moreover, these conflicts were generally not genuine disputes but were land grabs as many land grabbers refused to take part in the well intended mediation activities organized by LEMU and the clans. Furthermore ; the clear demarcation of borders, the techniques of grabbing used, and the plethora of witnesses testifying about ownership showed that dispute over ownership was not genuine, but revealed the true situation: the strong and powerful taking advantage of the weak and displaced. This conclusion confirms the finding of a land grabbing research conducted LEMU and others in Acholi, Lango and Teso. This land grabbing cancer is not only being faced by the EVIs but this is a reflection of a failed land justice system especially under the customary land tenure.

3. EVIs could not return home alone due to the impunity of the land grabbers. The severity of crimes committed by the land grabbers, and the nature of the threats received by EVIs, indicated that a majority of EVIs were in highly dangerous situations, facing constant threats not only to their properties and livelihoods but also their lives and the lives of their loved ones. Intimidation alone is a strong tool of grabbers. Additionally, many grabbers showed themselves capable of manipulating the justice system by causing lengthy delays, paying bribes, or using connections and bias within the system to their advantage. Even when clans or LCs ruled against land grabbers, the perpetrators frequently disregarded the judgements, knowing that they could not be enforced; even when grabbers were jailed, they were released shortly thereafter and continued grabbing, encroaching, and acting with criminal behaviour in the same manner as they were acting before imprisonment. In these ways, the grabbers were much stronger than the EVIs could ever individually be, and were often stronger than the institutions attempting to punish them or check their behaviour. Stronger force such as the intervention of the police and further support is needed to combat such powerful and malicious perpetrators. Without State support, the EVIs will continue to suffer in the hands of the land grabbers, a special case for further follow up are the EVIs reported to be in IDP camps in Katakwi. Recent information gathered by LEMU staff shows that some of the EVIs have attempted to return to ancestral village home lands but are facing severe resistance and attack from the land grabbers.

4. When clans and communities became engaged in resolution, resolution was generally more effective and more easily reached. Mediations tended to be more successful when the actively participating parties in the mediation included several clan leaders, LCs, and elders who knew a history of the land and of the conflict. Moreover, many clans and LCs were able to reach successful resolution on their own, particularly after they became sensitized on who has what rights under customary tenure. The support of the community and of the clan is vital to the lasting success of any negotiated agreement or action against land grabbers.

VI. Recommendations

1. Focus on relocating EVIs to their homeland by combating land grabbing. Relocating victims is no longer a question of providing proper aide and transport. To relocate EVIs, further attention is needed to the heart of the issue: the resolution of land conflicts. Any efforts to relocate EVIs without focusing on resolution of the underlying land conflicts will not only be ineffective but will have the potential to exacerbate existing conflicts. Focus must be given not just to settlement, but to true resolution of the problem.

2. Work through existing institutions to strengthen their capacity to combat land grabbing. Organisations should focus their efforts on investigating the conflict thoroughly and providing institutional support for the resolution of conflicts, particularly in mediation, arbitration, and crime stopping. Government support for institutions designed to deal with land conflicts is vital to build their capacity to combat land crimes and deter further encroachers from taking advantage of EVIs. The prevalence of referrals and “forum shopping” indicate that grabbers are currently able to manipulate the confusion that exists between different institutions to their benefit, to keep the case from being heard efficiently and effectively. Cooperation to avoid such manipulation will require the concerted efforts of magistrates, NGOs, cultural institutions, police, courts, and other stakeholders. Pressure should be applied to clan leaders from clan members, and clans should work in cooperation with state authorities to improve enforcement mechanisms. Police should act quickly, decisively, and powerfully against crimes committed by land grabbers. A smooth pathway to justice, where citizens can know what problems to take to which institutions, should be identified and published to the community for wide adherence; this can only occur through institutional cooperation. When institutions work to strengthen each other, instead of merely referring cases to each other, then EVIs and other IDPs will not fall through the cracks of a broken system, but will be able to trust the system to administer justice.

3. Unify communities to show ownership over the problem. A popular saying says, “It takes a village to raise a child.” It also takes a village to solve the property conflicts of its members. This research revealed that members of the community overwhelmingly acknowledge the land rights of the EVIs and recognise that injustice is occurring. Communities should be motivated and encouraged to take action, and should work cooperatively to put pressure on institutions to promote reform, accountability, and protection.

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