

CONFLICT WATCH

Advisory Consortium on Conflict Sensitivity
(ACCS)

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Talk to our People!

Alur Kingdom Advice to Investor Mukwano over Abanga Farm Land

Compiled by Odong Jackson

1.0 Introduction

On Thursday 17th May 2012, Refugee Law Project (RLP) facilitated and documented a high level consultative dialogue over the contested Abanga Farm Land, Zeu Sub-County-Zombo District. This meeting was a follow-up on the earlier resolution arrived at in the previous stakeholders dialogue held at the Abanga Land. For over two years, the Mukwano Group of Companies has locked horn with local communities (about nine clans) over ownership and use of the Abanga farm land. This contestation is about land ownership, size and land use. This meeting involving the Community of Abanga, Alur Kingdom, Mukwano Group of Companies, MP's and CSO's representatives took place at Kawempe Country Inn, Kampala. It provided a platform for the different concerned stakeholders to engage in a much more constructive and transparent dialogue with equal representation of all concerned stakeholders. Prior to these meetings, the Abanga farm land had been the centre of controversy and direct confrontations, including destruction of property and deployment of the military involving mostly the local community and officials from Mukwano groups of companies.

2.0. Emerging Conflict Issues, Dynamics and Risk Factors

2.1 Background

As noted earlier, resource based conflicts relating to land, wildlife and forest products in Northern Uganda have been on arise of recent. This is not necessarily a new phenomenon but its magnitude and dynamics have tended to take a different drift in the recent past. This has been partly attributed to the LRA war that destabilized the region. On Tuesday 11th April, 2012, Refugee Law Project (RLP) responded to the call by different stakeholders to facilitate and document a dialogue over the Abanga Land. This resulted from an ACCS Stakeholders dialogue once held over the Lendu Forest



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Reserve by RLP in August 2011 at the District Farm Institute (DFI) in Zombo. Among the conflict issues identified was the dispute over Abanga farm land in which, nine (9) clans (Pagei, Awora, Abanga, Jupakubi, Ayaka, Papoga, Alisi, Pakia and Andaciare) have been affected. Several efforts to dialogue and explore the conflict issues, causes, drivers and dynamics in Abanga, have been made though less satisfactory. In 2008, Mukwano using its graders to open the land, destroyed people's crops. The community angered by the actions of Mukwano, retaliated and destroyed Mukwano's property (water pipe, fence and generator), including burning down over 1000 pines. The current strained relationship calls for a need for the different stakeholders to engage in constructive dialogue. This realization perhaps provided room for the previous and this very dialogue RLP has facilitated and documented. This particular dialogue was unique in the sense that it was building on the previous ones earlier conducted.

2.2 Historical Context: Perspectives' by the Alur Kingdom

Land in the kingdom belongs to king and no one owns land in Alur

except the king. Chiefs and clan leaders are only custodians of land in various locations, therefore for one to get any piece of land the king has to be informed. A case of Abanga is not unique to this tradition and following is an account of how this land moved from the kingdom to government and thus, ended up in the leasehold system.

- Traditionally, some land is offered by the king as a family land which can be sold also as a family. Others belong to the kingdom but offered to community on customary terms for joint ventures and one can't sell such land, not even the king alone. Implying that, for any transaction on such land, the whole clan has to be called upon and all members sanction it by appending their signatures.

- Initially, the kingdom gave land to; Akeju and Abanga, all of which were under West Nile district with the headquarters in Arua.

- Government showed interest in this land in 1968. The chief of Kubi, based in Abanga informed the king on government's interest. The chief and the king met and accepted to offer 500 acres of land to government for tea estates.

- On the 500 acres offered, some people were compensated, so they left and relocated. Others were partly compensated and they never left, they remained up-to-date.

- During this time, UPC was in power, and given the political history, dilemma and conflict—UPC because of its superiority suppressed all other political parties.

- People then continued to live in shadow IDP's, as this land kept changing hands—a fact that was little known by many including James Finley until Mukwano acquired this land. In Mukwano's attempt to demarcate the land, they met stiff resistance from the community. Unfortunately, they used force, something that worsened this conflict.

- The witnesses for the giveaway of 500 acres still live and other relevant documents (some traced to 1942) including agreements regarding all the land dealings in the kingdom are available. However, at some point back in time, a strong heavy wind blew away the roof top of the king's house, destroying some key documents which were recovered but are still being compiled.

2.3 Mukwano's Standpoint on Acquisition and Ownership of Abanga

As an investor, Mukwano believes that there are laws, statutes and a constitution that guide progress in regard to investment in Uganda. In relation to how Mukwano ended up in Abanga farm land, the following is fundamental:

- Mukwano, after the violent LRA war, learnt that the north was seriously affected and felt they could make a contribution to the rebuilding and development of northern Uganda.
- Mukwano through its established networks consulted and learnt that there was some land suitable for tea production that was on sale by James Finley. They engaged the management of Finley and the Abanga land was bought with a land title and no encumbrances.
- Mukwano employed someone to assist in the management of the farm and the infrastructure established.
- Subsequently, there was no direct visit and engagement by Mukwano's senior management for some time, as they relied on the staff that was deployed on the ground.
- When we lost our staff

deployed on the ground, there was need for someone in senior management to be engaged in the operations at the lower levels since a gap was already created. This was the time when things fell apart and it didn't take long and we were attacked by the local community.

- In consultation with the local authorities, Mukwano managed to resolve this conflict but subsequently, their staff was attacked and out of fear, Mukwano decided to seek refuge from the RDC and other district officials. This is how the UPDF ended up in the farm.
- According to the law of Uganda, the one who holds the land title is considered the owner of that land. And since Mukwano has the land title for Abanga farm land, they strongly believe that they own the land.

2.4 Community's stance on Ownership of Abanga

The community remains unsatisfied on the outlook of Mukwano over the acquisition and ownership of Abanga land. Key concerns to the community include:

- Much as the land belongs to the kingdom, it was given to the people. The community

recognises that only 500 acres were offered for tea production. Unfortunately, to their dismay, this land that was offered for tea production has not seen any development as expected.

- There has been a growing concern over the lack of land for the increased population in the community. A letter highlighting the shortage of land was sent to the kingdom to that effect. In 1998, the Kingdom equally wrote to the Minister of Lands over the same concern but no response has been received to date.
- The community holds quite a number of questions over this land, some of which include;
 - Mukwano claims they didn't find anyone in Abanga, but now where do they think the community came from?
 - As a community, we only know 500 acres, but Mukwano has more—how come and what could be the way forward?
 - What are the plans for the community members who have been born in Abanga and whose entire livelihoods depend on that land?

2.5 Key Conflict issues on Abanga Land.

Several issues have been documented about this dispute.

However, clear answers to some of critical questions raised have not yet been realized. Key conflict issues surrounding this particular land dispute include:

- There is conflict over acreage—500 acres versus 1500.
- Compensation of the affected people has not been comprehensively done.
- The compensation of those whose crops were destroyed (if true) need to be addressed if peaceful coexistence is key for both parties
- The question of what happens to those who fall in the 3000 hectares remains an issue to be explored explicitly.
- The different documentation proof need to be harmonized and the need to keep such vital documents for future reference should be emphasized.
- No one can ably use the land, not even Mukwano or the community. For close to four (4) years, no one has been able to use this land. This indicates the urgency and need to have an end to this standoff.

2.6 Lessons Learnt from Abanga Land Conflict.

This particular conflict presents an opportunity through which vital

lessons can be drawn in regard to investment, land acquisition and ownership in post conflict north. These include:

- The central point for both the community and investors including other stakeholders should be sustainable conflict sensitive development.
- People need development and without the community, there is no good investment—thus having regard for humanity in the discourse of investment is important, though without investment the people can't progress.
- Some land conflicts like this require some political good will to address them. And where necessary parliament should be engaged to offer guidance to intricate land conflicts of this nature.
- Development shouldn't be protected by offence—it's the investor-community relationship that matters most.
- Parliamentary processes aimed at addressing such conflicts and emerging issues should be accelerated to ensure more feasible and tangible results.
- The approach in which land is often acquired including respect and consideration of the

community/people on the land matters especially in managing and preventing land conflicts of this kind.

- The underhand approach to resolving or enforcing development cannot breed peace when dealing with the question of investment.
- Acknowledgement or acceptance of any wrong doing is crucial in relationship and confidence building. That's perhaps why people say they don't need Mukwano anymore. Simply because, if Mukwano accepted their fault and asked for forgiveness, then the community would be compelled to forgive and cooperate with them.
- The question of how best one can strike a compromise among the affected parties is crucial in such situations.
- Traditional institutions are the center for defining boundaries and relationship building in the cases involving customary land.
- It's important to always have a coordinated approach that doesn't escalate the conflict.
- Investors should approach the rightful persons and institutions in matters regarding land and investment.

2.7 Way forward/

Recommendations:

- The initiative that has been started in parliament has to be pursued and driven to conclusion. This should be complemented by other parallel and yet complementary processes by other peacebuilding actors.

- Parliament through the concerned committee should prioritize Abanga issue—given the fact that government processes takes time and that land issues are now prevalent across the entire country; from Karamoja, Teso, Acholi to Kasese.

- Mukwano and the Community should each consider their interests. That's; Mukwano's investment interests and the community's livelihood interest as a comprehensive solution is being sought.

- As a measure of confidence building, Mukwano should withdraw the UPDF from Abanga and rather uphold social dialogue.

- The Alur cultural institution should commit to mediating between the conflicting parties as well as establishing clear boundaries/demarcations of the land in

question, including determining the affected people.

- Community should offer an assurance that no one will never go and harm Mukwano or their property in anyway. Since they have all committed to social dialogue.

- Mukwano should commit itself to investigate the claim that they destroyed people's crops in their attempts to evict the people from Abanga land.

3.0 Key questions demanding answers

1. Did the king get this land back after it was offered to government?

2. If not, can the king still get this land back?

3. Do we have a rule of law in this country that can current local leaders be trusted to represent the people?

4. What should an investor speak with to legitimately acquire customary land . - should an investor knock on every community members' door before concluding any land deals even where there are lease offers?

5. Is there any provision that allows both the conflicting

parties to engage in the use of land as they seek for a conclusive end to the conflict? or

6. Is there any framework in which the community and Mukwano can work together despite the dispute?

4.0 Conclusion

The wave of land conflicts have continued to deepen and widen both in scope and intricacy. This calls for the need to conduct a comprehensive mapping of all land conflicts, issues and dynamics in the region so as to determine an appropriate response mechanism. In addition proper land registration, demarcation and documentation is central in addressing the looming land disputes that are threatening to jeopardize peace recovery in post conflict northern Uganda. As it has already been observed, land conflicts is yet another war the north has to battle with and it threatens to reverse the development already achieved as well as destabilize progress and the relative peace currently enjoyed.

About Refugee Law Project (RLP)

The Refugee Law Project (RLP) seeks to ensure fundamental human rights for all, including; asylum seekers, refugees, and internally displaced persons within Uganda. RLP envision a country that treats all people within its borders with the same standards of respect and social justice.

About Advisory Consortium on Conflict Sensitivity (ACCS)

The Advisory Consortium on Conflict Sensitivity (ACCS) is a three member consortium that brings together, Refugee Law Project, International Alert and Saferworld. The overall aim of ACCS is assisting DFID and partners in strengthening the potential of the PCDP and recovery process to address the causes of conflict and contribute to sustainable peace and stability. Under ACCS, RLP is leading on contextual analysis of the overall recovery process (focusing on conflict indicators, issues and dynamics), and early warning as and when necessary.

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