



2ND October, 2012

SITUATION REPORT

IS IT OIL, LAND OR INVESTMENT TRIGGERING INCREASING LAND DISPUTE IN LAKANG VILLAGE OF AMURU DISTRICT?



Voices from Lakang:

The Development Question

Money Minters: Committees & Opportunists

Unrevealed Oil Prospects

Guns, Intimidators & the State

Frustrating Judiciary & Legal Processes

Politics, Administration & Service Delivery

No Free Land in Lakang

The scenario in Lakang is unique and has been described by two major secrets. First is that, Government institutions is being used to grab land under the pretext that the land in question is a game reserve. The second secret is that, the disputed area potentially has mineral resource wealth – and to reduce cost of compensating the locals, it is better done through a single entity. With such dilemma, the land dispute in Lakang still remains largely unresolved and has the potential to turn violent.

Introduction

It is alleged that his Excellency, the President of Uganda shall visit the disputed area of Lakang on the 15th October, 2012. As the dispute over the 40,000 hectares of land between the locals and the Madhvani Group of Companies still remains largely unresolved, it is stated that the President's visit is intended to launch and officially open avenues for the Madhvani Group of Companies to operationalise the sugarcane growing project in Lakang. This news has raised a lot of emotional flare and uproar in Lakang and many have questioned the relevance of the scheduled visit.

“I heard that my land has been sold to a major, but I was also a major and when time comes to becoming one, it shall be easy for me” says angered resident of Lakang village.

This situation report presents analysis on the ongoing large scale land acquisition practices and processes and the implication on poverty and sustainable development among local communities in Lakang village, Amuru district in Northern Uganda. At the international levels, the development of large scale land acquisition by individuals and companies has been explained by: the rush for agro fuels as an alternative to fossil fuels; incentives and subsidies in developing countries; increased demand for raw materials and expected price increase in farm land.

However, the scenario in Lakang is unique and has been described by two major secrets. The first alleged secret is based on the pretext of the disputed land/customary land of Lakang being a game reserve and the use of the Uganda Wildlife Authority (UWA) and the Uganda People's Defence Forces (UPDF) to intimidate and evict the locals out of the said customary land. The second secret and what matters most is how the state and some individuals in Museveni's government can benefit from perceived rich mineral wealth in areas of Lakang without incurring huge cost of compensating the locals. The two secrets whether perceived or real have been referred to as sources of discontent in Lakang.

Lakang village is one of the nine villages that makes up Amuru Sub county. It covers up to the western shores of river Nile. Upon return and resettlement from internally displaced

camps (IDPs) in 2007, it was estimated that about 90,000 people live in Lakang. This figure has not been approved by the local government of Amuru district, and the exact number of the locals residing in the dispute Lakang is not known. Oral narratives indicate that the ancestors of Lamogi and Pabbo clans of Amuru district inhabited Lakang since the British colonial days. From 1960's continued phenomenon of gazetting and de-gazetting of the place, tse – tse fly infestation and sleeping sickness, fewer human settlements, invasion of the area by wild animals, as well as the LRA insurgencies has impacted on settlement and proof of ownership of the disputed land in Lakang.

Land and Development

The start of land reform in Uganda in 1992 was in an effort to eradicate poverty and promote sustainable development. In 1995, the constitution of the republic of Uganda gave the right of land ownership to the citizenry. This was followed by legislative action in 1998 with the enactment of the Land Act which serves as the overarching law relating to land administration in Uganda. Land then became a key asset for development and recovery. Immediately, Poverty Eradication Action Plan (PEAP) as a national framework for recovery and development was introduced by the government of Uganda. PEAP established the pillars for economic growth through private sector-led development, improvement of business environment, and global competitiveness. The complex nature of these programs did not however take into consideration due processes involved in land acquisition.

In recent years, the nature of land acquisition has evolved to be more complex in Northern Uganda. In September 2008, the Uganda Investment Authority (UIA) licensed 76 projects for qualitative investment to 17 different countries including India (with 11 projects) and the United Kingdom (8 projects). The government also mandated the UIA to establish industrial parks in the period 2008 to 2013. These projects required huge chunks of land. In Mbarara district 652 acres of land were needed, Gulu 424 acres, Mbale 619 acres, Hoima 300 acres, Fort Portal 200 acres, Nakasongola 2000 acres and Rakai 1200 acres (UIA, 2008). This resulted into the emergence of conflicting relationship between the government of Uganda, foreign enterprises and the local communities.

Land issues have become general development concern and a central determinant factor in complex social relations within which violent conflict between individuals and groups have emerged in Amuru district. In Northern Uganda land is treated as a valuable asset and source of livelihood. Before 1996 the people of northern Uganda lived in villages on their own land and land was customarily owned and still a practice which continue to exist. People knew who owned what land and boundaries were determined by a mixture of fields, borders posts like big trees, swamps and streams. Current confusions about land ownership and land rights have exacerbated the land question with widespread uncertainty among the population about what will happen to their land.

The foremost concern is that land acquisition in particular in Lakang is expected to raise risks against the poor who are likely to lose access to land, water and other resources. The act of forceful land acquisition by alleged Madhvani group of companies has been critiqued due to lack of checks and balances in negotiating terms, insecure land rights, inaccessible registration procedures, and legislative gaps. Claims of huge land acquisition in Lakang have been linked to the recent oil exploration and discovery and the need for commercialised agriculture.

Whereas the new discovery of oil is expected to give a boom towards the nation's economy, there are already registered cases of instability in Lakang over sharing of proceeds and locals involvement. This has been due to predictable weak institutional frameworks and poor resource governance in relation to land. Oil and land resources are inseparable and yet ownership in relation to land is limited in circumstances of public interests (Constitution of republic of Uganda, 1995), making a number of individuals in Lakang vulnerable. It is this complexity that Uganda is likely to be engulfed in a protracted land dispute that may impinge on any efforts toward poverty eradication and sustainable development.

VOICES FROM LAKANG AND THE LAND DISPUTE

“The land in Lakang has already been sold, the Government is deploying soldiers (UPDF) to intimidate us to leave our customary land, but we shall not allow this to happen” says a male adult from Lakang

Large scale land acquisition is a multidisciplinary issue due to: legal argument on the rights and protection of property; ownership, access and control; conflict and development. Proponents of resource scarcity framework argue that unless natural resources are used sustainable to meet human needs, and projected and actual demand then any land acquisition will continue to be ineffective to its objective and will result into social violence and disintegration. The land conflict in Lakang has still remained unresolved and still continues to slow recovery and development.



Residents of Lakang Village, Amuru District attends a meeting on 30th September, 2012 to discuss land disputes that has affected peace, recovery and development in the area

Conflict Indicators: Frustration, Anger and Oral Narratives

The oral narratives are indications that things are getting critical, and to intervene in the management, prevention and resolution of the land dispute in Lakang it is important to be able to identify clues and signals for early warnings before the situation becomes more violent. Here are some of the clues.

- *The land in Lakang is for the people of Lankang*
- *People are eating our blood*

- *Museveni should know that they are lying to him*
- *I will fight for the right cause and so will my grand children*
- *The government is spending sleepless nights and lots of money on this land, why don't they give us the money*
- *If am not killed or someone else is killed, I would have not fought for our land*

The Development Question

Doubts still surround the perceived Madhvani investment venture in Lakang and whether it shall benefit the locals. Locals of Lakang acknowledge the importance of positive and inclusive development. “We will accept and appreciate positive development and resist the bad ones, for instance, some individuals came and distributed seeds in Lakang to lure recipients to sign and acknowledge that they have consented to Msdhvani company’s acquisition of land, this is improper and not true” says a local of Lakang. However, this allegation was disputed by some of the accused individuals. Many stated that development with human face cannot be coerced and once development is coerced it shall not be sustainable. “For any individual who perceive that coerced project shall succeed in Lakang, it is a fallacy”, says the Vice Chairman LCV, Amuru District. The people of Lakang are positive about any development initiative, except the sugar cane growing. They are willing to accept development programmes relating to improved health, water, education and road services.



A solar panel distributed by some unknown Indian Company at one of the home stead in Lakang,

Money Minters: Committees and Opportunist

Various committees are said to have been formed in the guise of negotiating and discussing the unresolved land dispute in Lakang between the locals and Madhvani Group of companies. Unfortunately, the locals of Lakang have not been represented in these committees. The committees have been condemned by the locals for advancing their selfish individual interest and have been criticized of minting billions of shillings from the Madhvani Group of Company at the expense of the locals. The committee in question is one that was formed after request by the President. To complicate the issue, the committee is said to be misinforming the President about the status of the land dispute in Lakang. They

have been quoted by the locals as liars who are seeking for selfish gains. Warnings have been issued by the locals of Lakang that these opportunists risk creating tensions and disputes should they reach Lakang in the event of any land dealings. Many opportunists are said to be taking advantage of the land dispute in Lakang. In other words, the desperation driving the company to acquire huge chunk of land is the driving force behind the company's willingness to bribe and pay money to individuals who are willing to advance the company's interest.

The Unrevealed Oil Prospects and Land Dispute

The land dispute in Lakang has been clouded by perceived oil discovery, and it is alleged that the vast oil deposit in Uganda is found in Nwoya and Lakang – in Amuru and it was stated that the area of disputed Apaa has uranium. The area of interest for Madhvani in Lakang is alleged to be having huge oil deposit. The conflict of interest centres on gains and benefits from the resource. Perceptions are that if the land beneath which oil is discovered is given to the Madhvani Group of Company, the locals are not likely to benefit from the proceeds of the oil revenue.

Guns, Intimidators and the State

It was also confirmed that, the Ugandan government is in preparation to deploy more troops in Lakang. The locals believe that this move is to intimidate them to evacuate the area of Lakang and allow the Madhvani company avenues to kick start the sugarcane project. To support this claim it was stated that the water engineer of Gulu district was directed to drill bore holes for use for the soldiers who shall be deployed in the area of Lakang. The locals also advised that the police should not involve themselves as a professional institution in intimidating the locals. "Some of us are already waiting for the day our heads shall be cracked by bullet shots" says a local from Lakang. Government operatives have also been accused of intimidating the locals in Lakang.

Frustrating Judiciary and Legal Processes

Appeal was made following February 2012 Judgment that the land in question belong to the Madhvani Group of Company. But the Judge who proceeded over the case is alleged to have not responded to this legal process. Some proponent assumes that this could be due to the irregularity that the Judge made by denying the locals of Lakang Justice. It is also believed that powerful individuals in the executive could have influenced the judiciary to act in their interest and especially those with interest in Lakang. The challenge is that given, the power imbalances and economic might of the parties involved in the dispute, there is fear that they might interfere with the judicial process.

Politics, Administration and Service Delivery

Politics and Political divide has been cited as weaponry being used in Lakang. Many have pointed out that most of the confusion is being raised by strong NRM supporters who are creating a divide and tension amongst the locals. Many leaders and district officials have detached themselves from the problems and land dispute in Lakang. This is said to have made it difficult to find a rightful approach to the resolution of the dispute in Lakang. The conflict in Lakang largely remains unresolved and is causing a lot of traumatic effects on to the locals, who see that their livelihood and peace is being threatened by the state and some state operatives. The office of the Chairman LCV of Amuru has been



The road leading to Lakang Village

accused of being dysfunctional and liaising to illegally sell the land in Lakang. In particular, the Chairman LCV was criticized of being dishonest, disloyal and untrustworthy to his electorates. The office of the Chairman LCV is also accused of neglecting and excluding locals of Lakang, in various aspects of development and governance. Many perceived that this could be due to the command, control and pressure being exerted on the office of the Chairman to fulfill the interest of the Madhvani Group of Company. Some cultural chiefs and clan leaders have also been pointed as key actors in advancing the interest of the said company.

No Free or Unoccupied Land in Lakang

The locals of Lakang ruled of the perception that the land in question is free, unoccupied and have no owners. Such statements have caused alarm and have been seen as a move or trickery to grab land. Many have confessed of fighting to death to defend their customary land. It was also lamented that Amuru district, has no land and the land on which the district erected office structures was acquired on a willing seller – willing buyer basis. Thus, it was improper for Amuru district and its leadership to allocate and give customary land to Madhvani Group of Company.

Suggested Recommendations

- The locals of Lakang demand that the state should be neutral and act in the interest of the electorates by supporting their claims for a win-win agreement with Madhvani Group of Companies.
- Middlemen and profit motivated individuals who misrepresent the interest and views of the locals when discussing land disputes in Lakang should not be allowed and given the opportunity to represent the locals at any forum including discussions with the President at State House
- Acholi Parliamentary Group should actively get involved in finding a peaceful resolution to the land dispute in Lakang.
- The Government of Uganda should state clearly and clarify on the mineral status of the disputed area of Lakang and how best to proceed with mineral exploitation and sharing of benefits and royalties.
- The Uganda People's Defence Forces and the Uganda Police should act professionally and observe their constitutional mandate; in particular they should play a critical role in protecting the lives and property of the locals in Lakang.

All in all, it is imperative that all stakeholders get involved in preventing the land conflict in Lakang from escalating into violence, by addressing key conflict drivers and triggers. At this point in time, various activities and actions have made it easy to predict when conflict and violence is likely to occur in Lakang and this presents a good avenue for intervention and how to avert an escalation into violence. The expectation rather is that, if the conflict is properly handled, it can be a positive force for change.

Acknowledgement

This situation report is authored for early warning and advocacy purposes. The report was authored by Otim Denis Barnabas – ACCS Project Officer, with valuable input from Dr. Chris Dolan – Director, Stephen Oola – ACCS Coordinator, Jackson Odong – Research and Advocacy Officer, and Jessica Shewan – Research Intern. The conflict analysis and early warning was made possible by UK-DFID financial support.

About Refugee Law Project (RLP)

The Refugee Law Project (RLP) seeks to ensure fundamental human rights for all, including; asylum seekers, refugees, and internally displaced persons within Uganda. RLP envision a country that treats all people within its borders with the same standards of respect and social justice. We work to see that all people living in Uganda, as specified under national and international law, are treated with the fairness and consideration due fellow human beings. The Refugee Law Project, School of Law Makerere University works in several parts of Uganda, and has several projects and programmes with offices in Kampala, Kotido, Gulu and Kitgum.

About the Advisory Consortium on Conflict Sensitivity (ACCS)

The Advisory Consortium on Conflict Sensitivity (ACCS) is a three member consortium that brings together, Refugee Law Project, International Alert and Saferworld. The consortium was established to support the operationalisation of Department for International Development (DFID) programming *“to ensure that the programme does no harm, and that the overall process addresses the drivers of conflict and delivers tangible peacebuilding results”* through ongoing audits and analysis of recovery-related interventions and those that are DFID funded.

The overall aim of ACCS is 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.

For more information contact or visit: www.refugeelawproject.org or email: research@refugeelawproject.org. Telephone: + 256 (0) 372 275 223/414 343 556

Fax: +256 (0) 414 346 491

With Funding Support from:

The UK – Department for International Development

