

ANALYSIS OF THE LAND CONFLICTS IN MOROTO DISTRICT, UGANDA

SUBMITTED TO



**EASTERN ARCHDIOCESAN DEVELOPMENT NETWORK (EADEN) AND CARITAS
MOROTO DIOCESE**

By

Omuruga Godfrey & Onen Moses (Independent Consultants)

STUDY REPORT

15th December, 2020



Figure 1: Map of Uganda highlighting Moroto District in red color (Source: National Population Census Report, 2014)

Table of Contents

| | |
|------------------------------------------------------------------------|-----------|
| LIST OF ACRONYMS | 4 |
| DEFINITION OF TERMS | 5 |
| EXECUTIVE SUMMARY | 8 |
| ACKNOWLEDGEMENT | 10 |
| 1.0 INTRODUCTION AND BACKGROUND TO THE STUDY | 11 |
| 1.1 INTRODUCTION TO THE STUDY | 11 |
| 1.2 BACKGROUND TO THE STUDY..... | 11 |
| 1.3. OBJECTIVES OF THE STUDY | 13 |
| 1.4 CONTEXTUAL ANALYSIS OF THE LAND CONFLICTS IN MOROTO DISTRICT..... | 14 |
| 1.5 EXISTING LEGAL AND POLICY FRAMEWORKS TO ENHANCE LAND JUSTICE..... | 15 |
| 1.5.1 <i>Regulatory Land Governance Framework</i> | 16 |
| 1.5.2 <i>Common Land Laws in Uganda</i> :..... | 17 |
| 1.5.3 <i>Land Tenure Systems in Uganda</i> | 18 |
| 1.5.4 <i>Land Dispute Resolution Institutions and Mechanisms</i> | 19 |
| 2.0. METHODOLOGY OF THE STUDY | 21 |
| 2.1 STUDY DESIGN..... | 21 |
| 2.2 TECHNICAL APPROACH..... | 21 |
| 2.3 STUDY SCOPE AND TARGET RESPONDENTS..... | 21 |
| 2.4 STUDY POPULATION, SAMPLE AND SAMPLING PROCEDURES..... | 21 |
| 2.5. DATA COLLECTION METHODS AND TOOLS..... | 23 |
| 2.5.1 <i>Document Review</i> | 23 |
| 2.5.2 <i>Key informant interviews (KIIs)</i> | 23 |
| 2.5.3 <i>Focus Group Discussions</i> | 24 |
| 2.5.4 <i>Case studies</i> | 24 |
| 2.6. DATA ANALYSIS AND REPORTING..... | 24 |
| 2.6.1 <i>Data Analysis</i> | 24 |
| 3.0 ANALYSIS AND PRESENTATION OF KEY FINDINGS | 25 |
| 3.1 RESPONSE RATE..... | 25 |
| 3.2 FINDINGS ON THE BACKGROUND CHARACTERISTICS OF RESPONDENTS..... | 25 |
| 3.2.1 <i>Respondent's Gender Characteristics</i> | 25 |
| 3.2.2 <i>Respondent's Age Distribution</i> | 27 |
| 3.2.3 <i>Respondent's Distribution by Sub County</i> | 28 |
| 3.3. KEY LAND CONFLICT HOTSPOTS IN MOROTO DISTRICT..... | 31 |
| 3.4 KEY DRIVERS OF LAND CONFLICTS IN MOROTO DISTRICT | 32 |
| 3.5 THE IMPACT OF LAND CONFLICT ON THE LOCAL COMMUNITIES. | 35 |
| 3.6 KEY ACTORS IN THE LAND CONFLICTS IN MOROTO DISTRICT. | 36 |

4.0 RECOMMENDATIONS AND CONCLUSION..... 37

REFERENCES..... 42

APPENDICES 43

CASE STORY OF A COMMUNITY MEMBER..... 43

LIST OF FIGURES..... 44

LIST OF TABLES..... 44

LIST OF RESPONDENTS FOR KII AND FGDS ERROR! BOOKMARK NOT DEFINED.

**CONCEPT NOTE OF POSSIBLE ADVOCACY ACTIVITIES CARITAS MOROTO AND EADEN
CAN PURSUE TO ADVANCE THE ISSUES HIGHLIGHTED IN THE REPORT ERROR! BOOKMARK
NOT DEFINED.**

LIST OF ACRONYMS

| | |
|---------|-------------------------------------------------------|
| ALC | Area Land Committee |
| CAO | Chief Administrative Officer |
| CBOs | Community Based Organisations |
| CCOs | Certificate of Customary Ownership |
| CSOs | Civil Society Organisations |
| DLB | District Land Board |
| DLG | District Local Government |
| FGD | Focused Group Discussion |
| IEC | Information, Education and Communication |
| KII | Key Informant Interviews |
| LC | Local Council |
| LCC | Local Council Courts |
| LLG | Lower Local Government |
| MIA | Ministry of Internal Affairs |
| MoFPED | Ministry of Finance Planning and Economic Development |
| MoGLSD | Ministry of Gender, Labour and Social Development |
| MoH | Ministry of Health |
| MoJCA | Ministry of Justice and Constitutional Affairs |
| MLHUD | Ministry of Lands Housing and Urban Development |
| NEMA | National Environment Management Authority |
| NFA | National Forestry Authority |
| NGOs | Non-Governmental Organisation |
| PELUM | Participatory Ecological Land Use Management |
| PWD | Persons With Disabilities |
| RCC | Resident City Commissioner |
| RDC | Resident District Commissioner |
| RUCODET | Rupa Community Development Trust |
| SDGs | Sustainable Development Goals |
| SoPs | Standard Operating Procedures |
| UBOS | Uganda Bureau of Statistics |
| UNRA | Uganda National Roads Authority |
| UPF | Uganda Police Force |
| UWA | Uganda Wildlife Authority |

DEFINITION OF TERMS

Certificate of Customary Ownership (CCO): This is a title document used to register customary land ownership and land use rights; and any form of encumbrances. Any person, family or community holding land under customary tenure on former public land may acquire a certificate of customary ownership in respect of that land in accordance with the Land Act CAP. 227.

Communal Land Association (CLA): A CLA is a legal entity formed for purposes of management and registration of communal land. The CLA committee holds land in trust for the communities. Communal Land Association may be formed by any group of persons in accordance with the Land Act (CAP. 227) for any purpose connected with communal ownership and management of land, whether under customary law or otherwise.

Culture: It the distinctive patterns of ideas, beliefs, and norms which characterize the way of life and relations of a society or group within a society. Culturally determined gender ideologies define rights and responsibilities and what is 'appropriate' behaviour for women and men. They also influence access to and control over resources, and participation in decision-making. These gender ideologies often reinforce male power and the idea of women's inferiority. Culture is sometimes interpreted narrowly as 'custom' or 'tradition', and assumed to be natural and unchangeable. Despite these assumptions, culture is fluid and enduring¹.

Land: The delineable area of the earth's terrestrial surface, encompassing all attributes of the biosphere immediately above or below this surface, the human settlement pattern and physical results of past and present human activity (terracing, water storage, drainage, roads, buildings, etc.)

Land Access: The ability to use land and associated natural resources (for example, to build a house, graze animals, grow crops, or gather forest products)

¹ A Gender Analysis of Corruption- forms, effects and eradication strategies – Royal Danish Embassy September 2009

Land Eviction: The permanent or temporary removal of individuals, families or communities from land through a Court action.

Land Rights: Authorized entitlements to land. Also described as property rights in land. Commonly, they encompass rights to use, lease, and transfer, inherit or sell land. They may be held by individuals or groups. They can be created by ancestral occupation and use of land by traditional societies. Rights are accompanied by restrictions and responsibilities.²

Land Tenure: The relationships among people, as individuals or groups, with respect to land and associated natural resources. Land tenure systems determine who can use what resources for how long and under what conditions. Land tenure includes both rural and urban tenures and ownership, tenancy and other land use arrangements.

Gender: Gender is a social construction as opposed to a biological one. It refers to social differences between men and women. These differences have been acquired; they are changeable over time and have wide variations both within and between cultures³. The derivative of gender as a social construction of roles and responsibilities is that it confers power, status, opportunities and privileges, differently to men and women. It creates stereotypes and therefore influences attitudes and biases at a very early stage of the socialization process⁴.

Gender Equality: Means measurable equal representation of women and men. Gender equality does not imply that women and men are the same, but that they have equal value and should be accorded equal treatment.

Land Administration: The system and processes of making land tenure rules operational. It includes the administration of land rights, land use regulation, and land valuation and taxation.

² See Land and Natural Disasters, 2010

³ See the DANIDA Gender Tool Box

⁴ Mainstreaming Gender and HIV/AIDS Issues into the Draft National Land Policy – September 2008 pg 7

Land administration may be carried out by agencies of the state, or through local and customary leaders.

land conflict/s: *Land conflict* is a disagreement over rights to *land* by two or more parties, individual or groups (Bruce and Holt, 2011). *Land conflicts* within a country will occur at either the interpersonal level or intra-societal level (Wehrmann, 2008).

Land Governance: Includes (1) the structures, rules and processes governing the access to and use of land, (2) the manner in which land-related decisions are made, implemented and their impacts distributed within society, and (3) the way that conflicting interests in land are managed. It includes statutory, customary and informal institutions. It emphasizes power and political economy of land.

Land Policy: The set of intentions embodied in various policy instruments that are adopted by the state or other forms of socio-political authority to organize land tenure and land use.

Livelihood: It comprises the capabilities, assets (including both material and social resources) and activities required to make a living. A livelihood is sustainable when it can cope with and recover from stresses and shocks and maintain and enhance its capabilities and assets both in the present and in the future, while not undermining the natural resource base.

Vulnerability: Conditions of economic, physical, social and environmental infrastructure that determine the probability that a certain hazard will cause a certain degree of damage. Vulnerability refers to the inability to withstand the effects of a hostile environment

EXECUTIVE SUMMARY

The major objective of this study was to conduct an analysis of the land conflicts in Moroto District in Uganda to inform local and national level Land Rights advocacy interventions by EADEN and Caritas Moroto. The study was undertaken by an independent consultant based in Kampala who considered a sample selection of respondents from all the four rural Sub Counties and two urban divisions in the Municipality. Specifically, the analysis was intended to achieve the following objectives;

1. To identify and document hot-spots of land conflicts in Moroto district.
2. To examine the drivers of land conflicts in Moroto district.
3. To examine actors in the land conflicts in Moroto district.
4. To assess the effects of land conflict on the livelihoods of communities and attainment of Vision 2040. And 5. To identify possible redress to the identified land conflicts.

In terms of Methodology, this study used a cross-sectional study design and data collection mainly used qualitative strategies. Both primary and secondary data was collected through reviewing of recent reports and literature on land rights; and extensive consultations with different stakeholders through key informant interviews and FGDs the stake holders included; civil society organizations, women and youth groups, and cultural and religious leaders; government officials including district and Sub County leadership, formal land administration institutions such as district land boards and area land committees, and the Police among others.

The study revealed that Moroto in the recent times has been faced with numerous and ever increasing land conflicts which take various forms such as; Administrative Boundary Disputes, Customary Land Boundary Disputes, Land Grabbing causing growing landlessness.

Other land conflict forms include: Inter clan conflicts in relation to the grazing and farming land space, Family conflicts arising from land transactions in which not all family members are not involved or against the transactions, Institutional versus Communities land conflicts and Communities in Protected areas versus Government Agencies.

In terms of hot spots of land conflicts, Nadunget, Rupa and Tapac Sub Counties were mentioned as key hotspots for land conflict in Moroto.

The study identified the key drivers for these conflicts as; The mineral deposits, vast land without occupants, rapid urbanization sweeping through and most importantly the looming city status of Moroto has presented great anxiety to the indigenous land owners and increased demand for land by the medium and small scale investors which has led to Land speculation where family members get into conflict during transactions, The effects of the insecurity in most areas of Moroto where communities vacate those areas and such land are later taken by speculators on in

the view that they have no owners, The impact of the government disarmament programme that brought peace and now neighbouring districts and investors have fluxed the district in need of doing business, Tenure insecurity as government institutions keep on moving boundaries, i.e. UWA and NFA keep planting trees beyond the known reserve boundaries.

The study also further observed that other drivers of land conflicts in Moroto district include; land management institutions that are not effectively operating, political interference, poorly facilitated decentralized land services, some negative cultural practices, succession challenges, disrespect of local Council Courts, collapse of District Land Tribunals, land corruption, population increase, costly and corrupted legal processes, costly land services, declined societal values, conflicting roles, ignorance of the land law and poverty and economic hardships among others. Key actors mentioned in these conflicts are; investors, some local political leaders, LGs, influential business men, government agencies such as UWA, NFA UNRA, Military Barracks and some community members in these conflicted areas.

The study also revealed that these conflicts had resulted into untold suffering for the affected communities including disrupting their livelihood as a result of loss of arable land and grazing land and possible removal of health centre and Rupa Sub County head quarter.

The study recommended as follows; Strengthen land rights awareness in Moroto District and greater Karamoja, Lobby for changes in the policy and legal framework for land and institutions delivering land justice, ensure land governance has all stakeholders participate in decision making arenas, Enhance the capacity of the land Management institutions to ensure land justice is attained, Work with cultural institutions to practically work for land justice within the local settings.

The study concluded that any attempts to address the rampant land conflicts in Moroto and deal with the potential and actual effects of the same requires a multi-dimensional and multi sectoral approach especially in dealing with the causes of land conflicts such as poverty and the effects of looming urbanization and exploration, the Karimojong people need diverse and alternative sources of livelihood to supplement their small holder farming and pastoralism which is now increasingly becoming untenable. Secondly the question of Customary Land Tenure Security needs to be addressed, by supporting communities to register their land and acquire Certificates of customary Ownership as a way of guaranteeing ownership and promoting sustainable economic activity and livelihoods.

Acknowledgement

The success of this study has been as a result of efforts by many stakeholders including; district and sub-county level leaders in Moroto districts. EADEN and Caritas Moroto would like to thank the DLG of Moroto particularly the Chairman LC 5 Mr. Keem Andrew Epaja and the RDC Ms. Hellen Pulkol for supporting this study to fruition. Appreciation also goes to the Executive Directors of Caritas Moroto and EADEN for commissioning this study and supporting the research team logistically. Special thanks go to Caritas Moroto and EADEN technical staff that supported this study process all through, many thanks to Mary Amaese, Abraham Ileny and Rose Amono Ocitti respectively.

Lastly, EADEN and Caritas Moroto would like to thank Caritas Denmark for the financial support towards the development of this study.

1.0 INTRODUCTION AND BACKGROUND TO THE STUDY

1.1 Introduction to the study

This report presents findings from the situational analysis study commissioned by Caritas Moroto and EADEN through an independent consultant based in Kampala. The study was conducted in the four rural Sub Counties and two urban Divisions that constitute Moroto District. The study aimed at undertaking an analysis of the land conflicts in Moroto district with a view of proposing possible recommendations to address land conflicts challenges in the study district. Specifically, the analysis was intended to inform advocacy interventions by Caritas Moroto on land related issues which are directly impacting on the livelihood of the locals especially those that are vulnerable to land conflicts and associated land rights abuse.

This report is made up of the following sections; the introduction and background; methodology; existing legal and policy framework to enhance land justice, analysis and presentation of key findings, recommendations and conclusions.

1.2 Background to the Study

Moroto district which is part of the 9 Karamoja districts⁵ and with a cosmopolitan population spread across its Sub Counties of Katikekile, Nadunget, Rupa, Tapac, Northern division and Southern division is situated in the Mid North Eastern Uganda shares borders with 4 districts namely: Kotido in the North, Lira in the North West, Katakwi in the West, and Nakapiripirit in the South. The entire Eastern borderline is shared with the Republic of Kenya. The district lies between latitudes 1o53'N, 3o05'N and Longitudes 33o38'E, 34o56'E and at an altitude between 1,356m – 1,524m above sea level with a total area of 8,516 km² which is 3.5% of the Country's area coverage. It is critical to note that about 3,500 km² is available for cultivation after making allowance for Game Reserves (4,900 km²) and Mountains 100 km²). As part of what was formerly called Karamoja province, it was later split in 1971 to form the district of Moroto with further split in July 2001 to form another district of Nakapiripirit. The inhabitants are of two major tribes, the Karimojong, the

⁵ The other districts include: Abim, Amudat, Napak, Nakapiripirit, Nabilatuk, Kotido, Kaabong and Karenga.

main inhabitants of the rangelands, and the Tepeth who live on the mountains of Moroto and Napak. While these people have differences in language and culture, they share similar socioeconomic lifestyle, that is, they are agro pastoralist – practicing subsistence crop production and semi nomadic animal rearing.⁶ The 2014 Population Census final results put Moroto's population at 119,249 (57353 male and 61896 female) and the projected population at 121,516 by mid-2023 (including Municipal council)⁷.

Approximately 95% of the populations live in rural areas where land is entirely owned under the customary tenure system which adequately accommodates the coexistence of the agro pastoral and nomadic livelihood.

Whereas it is important to note that traditionally the people of Moroto were exposed to both internal and external aggressions due to the prevalent culture of cattle rustling where Internal aggressions often occurred between the Matheniko and Tepeth while external raids were carried out by mainly the Jie on the Matheniko but also by other clusters such as the Bokora and Pian on the Matheniko as well the Kenyan Turkana and Pokot; a new dimension has manifested in the recent times mainly associated with the scramble for the land and natural resources. Population growth, urbanization, discovery of minerals, influx of national investors and multi-national corporations, and increased incidences of land grabbing among other factors have significantly increased pressure on the land and natural resources in Moroto district and Karamoja region at large. This on one end has come with adverse consequences on the socio-economic livelihood of the indigenous people which include among others loss of arable land leading to low production of food and low household income, loss of grazing and communal land affecting the livestock, dispossession and evictions leading to loss of land ownership, and loss of lives due to disputes and conflicts among others.

On the other end, conflicts and disputes between communities and government agencies, department and ministries such as the Uganda Wildlife Authority (UWA), the National Forestry

⁶ <https://moroto.go.ug/lg/overview>

⁷ The National Population and Housing Census (NPHC) 2014.

Authority (NFA), Ministry of Energy and Mineral Development over natural resources and land have been inevitable.

Specifically, the discovery of minerals in Rupa Sub County and other parts of Moroto coupled with rapid urbanization characterized by emergence of trading centers has caused significant drift in the livelihood and economic activities of the communities with significant population mainly adopting more of mining activities (both Artisanal and working for mining companies), small scale businesses dealing in commodities and merchandise, farming, and cottage industry among others.

It is against this background that an analysis of the land conflicts and land rights situation in Moroto district was undertaken to inform advocacy interventions by Caritas Moroto on land related issues in the district with a view of addressing both the potential and actual effects of land conflicts on the communities and population of Moroto District.

1.3. Objectives of the study

The overall objective of this study was to assess and document land conflicts cases and their hot spots in Moroto district to inform local and national level Land Rights advocacy interventions by Caritas Moroto and EADEN. The analysis provides evidence based recommendations to enable strengthening of the land justice in the district of Moroto.

Specifically, the study was intended to achieve the following;

- 1 To identify and document hot-spots of land conflicts in Moroto district.
- 2 To examine drivers of the land conflicts in Moroto district.
- 3 To examine actors in the land conflicts in Moroto district.
- 4 To assess the effects of land conflict on the livelihoods of communities and attainment of Vision 2040.
- 5 To identify possible redress to the identified land cases.
- 6 To develop a Concept Note of possible Advocacy Activities Caritas Moroto and EADEN can pursue to advance the issues highlighted in the report.

1.4 Contextual analysis of the land conflicts in Moroto district

Land is a fundamentally important resource in Uganda and it is the basis for livelihoods, income, sustenance and identity for majority of Ugandans. Agriculture dominates the country's economy and accounts for 80% of export earnings and an estimated 80% of employment nationwide⁸. Approximately 87% of Uganda's estimated 45 million people reside in rural areas, 85% of whom are involved in subsistence agriculture⁹. Nationwide, 90% of all rural women folk work in agriculture, and women produce an estimated 80% of crops and contribute 90% of all labour for food production¹⁰.

It is estimated that 85% of Uganda's rural population majority being women are dependent on natural/land resources for their livelihoods and smallholder agriculture is the main stay. According to the Uganda Poverty Status Report 2014 by United Nations Development Program (UNDP), most of the population is in rural areas and depends on agriculture for survival.

Uganda has a dual framework for land governance: The Uganda Constitution (1995) as amended and the Land Act CAP.227 formalized legal pluralism by explicitly recognizing customary rights to property, while also strengthening formal protections for women's land rights. The Land Act CAP. 227 defines customary tenure rights and lays out a process for registration and administration of customary land tenure rights.

The 1995 Uganda Constitution recognizes four tenure systems but the *Mailo* and customary land tenures have the most disputes and conflicts as compared to the freehold and leasehold. The customary land tenure on the other hand lacks legal regulatory frameworks since it cannot be governed and administered under the Registration of Titles Act (RTA) like freehold, leasehold and

⁸The World Bank, Food and Agriculture Organization, and International Fund for Agricultural Development (2009) Gender in Agriculture Source book, The World Bank: Washington, DC.

⁹Ministry of Finance, Planning, and Economic Development, Population Secretariat website. Available at: <http://www.popsec.org>.

¹⁰Forum for Women and Democracy (2012) Gender Policy Brief for Uganda's Agriculture Sector, accessed at <http://www.womankind.org.uk/wp-content/uploads/downloads/2013/06/FOWODE-Gender-policy-brief-for-Ugandas-Agriculture-sector.pdf>; Tripp, A. (2004), "Women's Movements, Customary Law, and Land Rights in Africa: The Case of Uganda," 7(4) African Studies Quarterly. Available at: <http://asq.africa.ufl.edu/previous-issues/volume-7/issue-4/>.

Mailo tenures. The high incidences of dysfunctional land administration structures in most rural communities, low community awareness on land rights and weak land justice mechanisms has rendered most farming communities vulnerable to land rights violation and abuse, forceful and unlawful land evictions, land dispossession and land grabbing and this is common in Moroto District.

Furthermore, the rights of women continue to be trampled upon by the various cultural norms that are hinged on patriarchy, religious beliefs, policy and regulatory frameworks which are prohibitive to women's ownership, access, control and use of land. Women in many cultures of Uganda, Moroto being no exception remain unable to own, inherit and access land. The Uganda Demographic and Health Survey (2014) indicated that documentation of land rights by women had only increased to 39%; with individual ownership at 14% and joint ownership at 25%. Despite this increase, most women in Uganda still lack access and control (UBOS 2011). This is mainly attributed to existence of cultural beliefs and institutions which vest land ownership under the male household and clan heads while women enjoy secondary rights in form of access to and use of land through their husbands, fathers, brothers, or other male relatives. In addition, traditional institutions involved in the provision of land justice (mediation of land disputes) have not incorporated national and international human rights norms into the administration of land law at the local level.

This study sought to analyze the land conflicts within Moroto to inform strategic advocacy interventions by EADEN and Caritas Moroto to address land rights challenges through multi-pronged approach such as; building of capacities of smallholder farmers, land administrators and to engage the local and national duty bearer on land rights issues.

1.5 Existing Legal and Policy Frameworks to enhance Land Justice

Land and property ownership, control, access and use in Uganda is administered through both statutory and customary laws as stipulated in the Articles 237 and Article 26 of the 1995 Ugandan Constitution; and the Land Act CAP. 227 and the Physical Planning Act 2010. Other frameworks

such as the National Land Policy 2013, the National Land Use Policy 2006, the National Housing Policy 2016, the National Environment Management Policy 1994, and the Uganda Forestry Policy 2001 to mention but a few have articulated strategies of achieving effective use, management and administration of land.

Whereas Article 237 of the Uganda Constitution empowers citizens to own land under the four tenure systems, majority of the landholding in Moroto and indeed in the greater karamoja sub region is customary tenure hence greatly governed, managed and administered through unwritten customs of communities.

1.5.1 Regulatory Land Governance Framework

In the last two decades, Government has had a series of legal and policy reforms across board. In the land sector reforms, significant attention has been paid to land and property rights. Key among them are the following:

The Constitution of Uganda 1995: The 1995 Constitution vests land in the citizens of Uganda Article 237 (1) in accordance with the land tenure systems. It provides four land tenure systems: mailo, freehold, leasehold, and customary. Everybody has a right to own land either as an individual or as a community. This Constitution is credited as being one of the most gender-sensitive constitution on the continent.

The National Land Policy 2013: It is the framework for development and use of Uganda's land resources. The Policy has two major objectives: (a) to re-orient the land sector in national development by articulating management co-ordination between the land sector and other productive sectors in the economy; and (2) enhancing the contribution of the land sector to the social and economic development of the country. The policy notes that customary practices continue to override statutory law in recognition and enforcement of women's land rights, abating unnoticed land grabbing at family level.

The Land Act (1998) and its subsequent amendments: The Land Act provides for the tenure, ownership and management of land; provides to amend and consolidate the law relating to tenure, ownership and management of land; and provides for other related or incidental matters. The Act guarantees the rights of women to access, own and control land.

The National Land Use Policy: The overall goal of the policy is to achieve sustainable and equitable socioeconomic development through optimal land management and utilization in Uganda. It addresses matters of improved agriculture, alleviation of environmental degradation and other related concerns, among others.

The Land Sector Strategic Plan: The Land Sector Strategic Plan was designed to provide for the operational, institutional and financial framework for the implementation of sector wide reforms and land management. One of its key strategic objectives was the development of a National Land Policy, which was pro-poor and putting in place a systematic framework for addressing the role of land in national development, land ownership, distribution, utilization, management and control for poverty reduction and Policy Implementation Framework.

1.5.2 Common Land Laws in Uganda:

The problems pervading Uganda in general is not lack of or inadequacy in laws, but lack of their effective implementation. The list of laws below demonstrates that the deficiencies are elsewhere, most likely rotating around poor land governance:

- **Land Acquisition Act Chapter 226:** An Act to make compulsory for the acquisition of land for public purposes and for matters incidental thereto and connected therewith.
- **The Land Act Chapter 227:** An Act to provide for the tenure, ownership and management of land; to amend and consolidate the law; relating to tenure, ownership and management of land, and to provide for other related or incidental matters.
- **The Mortgage Act 2009:** An Act to consolidate the law related to mortgages, to repeal and replace the mortgage act; to provide for the creation of mortgages; for the duty of mortgages and mortgagees regarding mortgages; for mortgages of matrimonial homes, etc., and for all related matter.
- **Land Amendment Act 2010:** An Act to amend the Land Act to enhance the security of occupancy of lawful and bona fide occupants on registered land in accordance with Article 237 of the Constitution, and for related matters.
- **Physical Planning Act 2010:** Provides for the establishment of the National Physical Planning Board; to provide for the composition, functions and procedures of the Board;

to establish the district and urban planning committees; to provide for the making and approval of physical development plans and for the application for development application; and for related matters.

- **Registration of Titles Act Chapter 230:** This is an Act relating to the transfer of land and registration of titles.
- **Surveyors Registration Act Chapter 275:** Provides for the establishment of a Surveyor Registration Board, to define the powers and the functions of the Board, to provide for the registration of Surveyors, and for other matters connected therewith.
- **The Traditional Rulers (registration of Assets and Properties) Act:** In 1993, Government enacted the Traditional Rulers (Restitution of Assets and Properties) Statute No. 8 of 1993. Under the Statute, certain assets and properties that were previously taken away were returned to the traditional rulers.
- **The Penal Code Act:** This Act provides a break-down of offences that constitute corruption, and these include: embezzlement; causing financial loss; false accounting; conspiracy to defraud; and uttering false documents. It also provides for penalty against public officers in general who steal or misappropriate funds.

1.5.3 Land Tenure Systems in Uganda

The promulgation of the 1995 constitution vested land in the citizens of Uganda, and stated the systems of land tenure as customary tenure, *Mailo* tenure, freehold tenure and leasehold.¹¹

- **Customary Land Tenure** - held and acquired according to the customs, traditions, and norms of a particular group of people.
- **Mailo Land Tenure** - lands tenure system created through the 1900 Buganda Agreement. Land was measured then in square miles, hence the Luganda word "*Mailo*."
- **Freehold Land Tenure** - a system where the landowner holds land in perpetuity, and is entitled to a certificate of title.
- **Leasehold land Tenure:** Leasehold tenure refers to the system whereby a tenant or lessee has exclusive possession of land through an agreement with the landowner, known as the

¹¹ The National Constitution of the Republic of Uganda, 1995.

landlord or lessor. The agreement is for a specified period of time, during which the tenant pays the landlord a rent/premium.

1.5.4 Land Dispute Resolution Institutions and Mechanisms

The table below is a summary of the different formal (statutory) and informal (customary laws) institutions and mechanisms for land related dispute resolution, which are provide for in the national Constitution of 1995 and the Land Act 1998:

Table 1. Land Dispute Resolution Institutions and Mechanisms

| Institutions | Functions |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| High Court | The High Court hears appeals of anyone who is not satisfied with the decision of the District Land Tribunal. |
| <p>District Land Tribunals</p> <p>These are not permanent but are convened as and when the need arises.</p> | <ul style="list-style-type: none"> - Settles disputes involving allocating, leasing, transferring or getting of land by individuals, the Land Commission or any other authority dealing in land. - Settles any disagreements and disputes on the amount of compensation to be paid for land compulsorily acquired by Government. - Settles all other disputes related to land. <p>If the value of land in dispute is 50 million shillings or more, then the dispute is first heard by the District Land Tribunal (as Court of First Instance), not by the Local Council Courts.</p> |
| <p>Mediator</p> <p>A person identified is usually one of high moral character and proven integrity by virtue of his or her skill, knowledge, work and public standing, and is expected to bring together parties with a</p> | <p>The Mediator may assist in settling disputes over:</p> <ul style="list-style-type: none"> - Applications for customary ownership or certificate of occupancy - Applications for changing of customary ownership into freehold ownership - Dissatisfaction by any member of a communal land association over subdivision or transfer portions of land held by the association to individuals |

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>dispute for a negotiation towards a mutual agreement.</p> <p>The Mediator is appointed by the District Land Tribunal as and when the need arises. The mediator has to be agreed to by the disputing parties.</p> | <ul style="list-style-type: none"> - Claims or compensation from Government for settling tenants on a person's land or for land compulsorily acquired from him/her by Government - Consent by either a land owner or a person occupying land - A mediator can be requested to assist parties in a dispute over land which has not been referred to the District Land Tribunal. <p>The District Land Tribunal may request a Mediator to assist where it thinks the Mediator should first help the parties resolve the conflict.</p> |
| <p>Traditional Authorities</p> | <ul style="list-style-type: none"> - The Land Act recognizes the role of traditional authorities in determining disputes related to customary tenure. Traditional Authorities are also allowed to mediate between persons who are in dispute over matters arising out of customary tenure. - The District Land Tribunal, while handling a land dispute, may ask the parties to have their case mediated by traditional authorities. When that happens, the traditional authorities would then have to write to the District Land Tribunal to inform them of the outcome of the mediation. |
| <p>Local Council Courts</p> | <ul style="list-style-type: none"> - Local Council Courts at Parish level are Courts of first instance for land disputes. This means that they are the first court to which parties with land disputes can report their dispute. From there appeal to the Sub-County Local Council Court. - If any person is not satisfied with the decision of the Sub-County Local Council Court, he/she can appeal to the District Land Tribunal and from there (if still not satisfied) to the High Court. |

Source: Document Review (2020)

2.0. METHODOLOGY OF THE STUDY

2.1 Study Design

This study used a cross-sectional study design and data collection mainly used qualitative strategies. Both primary and secondary data was collected through reviewing of recent reports and literature on land rights; and extensive consultations with different stakeholders including; civil society organizations, women and youth groups, and cultural and religious leaders; government officials including district and Sub County leadership, formal land administration institutions such as district land boards and area land committees, and the Police among others.

2.2 Technical Approach

In order to achieve the objectives of this assessment, the Consultants conducted the assignment in a highly participatory, interactive, and consultative manner to ensure that all the stakeholders at various levels were effectively involved. There was a consensus meeting held between the EADEN and Caritas Moroto team assigned to this study to gain an understanding of the assignment and its requirements. The meeting provided clarifications on the Terms of Reference (TOR), scope of work and key respondents at stakeholder level.

2.3 Study Scope and target respondents

The definitive sample areas within the different sub counties where the study was conducted was decided during the inception meeting with EADEN and Caritas Moroto Diocese team. Moroto District is comprised of 6 Sub Counties including Rupa, Nandunget, Katikekile, Tapac which are rural Sub Counties and Northern and Southern division which are urban Sub Counties. A sample was drawn from all these.

2.4 Study population, sample and sampling procedures

The 2014 Population Census final results put Moroto's population at 119,249 (57,353 male and 61,896 female) and the projected population at 121,516 by mid-2023 (including Municipal council) out of this total population a study population and sample was drawn as follows.

Table 2.1 Study population, sample and sampling procedures

| S.N | Category of target respondents | Population | Sample | Sampling Technique |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|---------------|---------------------------|
| 1 | Resident District Commissioner (RDC)/DRDC | 2 | 1 | Purposive |
| 2 | Chief Administrative Officer (CAO)/DCAO | 2 | 1 | Purposive |
| 3 | District Executive Committee (DEC) | 5 | 2 | Purposive |
| 4 | District Natural Resources Officer (DNRO) | 1 | 1 | Total Purposive |
| 5 | District Gender Officers/CDOS | 4 | 2 | Purposive |
| 6 | Sub County Community Development Officer (CDOs) | 6 | 4 | Simple random |
| 7 | Town Clerks/SAS | 8 | 5 | Simple random |
| 8 | Mayors | 2 | 1 | Purposive |
| 9 | District Engineers /Physical Planner | 2 | 2 | Total Purposive |
| 10 | District Environment Officer/ Forestry Officers | 2 | 1 | Purposive |
| 11 | District Land Board | 5 | 3 | Purposive |
| 12 | District Agricultural Officer | 1 | 1 | Total |
| 13 | MDAs(UWA, NFA, Ministry of Energy, MLHUD | 5 | 5 | Total Purposive |
| 14 | Security Agencies(UPDF, game rangers, Police, private security Cos. | 4 | 4 | Total Purposive |
| 15 | Karamoja Business Forum | 1 | 1 | Total Purposive |
| 16 | Minors Association | 1 | 1 | Total Purposive |
| 19 | Karamoja Development Forum | 1 | 1 | Total Purposive |
| 20 | Partners/other CSOs <ul style="list-style-type: none"> • Legal Aid Service Providers Network (LASPNET) • Ecological Christian Organization (ECO) • Community Integrated Development Initiatives (CIDI) • Action Aid Uganda (AAU) | 12 | 6 | Simple Random |

| | | | | |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------|---------------------------|
| | <ul style="list-style-type: none"> • Dynamic Agro-Pastoralist Development Organization (DADO) • Warrior Squad Foundation (WSF) • War on Want (WOW)/Self Help Africa (SHA) | | | |
| 21 | Opinion Leaders (Council of Elders)- Akeriket | 90 | 12 | Purposive |
| 22 | Area Land Committee(members) in six Sub Counties | 30 | 12 | Purposive |
| 23 | Community Representatives | 180 | 120 | Purposive |
| 24 | Others | 15 | 3 | Purposive Sampling |
| | TOTAL | 380 | 191 | MORGAN AND KREJICE |

2.5. Data collection methods and tools

Data Collection was conducted through documents review, key informants' interviews, focus group discussions and case studies.

2.5.1 Document Review

Using a pre-developed document review checklist, a critical and in depth review of all relevant reports and documents such as the Constitution of Uganda (1995), the National Land Policy 2013, the Land Act CAP.227, and other land related studies by government and civil society on land rights in regard to Moroto was done. These provided the context of the study and were critical in benchmarking the current status.

2.5.2 Key informant interviews (KIIs)

Key informants' interviews was carried out with representatives of formal institutions including the district LG leaders, land board members, area land committees, regional land offices (Ministry Zonal offices-MZOs), cultural and religious leaders, Police, and representatives of Civil Society

Organizations championing land rights including women's rights to land among others. A total of 14 respondents were reached out of the targeted 21 people.

Key informant interviews were carried out using key informants' interview guide. The interviews helped in establishing issues concerning land in general.

2.5.3 Focus Group Discussions

FGDs were mainly carried out with specific groups such as, community members in the target locations, women, youth, religious leaders, cultural leaders among others in order to establish land rights issues specific to them. Participants were also encouraged to express their experiences, needs and concerns in regard to land conflicts. The FGDs were also used to triangulate information generated from documents' review and key informant interviews. In total 10 FGDs were conducted 2 in the urban divisions and 8 in the rural Sub Counties of Moroto district with an average of 15 participants in each FGD totaling to 150 actual participants out of the targeted 168 participants.

2.5.4 Case studies

Case studies were carried out to document stories of community members in regard to their experiences and effects of land conflicts on their livelihoods especially abuses including evictions, land grabbing that they faced. One (1) prominent case study was documented and has been attached to this report in the appendices section of this report.

2.6. Data analysis and reporting

2.6.1 Data Analysis

On account that the data collected was majorly qualitative data, content analysis techniques based on themes/objectives was used to analyze data. Responses were coded, categorized and themes developed along the objective areas. Information from qualitative analysis was triangulated and synthesized to inform the writing of the report.

3.0 ANALYSIS AND PRESENTATION OF KEY FINDINGS.

This chapter presents, analyses and interpretation of the results based on specific objectives. It presents; the response rate, the background characteristics of the respondents and the empirical results.

3.1 Response Rate.

The response rate findings of the study are presented in Table 3.1 below.

Table 3.1: Response Rate

| Instrument | Target Response | Actual Response | Response Rate |
|-------------------|------------------------|------------------------|----------------------|
| FGDs | 168 | 150 | 89.3% |
| Interviews | 21 | 14 | 66.7% |
| Case studies | 2 | 1 | 50% |
| Total | 191 | 165 | 86% |

Source: Primary Data (2020)

From Table 3.1 above, a total of 150 out of 168 FGD participants were reached representing a response rate of 86%. out of the 21 target participants for the interview guide 14 interviewees were reached representing 66.7% response rate and 1 of the 2 scheduled case stories was conducted and documented representing a response rate of 50%. The overall response rate for the study was 87%. This response rate is over and above the 50% recommended by Sekaran (2003), Amin (2005) and Mugenda and Mugenda (2003) as appropriate and adequate response rate.

3.2 Findings on the Background Characteristics of Respondents.

In this section, the study presents result on the respondents' background characteristics. These include; gender, age and sub-county

3.2.1 Respondent's Gender Characteristics.

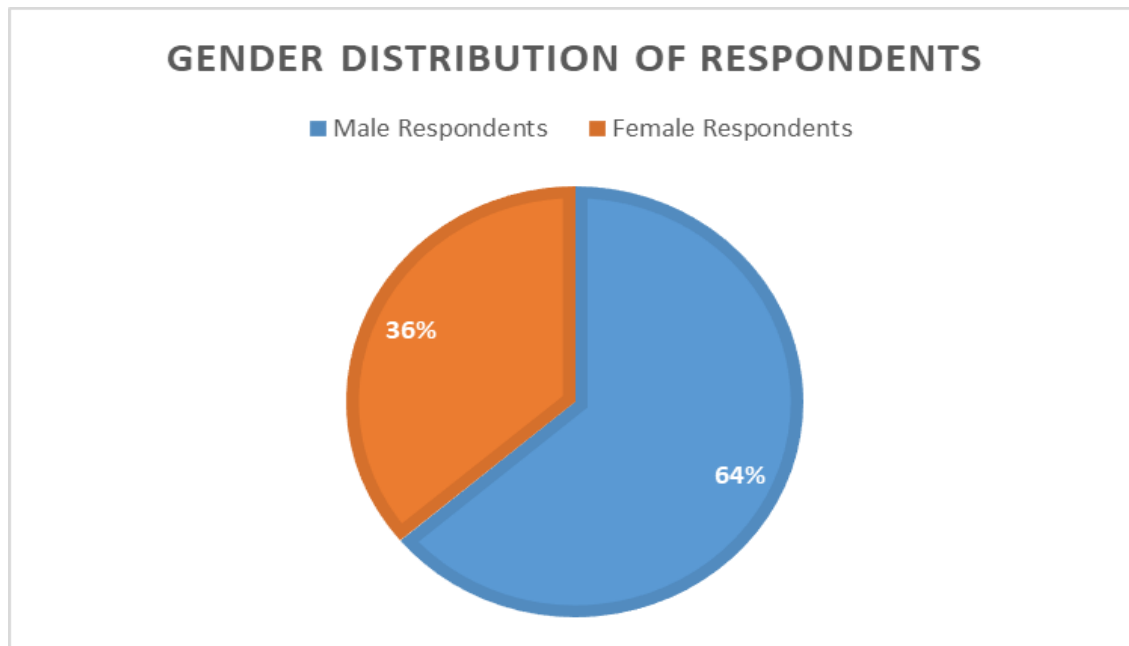
The gender characteristics of respondents were observed and findings are presented in **Table 3.2.1** and **Figure 3.2.1** below.

Table 3.2.1: Showing Respondents' Distribution by Gender

| Instrument | Male Respondents | Female Respondents | Total Actual Respondents |
|-------------------|-------------------------|---------------------------|---------------------------------|
| FGDs | 96 | 54 | 150 |
| Interviews | 9 | 5 | 14 |
| Case studies | 1 | 0 | 1 |
| Total | 106 | 59 | 165 |

Source: Primary Data (2020)

Figure 3.2.1: Showing Respondents' Distribution by Gender



Source: Primary Data (2020)

From the Table and Figure 3.2.1 above, the majority of respondents (106) representing 64% were male while 59(36%) were female. *'Lomise Florence' a staff at the northern division Offices in the Municipal council said; here in karamoja land matters are dominated by men of age(elders) and when you women or youth say something they say we are not concerned with land'* Despite the gender disparity in favor of males, the fact that both female and male respondents were part of the sample, the results of the study were gender representative

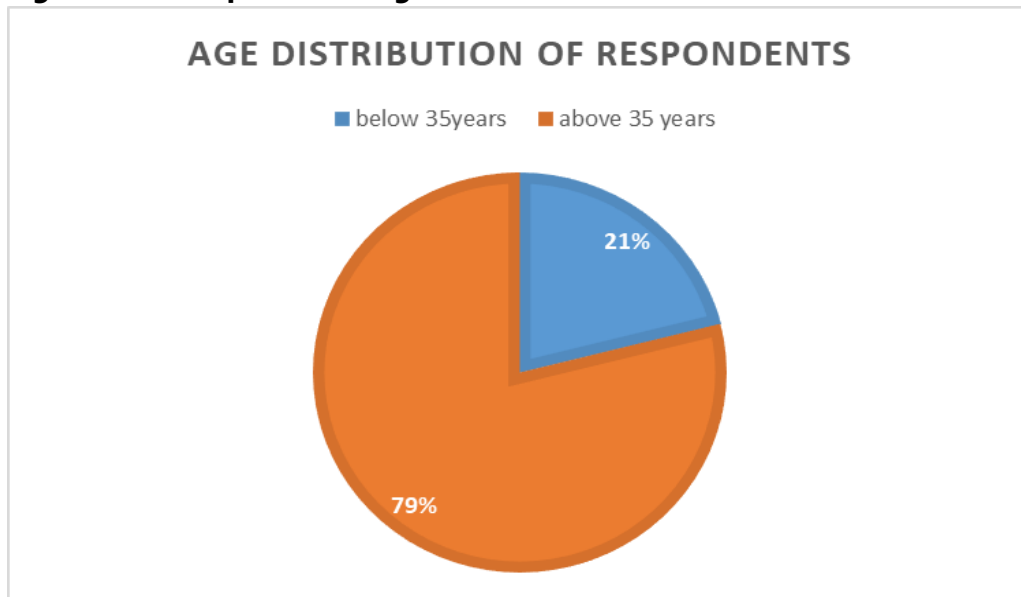
3.2.2 Respondent's Age Distribution

The age characteristics of respondents were observed and findings are presented in **Table 3.2.2** and **Figure 3.2.2** below

Table 3.2.2: Respondent's Age Distribution

| Total Actual Respondents | Below 35years | Above 35 years |
|---------------------------------|----------------------|-----------------------|
| 165 | 34 | 131 |

Figure 3.2.2 Respondent's Age Distribution



Source: Primary Data (2020)

From the Table and Figure 3.2.2 above, the majority of respondents (131) representing 79% were above the age of 35years, 34(21%) were female; this is partly explained by the fact that land matters are vested in elders more so men as this is largely a patriarch society, even in incidences where women and youth were invited to participate in the FGDs, they did not turn up in the numbers required as land matters are often dominated by adults. Despite the age disparity in favor of adults, the youth were adequately represented in some FGDs.

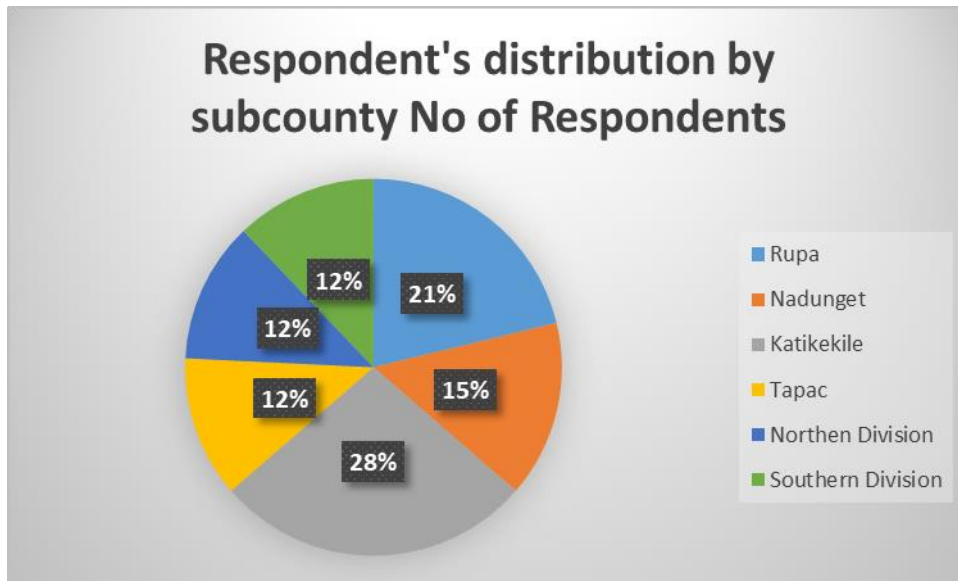
3.2.3 Respondent's Distribution by Sub County

Table: 3.2.3 Respondent's Distribution by Sub County.

| Sub County | No of Respondents |
|-------------------|-------------------|
| Rupa | 35 |
| Nadunget | 25 |
| Katikekile | 45 |
| Tapac | 20 |
| Northern Division | 20 |
| Southern Division | 20 |
| Total | 165 |

Source: Primary Data, (2020)

Figure 3.2.3. Respondent's Distribution by Sub County



Source: Primary Data, (2020)

The findings in table and figure 3.2.3 above show that majority of respondents (45) representing 28% were got Katikekile Sub County followed by Rupa with 35(21%) and then Nandunget with 25(15%) and Northern division had 20(12%) while Southern Division and Tapac also had 20 representing (12 %) each.

Empirical results / Key Findings.

Nature of land conflicts:

The study highlighted the following as constituting the nature of conflicts in Moroto District and indeed the greater Karamoja sub region.

i) The Administrative Boundary Disputes.

The study found out that some of the conflicts take the form of administrative boundary disputes and examples given by the respondents included;

- Boundary disputes between the Bokora of Napak and the Matheniko of Moroto, the locals indicated that the Bokora lay claim over the Matheniko land and have often encroached. they even attempted to claim that the land where Nadunget SS is in Nadunget Sub County belonged to them arising a number of conflicts some of which led to clashes and loss of Lives.
- Administrative boundary disputes between the Tapac and Nadunget in Kodonyo, Sogolimen and Nakonyen were also reported.
- In Katiekile Sub County, Administrative boundaries between Tepeth and Matheniko were reported.
- Loro Sub County of Pokot in Amudat and Tapac Sub County of the Tepeth have also experienced numerous land issues over the administrative boundaries.
- Boundary disputes between Rupa and Katiekile Sub counties have been rampant.
- Other examples include; Musupo where there is boundary disputes between Rupa and Katiekile.
- Musas and Nadiket, where the Seminaries are located. Sub County boundaries between Katiekile and Nadunget among others m

Generally, administrative boundary disputes have been common between the various Sub Counties in the district but also between neighbouring Sub Counties of other districts and those of Moroto district.

i) Customary Land Boundary Disputes and Conflicts

The study noted that where controversies have been registered related to ownership of communal land involving two ethnic groups, the disputes have been bitter and even fatalities reported such as between the Tepeth and Matheniko in Katiekile.

ii) Land Grabbing Causing Growing Landlessness

Two major causes were raised as particularly notorious for the growing land grabbing and massive evictions in the Moroto District:

- a) The rich and materialistic community members, the Elites, the powerful and self-entitling political class, senior military officers, and generally the well-connected individuals to or wielding state power.
- A particular instance cited was in Rupa and Nadunget where a certain powerful individual had surveyed and fenced off chunks of land that is believed to be customarily owned land by communities. The locals also cited the role of elites who take advantage of the unsuspecting community members and buy cheaply from them chunks of land without consulting their family members and often manipulate and survey more than the actual land transacted this leads to complaints and eventually conflicts.
- b) Large Scale investments by both National and Multinational Companies
The existence of enormous natural resources such as Gold, Marble, and Limestone among others have attracted exploration activities involving large, medium and small companies such as Hima Cement, Tororo Cement, and Sun Belt among others. These companies have acquired land on which they are doing heavy extractive work which have not only greatly reduced grazing and arable land in this area, but also displaced local communities some of whom have ended up on the streets of Moroto. The main issue here is that the land transactions are often done by few enlightened community members to the disadvantage of many who afterwards complain of unfair treatment and attempt to resist evacuation leading to forceful evictions.

iii) Inter clan conflicts in relation to the grazing and farming land.

Traditionally, according to the locals, the Karamojong would graze in any part of the region without any knowledge of ever having boundaries. However, with the advent of creation of sub counties by government, communities have come to the reality of land boundaries including some of the service centres carved and included in the newly created sub counties. This has also led to land conflict between Nadunget and Tapac Sub counties.

iv) Family conflicts arising from land transactions.

The land transactions on Customary land are often done by a few enlightened community members to the disadvantage of many who afterwards complain of unfair treatment and attempt to resist evacuation by the new owners leading to forceful evictions.

v) Institutional versus Communities

Incidences of the young generation is reclaiming back the gifted land to schools, health facilities and other institutional assets and properties have been reported such as Nadunget airfield and Sub County headquarters. This comes against the background that originally when individuals gifted land to institutions like churches, schools or health centres; it was done verbally and hardly

documented. Therefore, the claimants are using absence of documented evidence to reclaim land or seek compensation and this is true with some of the church and schools institutional land under the stewardship of Caritas Mortoto.

vi) Communities in Protected areas versus Government Agencies

Many communities living in the proximity of protected areas are advocating for unlimited rights to access the of protected land holding common resources (such as grazing land) with the Uganda Wildlife Authority (UWA) and the National Forestry Authority (NFA), as these are vital sources of their livelihood. Prohibitive controls by the entities have been the cause of endless conflicts between them, such as: The attempt by NFA to harvest timbers from Illipas forest in Tapac and Kodonyo Parishes caused conflict the Tepeth who live close to the NFA reserved land have also often had conflicts with the NFA. Encroachers who are into conservation areas are dealt with harshly. It was reported that UWA game rangers destroyed crops and demolished houses.

3.3. Key Land Conflict hotspots in Moroto district.

The respondents were able to identify the following hot-spot areas with corresponding reasons as follows;

Nadunget Sub County: This Sub County which immediately borders the Moroto Municipality on the lower belt to the Southern direction was reported to be the hot-spot in the *first priority* mainly because of the rapid urbanization sweeping through and most importantly the looming city status of Moroto. This has presented great anxiety to the indigenous land owners and increased demand for land by the medium and small scale investors. The hotspots mentioned in Nadunget included; ***Aryamao village, Nadunget Parish, and Kaloye Parish.***

Rupa Sub County: This Sub County borders the Moroto Municipality on the Northern side. It was reported to be one of the hot-spots in the *second priority* mainly because of the enormous natural resources such as Gold, Marble, and Limestone among others which have attracted exploration activities involving large, medium and small companies such as Hima Cement, Tororo Cement, and Sun Belt among others. These companies have acquired land on which they are doing heavy extractive work which have not only greatly reduced grazing and arable land in this area, but also displaced local communities some of whom have ended up on the streets of Moroto.

Tapac Sub County: This Sub County borders the Moroto Municipality on the Eastern side. It was reported to be a hot-spot in *third priority* mainly because of the deposits of natural resources.

The field findings compared with the document review indicate that most of the conflict hotspots are in rural Moroto as the urban areas are not much affected, this can be partly attributed to the fact to two factors;

- a. Most of the urban land is registered as such people know their boundaries and have legal documentations
- b. Almost all the municipal land is on leasehold tenure as opposed to the rural areas where land is largely customary with no legal documentation and as such susceptible to disagreements and conflict.

3.4 Key drivers/causes of land conflicts in Moroto district

During the conduct of this study; Selected documents were reviewed, all categories of the respondents were sampled and contacted, and observations were made among the communities visited. The findings below are, therefore, an informed understanding of the key drivers/causes of the land conflicts experienced in Moroto District of Uganda.

The respondents were able to provide the factors causing land conflicts in Moroto district as follows;

Historical factors. This was greatly tied to the British Colonial administration between 1898 to 1962 which witnessed the formalization of land registration by British Administration (State) through the introduction of “*alien*” Land Tenure Systems (LTS) of Freehold, *Mailo* and Lease Hold. The indigenous Customary LTS was alienated under the direct ownership and control of the Queen.

Rampant illiteracy and ignorance among the local leaders like the LC1s. The elites take advantage of illiteracy among community members and connive with unsuspecting and illiterate local leaders luring them with simple and cheap gifts during land transactions, some illiterate LCs sign on sales agreements without understanding the details of the sales agreements such as the land size, the neighbours on all sides of the land under transactions. many of such transactions have resulted into complaints regarding the legality of such sales leading to conflicts, such cases are common in Nanduget sub County. The community members accused the elites of using money to buy off the poor families; When they buy, they also fence off more land than what was originally bought.

The rapid urbanization sweeping through and most importantly the looming city status of Moroto has presented great anxiety to the indigenous land owners and increased demand for land by the medium and small scale investors which has led to Land speculation where family members get into conflict during transactions.

The effects of the insecurity in most areas of Moroto and indeed the greater karamoja. Largely caused by cattle rustling, many communities moved to safer places far away from their ancestral land and when the disarmament programme by government started most of these returned to their lands only to find that unscrupulous individual had registered their land and taken over and most of the land formerly customary had now titles with different owners this has caused a lot of conflict between the original and new purported owners with documentation. These scenarios are common in many parts of Moroto.

The impact of the government disarmament programme, that led to restoration of peace in Moroto and the greater Karamoja sub region. Some pundits argue that while the Karamojong still had guns, no incidences of trespassing, land grabbing and unlimited influx of foreigners with their economic interests were common but after disarming the people of Karamoja and the return of Peace in the sub region; many external entities and people picked interest of exploring and investing in the regions, these have come with a huge burden including pressures on the available land as the population of these areas increases.

Tenure insecurity as government institutions keep on moving boundaries, i.e. UWA and NFA keep planting trees beyond the known reserve boundaries. Many communities bordering these reserve areas are often in conflict with government agencies.

Involvement of some CSOs in the demarcation of land while taking sides has partly contributed to land conflicts. For instance, in Nandunget, one CSO (Names withheld) facilitated the mapping of land between the Matheniko and the Bokora from Napak, they disfavoured the Bokora. hence the continued wrangles.

Inadequate resourcing of Land Management Institutions: The land administration system is inadequately resourced and hardly delivering on its expected roles, let alone reported to be highly infiltrated by tendencies of fraud and corruption. The dual system of land administration (the formal/statutory and informal/customary) is said to breed conflict and confusion due to the overlapping mandates. For a region Karamoja like West Nile where customary tenure is the norm, the roles of traditional institutions of land management, dispute resolution and land governance are always challenged, causing complications in their work.

Political Interference: Community voices severally sited political interference and impunity that characterize land injustices, which has increasingly gained notoriety, especially with the rise in Large Scale Land Based Investments coming into the region. It evidently emerged that local leaders and privileged community members are commonly and easily compromised to aid unscrupulous disposal and/or acquisition of land. Individuals, families and communities lose land, with vulnerability groups of society -women, widows, children and People Living with HIV/AIDS helplessly suffering the brunt. Such cases were sited in Rupa Sub County.

Succession challenges: Upon the death of the husband, his male relatives supported by some of the cultural leaders most often assume responsibility for administering the estate, sometimes in ways contrary to the intentions of the deceased. Clan elders often distribute property in ways favourable to the relatives of the deceased and may even evict the widow from the matrimonial home. In a patrilineal society, a male relative whether a son or otherwise is often deemed to be the rightful heir, thus automatically terminating a widow's right to land and other property.

Although the law clearly does not allow for such practices, far too many people are ignorant of the law.

Disrespect of Local Council Courts: The law provides no precise direct linkage between the traditional institutions and the formal land justice sector. The Local Council (LCII) courts are considered as Courts of first incidence in respect to customary tenure. When disagreement persists, the appeal is forwarded to Local Council Court III, from where it may proceed to the Magistrate courts. These Courts are reported not to be functional in the district, whereas they would have provided a formidable cushion for the prevalent family and individual land disputes and conflicts.

Collapse of District Land Tribunals: The 1998 Land Act introduced District Land Tribunals as a specific dispute resolution system for land issues. Coordination challenges between the Lands and the Justice Ministries emerged, leading to the takeover by the latter in 2004, which eventually closed them down in 2006 due to problems with staffing, coverage and funding. Communities in West Nile region argue that the tribunals should have been supported to remain in place to mitigate the rise in land conflicts.

Land Corruption: Land Corruption is an obstacle to development and good livelihood, whether in rural or urban settings. It distorts economic growth, and threatens democracy, the rule of law and human rights. It is a concern for individuals and societies, given that land is an important factor for people who live on it, and is closely intertwined with sense of belonging, cultural identity, their income, livelihood and food security. The gravity of land corruption as a phenomenon is widely recognized. The challenge is that it has spared none, as it ravages through every process and every stakeholder. At community level, the Local Councils (LCs), the traditional leaders, the Police, the members of the District Land Boards and Area Land Committees are all being indicted for fuelling land conflicts through corruption tendencies.

Population Increase: All the sub Counties in Moroto reported the fast-growing population, exerting pressure on land and its attendant resources. In Moroto and indeed Uganda at large, the number of children born in a family is still averagely high. Rapid population growth is being registered in all the districts, which have inevitably affected the dynamics on land, including encroachment in the wetlands, forests, game reserves and other protected areas, and above all causing land conflicts at both family and community level.

Declined Societal Values: The people of karamoja and Moroto in particular were known historically for their strong societal values such as respect for culture, morality and discipline. The appalling decline in societal values to poor parenting, bad governance and Western world lifestyles has partly been cited as among the major causes for land conflicts in Karamoja. Currently communities lament about the traditional formation of children of the past, which has since given way to moral bankruptcy in society. The youth are said to be too materialistic, and are commonly

and sometimes violently culprits of family land conflicts. One major attraction of the youth is owning a boda-boda motorcycle, with which they are able to adopt urban fancy lifestyles, dominated by alcoholism and illicit drugs abuse. Sub counties reported this development among the youth.

Conflicting Roles: The Land Act provides for the determination by traditional authorities of disputes on customary land, or act as mediator between persons who are in dispute over any matter arising out of customary tenure. Relatedly, the 1995 Constitution recognizes cultural institutions' mandate on customary land, although with restrictions against engaging in politics. Accordingly, customary rules and norms are applied to resolve land disputes. In fact, studies done indicate that in areas with predominantly customary tenure, over 70% of land conflicts were reported to traditional leaders.¹² However, there are still challenges in the recognition of traditional authority by the courts of law. This is because the law provides no clear-cut linkage between the traditional institutions and the formal land justice sector.

The customary law is weak, customary issues are settled by elders using mediation not like arbitration or courts of law, this renders what we do not to be respected as members of the elders councils (ekirekit), this remains a challenge to our work as a traditional leaderes. This was a comment by one of the elders-key informant in Nandunget

Ignorance of the Law: whereas the study revealed that there have been numerous efforts by a number of Civil Society actors in empowering members of the different communities where they work. However, the lack of information and awareness is still enormous, which creates fertile ground for abusers of the law. Local leaders contend that the deliberate agenda by Government to fully tackle the land rights question through empowerment and awareness creation among the Karimojong is still wanting. The few awareness events usually jointly organized do not produce the desirable impact to improve land governance.

Poverty and Economic Hardships: It has been argued elsewhere in this report, that land has lost the prestige with which it was managed in the past. A decision to trade off land to manage domestic hardships was made in the least of circumstances. The unprecedented conflicts on land particularly at family level has, therefore, been attributed to deepening poverty levels in the Karamoja Sub region.

3.5 The impact of land conflict on the local communities.

The study revealed several effects that local communities suffer as a result of the land conflicts key among these include;

¹² Milestones Towards the Integration of Formal and Informal Justice Mechanisms.....ULA Research Series

- Loss of lives due to the violent clashes among conflicting parties for instance about 3 members in Kautaku village were reported to have lost lives in such clashes, similar scenarios were cited in Nadunget, and Tapac.
- Loss of livelihood as a result of loss of arable land, grazing land.
- Family breakages especially where intermarriages are involved. A case was cited involving a woman from the Bokora married to a Matheniko man who was believed to have been killed due to land conflicts involving the bokora, a raid was done and counter looting done. Besides, families also break as women at the mines have turned into prostitutes.
- Hunger and poverty results from these conflicts due to the lost livelihood. The karimojong refer to hunger and famine as (akoro) which is a word you will not miss in every discussions regarding the economic and social hardships of the people.
- Orphans and women are squatters on their land and some children end up on the streets of Moroto.
- Reduced production and productivity due Limited land under cultivation
- Depletion of natural resources especially forest cover as many landless people resort to charcoal burning for survival.
- Too much work at the mines prevent young men from adequately exercising their conjugal responsibilities.
- There is reduced rainfall due to increased tree cutting which has left the place bare.
- Loss of lives as a result of the quarry pits as people fall into the pits.
- Loss of flora and fauna as a result of excessive exploration
- Displacement of local communities by the NFA. The Tepeth have been forced to move on top of the mountain where there is no land for cultivation.
- The facilitators of government program (NUSAF 3) on cassava have forcefully lumped people gardens.
- Lack of land for settlement. High occupational hazards at the site. Accidents due to sparks and blasts from stones being heated.
- Crops no longer grow around the vicinity of the mining sites hence causing food insecurity

3.6 Key actors in the land conflicts in Moroto District.

The study revealed that several factors and actors are at play in the land conflicts in Moroto District among these included;

- The investment companies such as Sun Belt, Tororo Cement.
- Land speculators and business entities
- Local leaders including the LCs and sometimes the Elders
- Some Civil Society Organizations

- Government agencies such as NFA, UWA and UNRA among others
- Community members who are sometimes dishonest after formally conducting land transactions
- Politicians /MPs
- Security agencies the military in particular.
- Elites
- Government and some of her Officials

4.0 RECOMMENDATIONS

4.1. Recommendations derived from Primarily Findings

From the primary study findings, the following are suggested as possible recommendations to address the rampant land conflicts in Moroto District.

- Need for government to clearly map the boundary between the Matheniko of Moroto and Bokora of Napak.
- Government and NGOs should support local communities to register their land.
- Sensitize communities and the local leaders on their roles in land management and the value of land.
- Educate people on land laws and rights.
- Support alternative livelihood for local communities.
- Build the capacity of LCs and the Area Land Committees.
- Support the ALCs to work closely with the LCs.
- Government to support in opening of new settlements so people stop overcrowding.
- Government to end insecurity which started in Karamoja in 1957, this is the main cause of land conflicts. People concentrate settlements due to issue of insecurity and if there is security, people can settle in the sparsely populated areas.
- Community sensitization on the value of land.
- Demarcation of land boundaries using trees.

4.2 Practical recommendations and actions that Caritas Moroto and EADEN can undertake or follow up.

The recommendations are framed in a way that practical actions and responsible institutions are suggested for follow up by Caritas Moroto and EADEN

| Key Recommendation | Practical Actions | Responsible Institution |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Strengthen land rights awareness in Moroto District and greater Karamoja | | |
| a) Educate men regarding women's situation. Help men understand the link between sharing power within the relationship and productivity and increased economic benefit. (Male attitude change) | <ul style="list-style-type: none"> - Radio campaigns on land rights justice. - Encourage male leaders (central leaders, local leaders, clan leaders) to take a stand for widow's ownership of land. | <ul style="list-style-type: none"> -Ministry of Lands, Housing and Urban Development -Caritas Moroto -EADEN - DLB & ALC -Regional and District Land Offices -Cultural leaders |
| | Educating women and communities about women's land rights; challenging discriminatory customary rules; addressing cultural barriers to the implementation of gender-fair inheritance laws; and documenting existing customary rights and encouraging the communities to have all their land registered and issuance of CCOs | <ul style="list-style-type: none"> -DLB & ALC -Regional and District Land Office Cultural leaders CSOs working on land rights -Caritas Moroto -EADEN |
| b) Develop and disseminate information education and communication materials to address statutory and customary land right issues | <ul style="list-style-type: none"> - Design posters - Develop books - Write, act plays and drama - T-shirts, poetry | <ul style="list-style-type: none"> - MLHUD - District Land Office - Development partners -Caritas Moroto -EADEN |
| | Popularize the land laws in local lingua franca | <ul style="list-style-type: none"> - District Land offices - CSOs working on land matters - Caritas Moroto -EADEN |
| c) Lobby for inclusion for Gender and Land rights education at primary level in primary curriculum. | <ul style="list-style-type: none"> - Develop draft curricular for primary one-seven (Not examinable) like French and computer | <ul style="list-style-type: none"> - MoES - NCDC - MGLSD - ESA - Caritas Moroto - EADEN |

| 2. Ensure land governance has all stakeholders participate in decision making arenas | | |
|-------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| Participation by women, youth and men in land governance | -Development of IEC Materials for awareness on gender inclusive land governance | -MoGLSD -MoHLUD - DLGs |
| | Encourage women and youth to access public offices so that they can be part of the team that will raise voices on issues related to land justice | Caritas Moroto EADEN DLB & ALC |
| | Involvement of women and gender responsive institutions | DLG, DLBs, ALCs |
| | Lobby traditional and cultural leaders to involve women and youth in deciding land justice issues | Cultural institutions, Political leadership DLG, LLGs Caritas Moroto EADEN |
| 3. Enhance the capacity of the land Management institutions to ensure land justice is attained | | |
| a) Capacity building, coordination and advocacy for land rights justice | Strengthen the capacity of land management Institutions ALCs, DLBs both in urban and rural should be sensitized about their roles | -Development partners -Caritas Moroto EADEN -DLB & ALC -MLHUD |
| | Undertake joint advocacy at local, national and international levels on land justice as the forces behind land grabbing are very powerful and need to be tackled at all levels | -Caritas Moroto -EADEN - Development partners - Other CSOs - DLBs, ALCs; LCCs |
| | Support the establishment and facilitate operations of land rights working group where stakeholders regularly share experiences on land related matters | CSOs working on land rights DLGs DLBs |
| b) Land registration | Promote Land registration for all and lobby for the subsidization and standardization of the land registration fees. | - Parliament - MoLHUD - DLG Land offices - DLBs, ALCs |
| | Ensuring adequate infrastructure for safety of the land documents | - DLG Land offices |
| | Regional land office should be made accessible for the communities to get their titles | - MoLHUD |

| 4. Lobby for changes in the policy and legal framework for land and institutions delivering land justice | | |
|----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| a) Legal Considerations | Update of land laws and ensure there is clarity in the land laws | -Parliament -MoJCA - MoLHUD |
| | Lobby parliament to ensure all land laws are written in the languages found in the third schedule of the Ugandan constitution (56 languages) | Parliament of Uganda and relevant sectoral working committee |
| | Functionalize the land tribunals | MoLHUD, MOJCA, |
| | Operationalize the LCI, LCII and LCIII courts because they have ample knowledge on land issues within their areas of jurisdiction | MoLHUD, MOJCA |
| | Work with MDAs like NFA, UNRA, UWA, NEMA to ensure collaborative use of land resources | NFA, UWA, UNRA, NEMA, DLGs |
| b) Institutional considerations | Lobby for the increase in the judicial officers to handle land related cases expeditiously and facilitate them to undertake locus | MOJCA, Judicial Service Commission, MOFPED, DLGs |
| | Resolve disputes using alternative methods as courts have a back log leading to long periods before cases can be disposed of. | Regional and District Land Offices |
| | Strengthen the institutions dealing with land matters and expedite land justice processes | MoLHUD, MoJCA, DLGs |
| 5. Work with cultural institutions to practically work for land justice within the local settings | | |
| Social and Cultural consideration | Undertake sensitization on land rights justice especially with customary land tenure and address entrenched patriarchy | - MLHUD - DLB, DLGs, ALCs - Cultural leaders Caritas Moroto -EADEN |
| | Support the traditional cultural institutions to develop guidelines for land conflict mediation and let it be translated into local dialects | - Traditional and cultural institutions - CSOs working on Land Matters - MoLHUD, DLBs |
| | Use cultural norms to redirect the young people | - Cultural institutions, elders, local leaders |
| | Establish a formal team of traditional leaders (Clan heads) to undertake mediation especially where boundaries are the cases of land conflicts. | - DLGs, DLBs, ALCs |

Conclusion.

The study concludes that any attempts to address the rampant land conflicts in Moroto and deal with the potential and actual effects of the same requires a multi-dimensional and multi sectoral approach especially in dealing with the causes of land conflicts such as poverty and the effects of looming urbanization and mineral exploration, the Karimojong people need diverse and alternative sources of livelihood to supplement their small holder farming and pastoralism which is now increasingly becoming untenable. Secondly the question of Customary Land Tenure Security needs to be addressed, by supporting communities to register their land and acquire Certificates of customary Ownership as a way of guaranteeing ownership and promoting sustainable economic activity and livelihoods.

REFERENCES

- A Gender Analysis of Corruption- forms, effects and eradication strategies – Royal Danish Embassy September 2009
- Uganda Land and Natural Disasters report, 2010
- DANIDA Gender Tool Box
- Mainstreaming Gender and HIV/AIDS Issues into the Draft National Land Policy – September 2008 pg 7
- Milestones Towards the Integration of Formal and Informal Justice Mechanisms.....ULA Research Series
- United Nations. Transforming our World: The 2030 Agenda for Sustainable Development. A/RES/70/1. New York. Unites States.
- The World Bank. Africa's Cities: Opening Doors to the World (2017). World Bank, Washington DC. USA
- African Union. http://www.uneca.org/sites/default/files/uploaded-documents/LPI/au_declaration_on_land_issues_eng.pdf
- The National Environment Bill, 2017
- Second National Development Plan (NDP-II) (2015/16-2019/20). National Planning Authority. Kampala.
- Uganda National Vision 2040. National Planning Authority. 2013. Kampala, Uganda.
- First National Development Plan (NDP). 2010/11-2014/15. National Planning Authority. 2010. Kampala
- Agriculture Sector Development Strategy and Investment Plan: 2010/11-2014/15. Agriculture for Income Security. Ministry of Agriculture, Animal Industry and Fisheries. July 2010. Entebbe.
- Joint Agriculture Sector Annual Review (JASAR) Reports. MAAIF. 2010-2015.
- Sub-county Local Government 5-Year Development Plan. 2010/11-2014/15 and 2015/16- 2019/2 (Various)
- District Local Government 5-Year Development Plan. 2010/11-2014/15 and 2015/16- 2019/20. (Various).
- The constitution of the republic of Uganda,1995

APPENDICES

CASE STORY OF A COMMUNITY MEMBER

Case Story: Artisanal Miner, Apa Lukwang Ojali-75 Years old

The history of Artisanal Mining in Karamoja traces way back during the British period where the locals participated in small scale mining of Gold deposits especially in the greater Karamoja.

This practice that gained roots especially among the men slowly spread with discovery of other



minerals such as Marble and Limestone. This became a unique livelihood activity for the poor members those class who didn't have cattle.

Apa is no exception of this struggle as he has spent his entire 31 years in the Marble and Limestone mines. Ailing from a humble Tepeth Clan in Loyamai village in Loyik Parish, Tapac Sub County of Moroto.

At the age of 19, he acquired animals which he used to rely on for blood and milk and income as he could also sell once in a while, especially when faced with social functions such as marriage of close relatives and associates. He boasted of owning huge herd of cattle in his youthful age.

Other than cattle rearing, he engaged in cultivation and mainly sorghum for food and little did he know one day all would be no more. Just like it befell other community members, his cattle were raided by the Turkana and the few that remained were swept by unfamiliar disease in 1989 and that marked the beginning of another life for him.

Since then, he was forced to join the Artisanal mining mainly extracting Marble and Limestone which he sold to Tororo cement who are the major consumers of limestone and Marble.

At the time of documenting his experiences, he narrated his ordeal of how he has toiled down the mines just to earn a meal for his family. It takes him a minimum of four (4) weeks to extract a trip

of Limestone (about 1,200 tones) which is sold at Ugx240,000/= (69USD). Literally, it means he earns about Ugx8,000/= (1.5 USD) per day.

“Even the money I earn comes after a long struggle, the truck drivers who buy from us take long to drive to Tororo and back and this delays the payment. To cope with this, I have several mines since this land is communally owned so no one can disturb me. If the land wasn’t communally owned, there would be a lot of conflicts by now. I feel bad that government has left me to struggle on my own. I don’t have a voice to negotiate for much money from the limestone I extract.”

LIST OF FIGURES

1. Figure 1: Map of Uganda highlighting Moroto District in red color
2. Figure 3.2.1: Showing Respondents' Distribution by Gender
3. Figure 3.2.2: Respondent’s Age Distribution
4. Figure 3.2.3 Respondent’s Distribution by Sub County

LIST OF TABLES

1. Table 1. Land Dispute Resolution Institutions and Mechanisms
2. Table 2.1 Study population, sample and sampling procedures
3. Table 3.1: Response Rate
4. Table 3.2.1: Showing Respondents' Distribution by Gender
5. Table 3.2.2: Respondent’s Age Distribution
6. Table: 3.2.3 Respondent’s Distribution by Sub County
7. Table: 4.2 Practical recommendations and actions that Caritas Moroto and EADEN can undertake or follow up.

