

# 'Take Anything, Leave Our Land'



*Two land acquisitions cases offer a glimpse into Karamoja's complicated development problem and the growing storm over its land resources*

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**This report is dedicated to the 50 children, women and elderly from Namalu who passed away between February and December 2014 from cold and hunger.**

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**Lists of acronyms**

LCV	Local Council Five
KDF	Karamoja Development Forum
NFA	National Forestry Authority
RDC	Resident District Commissioner
UIA	Uganda Investment Authority
UN WFP	United Nations World Food Programme
UPS	Uganda Prisons Service
UWA	Uganda Wildlife Authority

## INTRODUCTION

### 1.1 Background to the conflict in Karamoja

The Karamoja region in Northeastern Uganda, covering an area of 27,200 square kilometers, is inhabited by around 1.2 million people who live in seven districts; Moroto, Nakapiripirit, Napak, Amudat, Abim, Kotido and Kaabong. Its residents are mainly *Ngakarimojong* speaking peoples, but the area is also home to the Ethur, Labwor, Pokot, and indigenous minorities such as the Tepes and the Ik.

Karamoja has been described as a 'development problem' because of its unique characteristics, with its people being mainly pastoralists and due to the recent history of cattle conflicts between the Karimojong ethnicities and its neighbors. Many Karimojong say they are left 'behind' in terms of socio-economic issues. To the rest of Uganda, Karamoja's recent history is a continuous source for justification.

The government of Uganda with the support of Karimojong civil society and the Karimojong people embarked on a disarmament program in the early 2000s. The disarmament has been a success in the physical reduction of weapons, though it has been considered by many to have led to an economic crisis because of increased vulnerabilities. A number of people in Karamoja say the resulting 'relative peace' has opened up the region to an influx of economic interest in a short time and this has happened without the local communities being adequately prepared and informed of the changes they are now facing. The result has been a strain on traditional economic systems.

The disarmament program reduced, if not minimized, the presence of guns in the Karamoja region and the following 'relative peace' has set the pace for increased development work. While many Karimojong are expecting the dividends of 'peace' to flow, new challenges have arisen, especially in the land and natural resources sector.

Land in Karamoja is communally owned and is used for settlement, livestock rearing and crop growing. Due to previous insecurity and low population densities, a large portion of the land in Karamoja appears deserted as chunks of it are mainly used for grazing.

Pastoralism remains the most resilient livelihood and food security system in the region. This is because of its adaptability to the harsh and unpredictable climatic conditions of the region. Karamoja's vast grazing grounds, lands with high agricultural potential and natural resources, continue to lure private investors, speculators and the government. These acquisitions are bolstered by a stereotypical working culture steeped in decades of marginalization and haphazard development interventions.

It is upon this background that we find the two land acquisition cases that are the focus of this report. This study presents findings from a case in Namalu Sub County in Nakapiripirit district, and Kautakou village in Ngoleriet Sub County in Napak district.

In Namalu, the Uganda Prisons Service (UPS) have increased its land holding in a contested land ownership case, and has evicted over three hundred households. In a space of ten months, when the research was conducted, 50 people died as a result of sickness related to cold and hunger. The reason for this hushed up acquisition and eviction has been to 'produce food to feed children in Karamoja primary schools'.

In Kautakou, the Uganda Investment Authority (UIA) acquired land from a Karimojong, in an interesting case of sale of one group's communal land by another.

These two scenarios are bits and pieces in a growing scene of land grabs, speculation, abuse of rights and deprivation. They are parts in a tale of the ongoing land scramble in the Karamoja region. In both of these cases, this study finds communities struggling to communicate with government agencies creating space for mistrust and abuse.

## **1.2 Study Background and objectives**

The objective of this study is to secure the land rights of communities, and where this is not the case, as in Namalu, secure the rights of victims of land acquisitions in Karamoja. We do this by documenting events around an acquisition by a state agency of communal land, and again by another government agency of a contested piece of land and the human rights violations committed in both cases.

We seek to raise the voices of the people affected by these conflicts, through providing analysis of the events with a desire to create an increased understanding of the effects that these acquisitions of land have had on the local communities.

It is hoped that the analysis of these two land cases will offer useful insight into the broader development questions in Karamoja.

## **1.3 Methodology**

The study employed qualitative data collection and methods used included focus group discussions, and semi-structured interviews with individuals. In all questions, we sought to understand change over time, impacts of these changes, and the ways in which households and families have been affected by the events around their land, and their adaptation options.

We also attended upon invitation by the Kautakou community, public meetings, as well as public ceremonies. Over time, KDF established a strong relationship with the community, upon which confidence and trust was built. This led the community members' to give detailed, private information to the KDF team. In Namalu, this trust and confidence enabled KDF to document evidence of deaths, through obtaining medical information from the hands of mourning families.

The methods employed have had the overall objective of raising voices, and trying to communicate to a wider audiences, including the government.

Video, audio, and pictures were collected during this study, some of which were uploaded and shared on KDF online forums, and used in KDF's advocacy events. Because the conflict is an ongoing one, just as the efforts to secure the land rights of the communities involved are, it has not been possible to keep the information until this report was published.

KDF does not claim impartiality in handling this research, as the aim was to highlight the mistreatment and the abuses suffered by the communities in these two different acquisitions. The community has

limited platforms, and this is an attempt to provide them with one. No effort has been made, except where necessary, to give a voice to the people KDF believes have the moral, legal and political responsibility for the abuse of the rights of these communities.

#### **1.4 Study Period**

The study and documentation of the Namalu case began in January 2013 when the eviction started, and lasted until December 2014. The study of the Kautakou case began in mid-2014.

As the events are still unfolding the research presented in this report is based on the above time periods. However, KDF is still following up with the cases and is monitoring developments.

#### **1.5 Actors in Kautakou and Namalu**

##### **I. Uganda Prisons Service**

Uganda Prisons Service, established by article 215 of the constitution of the Republic of Uganda, is mandated to provide safe, secure and humane custody of offenders while placing human rights at the center of their correctional programmes.<sup>1</sup>

##### **II. Uganda Investment Authority**

The Uganda Investment Authority (UIA) - a semi-autonomous government agency operating in partnership with the private sector and The Government of Uganda to drive national economic growth and development<sup>2</sup>. It is setting up a Karamoja Industrial and Business Park (KrIBP) in a contested land transfer.

##### **III. Peter Amodoi Ayopo**

Acting Assistant Commissioner at the Office of the Prime Minister; he is said to have sold the land at Kautakou to the Uganda Investment Authority.<sup>3</sup>

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<sup>1</sup> UPS social media site

<sup>2</sup> UIA website

<sup>3</sup> UIA Executive Director in the Daily Monitor, Land ownership documents seen by KDF, and a number of community interviews

## **NAMALU**

### **2.1 Introduction**

This chapter details the research findings on the Namalu case, and analyses the forms of land ownership and the physical eviction that took place from January 2013. It looks at the life of the victims in three periods; before, during and after the eviction.

### **2.2 Contested ownership**

As in other land holding cases, both the Uganda Prisons Service and the community claim the land belongs to them. Uganda Prisons Service claims the land in question is owned under freehold, having been converted in the 1960s from communal land owners in Namalu. The elders who were present at the time of the conversion and who sold the land to the UPS say the UPS extended its boundaries. The UPS has not produced a land title to prove its ownership. The community does not have any ownership paperwork either since the land was held communally.

The UPS arrived in Namalu in 1958 to support a cattle scheme program to feed soldiers. The program included a meat packing factory where inmates from the prison were working. The factory became a controversial one as the cattle taken to the meat factory were grabbed by force when they entered government protected area without the consent of their rightful owners.

In early 1960s, a Karimojong MP called Max Choudry who served under the UPC government from 1962 – 1971 as minister of lands settled in Namalu. He used inmates at the UPS to build a house for himself. The minister claimed ownership of the surrounding 100 acres which the UPS now says they bought. At that time, the UPS evicted everyone on the land. The representative of government then (the district commissioner) demanded for people to get compensation. The people were paid disturbance allowance between 1962 and 1963. After independence, the cattle factory was transferred to Soroti and inmates had no work. UPS requested for farm land. Their request was accepted by the land owners who gave a section of land located east of the Namalu – Mbale road between Kocholikokoi and Amaler rivers. The former owners of the land say they were not paid for the land though they received ‘disturbance allowance’ or compensation for existing constructions or plants. The UPS says they bought the land. The current land held by the UPS located west of the Namalu – Mbale road between Kocholikokoi and Amaler rivers; the land around Amaler mission up to Kaiku on Kadam mountain and the land neighboring Loperot villages is said to have been illegally acquired by the UPS according to witnesses. When the meat packers left for Soroti, inmates started to plough land to produce food for themselves. UPS has since then expanded beyond the allocated boundaries as explained above.





A sketch map used by the Uganda Prisons as 'evidence' of ownership

*"I was born at Choudry's, which we now know as Prisons Land. That Land wasn't for Prisons. We didn't know that the Land belonged to anyone, not even Prisons, not even Chodir's, not even us. We were all just settled there because the Land belongs to God where anyone can come and settle and no one can claim ownership year in, year out since one can die and leave Land behind," Hellen says.*



*“When we came from Lochoa Angikaalei, we did not know anyone owned this land, we just stayed. In the year of Apalomagal and Apalomeri, I was young - still a girl. I never heard that the land was for the Uganda Prisons,”*

### **2.3.1 Before Eviction**

The local inhabitants heard news informing them of rumors of development plans. The first information was released in 2013 during the festive season (Christmas).

In January 2014, Namalu Government Prisons started clearing land and gardens to everyone’s surprise. Before the expansion, the UPS cultivated within some known boundary but expanded partly because of a food production partnership with the Office of the Prime Minister. According to the partnership, the OPM is to support the UN World Food Programme with food for schools as the UN WFP is scaling down food supplies to schools in Karamoja. Government officials have said the food will be supplied to primary schools.

While there was a meeting on the 10th of January 2014 to discuss the eviction with the communities, the clearing and tilling of the land had already started weeks earlier. Most people in Namalu acknowledged that a deal had been made between the local politicians and the Uganda Prisons Service and that the meeting in Namalu Sub County was merely a ruse.

Ugandan law requires that before an eviction the communities affected should be notified of the date of the eviction well in advance. Government is also responsible for identifying alternative settlements for the people. This did not take place in the case of the inhabitants of 'Tonyoutu' village.

*"We had not received any Letter notifying us of the eviction. If we had received the notice, we would have been aware and may be would have done something-or found alternatives"* a resident said.

### **2.3.2 During Eviction**

The eviction was carried out in February 2013 during the planting season. A number of the community members said they had crops ranging from potatoes, oranges, and pawpaws growing on the land. Prisoners were used in the eviction process. Crops were uprooted, potato fields were ploughed over, and houses were destroyed. According to some of the victims, a number of huts were set on fire and their property was looted.

A resident described the unfolding events: *"Tractors ploughed through homes and destroyed crops. Granaries were also not spared and the food in them was poured out, leaving us with nothing. We lost everything,"* She added *"we asked, 'where are you taking us, Government?' All we were told is to find out where to go. We told them we were born and lived here and that we don't know any other place but they said they didn't know about that."*

### **2.3.3 After Eviction**

After the eviction, the evicted community stayed on the roadside for five days while contemplating their next move. They were exposed to the cold weather as it was the rainy season and they lived in the grass by the roadside and prepared food there. *"It was shameful for us while people drove by,"* one stated.

Following the initial days of relocating to the roadside, the community moved further away from their previous homes to a village they now call 'Tonyoutu', in Ngakarimojong to mean 'Get up and move'. This has caused the community to be further away from not just their previous homes, but it is also affecting their access to basic amenities such as health services.

The following is a description of the image the researchers were faced with when visiting the affected community:

*"Over three hundred families live in houses of grass in a bush that might be about 20 acres. A sense of insecurity fills the air as you walk through the tall grasses to locate the houses. In the wet season, the settlement is flooded and swamped. Dirty, tattered clothing can be seen through the grass that make up the houses. A number of the floors are still wet from the floods, and the rest are humid. Empty cooking places, hungry families and wrecked lives fill these acres of land. The village was mourning over 50<sup>4</sup> people they had lost in the 10 months they had stayed there. Four of them had died just within a week before independence. In the months before, they had tried, in the midst of heavy floods, to plant potato crops. These had failed. In the midst of those failed potato gardens lay 50 of their children,*

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<sup>4</sup> These figures are provisional based on the research KDF conducted in the period from January 2014 - December 2014

*women and elders - dead. Buried as a result of hunger, cold and disease brought on by the forced eviction.”*



In May 2014, government authorities, as if upon realizing the recklessness of their actions, distributed food to the victims of the eviction. The food aid consisted of one tin of maize flour per household. The food was only distributed once.

The deaths recorded have been attributed to hunger, cold and illness. This bears direct relation to the loss of shelter, access to clean water and health services after eviction.

The current settlements are temporal structures, made with reeds and grass, and the communities depend on flowing water from a roadside swamp for home use.



By December 2014, some victims migrated to neighboring regions and districts in order to make a living. Over 100 people are reported to have migrated to engage in casual labor in nearby farms and towns. For those remaining behind, finding food has become increasingly difficult. A number of women we spoke to told us that they are now exploiting the forests for charcoal and wood for sale; these activities are not a substantial source of income for food purchases. Other women work for the prison warders and the military nearby so that they can buy food for their families. After our visits in December 2014, a number of the villagers communicated to us that their families are now having two or three meals a week, in two or three day intervals.

*“For us now here we are just staying like this. We are crying a lot here, we are shedding tears. We are crying about diseases, hunger and deaths. If you just go in the backyard, you will see a lot of graves in these villages. People have been buried. I have lost three of my people since. One of our Mothers has died, some have gone to other lands. If you want to help people, save them. Send information to our leaders, and for you NGOs, support the people. People here survive by destroying forests which have also been restricted,”* stated a victim

The situation is not just affecting the food security but it is depriving young people of their rights including their right to education. School going children have dropped out of school following the eviction since there is no food for them.

*“You can’t send a hungry child to school, can you?”* A parent asked.

Moreover, there is no more money for school fees. A number of the parents told us they generated school fees from the sale of their harvests and livestock which is now no longer possible. They said it puts the future of the next generation at threat.

With the eviction, access to resources on the contested piece of land was denied them. A borehole which was the source of water for them was destroyed by the UPS. This was done by pulling out the water pipe system, rendering the borehole useless. The people have, as a result, resorted to fetching water for domestic use and for drinking from an open, roadside source.

A number of arrests of locals for 'trespassing' have been made. A number of those previously arrested say their arrest was conducted by inmates working on their farms. By October 2014, up to thirty of them were in the prison.



Because of lack of food in the village, getting imprisoned seems to be a blessing in disguise for some. We spoke to one woman who was arrested, and imprisoned. With her two children, she stayed in the prison. While she worked the farms, some of which were her previous gardens, she had access to food for the duration of her stay there. Upon release, she found that a number of women and children from her village had starved. "My children and I are alive because we went to prison," she told us.

***At the end of February 2015, the Minister of Karamoja Affairs in a 'handover' of the food to the UN WFP in Namalu said she would not apologize to people who said government had grabbed their land, adding that the UPS would expand production in 2015.***

## KAUTAKOU

### 3.1 Introduction

This chapter examines the conflict surrounding the acquisition of land by UIA in Kautakou, Napak district. The key actors in the conflict are Uganda Investment Authority, Peter Amodoi Ayopo and the Kautakou community (Napak district). Other actors are the Nadunget community (Moroto district). Documents made available to KDF indicate that the land title was acquired in 2010, and bear the names of Mr. Peter Amodoi. Kautakou community members say they first heard of this sale of land in 2011 when landmarks appeared on the land.

### 3.2 Background to the Conflict

This land is said to be of Kautakou, Napak district. The community attached to the land claims not to have been informed about the land acquisition process, sale, investment and all processes leading to the proposed set up of a business and industrial park.

According to the residents of the area, Kautakou used to be a large village, now split into four or five smaller villages. The village used to sit in the center of the land which is now fenced off. There were also other dotted villages on the land and surrounding it. In the middle of the land is what is called '*emuria angikocila*'<sup>5</sup>, so called because the people have a similar pattern of ear marks on their cows. This land extended to Nadunget, because of the cutting of the thigh (*amuro*)'*adungetamuro*'<sup>6</sup>. Nadunget is said to have been a point of departure after the ceremony of dispersion which concluded with the cutting of the thigh and at the point of dispersion, the Bokora, most of whom were from Kautakou owned the land west of Nadunget.

Current evidence of residence include two boreholes in the area, one of which was constructed in colonial times by a man called 'Lochumae' and the second one (newer) is about ten meters from the older one.

There are also graves on the land which include those of two renowned elders in Kautakou. The current residents of Kautakou say that those buried there are the first generation of settlers in the area, with the current residence being of the fifth generation. Two of the early graves are said to belong to Kailem Angolere the father of Lokubal and his wife.

To date there exists a collective memory about who used to have their kraal or their house in a specific location on the Kautakou land. The land was used for rotational use between crop growing, and settlement.

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<sup>5</sup>Ngakarimojong (Karimojong language) for 'the place where the star grass belonging to those who split the ears of the cow'

<sup>6</sup>Karimojong equivalent for 'The place where the thigh was cut'

There is one tree which was planted by Kailem Angolere. His great grandson said that the seed was brought from Iriir. The tree was special because it was planted for treating animals and people who suffered snake bites.

Because of increasing insecurity in the 1970s, the village split. A decision then was made to settle nearer Kangole, and farther away from both the Moroto - Nakapiripirit road and the Moroto - Napak road for security reasons. This, according to them, was meant to be temporary villages as the security situation was observed and then they would return when security stabilized, which took decades. Descendants of Kailem<sup>7</sup> believe their ancestor had told them to 'not leave him alone' because he wanted 'company', so they have been visiting a number of times to bring him gifts. A 68 year old surviving descendant says he has paid homage to his ancestor with gifts about 10 times in his life.

The contested land has not been used for crop growing in recent years but has been used for grazing by both the Matheniko and Bokora communities.

Most of the community members say there has never been an individual owner over the land. A number of shrines still exist in the area, including the famous '*namoruakwangak*'<sup>8</sup> at the heart of Kautakou. These are used with other shrines in the area on a rotational or a special needs basis.

Because of increased security in the last five years, the people of Kautakou have been in a gradual process of returning to settle on their land.

Pastoral resources on the land and around it includes Aloe Vera, grass, salt leaks, watering points, shrubs, herbs and fencing materials

*The Karimojong value connections with the ancestors, and give a spiritual importance to this relationship. Good relationships with the ancestors are believed to give the living blessings, and are a sign of continuity and good will between the living and the dead. It is the responsibility of the living to ensure the spirits of the ancestors rest in peace.*

### 3.3 Transfer of ownership

All the people interviewed in Kautakou said they had never sold land to anybody, while those interviewed in Nadunget said they were duped in a fraudulent land acquisition process.

<sup>7</sup> As mentioned earlier, Kailem was one of the earliest settlers in Kautakou

<sup>8</sup> Translated as 'the place of white stones'





Some elders interviewed in Nadunget alleged that sellers claim to have “given out” a small piece of land measuring about three acres. The land now under contention is about 580 acres.

*“We quarreled and said 'someone has made us to do bad’” one elder in Nadunget told us. Others said: “We also wanted the Kautakou people to come together but there was no way we could come together because there was a lot of heat and insecurity.”*

Others added: *“We do not remember the year [of sale]. It was Just people like you,” adding “we were taken to the land, but we found the whole land had been marked off.”*

According to two elders in Nadunget, they did not have a conversation with the 'buyer' as 'sellers' and did not know what purpose the land would be utilized for.

### 3.4 Evolution of a Communal Land protection Model?

A number of options have been used by the people of Kautakou village to attempt to regain control over their communal land. These have had varying degrees of success and challenges depending on the contexts within which they have been applied. We have had an opportunity to document a number of these options. However, their collective efficiency as far as settling the conflict is yet to be determined.

#### 3.4.1 Letters or petitions to authorities

Letter writing has been one method of engagement between the people of Kautakou and the political leadership over the conflict. The following table shows a list of letters sent out by the Kautakou community and the responses they received.

S/N	Submitted to	Content	Date	Response
01	LCV Chairman, Napak	Petition to halt the land sale	4 <sup>th</sup> May 2013	Called for two community meetings where he explained the difficulty in handling the case, because 'big' people are involved
02	Ministry (Minister) of Karamoja Affairs (MoKA), copying Karamoja members of parliament	Request for a meeting to discuss the land issue	22 <sup>nd</sup> June 2014	No response
03	RDC, Napak	Request to halt the developments & to respond to Kautakou community	24 <sup>th</sup> June 2014	A verbal response asking Kautakou community to find a lawyer
04	UIA	Contesting development on the land	25 <sup>th</sup> September 2014	No response
05	Principal Assistant Secretary for the office of MoKA	An email requesting for feedback on the letter sent to MoKA	1 <sup>st</sup> October 2014	No response

### **3.4.2 Sensitization Meetings**

A number of sensitization meetings were held in 2010, 2011 and 2012. The meetings were organized by the Kautakou community and were meant to sensitize people on the need to protect the land. There have also been continued discussions at the family and village level in Kautakou about the conflict. The result is that most of the people in Kautakou are aware of the conflict, including the young. In addition, these meetings have been conducted by former Kautakou residents living in other parts of Karamoja and Uganda.

### **3.4.3 Contact with Amodoi Peter Ayopo and UIA**

In order to resolve the issue, the community has contacted the other parties to the conflict. In a meeting of 21st June 2014, Mr. Amodoi Peter Ayopo<sup>9</sup> was represented by a lawyer. The meeting was inconclusive in regards to the conflict of ownership and sale of the Kautakou land.

A community delegation also traveled to the UIA offices in Kampala on the 31<sup>st</sup> of October 2014, though the UIA officials refused to discuss anything. The team that went there was left unattended in the UIA meeting room.

Weeks later, a new sign post was set up on the land, and the Uganda People's Defense Forces (UPDF) and the Uganda Police personnel were seen guarding it. According to some of the Kautakou community members, "the possibility of peaceful approach to resolve the Kautakou land issue had become a dream."

### **3.4.4 Peaceful demonstration**

The community members mobilized and staged a peaceful demonstration at Kautakou on the Moroto - Napak road on 8th December 2014. The Minister of Karamoja Affairs and Uganda's First Lady, Janet Museveni, appeared to have been the target of the demonstration. Close to 100 women and youth held placards at the roadside, chanting in song and dance and managed to get the First Lady's convoy to a halt. Some occupants of the vehicles got out and took placards from the demonstrators. The demonstrators also attracted attention of other cars (private, NGO and local government cars) that were trailing the First Lady's convoy.

Days later, some security personnel went to the villages to investigate the mobilizers of the demonstration.

There has been no other response to this yet.

### **3.4.6 Cultural event (Akiudakin)**

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<sup>9</sup> Mr. Peter Amodoi is said to have officially sold the Kautakou land to UIA (the UIA Executive Director in an opinion in the Daily Monitor, December 2014)

While this annual event is primarily meant to 'free the cattle'<sup>10</sup>, it is also a key annual festival in which Karimojong people come together in the biggest of shrines, *ngakiriketa*, to offer prayers and sacrifice to god (*Aku*).



In the Kautakou case, resolution of the land conflict with UIA was a main specific prayer request. This was observed in rituals performed by both men and women.

*"We were born here, it is our land. We have come here to ask god the issues concerning this land. We should have been consulted as owners about this development. This is a day for prayer so that god accepts us. Because you need to come to the house of your father and mother to pray, and this is that house. We have all been made from this tree. This is where we get all our blessings."* - The owner of the sacrificial animal

*"We have come to our shrine, to ask our ancestors and our god to protect our land"* another said.

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<sup>10</sup>Knighton, Ben (2006); 'Can Notions of Common Property and the Common Good Survive? The consequences of Classical economics for Karimojong nomadic pastoralists'

A young herder at the ceremony said *"It is not good if the shrines are fenced off. There will be nowhere to take these animals. The place that is said to have been sold is not supposed to be sold. This is the land of these cows. The trees from which we praise them, put bells on their necks, and where people have festivals. The person who has sold this land is a witch. He must die."*

### 3.4.7 Sign post mystery

The first sign post on the land indicating 'Moroto Industrial Park' was plucked out and destroyed at the end of 2013. The second sign post indicating 'Karamoja Industrial and Business Park' and four mark stones erected in November 2014 have been painted over with brown paint. No one has told KDF they are responsible for this action and UIA has not made any response known.



## CROSCUTTING ISSUES

### 4.1 Introduction

This section gives a general perspective on the crosscutting issues as indicated in this study. It assesses the issues from three different aspects: land conflict and land ownership in Karamoja, gender perspectives, and 'the dirty business'<sup>11</sup>. The section further analyzes such issues as migrations, governance, Karamoja's development interventions, power relations and vulnerability in land acquisition.

### 4.2 Land conflict context and Land ownership system in Karamoja

Karamoja is witnessing more land conflicts in the recent years since the relative peace set in. A new dimension of conflicts has started. Most of the land in Karamoja is communally owned and managed customarily. The 1995 constitution of the Republic of Uganda recognizes customary ownership as a form of ownership together with Mailo, Leasehold and Freehold systems of land ownership. While the constitution recognizes customary ownership, it prescribes that parliament will set up systems for registration of customary land.

In the case of Karamoja, this last provision is such a problematic one because it enables the conversion of communal lands to freehold or leasehold. This is because the two systems are incompatible and currently Karamoja does not have the structural capabilities to enable conversion.

Communal land was initially used for the keeping of animals in Karamoja but now with the crisis facing the livestock sector, the structural set up of land management has been disrupted because migratory routes and grazing areas have been unutilized in many areas.

Immediate uses of this land have included mining, crop growing, and conservation among others. This kind of land use has caused displacement of large numbers of people in the region because it has not necessarily been the traditional livelihood of the Karimojong.

The new land uses have been supported by government and the NGO sector, and there is an increasing promotion of crop farming. This is causing depletion of grazing lands and therefore increasing competition between these uses.

There is evidence to suggest that the government strategy remains to increase investment in Karamoja in the wake of mineral finds in the region, and it is against this backdrop that we find the conflict that is involving the Uganda Investment Authority (UIA). The Kautakou land conflict is about a 'use-eviction'<sup>12</sup>, while the Namalu prisons issue has been a physical eviction of individuals and communities.

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<sup>11</sup> We use 'dirty business' to refer to underhand methods in dealing with public issues, in this case any effort successful or just intentional to either aid or participate in giving an unfair advantage to government or individuals against the community

<sup>12</sup> We use 'land-use' eviction to refer to denial of access and use of lands previously accessed by communities e.g. for grazing animals. It differs from other physical eviction which is what happened in Namalu involving the physical ejection of a community from a land used both for residential and for cultivation or grazing purposes.

The objective of the UIA is to create employment and promote value addition to mineral resources in the region; while the objective of the Uganda Prisons extension is to increase food production to support primary schools in Karamoja. The problem is both Uganda Prisons Service and the UIA have disregarded all processes that should have been employed to ensure a fairer access of this land - which would mean the rights of these communities are protected. The principles of 'Free, Prior and Informed consent' fell short of their uses during both land acquisition processes and project implementation.

In Karamoja land customary tenure is considered more secure because it is vested in traditional systems which are widespread, tested and proven over time, which also offer secure access to large communities. This system protects the rights of the communities as it make it very difficult for individuals to acquire or sell this land on an individual basis. Under the communal land management system, it gets harder for individuals to put the interests of thousands of people on sale. The difficulties of managing this system has led many potential buyers and sellers to avoid the system all together and has created tension in the tenure system of the region.

### 4.3 Gender perspectives

Karimojong society is patriarchal, with different livelihood activities for women and men. Men have been largely taking care of pastures in kraals while women have taken care of household chores including cultivation. These activities have been complementary, and not in competition. Men support women in opening up fields and the women manage farmlands primarily as overseers and managers. Men and women both provide labor and it is normal for Ngikarimojong to give a garden (farmland) to a woman and livestock to a man.

In Namalu, the land grab and eviction has seen all the genders vulnerable, women to a larger extent. This comes at the backdrop of the loss of animals by 2010 in kraals, making the men more involved in the cultivation processes. Moreover, the Namalu men are more involved in agricultural production than probably any other in Karamoja, except in Abim district. There are limited alternatives available to them. In the conditions affecting them, both men and women have attempted alternatives to try and fend for their families. Chores traditionally carried out by women have been affected in the wake of the eviction. Water sources have become distant, and women now fetch water from an open roadside source. A number of women spoken to in Namalu said they are now doing low wage household jobs in the military barracks.

The Karimojong say '*amana erai ngina ka aberu*' or 'a garden is for a woman'. There are no gardens now for the women among the displaced by the Uganda Prisons. The women have lost property and crops, have had to find alternatives, and try to build makeshift housing and to fend for their families. Women are the most vocal in these communities, and raise their voices higher than the men because of the direct impacts they now face.

The case is not different in Kautakou. Women have been at the forefront of campaigning for the land. While there exists only what we call a 'land-use eviction', the impacts are on uses related to the men, because the land has predominantly been used in the recent years for pastoral purposes. Other uses that have been on the land include collecting firewood, medicaments, herbs, and other pastoral resources like

'ngakiokes' (small stones used by women in milk processing and cleaning gourds) used by both Kautakou and Nadunget communities. Other key dimensions that have affected women in Kautakou include spiritual and ancestral connections to the land in question. In all the activities relating to the land from the community's perspective, the women have been at the forefront. The demonstrations in December shows this clearly as about three quarters of the close to one hundred peaceful demonstrators were women. It is probable that the lesser involvement of the men in this conflict is because the male dominated occupation of cattle keeping is mobile, and the men could be looking at other options. The land was previously used for settlements and there were plans to resettle on it. Karimojong settlements are run by women, another apparent reason for more involvement by the women.

Analysis shows that the 'land-use eviction' will affect more the communities of Nadunget than Kautakou as they have used it more. Nadunget area is dryer, has less wood and pastoral resources and the cattle have grazed in the fenced off area. A good amount of wood products brought by women to the Moroto market coming from Nadunget are from this land.

#### **4.4 Dirty Business**

Between February and April 2014, KDF documented the renting out of land by Namalu Prisons Services (NPS) in undetermined amounts to dozens of wealthy and well connected individuals in Namalu, Nakapiripirit district and traders from nearby districts including Kween, Sironko, Kapchorwa and Mbale. This study puts the number at 12 people, accessing about 10 acres each.

This is an unfair treatment of the Karimojong people, particularly, women who have owned this land and used it. In the Namalu example, the 'evicted' would have been considered bona-fide occupants of the land who would have enjoyed security of occupancy on the land and taken as first priority in case of land rents as provided by the 1995 constitution. The fact that this land is rented out to the higher bidders adds further insult to injury and is a case of robbing from the poor and carting the land out to the rich. This is in addition to the fact that the Uganda Prisons Service has not duly proven its ownership of the land in question. This trend and practice could lead to commercialization of land grabs around Namalu Prisons.

In one of the interviews in December 2014, an elder asked the researchers to 'rent' for themselves if they had money, saying that the land is commercially available.

#### **4.5 Migration**

Karamoja has seen the flight of a number of young people, and children to other towns of Uganda, the most common include Kampala, Busia, Mbale, Iganga, and Jinja. This flight has been problematic because most of the children who find their way into the cities are exploited.

We have found that a number of young people have gone to other towns for survival means. It is estimated that about 250 people have traveled out of Namalu for this reason. The numbers from this study has shown that 75% of the people (between the ages of 8 - 35) have traveled out of Namalu. These are young people, contributing to a disturbing trend that has affected their families socially and economically. About 31% of them are women, most of them of ages 18 - 45 which means that they are of



child bearing age, and these children are either left suffering in Namalu, or taken as beggars in towns of flight.

#### 4.6 Governance

In both Namalu and Kautakou, the victims of these land grabs have tried to get in touch with their local leaders. In Namalu, they said that they have contacted their Members of Parliament, the District Local Government and other political leaders to no avail. Most of the people spoken to showed a good level of understanding of the role of government among the people, especially that 'government is us' or 'we are government'.

In the initial meeting in Namalu in January 2014, the political leaders of Nakapiripirit ignored all manner of procedure of proving ownership, and managing an eviction. This even when the district land board insisted for the land title, and asked for a stay of the eviction until ownership of the land was proven. The manner in which they were evicted was abusive of all rights befitting of human beings. Tractors were destroying their villages even before the community meeting had commenced. This was a forced eviction which constitutes gross violations of a range of internationally recognized human rights, including the human rights to adequate housing, food, water, health, education, work, security of the person, freedom from cruel, inhuman and degrading treatment, and freedom of movement.

The Government holds the responsibility to protect its people but these two cases under study have seen the use of state machinery for protecting the same land.

It is in recognition of this role of the state that one man in Napak told this study that "*all local governments have deserted us, including the army and the police and they have joined to gang against us with the thieves?*".

The government has negated this responsibility. The community especially that of Kautakou has reminded the government of their role and have conducted a number of activities including holding a demonstration, calling their leaders, writing letters, and basically begging for engagement. Every level of government has been contacted. The former RDC Napak when written to is said to have told the community to 'go to court'. There is an obvious disconnect between state institutions, state operatives and the citizenry.

Sections of communities spoken to have also feared the roles and intentions of persons charged with the responsibilities of running government institutions. Communities accuse these individuals of turning government institutions into machinery against the citizenry to achieve personal gains. The government therefore has been caught on a collision path between development strategies and interests against that of communities due to individualistic choices and decisions of persons assigned to govern these institutions.

The government has the role of protecting and securing the basic rights of individuals, yet in the Namalu case, over 300 households have been evicted without any livelihood options including food, housing and educational services. They have been left to die in a marshland with no evidence of the presence of government in their lives.

This despite Uganda being a signatory to the Universal Declaration of Human Rights (1948) which guarantees individuals' and communities' right to food, ownership of property, fair hearing, safe and clean environment, access to clean water, the right to know. All these rights have been abused.

For a people struggling with the concept of government, their interaction continues to be an experience fraught with roughness, senseless destruction and high-handedness.

#### **4.7 Karamoja's Development**

Karamoja is seen in Uganda and internationally as a 'development problem' because of unpleasant human development indicators. Yet these two incidences of Kautakou and Namalu underscore the kind of development philosophy that is implemented in Karamoja. It shows a haphazard development strategy in which government grabs land and evicts families in a pretext to feed those same children in school; or tries and facilitates a land grab ostensibly to set up a business and industrial park abusing the rights of individuals and communities in the process.

Development efforts in Karamoja continue to be based on ignorance and a lack of appreciation of the livelihoods and the participation of those individuals that the development efforts are said to be the target.

Yet there are apparent efforts to keep those communities as recipients of development aid and as such keep them dependent on handouts of NGOs and Government.

Namalu has been the least dependent on food aid in Karamoja, and these last efforts are putting this community on a track to dependency, and all they are calling for now is food to survive.

One youth in Namalu summarized his key demands to government saying: *"If government is really government, let it help people in these ways: Firstly - bring food, secondly medical services, and thirdly land for people to till so that they can get food."*

Karamoja has been self-sustained before, with livelihood dependent on a vibrant and resilient pastoralist livelihood complemented by opportunistic agriculture. Development activities in the region, including OPM-managed programmes have left signposts, white elephants including so called 'modern villages' in Karamoja without any meaningful change to communities. In the last decade, this manner of interventions have left weaker communities, those that cannot sustain themselves. The state of this and the future generation remains undetermined and could escalate the current trend of deterioration if approaches and strategies such as these continue.

We also like to talk about the matter of development and interventions in Karamoja. Interventions in Karamoja have been premised on a one-size-fits-all principle, and that developments can be copy-pasted to the region. Karimojong definitions of development and human improvement have largely been ignored. These definitions would include: increasing livelihood options available to them, meaningfully affecting their lives for example by building the resilience of pastoral economies, improving access to pastoral resources and facilities, increasing access to land for cultivation where it is possible as in Namalu, building

viable infrastructure like roads and schools, enhancing participation of individuals and promoting accountability.

The events of Kautakou and Namalu are examples of issues that could lead to a development problem that could potentially remove any progress made in the last decades. In Kautakou (hypothetically), the trajectory of conflict is pointing to an inter-communal conflict between the people of Nadunget and Kautakou because of conflicting claims over the land. In Namalu, a dehumanizing experience is affecting the upbringing of many children, and is creating flight to the nearby districts and also increasing social and emotional struggles in the community.

This haphazard and non-conscientious, non-inclusive approach to development could increase vulnerability for the Karimojong as well as increase environmental degradation and essentially create a community in dire need of intervention for centuries to come.

#### **4.8 Power and vulnerability in land acquisition**

Speculators involved in a number of land conflicts are well connected, these are knowledgeable individuals who use their power bases to deprive the rest of the community because they are privy to information. Because of minerals and precious materials, these individuals have crystallized their power bases, driving the value of land up and increasing suspicion and mistrust in the community.

The lack of access to information, the complex nature of information and its details on the side of the communities has exacerbated the weaknesses of the communities.

Groups of the powerfully connected have been formed, and this is visible in the social cycles of the rich and wealthy. As a result, networks have emerged and this has sucked in government employees, company workers, politicians, district administrators, and businessmen.

The poor on the other side do not have money, and they do not have connections and networks to protect their rights. These are largely the masses, whose collective action is often second-guessed to mean some other persons have 'incited' them.

When, for example in the Kautakou case, the poor and those thought to be weak and disorganized came on the main road on 8th December 2014 to demonstrate against government, it was a bit of shock to the district security officials and others. The assumption was that the community members were too weak educationally to be able to hold a placard saying 'stop this land raid.'

In the event of continued organization and especially with the General Election year 2016 coming up, a disintegration in the networks of the powerful has been seen, as they have been heard to disown themselves and decline their roles in the land acquisition processes, often referring to 'powers from above' or 'big people involved'.

A contrast has to be drawn in the community that was evicted in Namalu. They are a far weaker community, having been affected by a year of no cultivation and a year in which their village has lost over

50<sup>13</sup> persons to hunger, cold and disease. Those displaced in Namalu obviously have no social support system, no 'elite' and fairly connected individuals, detached from the wider Namalu community and clearly forsaken by their political leadership.

The Namalu community has no alternatives in terms of land because to the south of their locale there is land belonging to the Uganda Wildlife Authority (UWA), to the west there is land 'belonging' to an elite family and to the east there's land belonging to the National Forestry Authority (NFA).

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<sup>13</sup> KDF has ascertained this number over a detailed three months study. However, we cannot publish the list of names of the dead or of those who have fled to other towns for survival.

## **CONCLUSIONS AND APPEALS**

### **5.1 Introduction**

This section presents the study conclusions and recommendations as contributed to and observed from the people spoken to and as derived from best practices and opinions of researchers. Some conclusions and appeals are cross cutting while others are specific to study areas.

### **5.2 Conclusion**

The Karimojong people want development, but on their terms and these terms include respect of their human rights, consultations, inclusion and participation and respect of the values of the Karimojong. Apparent indifference to 'investment' or these developments is a result of poor or non-inclusion of the Karimojong in processes of large scale land acquisition, or poor prioritization of needs in Karamoja.

The land acquisitions in Namalu and Kautakou are just two land cases in Karamoja in which government is involved, these areas are meant to produce food for primary schools and bring economic investment. In these two cases, the livelihoods of the people have been affected, and in both cases, the very laws of this country both the general land acquisition laws, the specific institutional laws and the rights of individuals and communities including the right to ownership of property (land) as enshrined in article 26 of the 1995 constitution have been abused and violated. This ridicules Uganda's legal systems and pits such structures against the citizenry.

These cases are a recipe for increased conflict in Karamoja, and in the case of Kautakou, communities are being pitted against each other. Because of the communal nature of land ownership, this manner of acquisition of land, the apathy of government and the putting of one community against another to acquire it by land grabbers could take us back in to the days of inter-communal/tribal conflict with the potential of causing socio-political disorder which could spiral in to regional or national conflicts.

### **5.3 Our Appeals**

This study has generated recommendations and we have classified them to specific thematic groups according to findings arrived at during the study period and experience. It is thought that perpetuation of such land conflicts can be abated by collective responsibility and participation of all development stakeholders in the Karamoja region.

#### **5.3.1 To Karimojong People**

- The Karimojong people need to strengthen traditional structures to foster social cohesion; and establish networks amongst each other in order to protect their communal land rights

### 5.3.2 To Government

Short term recommendations:

- Provide food, housing, medical services, clean water and land to cultivate as the 2015 season sets in for the affected communities of Namalu
- Compensate the families of the 50 who died as a direct result of the eviction. In addition, compensate families that have lost property, food and housing during the illegal and forceful eviction suffered by the community
- Pressure The Uganda Investment Authority to halt all developments on the land at Kautakou pending the settlement of all encumbrances on the land, resulting from a consultative process with the Kautakou and Nadunget community and or their representatives, and in the process observing principles of fairness in the eyes of both the traditional and the formal law

Long term recommendations:

- The government should ensure that its institutions particularly the Uganda Investment Authority, the Ministry of Lands and Housing, the Uganda Prisons Service should observe formal land acquisition processes, while following the traditional practices of Karimojong communities
- Permit an enabling atmosphere for civil society working on land and natural resource issues in Uganda
- Develop more responsive mechanisms to communities on land issues for example establish frameworks/protocols to permit two-way communication between aggrieved communities and government institutions or district local governments
- Strengthen and finance formal land management structures like the area land committees, district land boards to better manage communal land conflicts

### 5.3.3 To Civil Society Organizations

- For a short period, offer relief services to those suffering from the eviction in Namalu Sub County
- The Karimojong civil society should reorient itself to protect the land rights of communities through advocacy and civic engagement
- Get involved in land and natural resource issues in order to create a resilient, less dependent on donor aid Karimojong society
- Strengthen traditional land decision creating sustainable structures in the region



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