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## **Land governance reforms in post conflict areas: Managing land matters in a cohesive society of Northern Uganda**

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### **Innocent Nuwagaba**

*Business School, Eastern and Southern Africa Management Institute  
[innocentnuwagaba@gmail.com](mailto:innocentnuwagaba@gmail.com)*

### **Lukamba Tshombe**

*School of Government Studies, North-West University, South Africa  
[lukamba.lukamba@nwu.ac.za](mailto:lukamba.lukamba@nwu.ac.za)*

### **Peter Kiuluku**

*Office of the Director General, Eastern and Southern Africa Management Institute  
[peter.kiuluku@trapca.org](mailto:peter.kiuluku@trapca.org)*

### **David Kalaba**

*Directorate of Finance, Accounting, Human Resource and Administration  
Eastern and Southern Africa Management Institute  
[david.kalaba@esami-africa.org](mailto:david.kalaba@esami-africa.org)*

### **Alfred Ochora**

*Kyambogo University, Kampala, Uganda  
[odoch.lagutu@gmail.com](mailto:odoch.lagutu@gmail.com)*

### **Thekiso Molokwane**

*School of Management, IT & Governance,  
University of KwaZulu-Natal, South Africa.  
[molokwanet@ukzn.ac.za](mailto:molokwanet@ukzn.ac.za)*



### **Alex Nduhura**

*School of Business & Management, Uganda management Institute.  
[nduhuraa@gmail.com](mailto:nduhuraa@gmail.com)*

## **Abstract**

The study examined the Land governance reforms in post conflict areas by focussing on managing land matters in a cohesive society of Northern Uganda. The objectives of the study were to analyse the factors contributing to the persistence of land conflicts in post conflict communities in Northern Uganda and to find out the land governance reforms which were carried out to resolve land disputes in post conflict areas of Northern Uganda. The study adopted a case study research design on a sample of 69 respondents using interviews, focus groups discussion and document review. Data were analysed qualitatively through discursive thematic methods by use of narratives and descriptions. The findings of the study revealed that despite the existing land governance reforms implemented, post war land conflicts have continued to exist in Northern Uganda due to a number of the factors. The study concluded that land conflicts as a result of such factors need to be effectively resolved to ensure harmony in the community. The study recommended that in resolving of post war land conflicts, the Government should ensure that it facilitates the people to register land, empower traditional leaders to be able to resolve conflicts and monitor courts to ensure that they dispense justice in a timely manner.

**Keywords:** *Land, Reforms, Factors, Project, Governance, Disputes, Conflict.*

## **Introduction**

Land governance reforms are considered as effective strategies for reforming and improving land governance in the post-conflict setting, offering a promising path toward reconstruction and sustainable peace (Tchatchoua, 2024). This is because, the growing populations and the static size of land has made land a resource of key concern (Doleac, Langar & Sulbaran, 2024). Land occupies a central place in the cultural, political, economic and social organization of many nations (Mabikke, 2010, Batterbury, Palmer, Reuter, De Carvalho, Kehi & Cullen, 2015). Consistently, Wafawanaka (2024) has argued that land is a value commodity that without land, humanity and its existence would be difficult to conceive. As populations rise, land has become problematic.

## ***International experience of Land governance reforms in post conflict areas***

Historically society world over has experienced land conflicts since the beginning of recorded history (Zziwa, 2019). Today, the wars such the

Russian invasion of Ukraine (Leon, Jdanov, Gerry, Grigoriev, Jasilionis, McKee, & Vågerö, 2022; Aliu, Hašková & Bajra, 2023; Oksamytna, 2023) and the Hamas-Israel conflict (Awais & Hammouda, 2024; Altemur, Eren & Karaca, 2024) have also been associated with ownership and claims of security, all surrounding the land issue. In such cases, a durable peace is likely to require a political settlement regarding the governance of land in such post conflict zone (Kimana & Christina, 2024). Therefore, operationalisation of the concept of territorial peace and linking it to land governance arrangements in use after a peace agreement is fundamental to resolving land disputes in post conflict areas such as the Colombian conflict, between the Revolutionary Armed Forces of Colombia-People's Army and the national government (Francesca & Daniela, 2022). The Global Land Governance and Policy Forum Organized by a broad consortium of actors in the framework of the Global Land Agenda (GLA), under the lead of FAO and the International Land Coalition (ILC), drew the attention of the need for a multi-stakeholder forum at global level to strengthen the land agenda globally (World Bank, 2024).

### ***Land governance reforms in post conflict areas of Africa***

In 2004, the World Bank in a report about land conflicts in Africa, pointed out that one of the main reasons underlying the increased incidence of land conflict is the failure of the prevailing land tenure systems (Kasajja, 2019). In order to understand the complexity of land issue, Okoth (2006) argues how land especially in Africa still remains a multiplex phenomenon. In Mozambique, the end of the war had neither resolved struggles over resources but increased more land conflicts (Pantuliano, 2009). In Democratic Republic of Congo (DRC), there are persistent land conflicts, limited post conflict reconciliation and peace building (Pantuliano, 2009). Rincon (2010) carried out a study entitled ex-combatants, returnees, land and conflict in Liberia.

### ***Land governance reforms in post conflict areas of Uganda***

Land governance reforms are key components in the facilitation of business in Uganda (Kate, 2019). The Uganda's government newspaper of New Vision of 25<sup>th</sup> August 2019 indicates that Land reforms projects concerns the rules, processes and structures through which decisions are made about land ownership and its utilization (New Vision, 2019). The transformational nature of land reforms projects, therefore, is important

for private sector development in Uganda (CEDP Report, 2018). The Legal aid service providers network (LASPNET) signed a partnership agreement with OXFAM in Uganda to implement a one-year project to undertake land reforms in Uganda (LASPNET report, 2018; Buehring, 2019). Information available from the World Bank indicates that it is only Tanzania and Uganda on the African continent that has moved furthest in implementing land reforms projects (Tanzania Daily News, 2018). Unfortunately land reform project is marked by the contradiction between relatively progressive legislation and only partial implementation (Land governance sheet, 2016). The specific objectives of the study are to analyse the factors contributing to the persistence of land conflicts in post conflict communities in northern Uganda and to find out the land reforms which were carried out to resolve land conflicts in post conflict areas of northern Uganda

## **Literature review**

Land conflicts are undoubtedly a serious problem across the globe (Bukonya, 2014: Vaughan & Stewart, 2011: Alexander, Jocelyn & McGregor, 2001: Auweraert, 2013: Mugisa & Otim, 2014: Vaughan & Stewart, 201: Namwembe, 2012: Rugadya, 2009: Rugadya, 2009: Rugadya, 2009: Namwembe, 2012). In most parts of the world, the incidences of land conflicts and land rights appear to be directly associated with number of years that people have been displaced from their homes (Amanor, 2009; Böhler, 2014). In South East Europe (SEE) especially in countries such as Bosnia and Herzegovina, land conflicts were rampant following the end of the war in 1995 (Todorovski, Zevenbergen & van der Molen, 2012).

## ***Global experience of Land governance reforms in post conflict areas***

Post war land conflicts are global phenomena (Joireman, 2014) since in post conflict communities, land disputes are a common phenomenon (Burke & Omiat, 2011: Mabikke 2011: Tarisayi: Kindi, 2010). In Central and Eastern Europe countries such as Lithuania, Latvia, Estonia Albania, Armenia, Bosnia, Herzegovina, and Moldavia when the Berlin wall fell, land reforms moved from a centrally-planned economy towards a market economy from 1989 (Hartvigsen, 2013). Restitution was implemented in the Balkans in the aftermath of conflict in the former Yugoslavia, wherein forced evictions and secondary occupation were common

practices (De Villiersa, 2003). In Asia, when large numbers of refugees began to return to their homes in Afghanistan in 2002, returnees faced more land conflicts, arising from loose and fraudulent transactions, (Guterras, 2009). Land conflicts between Arabs and Kurds Simmered in Iraq following the end of the war (Fagen, 2011). In Latin America, land conflicts have been seen in many places, such as Chiapas, Mexico (Ansoms & Hilhorst, 2014; Albertus & Kaplan, 2012). The 20<sup>th</sup> Century included many of the largest social land reform project experiments in history such as in the earlier Soviet Union, Eastern Europe, China, Vietnam, and Ethiopia (Todorovski, Zevenbergen & Van der Molen, 2012). Excessive regulations of land transactions in some countries in Asia have created inequity of operational land distribution.

### ***Africa's experience of Land governance reforms in post conflict areas***

A number of African countries recently or currently involved in land reforms have been affected by land conflict caused by wars of liberation like South Africa (Huggins & Ochieng, 2005). Musahara and Huggins (2005) studied land reform, land scarcity and post-conflict reconstruction in Rwanda. Takeuchi and Marara (2009) investigated conflict and land reforms in Rwanda and the findings showed that in Rwanda two types of land conflict could be distinguished (Tarisayi, 2013). Impacts of the two national-level violent conflicts in Rwanda, the “social revolution” just before independence and the civil war in the 1990s, were of tremendous significance in this context. The military victory of the former rebels in 1994 caused a massive return of Tutsi refugees, who were officially permitted to acquire land from the original inhabitants (Tarisayi, 2013).

### ***Uganda's experience of Land governance reforms in post conflict areas***

In Uganda, ethnic related conflicts have also been associated with the aspect of land struggles. Land, is viewed as a key resource for production, settlement and recreation. Land is also used as collateral and as urbanisation rises, land has become a lucrative commodity. In fact, the value and demand for land has resulted in an entire industry of real estate that focuses on land sales and use of land. Because of rising populations, that value attached to land its static nature and the high costs associated with investments to create land, conflicts have arisen over land that need to be curtailed (Sanga, Mwasumbi, Kerbina, 2024). However,

contextually only one study was carried out in Uganda (Mabikke 2011). Clover (2005) studied land reform in Angola and the study indicated that in post conflict communities, land conflicts arose between peasants and commercial farmers.

In Uganda, land conflicts related to private sector investment stem from the efforts by private sector actors to acquire land in Acholi sub region in Uganda (Vaughan & Stewart, 2011). The major challenge of land ownership in Acholi region is that it is held under customary tenure system. It is not “owned” by individuals in a manner comparable to modern legal property ownership (Otim & Mugisa, 2014). The effects of two decades of violence on the populations of Northern Uganda have been immensely felt with results of one challenge that lies in identifying what land reform projects can help the populations recover and retain their land in a post-conflict environment (Gelsdorf, Maxwell & Mazurana, 2012).

In Uganda, Land disputes are undoubtedly a serious problem across the Acholi sub-region of Northern Uganda (Bukonya, 2014). Common types of land conflicts include disputes between landowners and squatters (Vaughan & Stewart, 2011). The above conflicts can be regarded as small-scale disputes resolvable through informal community mechanisms, or they can escalate into long-running violent feuds among people and communities (Mugisa & Otim, 2014).

### ***Land governance reforms in post conflict areas Northern Uganda***

Land ownership in northern Uganda has emerged as both an opportunity and a threat to customary land tenure arrangements in this region. (Kabumba, 2011). In fact, vulnerable groups such as women and girls, children headed households, and returnees are particularly at risk of losing their property rights due to a number of land conflicts (Mugisa & Otim, 2014). The kind of land reforms project activities may include credit measures, training, extension, land consolidations, etc. (Public dialogue, 2018: Buehring, 2019).

That’s why the Legal aid service providers network (LASPNET) signed a partnership agreement with Oxfam in Uganda to implement a one-year project titled “campaign for pro-poor, effective and inclusive land reforms in Uganda” under its strategic goal of the right to be heard (LASPNET report, 2018). Despite the existing land reforms, post war land conflicts have continued to exist in Acholi Sub region of northern Uganda. Many people have lost their land without being compensated.

From the period 2006 to date, Koch Goma Sub-county with 9000 households and a population of 40,000 people has registered 1,331 cases of land disputes which resulted in 3 deaths, 54 serious injuries, burning of huts and 72 cases registered in Court (Sub-County Records, 2015). If the problem is not handled urgently, there is likelihood of another civil war in Northern Uganda.

## **Methods and materials**

The researchers used a qualitative approach under the case study design (Feagin, Orum, & Sjoberg, 1991). The study population was 557. Out of these, 531 consisted of local council members of the 59 local council one (LC1) comprising Koch Goma Sub-county, 13 officials that comprised 4 officials from the Land Ministry Kampala, 2 Land Officers in Nwoya District and 7 victims of land dispute (Creswell, 2009). The study sample was 69 respondents that consisted of 54 members of local council one, 7 victims of land conflicts and 6 officials comprising of 2 Land Officers in Nwoya District land office and 4 officials from the Ministry of Lands (Neuman, 2007). The study used purposive sampling (Palinkas et al., 2015). Data was collected using interviews and was analysed using descriptions (Madill & Gough, 2008).

## **Results and discussion**

The first objective of the study sought to analyse the factors for the persistence of land conflicts in post conflict communities in northern Uganda despite the land reforms with a view of identifying the land reform project gaps to be addressed for effective post conflict policy and land administration and most especially in Acholi sub region of northern Uganda. The items studied on this objective included the land conflicts experienced after the war and obstacles faced in attempt to address land conflicts. With respect to land conflicts experienced after the war, the respondents gave several views and are presented here under.

### **Results on factors influencing land governance reforms in post conflict areas of Northern Uganda**

#### ***Results from Focus discussion groups***

Focus discussion groups revealed that the land conflicts included family disputes, disputes between neighbours, with government agencies, land grabbers including government and investors. The views above were

expressed by all the respondents, namely; local council (LC) leaders, the victims (V) of land disputes and the land officials (LO) involved in the study.

For instance, in the responses of LC group 1, respondent 1 stated;

*'The most common land conflicts in this area revolve around boundary disputes and land grabbing'.*

With respect to factors for the persistence of land conflicts, many factors were given. For instance, during focus group discussions the respondents indicated that the rising market of land, corruption and government priorities. For instance, respondent 2 in Local Council (LC) group 1 said,

*"There is a problem in the administration of land by the different stakeholders involved in administration of land namely the local authorities as well as the neighbours. Due to corruption and compromise, land dispute matters are always mishandled leading to continued land disputes."*

Respondent 3 in LC group 2 stated,

*"Investors interested in land deal with the governments and politicians instead of dealing with the members of the communities or land owners directly to discuss their projects or plans."*

In LC group 3 respondent 4 stated;

*"Land sale after the war has become rampant due to poverty. This leads to family conflicts over land. Besides, the rich try their level best to subdue the population to sell their land leading to disputes."*

### ***Results from interviews***

It was a concern for some people interviewed, that a number of the members of the Local Council courts had very limited knowledge of the law and/or the rules that should be applied to the cases before them. They are not obligated to apply strict rules of law and procedure.

Actually respondent 5 in the LC group 6 said:

*'Land belongs to two people; power and money. That is where the land goes. The rest doesn't work'.*

In the interview with the land victims (V), they also cited issues like corruption, manipulation, greed and political influence being behind land conflicts.

For instance V1 remarked,



*“The so called investors have increased the value of land and this gives the people the motivation to grab land and sell it to them. They are the ones facilitating people to get land titles which lands officers issue without even visiting the land.”*

V2 stated,

*“Impoverishment and corruption are behind the land disputes in our area. People are almost destitute and are easily compromised. They go where there is money and this makes the disputes difficult to resolve.”*

Further V3 said,

*“Most of the people who should affect government policy are either political functionaries of the ruling party or some political figures who want to maintain support. So they are not sincere because they do not want to antagonise voters, they thus do not help in resolving conflicts.”*

V4 quoted the chairperson LC3 as saying:

*‘I won’t go to resolve land dispute in that area until elections are over otherwise I am going to lose my votes if I go at this time’*

## **Results for land governance reforms to resolve land disputes in post conflict areas**

The second objective of the study was to find out the land reforms which were carried out to resolve land conflicts in post conflict areas of northern Uganda. A number of items were put to the respondents: these include the land ownership policy the government was promoting in northern Uganda, how the land rights of the under privileged were being promoted and how those who lost their lands during war were being helped to recover their land.

### ***Results from Focus Group Discussion***

Regarding the land ownership policy the government was promoting to rebuild post conflict communities in northern Uganda, the Local Council (LC) group 1 in the focus group discussions gave a number of responses. The group indicated that land ownership policies government is promoting in northern Uganda are customary ownership, freehold ownership and leasehold ownership policy.

Respondent 1 in LC1 group 1 stated; at the local level as an LC1 official;

*"I have been involved in helping people resettle in their land and removing intruders from the lands of my people whenever matters came to the council."*

Respondent 2 stated;

*"With my LC1 committee members, we have been involved in restoring land marks removed during resettlement by those who wanted to occupy the lands of others and helped families divide their land for those interested in sharing their family lands."*

Respondent 3 said;

*"Restoring bonafide occupancy to land has been a critical issue and we have been sensitising people to register their land and go to court where they feel their rights are being infringed upon by others and we as LCs were unable to help"*

Responses 4 from Focus Group Discussion 2 gave responses related to the above. One respondent in this group whose views were supported by the other members stated;

*"The major activity we have been engaged in is settling boundary disputes. In this process community members who can identify the boundaries help us."*

In the responses of LC group 1, respondent 5 stated;

*"The Local Government of Nwoya District made an ordinance not to issue more than 500 hectares of land to an individual applicant from public land under their custody'."*

### ***Results from interviews***

In the interviews with the land officials, it was revealed that;

*"There were no specific land reforms that had been made for northern Uganda because peoples land rights were fully catered for in the constitution of Uganda. Also it was indicated that there were contextual mechanisms that the government had come up with to protect land rights of the people in post conflict areas in northern Uganda"*

Respondent 6 revealed that,

*"The government has come up with land peace teams who conducted mediation headed by LC3."*

With respect to how the land rights of the under privileged were being promoted to rebuild post conflict communities in Northern Uganda, several responses were given indicating that there were efforts to protect

the same. For instance, in their responses, in LC group 2, respondent 7 stated;

*“The government has through the LCs and NGOs been sensitising the population regarding women and orphans land rights. They have full rights and share to family land that should have been for their deceased husband or father”.*

On the other hand, in the interviews, with the land victims, a number of issues were raised by the victims. The victims on land reform policies indicated that they were aware especially after sensitisation from LCs and NGOs that they had land rights and nobody could illegally takeaway their land. For instance, V1 stated;

*“I have been made aware that the constitution of Uganda protects me from being dispossessed of my land.”*

Therefore, Land Committees have the duty of ensuring that the rights of vulnerable groups are protected if the post conflict communities of Northern Uganda are to be effectively, innovatively, resiliently and sustainably rebuilt.

## **Conclusion and recommendations**

The findings of the study revealed a number of factors that led to the persistence of land disputes in post conflict communities in northern Uganda. These included the rising market of land and struggles over resources, corruption and government priorities, original ownership, land grabbing by investors and government and dishonesty among the community members. The most common land disputes revolved around boundary disputes and land grabbing. The boundary disputes resulted from loss of boundary marks as a result of long-time absence from the land during the war and deliberate removal of the boundary marks. The findings of the study indicated that different reforms had been used to resolve land conflicts. A number of reforms projects were suggested and these include sensitisation of the community and its leadership on land acquisition, ownership and policy. Community members knowing their rights over land and able to protect them would help reduce land disputes.

In addition, helping the people to register their land and strengthening the capacity of institutions involved in land administration such as the District Land Board, re-institution of administrative land

tribunals, LCs and court to help end land disputes can reduce land conflicts. In places, where the traditional institutions are still operational, it is pertinent that they are institutionalized and regularized in a manner similar to the statutory ones and harmonized for acceptability. In post, conflict communities' stakeholders such as the central government and local governments should establish peace teams, introduce local ordinances and ensure strict observation of the government's constitution and other Acts on land matters in resolving land conflicts. Such mechanisms are likely to help resolve land disputes.

Complicated cases that require adjudication should be referred to the District Land Tribunal (DLTs). The DLTs are intended to be community institutions, user-friendly and non-conventional, but in practice they have become too formal and located far away from their intended beneficiaries at regional level. If they are to be used, their location needs to be under the Ministry of Lands, where the concept of land justice is considered a priority rather than judicial service. The rules of procedure, which are currently based on civil procedure, should be amended and the concept of circuiting needs to be done away with or scaled down to least 2 districts in a circuit with the financial, social and legal support of third-party service providers such as civil society organizations and other development partners.

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