TRADITIONAL AUTHORITIES AND LOCAL LAND MANAGEMENT

THE PERSPECTIVE OF KER KWARO ACHOLI EXPERIENCE IN MOBILIZING LOCAL COMMUNITIES

To Deal With The Challenges Of Land Governance At The Level Of Participatory Land Management Process, Securing The Common Resource And Community Land Use Planning

A case for Northern Uganda Experience

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“MOBILIZING LOCAL COMMUNITIES FOR GOOD LAND GOVERNANCE, (Dwelling on the mobilizing Local Communities to deal with the challenges, a perspective of accumulated experiences and challenges drawn from Acholi experience in Northern Uganda)

Introduction and context
Ker Kwaro Acholi is a cultural institution among the Acholi people found in Northern Uganda. Uganda is situated in East Africa and its size is 236,040 square Kilometers and this is a figure representing 10% which is 23,604 Square Kilometers of Land slightly smaller that Rwanda which is 26,338 Square Kilometers a difference of only by 2,634 Square Kilometers.

The internal distribution of Land in Uganda constitutes Northern Uganda having 35%, Central Uganda having 25%, Eastern Uganda having 16% and Western Uganda having 23%. The total area in terms of percentage is 99% as 1% going for hills, mountain and water bodies.

Acholi land plays central role in stabilizing with a capacity of destabilizing the big region not only Northern Uganda but links to Southern Sudan, Congo, Bunyoro, Buganda and Karamoja Sub Region and Central Africa Republic. The experience and influence of Acholi in the Government, and Civil Society and Religious setting.

The impact of Colonial Masters in Acholi and external influences have been great and shaped the ground of testing the identity and Philosophy of the Acholi People. This has taken many dimensions that has led the region to fall into Conflict Zone by the Lord’s Resistance Army for 26 years with critical impact on the Cultural Institution, Government Presence on the ground and the interaction of the local and incoming population, hence the context in which customary land in Northern Uganda and Particular in Acholi is set with devastating effect not only in Acholi sub region but the entire region extending to Central Africa.

Defining the Philosophy of Land Management among the Acholi
In the pre- insurgency period of the 26 wars in the North of Uganda. The Acholi held the clans in tripartite dimension. The clans included the dead, the living and the future generations to come. Management of land is vested in the clans which constitute the three dimensions for the purpose of defendant the land and vesting rights in the individual.

In the Post- Conflict setting there has been attempt to offer plausible solutions towards the return process. The Cultural Institution comprised of network of 54 Chiefs came out with the attempt to codify, “The best Practices among the Acholi” as an effort towards the codification of the best practices on the strategic plains being a temporal and provisionary guidance to take people back from the internally displaced People’s Camps back to their ancestral home. This was aimed to be a guide in the resettlement process in the Post Conflict era subject to subsequent plants for investment phase.

The effect of Colonial Legacy and how it plays into the thinking of the Acholi today
Vesting land in the clans
The dead are already dead and can’t be summoned to sign an agreement vesting land in the Queen. This philosophy was a deliberate invention to put security over clan land, and
they are further checked by women who look forward to the welfare of their future children.

In the wisdom of Rwot Awich, the Philosophy of land being vested in the clan other than from individual’s men or women, but in the abstract realm was a deliberate invention to vest Acholi land in the abstract and lock it there and remove it from the control of any single person who intended to put the clan to peril.

**Counting Colonial impact on the Acholi**

In 1911 there was an uprising against the British who had pushed the Lamogi people to abandon a very fertile area of their land. The British further quarantined the population of Lamogi as a move to protect them against Tsetse flies. The result of the strategy of pushing the population out of the current Lamogi land was a rebellion in which the long fight led to numerous losses of lives. The colonial master only came to end the war threw the use of nerve gas that was used to poison the water at Guruguru hills and this is still live in the thinking of the Acholi people. This same area today has been realized by the Acholi Population as having rich oil deposit and later turned out to be very good for sugar cane plantation which Madhvani Sugar works has now taken interest in increasing the complexity of the matter of the Land.

In East Acholi, the Paimol rebellion caused mass migration to Ethiopia.

**The weakening of the Cultural Institutions**

The Colonial handover has not been without results on the dynamics of the motion of colonial experiences in Acholi land. Through arrests, detention and death by hanging the Colonial Masters the back born of Acholi was seriously impeded. In Kitgum, the British collected the chiefs and hoarded them at Gang ming “Home of stupid people” which is now changed to “Ganddyang” (Home for cows) to remove the bad legacy. The others were jailed in Masindi and Rwot Awich was kept in solitary confinement which led to his expression, Dong adong kena Kolo, rendered as “I have now remained alone.” It this name that now refers to as Kololo. This was a move to control and subjugate the later thinking of the Acholi people seriously in a negative direction which today has impact on the strategic thinking of an Acholi on mobilization for land.

**The effect of hiding the house of Lords in Acholi at Lututuru in Agoro Ranges**

During the World war the British administered their country from British over Sea Military Headquarters (BOMAH) now in Kitgum District which is in East Acholi which for long remained the center of control of the affairs of Britain from Uganda. To do this successfully the British used the Military Thesis turning the Acholi into the Military back bone of their campaign and struggle in the World Wars. The fact of the hiding of the House of Lords in Acholi at Luturu was kept a secret but the actions of the British in running their campaign affected and prioritized military legacy which has run to shape the context in which the future of the Acholi in which Ker Kwaro Acholi is charged with.

**The events at the Post independence 1967**

The cumulative negative Political effect of the declaration of Uganda as a Republic prepared the way for the move to the Left by the regime at the time going directly against the Colonial masters. At this time too there was abolition of the traditional institutions which left the clans in Acholi to manage their affairs unguided without the role of the
Chiefs which now form the Ker Kwaro Acholi. This new reality left the clans who had experienced mass population movement into Acholi sub region from the Sudan, Congo, Rwanda and Kenya taking refuge in Acholi land the that adversely affected the people in terms of security and subsequent developments and shaping the events that led to the break down in Acholi land today.

The effect of the Promulgation of the 1995 Constitution
The effect of the 1995 Constitution vests land in the Citizens of Uganda and land became managed in four different land tenure systems; the Mailo Land in Buganda, Freehold in restricted areas of Uganda, Lease hold and customary land that forms the bulk.

The continuous attack on the Customary Land Tenure system
The Context in which the local community found themselves in the legal framework directly tested the community philosophy and practice in the implementation of the constitutional provision. The constitution of Uganda regained and elevated customary land tenure to be equal to the rest and the Land Act 1998 operationalized it. However the Acholi community that had spent the 26 years in displacement was now faced with new reality, the treat to their land from without after going through the painful effort of return to peace in Acholi sub region and the rest of the war affected regions in the surrounding countries.

The Land Regulation 2003 and 2004 were enacted to provide frame work for effecting what had been put into law. In all these scenarios, the customary land tenure though provided to be equal with other land tenures have continued to be treated as inferior. The Land Regulation 2004 has continuously provided for conversion of customary land tenure by filling in forms 8, 10, and 23 as the case may be to have it changed and be registered into freehold. By this approach, the customary land tenure is invaded and rendered insecure.

The consequence of the attack on the customary Land Tenure system
The result is that the social fabric, the values and the protection that was put across by the Rwot Awich is undercut and as a result the land is not only set in the individual hand but set for determination by the market force. The very intention of the philosophy is being attacked from those who wish immediate access to the Land in Acholi but they are doing it through legal enactment, Money, force, corruption and negative advocacy targeting the cultural practices. The Possible effect is clear, permanent economic displacement and loss of rights which is a recipe of conflict in future that is an area of concern to avoid future conflict.

Ker Kwaro Acholi attempt to face the problems of demobilized community head on
The reality of the insurgency that hovered over Acholi land for the past 26 years and its subsequent effects continued to offer new challenges to the cultural institution of Ker Kwaro Acholi. During the insurgency 95% of the Acholi population of 1.4 million people were locked up in camps and only 70,000 or 5% of its people remained outside the camps to bear the burden of taking care of the rest of disempowered, elders, children and disabled.

The fact of loss of memory of elders over the boundary was a reality. The shock of loss of animals and the shameful poverty claimed the dozens of elders who died massively out
of shock and frustration. The hoarding of the relatives led to children born out of shame a product of illegitimate relationship.

**Reconciling the war torn community during and in the Post Conflict setting**

The Government Troops and the rebels alike accessed the displaced young girls, women who were housewives and the center of dignity of the men. The women gave birth to children born out of pain and displacement which by the end of the war had constituted 55% of the entire population that came of age from the camp totally lacking knowledge and custom of Acholi people. The many dances, the rich food, 62 different types of food, the elegance and pride of the people went down the drain. There was damage done and this affected also land management in the society.

The resultant society was the self-conceited, rebellious lots that blamed the elder generations for the mess, pain, anarchy, chaos, frustrations and desperation dominate the peoples through. During this time of displacement some powerful people took the opportunity to survey huge junks of land outside the camps causing panic in the rest of the society as the community questions the their rights under the customary Land Tenure.

**Ker Kwaro Acholi attempt in defining the challenges of living with demobilized community**

During the war the camps were centers of dehumanization, starvation, promiscuity, alcoholism, HIV/Aids infection and nodding diseases that followed. As the nodding disease attacked the 1st to 15 years of age, HIV/Aids seem to take on from where the nodding disease has ended from 16- 45 years. The mature age of 46 to 65 have been attacked by pressure and the aged by shock.

**Confronting the problem of the chiefs of Ker Kwaro Acholi**

All that defined Acholi was at pain, land was threatened by population moving in from without, and the conflict that would follow through land related disputes, both civil and criminal in nature with its effect on the courts systems in Uganda. Ker Kwaro has made several attempts together with the cooperation of Uganda Land Movement in Uganda, LEMU to access the Chief Justice of Uganda for the purpose of issuing Practice Directives.

**Efforts to Mobilize to end the war and advocate for protection of land at Kacoke Madit**

The London based big Acholi meeting mobilized widely to send Acholi voice across the board to different stakeholders to bring an end to the war in Northern Uganda. This campaign laid the foundation for later engagement and Public relations in its affairs.

**Advocacy for and end of the conflict in Northern Uganda in the Juba Peace Process**

The Acholi chiefs argued that the only sense to securing Acholi land is first to secure the lives of the Ugandans who were dying in the conflict.

**The difficult engagement with the reality of return process from the displacement in camp**

The chiefs focused on providing support and lobbying for the return of the people back to their homes before the displacement into the camps.

The principle re-echoed the teaching of Rwot Awich and this time the powerful members of the Acholi society and self-proclaimed land agents in alliance with outside people opposed the principle and wanted land to be put into market and to be managed by the market forces and money was to determine access to land. This remained a contested area and land sale to non-citizens have been taking place raising concern of the destructive nature of the development.

The challenge to Ker Kwaro in dealing with the threat of Land Sale in the Post Conflict Acholi and influence of monetization

Land sale is being promoted through manipulation of the community through addiction to alcohol, impoverishment of population as a deliberate policy, bad politics, coached marriages targeting Acholi men and girls strategically bent in accessing the land of Acholi to produce a generation that would be hybrid to be used as a tool of acquiring land rights in Acholi land.

The desire to reinvent the will to save the collapsed marriage institution

The collapse of the marriage institution in a large scale has left the Acholi daughters vulnerable with many opting to stay in their homes have created internal struggles for land.

The test of Ker Kwaro in dealing with the advent of Madhvani Sugar Works and other investors during the return process

The most prominent investor that came to Acholi land immediately during the return of Peace in the sub region has been Madhvani Sugar Works in Amuru. Whereas local community claimed interest in the land that is contested the matter got coached with claim that the land in question is Public land. The land tenure system in Uganda under the 1995 Constitution does not provide for Public Land. On the other hand, the parties that represented the community wanted to use the land dispute for political career. Sensing defeat by women decided to undress as a show their disappointments and disapproval of what was taking place.

On the part of Ker Kwaro Acholi, it had explored all possible issues means including Joint Venture options between Madhvani Sugar Works and Ker Kwaro Acholi. The Agreement for this option was that let the Madhvani Group take 60% to service the loan and get their profit while the loan while Ker Kwaro Acholi in trust of Acholi society would take 40% of the profit. On the part of Ker Kwaro Acholi, the 40% would help reconstruct the destroyed culture of the Acholi provide for services of HIV/ Aids. Nodding diseases, LRA survivors, the aged and the bulk would go in to provide for scholarship to transform Acholi by rebuilding the human resource. This proposal was however rejected.

On the other hand this Partnership would build unity in Acholi land by providing for the development of the Chiefs and build their capacity. This is yet an opportunity to be explored and redirected through purposeful and meaningful advocacy in the wider platform to expose the injustices and securing the rights of the local community
especially that have just walked out of the war setting. They deserve to have their rights respected.

**The dawn of sophisticated cattle keepers into Acholi land and the Land Question**

The genesis of the problem of the matter of the sophisticated cattle keepers in Acholi land is traced from the mass displacement of rural poor from Western Uganda by the powerful people who have privatized large chunks of land in their region.

As a result, many cattle keeping groups further northwards who often were believed to be transported at night known as Balalu are believed by many Acholi to be aided and pushed to Buganda and acquired land for themselves. The same group that remained pushed northwards, often at night with trucks of animals that they drove into the land in Acholi area. This is a seed of distrust and calls for serious reconsideration.

In a charge of tactics, the same groups are currently buying large chunks of land from the local community who have been impoverished and remain vulnerable. The land loss is increasingly as the group is increasing in numbers and getting more access to land and getting consolidated. The greater problem is the negative impact of Alcohol on the population, the laziness that comes with it, the ignorance and lack of exposure, and lack of useful knowledge. The Acholi now move to urban areas in defiance and further.

**Effort by Ker Kwaro and local leadership in dealing with the problems of environmental destruction from Charcoal burning in Acholi land**

Mass movement of business men target Acholi land and collude with local leaders at the Sub Counties. In the rural areas, groups send advance team, buy sachets beer and make people drunk and then enter into an agreement to buy the land and the forces on them. The harvest of the trees is thorough. All trees are cut down and burnt into charcoal by the same group and loaded for their destination, Kampala. The effect of this remains in the future, as the environmental hazards will not only dismantle the custom but produce a new conflict that will destroy the remaining culture. Regional war and instability will remain to be triggered by such environmental issues.

**Ker Kwaro Acholi effort in advocating for the rights of the community in oil revenue following the discovery of oil in Acholi land**

Oil in Acholi constitute the bulk of all oil in Uganda a fact that is governed up instead by Customary land is being bought off but the population moving in and entering the same land exploit the ignorance of individual to put also in their dealing with the fact of oil questions. The legacy of the weak institution comes to the foreground when the matter under consideration comes forward for serious discussion.

Ker Kwaro Acholi entered appearance to the Parliament before, the Committee on Natural Resource and presented its position and arguments for their share in the revenue. The outcome of the appearance has still remained not released today as the legislators from the local area are directly attempting to undermine the role of the cultural institutions and grab the oil issue away from the cultural institution thereby undercutting the local interest negotiation with Government. The share in the oil revenue is central and remains important in addressing the accumulated problems that has been affecting Acholi.

**The question of capacity of Ker Kwaro Acholi in intervening in the affairs of the local community an issue for need of capacity building and mobilization**
Ker Kwaro Acholi is headed by council of chiefs comprising of 54 chiefs. These chiefs hail from the 54 chiefdoms. The 54 chiefs are headed by the Paramount Chief and deputized by two other chiefs. The leadership is centered towards a central decision making processes.

The clans in Acholi are each comprised of chore units of elected leaders who steer the management of the clan along chore principles. The clans supervise the extended household, family and the individuals.

The institution of Ker Kwaro Acholi on promoting good governance has exercised reconciliatory approach. They offer guidance to the community to resolve the land disputes.

Ker Kwaro Acholi is working with different actors in the NGOs fraternity. Of these one is Land and Equity Movement in Uganda headed by Judy Adoko the Executive Director. Together with other cultural institutions of Lango and Teso and together they managed to meet the Chief Justice of Uganda to lobby his office to issue Practice Directives to Magistrates to allow the clan heads to settle disputes over land related matters.

The challenges though, since the return from the camps, the community is still struggling with the hangover of the individualistic tendencies got from the internally displaced camps.

The Land in Acholi is owned by the deceased, used by the living and preserved for the future generation. The tasks of Ker Kwaro Acholi therefore is revitalizing, re-living the philosophy and promoting the best Practices

**The role of Ker Kwaro Acholi in Community based Land Planning among the Acholi people**

There has been a move in the direction of harmonizing the elected leaders comprising of Acholi Parliamentary Group and the seven districts of Agago, Amuru, Gulu, Lamwo, Kitgum, Nwoya and Pader respectively in which the forum is intended to prepare the Acholi sub region for investment in Acholi sub region. The planning and use of land will be regulated through a well thought out plan consisting of a committee of seven technical persons who are answerable to a wider platform. Ker Kwaro Acholi oversees the implementation of the activities however being faced with the challenges of internal limitation in dealing with wider complex issues which calls for support. Ker Kwaro Acholi and the seven districts are undertaking a massive mobilization drive to put land to effective use and educate the community towards their noble end.

The strategic intervention involved precautionary measures in which Ker Kwaro Acholi is strategically placed to overs and evaluate the successes in the direction of the land at the local level. However this is done through the activities of the Local Government staffing in the land sector and the district planning units together with the political leadership. The Local Government under the Acholi Joint Leaders forum intend yet to prevail over the so called investors and regulate them for the proper use of the customary land in Acholi society. The issue of concern is having a negotiated interest in the investment in Acholi land for the benefit of all at equitably level.
Ker Kwaro Acholi working with the districts of Acholi sub region in mitigating the negative effects of certain practices:

The sale of sachets waragi
The sale of Sachet is a reality that the institution is set to deal with as it has ruined the community by undermining their creative minds and the leadership role together with the different actors should play credible role in this.

The displacement of local traders from carrying out their business
The traders who hail from the investors’ class are well placed and in particular there is need to manage their business to the level that does not injure the community by controlling the individuals in which they deal with their products.

The attempt to purchase Land by investors as opposed to acceding it
The so called investors are buying of land from the natives at unprecedented rate and which is illegal. This is sometimes done without the knowledge of the cultural institutions, and this poses serious challenges to the cultural institution.

Ker Kwaro Acholi mobilizing the community to know the dangers of Betting
The Investors are running multiple betting centers such as SURE BET” with coined languages that get students involved. This is a threat and takes the region to further poverty.

The institution of Ker Kwaro Acholi in reversing the moral degeneration
In some areas, Prostitution is having serious impact on the community that has just emerged from the conflict and it poses a great challenge in terms of preparing the community to relive their lives in dignity and reconstruction. This is an attack on the very fabrics that defines the dignity of an African woman and our society. KKA is addressing this through continuous education which the institution is taking to schools.

The concern of the future costs of dealing with neglected children in post conflict Northern Uganda.
The conflict and break down of the Acholi society has created the emergency of street children. The affected age group is now aged between 15 years and 18 years and stands to pose serious threats to the community in the rear future if not well dealt with. They are many in number and live difficult lives. They take drugs and openly defy the society in which they live. This is a future challenge that needs to be handled as a preventive measure. We are living in an era of Global threat and the presence of these children if not well handled will be the immediate connection to the possible negative forces. This should therefore be an area of immediate concern to the rest of the community and this forum in particular.

The apparent ideological differences and the danger of multiple unguided teachings by the numerous merging faith organizations in Acholi.
Many of the untrained faith organizations send mixed messages that tend to confuse the community and with the message that conflicts not only among themselves but set the community energy in a wasted direction.

The other concern is that some of the land grabbers are taking advantage of the faith that the community have on the faith organizations and the land interested persons in high
placement use these organizations to buy large chunks of land for them. This is an abuse of trust and misuse of the community good will.

The other Land Grabbers too have been strategic enough in using the local government and the Land Board in promoting the land grab by scheming to destroy the image of the cultural leaders by targeting the person of the highly placed chiefs and associating them falsely with the Land Grabbers in Acholi land. The effect of this move is to undermine the image and distort the relationship and respect of the community for their chiefs. This distortion is deliberate, calculated and used to undermine the lonely voice in Acholi society in safeguarding the interest of the society.

The court ruling in the Mahdivani case has been an example of the attack on the trust that the community have had on its chiefs. The Madhvani issue is seriously resisted by the Acholi community at various levels. The attempt of discrediting the cultural institutions has been serious and numerous attempts to portray the cultural institutions and associating them with the Madhivani issue which is an unfortunate attack on the institution that is instrumental in reversing the evils affecting the society.

**Conclusion**
Ker Kwaro Acholi in collaboration with the seven district of Acholi under the Acholi Joint Leaders Forum are currently looking forward to making use of the knowledge got from this Conference to rethink and evaluate itself and explore possible new areas of cooperation and engagement. The long accumulation of serial attacks on the collective identity remains the key way to re-orient the community more meaningfully.

**THANK YOU FOR LISTENING**

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