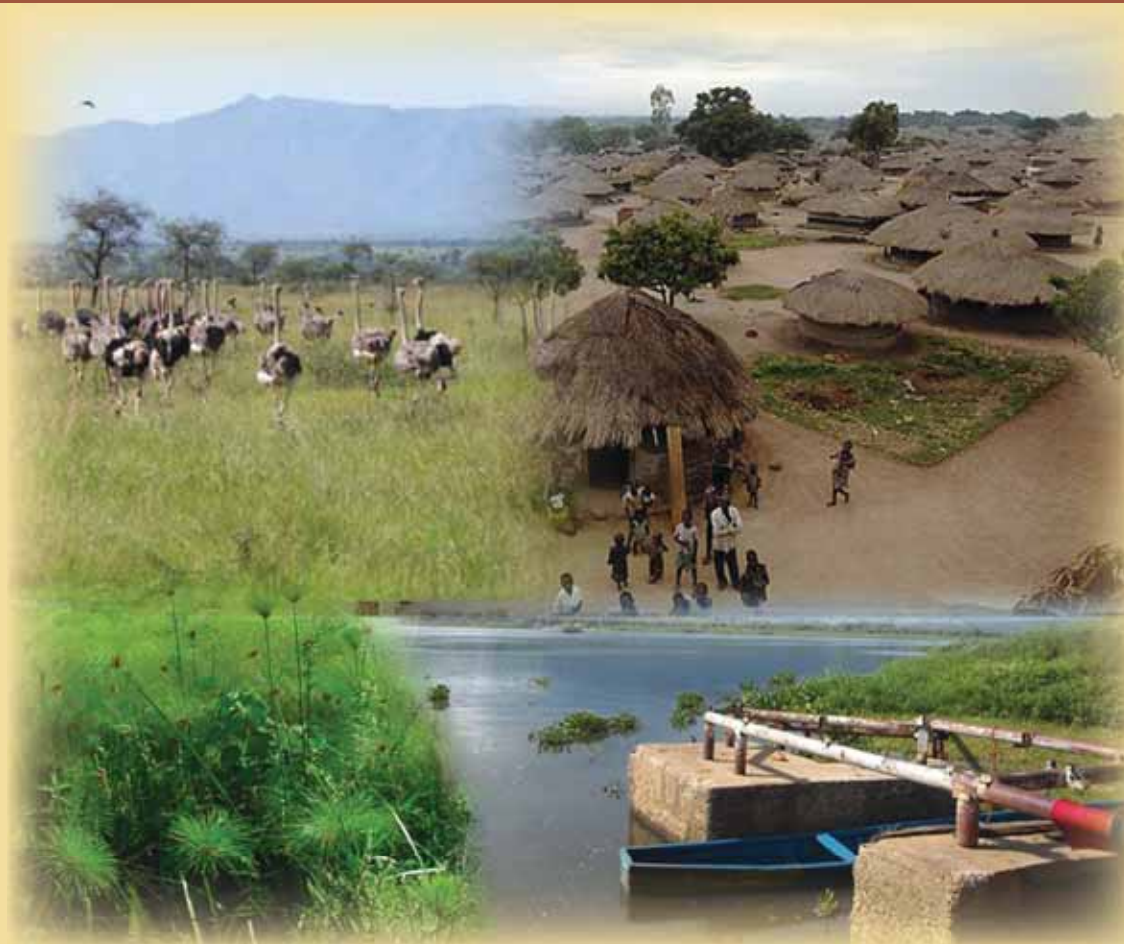




## **LAND TENURE, BIODIVERSITY AND POST-CONFLICT TRANSFORMATION IN ACHOLI SUB-REGION**

Resolving the Property Rights Dilemma



Godber W. Tumushabe  
Arthur Bainomugisha  
Onesmus Mugenyi

ACODE Policy Research Series No. 29, 2009

**Citation:**

**Tumushabe, G., Bainomugisha, A., and Mugenyi, O., (2009).** Land Tenure, Biodiversity and Post Conflict Transformation in Acholi Sub-Region: Resolving the Property Rights Dilemma. ACODE Policy Research Series No. 29, 2009. Kampala

© ACODE 2009

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means electronic, mechanical, photocopying, recording or otherwise without the prior written permission of the publisher. ACODE policy work is supported by generous donations and grants from bilateral donors and charitable foundations. The reproduction or use of this publication for academic or charitable purpose or for purposes of informing public policy is excluded from this general exemption.

**ISBN:**

LAND TENURE, BIODIVERSITY AND POST-  
CONFLICT TRANSFORMATION IN ACHOLI  
SUB-REGION

---

**Resolving the Property Rights Dilemma**

Godber Tumushabe  
Arthur Bainomugisha  
Onesmus Mugenyi

Advocates Coalition for Development and Environment  
Kampala

— |

| —

— |

| —

# Contents

<b>List of Figures.....</b>	<b>v</b>
<b>List of tables .....</b>	<b>v</b>
<b>List of Boxes.....</b>	<b>vi</b>
<b>List of Acronyms.....</b>	<b>vi</b>
<b>Executive Summary .....</b>	<b>vii</b>
<b>1 Introduction.....</b>	<b>1</b>
1.2. Study Objectives and Methodology .....	3
1.3. Study Constraints .....	5
<b>2 Governance of Land And Biodiversity in Acholi Sub-Region: Pre-Colonial Era to 1900 .....</b>	<b>7</b>
2.1. Evolution of Acholi Sub-region in the Uganda Protectorate.....	7
2.2. Administrative Reconfiguration of Acholi Sub-region to the Present.....	9
2.3. The Organization of Acholi Society in the Pre-colonial Period .....	11
2.4. Acholi Pre-colonial Economy and Resource Tenure .....	14
2.5. The Acholi Property Rights Structure at the Dawn of Colonialism .....	15
<b>3 The Reconfiguration of Land and Biodiversity Resources Tenure from 1900 to 1962.....</b>	<b>21</b>
3.1. The extension of the colonial administration to the Acholi Sub-region .....	21
3.2. The Sleeping Sickness Epidemic.....	23
3.3. Administrative Policy and Population Resettlement .....	25
3.4. The Colonial Conservation Agenda .....	27
<b>4 From Independence to the Breakout of the LRA-Government Conflict, 1986 .....</b>	<b>36</b>
4.1. The Implications of the 1962 and 1967 Constitutions on Land Tenure and Biodiversity.....	36
4.2. The Legal Implications of the Public Lands Act and the Land Reform Decree .....	38
4.3. Land Surveys of the 1960s .....	39
4.4. Degazettement of Protected Areas and Status of Land Use .....	40
4.5. Establishment of Ranching Schemes .....	41
4.6. Demographic Geography of Acholiland at the Start of the Rebellion .....	42
4.7. Characterization of the Land and Biodiversity Tenure Regime at the Breakout of the Insurgency .....	44

<b>5</b>	<b>Changes in Land Tenure and Biodiversity Governance in the Post-1986 Era .....</b>	<b>47</b>
5.1.	Post-1986 Constitutional Reforms in Land and Biodiversity Tenure .....	47
5.2.	Forms of Land Tenure and Property Rights: Implications for the Conservation of Biological Diversity.....	48
<b>6</b>	<b>Foundations for Security of Tenure in Land and Biodiversity in Acholi Sub-Region .....</b>	<b>59</b>
6.1.	Essential Ingredients of Security and Certainty of Property Rights on Land and Biodiversity.....	59
6.2.	Typology of Conflicts and Potential Conflict Hotspots in Acholi Sub-region.....	61
6.3.	Institutional Framework for Land and Biodiversity Management .....	70
<b>7</b>	<b>Emerging Issues and Investment Priorities for Promoting Conservation of Biological Diversity .....</b>	<b>76</b>
7.1.	Support the policy and legal reform process to clarify property rights in land and biodiversity .....	76
7.2.	Support the process of establishing a clearly defined and decentralized institutional framework to guarantee property rights.....	77
7.3.	Build capacity of local governments and traditional land management institutions to make them responsive to ongoing dynamic changes.....	77
7.4.	Land boundary identification, demarcation and mapping .....	77
7.5.	Strengthening land rights awareness and environmental civic education and consciousness .....	78
7.6.	Invest in strengthening local government capacity for land use planning and land mapping .....	78
7.7.	Identify, develop management plans and support the management of critical biodiversity landscapes .....	78
7.8.	Support sustained inter-institutional dialogue on land and biodiversity management .....	79
	<b>Selected References.....</b>	<b>95</b>

## List of Figures

- Figure 1:** The nucleus of the Uganda Protectorate as of 1897.
- Figure 2:** Map of Uganda as part of British East Africa in 1904
- Figure 3:** The making of Uganda's final boundaries determined the current geographical set up of Acholiland.
- Figure 4:** Sleeping Sickness in the Acholi Sub-region 1900-1920
- Figure 5:** Map of Acholi District showing central and local forest reserve as of 1961
- Figure 6:** Map of Uganda showing Murchison Falls National Park in 1953
- Figure 7:** Network of forest reserves and other biomass concentrations as shown on the 1967 Map of Uganda (Atlas of Uganda, 1967)
- Figure 8:** Population distribution of Acholi Sub-region based on the 1969 Population Census
- Figure 9:** Map of Uganda showing Achwa-Lolim Game Reserve, Kilak CHA and the East and West Madi CHAs before they were degazetted in 1971 (Atlas of Uganda, 1967)
- Figure 10:** Acholi Region Forest Cover; Amuru district
- Figure 11:** Acholi Region Forest Cover; Gulu district
- Figure 12:** Acholi Region Forest Cover; Pader District
- Figure 13:** Acholi Region Forest Cover; Kitgum district
- Figure 14:** The Institution of Acholi Paramount Chiefs
- Figure 15:** Approximate Configuration of Contemporary Acholi Traditional and Modern Structure

## List of tables

- Table 1:** Known Chiefdoms of the Acholi People as at 1900.
- Table 2:** Acholi Bush Fuel Reserves and Forest Plantations as presented in the 1952 Uganda Forest Department Report
- Table 3:** Acholi Central Forest Reserve as reported in 1962
- Table 4:** Forest Reserves of West Acholi, Acholi District established during the colonial period
- Table 5:** Comparison of Acholi Population in 1959 and 1969 by 1969 Administrative counties

**Table 6:** Presently known or potential conflicts over land and biodiversity in the Acholi Sub-region

## List of Boxes

**Box 1:** A description of Acholi traditional hunting grounds

## List of Acronyms

<b>LRA</b>	Lord's Resistance Army
<b>NRM</b>	National Resistance Movement
<b>IDPs</b>	Internally Displaced Peoples' Camps
<b>LC</b>	Local Council
<b>IBEA</b>	Imperial British East Africa Co.
<b>ADC</b>	Aide de camp
<b>CHA</b>	Controlled Hunting Areas
<b>ULC</b>	Uganda Land Commission
<b>ULIL</b>	Uganda Livestock Industries Ltd
<b>UDC</b>	Uganda Development Corporation
<b>APG</b>	Acholi Parliamentary Group
<b>SPP</b>	Security and Production Programme
<b>UWA</b>	Uganda Wildlife Authority
<b>NFA</b>	National Forestry Authority
<b>UIA</b>	Uganda Investment Authority
<b>PRDP</b>	National Peace, Recovery and Development Plan for Northern Uganda
<b>CLAs</b>	Communal Land Associations



## Executive Summary

1. This paper presents the results of a study on property rights in land and biodiversity resources in the Acholi Sub-region. The objective of the study was to map out the changes that have taken place in the sub-region since the dawn of colonialism and how these changes have impacted on the contemporary property rights structure in land and biodiversity resources in the sub-region. As the prospects for peace in Northern Uganda have continued to become more eminent than ever before, attention is being focused on designing and implementing interventions to achieve sustainable peace and provide economic opportunities for the people of the Sub-region. However, these efforts could all be undermined or hampered by an ambiguous property rights regime.
2. The study makes a number of general conclusions. Generally, it is observed that substantial changes in property rights in land and biodiversity resources that have taken place since 1900 have created a new discord that has major implications for social justice, economic development and post-conflict stability. Sustainable peace and development prospects for the Sub-region is largely dependent on addressing and clarifying outstanding overlaps and conflicts over land and biodiversity resources. Failure to achieve a clearly defined property rights regime could undermine post-conflict reconstruction efforts, create new fault lines for resource-based conflicts, make it difficult for local governments to access land for public infrastructure and investment projects while undermining efforts to preserve the ecological integrity of the Sub-region's biodiversity resource base. The report, therefore, provides a comprehensive examination of these changes to provide an empirical basis upon which current challenges can be addressed and resolved. It is argued that clarifying property rights in land and biodiversity is an essential first step in fostering durable peace, avoiding current and future resource scarcity driven conflicts, and securing the biological diversity endowment of the Sub-region as a basis for socio-economic development and enfranchisement of the local population.
3. A historical analytical approach was adopted to examine the trends and changes in the property rights regime of the Sub-region. In addition to a detailed review of literature on the history of the Acholi people, information was collected through fieldwork, key informant physical and telephone interviews as well as focus group discussions. It was observed that by 1900 when the British started extending their colonial designs over Acholiland, the Acholi people had relatively settled in more permanent settlements that made assertion of various claims over land possible. The Acholi Chiefdoms which were the highest level of political, economic and social organization had a relatively developed property rights regime with a four tiered

land rights structure: land for households, land for cultivation, land for grazing and land for hunting.

4. From 1900 to 1962, the pre-colonial land tenure and biodiversity governance regime in the Sub-region was disrupted by four major factors: (i) the disregard of the traditional administrative institutions that provided the basis for an elaborate property rights regime based on the Acholi Chiefdoms and clan structure, (ii) the colonial administrative policies that involved *inter alia*, resettlement of people in specific areas for administrative convenience, (iii) the removal of settlements from sleeping sickness areas such as in the Aswa-Lolim valley, and (vi) establishment of protected areas for wildlife and forests as biodiversity conservation areas. Appropriate legal instruments and maps have been used to provide evidence of these changes. It is observed that other than sometimes forced resettlement of people from areas which they occupied, reconfiguring the demographic geography of Acholi Sub-region was made possible by the fact that the area was not heavily populated for many years before and after colonialism.
5. The report also considers the period from independence in 1962 to 1986 when the National Resistance Movement (NRM) took over power in Kampala. In addition to the factors that shaped the evolution of property rights to land and biodiversity during the colonial period, major constitutional, legal and administrative developments took place during this period and further redefined the hitherto existing land and biodiversity rights architecture. In particular, (i) a series of legal reforms, (ii) establishment of a network of ranches, and (iii) official degazettement of some of the hitherto biodiversity conservation areas created new scenarios that confront the Sub-region today. These factors led to the creation of a physical, legal and institutional vacuum up to the time when the insurgency by the Lord's Resistance Army (LRA) broke out. Nevertheless, a fairly stable, predictable and generally acceptable property rights regime appears to have emerged by 1986.
6. Since 1986, a combination of factors has emerged to create widespread uncertainty and insecurity in the regime of property rights in land and biodiversity in the Acholi Sub-region. First, the promulgation of the 1995 Constitution and the subsequent enactment of the Land Act in 1998 created more ambiguities than it was intended to resolve. While these instruments provided legal recognition of customary tenure based on communal land ownership, the incidences of rights associated with such tenure have been difficult to define. Equally problematic has been the inability of government to establish and operationalize institutions that are needed to implement a functional customary or communal land tenure regime. Second, the increasing and continuing proliferation of administrative and statutory land governance institutions existing in parallel with traditional Acholi institutions is creating a complex land governance infrastructure in the Sub-region. This is made worse by the fact that some of these institutions are not fully operational

and yet they are *de facto* legal institutions. This is creating significant problems of responsibility and accountability. Third, the failure of government to come up with definitive policies and positions on critical land issues amidst intense land debate across the country and the Acholi Sub-region in particular has generated considerable suspicion hence undermining the legitimacy of the State as a neutral arbiter in land transactions.

7. In the light of the above observations and the comprehensive analysis presented, the report proposes specific recommended actions required to address the ambiguities in the current property rights regime in the Acholi Sub-region. It is to be emphasized that implementing these recommendations is a condition sine qua non for securing the land rights of the local people, fostering local economic transformation of the area and promoting the sustainable management and conservation of biological diversity. Resolution of the current controversy over property rights in land and biodiversity is also essential in creating a predictable environment for investment and business. The recommended actions are :

*7.1. Expediting the national land policy and legal reform process*

Government needs to move expeditiously to complete the national land policy process and clarify outstanding land law and land governance issues. The current ambiguities in the property rights regime in the Sub-region is undermining legitimate development and conservation efforts by local governments, local people and international development agencies.

*7.2. Land and biodiversity governance institutions*

There is an urgent need to streamline institutional mandates, clarify institutional responsibilities and create more harmonious working relationship among all institutions performing the different functions regarding land and biodiversity. Many of the institutions that are extensively discussed in most of the literature do not exist on the ground and this is creating considerable distortion in practice. A combination of overlapping mandates and institutional competition is aggravating an "artificial" institutional vacuum.

*7.3. Land identification, demarcation and mapping*

Clarification of property rights in land and biodiversity is made difficult in the event of failure to identify the physical land on which the rights are being claimed. Clan lands, ranches and local government lands need to be identified and properly demarcated for a meaningful assertion and enforcement of property rights to take place.

*7.4. Identify, develop management plans and support the management of critical biodiversity landscapes*

There is an opportunity for the local government of the Sub-region to establish an effective biodiversity conservation regime where biodiversity resources can act as the engine of economic growth. The re-establishment of the Elephant Corridor in the Aswa-Lolim Valley, the gazettement of former communal hunting grounds and some of the forest reserves in the area is likely to provide a strong economic resource base for local governments. Since the legitimacy of the State and Central Government agencies is deeply contested here and elsewhere, the most practical strategy is for the relevant agencies to provide the needed technical support for local governments to gazette these areas for conservation. This would guarantee a framework where local governments are able to negotiate appropriate access and benefit sharing arrangements for the local population.

*7.5. Develop local government's institutional capacity for land use planning and land mapping*

The local governments prepared to take a leadership role in implementing a new property rights regime over land and biodiversity. However, they are seriously constrained in terms of manpower, equipment, and mobility and working environment. An effective property rights regime over land and biodiversity in the sub-region will not be possible unless local governments are supported and strengthened to become the fulcrum for implementation and enforcement of such a regime.

*7.6. Creating land rights awareness and environmental civic education*

There is considerable speculation and suspicion over government intentions over land in the Acholi Sub-region. This speculation and suspicion is amplified by previous and ongoing attempts by private individuals to acquire private interests in land which is perceived to be owned communally. The potential emergence of a speculative and 'artificial' land market could adversely impact on the land rights of the local people. To ensure that local people do not become marginalized by market forces, there is need to create a network of paralegals that can help out the communities in relatively complex land transactions.

*7.7. Establish a forum or platform for inter-institutional dialogue on land and biodiversity in the Sub-region*

The conflicting messages and statements on land and biodiversity given by the different stakeholders are themselves a cause of suspicion, insecurity and uncertainty in matters of land and property rights. Politicians, traditional leaders, central government officials are sending out information and messages that are either conflicting or incoherent. All these groups are suspicious of each other and this suspicion is getting extrapolated at the local level. A regular forum that brings

together these actors to define common and priority issues on matters of land and biodiversity would mitigate this suspicion and its unintended consequences.

8. In conclusion, the report emphasizes the need for the local governments in the Sub-region to take the primary responsibility for re-establishing a new property rights regime in land and biodiversity. The districts must build on the considerable trust that the people have for the local government leadership. The immediate priority should be to secure clan lands, common property resources where access for all members of the community should be preserved, and the establishment of such strategic landscapes such as the elephant corridor. This will require district local governments to take full leadership of such a process. The local governments of the Sub-region need to recognize that a well managed biodiversity resource base is the fundamental building block for recreating the local economies which have been devastated by two decades of conflict.

— |

| —

— |

| —

# 1

## Introduction

The people of Northern Uganda in general and the Acholi Sub-region in particular have endured over 20 years of suffering as a result of the conflict between Government and the Lord's Resistance Army (LRA). However, the progress that was achieved in the peace Juba Peace Process and the return of a situation of normalcy in the Sub-region has generated fresh optimism about the impending end of hostilities. The eminent peace is beginning to create a new environment within which initiatives to rebuild the local economy, promote human rights and social justice, and ensure sustainable peace and stability can be conceived and implemented.

Like in many conflict or post-conflict situations, government, international development partners and the civil society are seizing this opportunity to design resettlement and post-conflict rehabilitation programmes. These programmes are heavily biased towards the resettlement of the population from Internally Displaced Peoples Camps (IDPs), humanitarian assistance and establishing effective government presence. However, substantial changes in property rights in land and biodiversity resources that have taken place since around 1900 have created a new discord that could undermine such interventions. This paper provides a comprehensive examination of these changes to provide an empirical basis upon which current problems and conflicts can be addressed and resolved. It is argued that clarifying property rights in land and biodiversity is an essential first step in fostering durable peace, avoiding current and future resource scarcity driven conflicts, and securing the biological diversity endowment of the Sub-region as a basis for economic development and transformation.

Over the last several years, government and major development agencies have undertaken studies on a wide range of issues covering the origins of the current conflicts, the associated violence and gender impacts,<sup>1</sup> the impacts of the rebellion on the status of biodiversity resources of the Sub-region, and to some extent the impacts of the rebellion on land and associated property rights.<sup>2</sup> What has not been done to date is to explore in a comprehensive way how the numerous changes that have taken place have impacted

<sup>1</sup> See for examples, Republic of Uganda (2006). Gender Monitoring Baseline Survey for the Land Sector Strategic Plan in 20 Districts. Land Tenure Project, Ministry of Water, Lands and Environment.

<sup>2</sup> For example see, Rugadya, Margaret, *et al* (2006). A review of Literature on Post-Conflict Land Policy and Administration Issues, During Return and Resettlement of IDPs: International Experience and Lessons from Uganda. The World Bank; Stites, E., *et al*, (2006) Movement on the Margins: Livelihoods and Security in Kitgum District, Northern Uganda. Feinstein International Centre, Boston

on the property rights of the Acholi people. Understanding these changes and investing in securing property rights in land and biodiversity of the Sub-region is a fundamental starting point for building post-conflict stability and economic prosperity of the people and the Sub-region as a whole.

The Acholi Sub-region, like most of rural Uganda, is dominated by a peasant economy. The major difference though is that unlike the rest of the country, the local economy here has been substantially disrupted by over 20 years of insurgency. Agricultural production is no more as people abandoned their land holdings and sought shelter in the IDP camps. In spite of the rich biodiversity in terms of wildlife, forests and other resources of aesthetic value, there is no tourism economy to talk about as the many years of insurgency turned the Sub-region into a no-go-area. However, the insurgency and the suffering that has attracted global attention<sup>3</sup> have opened up the Sub-region for new opportunities and possibilities. There is increased renewed interest in addressing the immense negative impacts of the rebellion on the population. The Government of Uganda has developed a recovery and development programme for Northern Uganda with the Acholi Sub-region being the epicenter of the initiative.<sup>4</sup> There is also evidence of increased activities by bilateral development partners, international development agencies and civil society organizations.

However, the establishment of sustainable peace and the economic transformation of the Acholi Sub-region can only be achieved by securing and mobilizing the locally available resources and harnessing the incredible hard working nature of the Acholi people. The Sub-region is considered to have some of the most fertile soils in Uganda conducive for both smallholder and large scale commercial agriculture. It also has a wide range of biodiversity resources of multiple values including wildlife and forests. The rest of the country has experienced aggravated degradation of these resources through agriculture expansion, encroachment and politically motivated degazettement of protected areas. On the contrary, evidence emerging from Northern Uganda shows immense recovery of biodiversity represented by the growth of biomass and other forms of vegetative cover.<sup>5</sup> However, the changes that have taken place coupled with an ambiguous and continuously evolving legal regime has left property rights over land and biodiversity in a state of general uncertainty. For the resettlement programme to allow the Acholi people a reasonable opportunity to be fully integrated into the national political development and economic growth agenda, a stable and predictable property rights regime over land and biodiversity has to be established, secured and promoted.

3 By the end of 2005, the insurgency had attracted the attention of the United Nations Security Council implying that the situation in Northern Uganda was considered to be a threat to international peace and security. The UN Charter mandates the UN Security Council to intervene in an issue if it is considered to fall within the category of threatening international peace and security.

4 Republic of Uganda, 2007. National Peace, Recovery and Development Plan for Northern Uganda (PRDP), 2006-2009. The Programme was launched on October 15, 2007.

5 Nampindo, Simon, *et al*, (2005). The impact of conflict in Northern Uganda on the Environment and Natural Resources Management. United States Agency for International Development (USAID)/Wildlife Conservation Society. Kampala.



Consequently, the overall objective of this study has been to explore, taking a historical perspective, the current land tenure and biodiversity management regimes and the nature of property rights that have evolved over time. The report examines the changes that have taken place over the last century and how these changes have shaped or influenced the current property rights regimes over land and biodiversity. The aim is to provide information on the basis of which a secure property rights regime that guarantees the people's rights in land and biodiversity is promoted as a means of enhancing sustainable peace, economic development and sustainable management of the Sub-region's biodiversity wealth.

## 1.2. Study Objectives and Methodology

This study was undertaken over a period of 10 months beginning March 2007. It was designed to address three specific objectives. First, it was intended to map out the current forms of land tenure and biodiversity governance regimes in the Sub-region so as to assess their implications the management of biological diversity and the development opportunities they present for the Sub-region. Secondly, the study sought to map out potential changes and trends in land tenure as a result of the ongoing conflict, identify the key drivers of these changes and to propose potential response options that may be pursued to promote the sustainable management of biological diversity. Finally and based on the findings, the study sought to identify and propose potential areas of investment that would help secure and increase the sustainability of biological resources so as to avoid potential scarcities and resource-based conflicts in a post conflict Acholi Sub-region.

The study was conducted through a participatory process involving a wide range of major actors at the national and local level. The study commenced with a workshop for key opinion leaders in the Acholi Sub-region which took place in Gulu in mid-April 2007. The workshop was attended by a majority of opinion and political leaders in the Sub-region.<sup>6</sup> The workshop identified the key land tenure issues in the Sub-region, the shifting power centres in land administration and management, and biodiversity assets that provide immediate opportunities for investment. The workshop was followed by fieldwork by a research team. Over 150 respondents including Members of Parliament, local government leaders, LC II chairpersons, religious leaders and traditional leaders were interviewed using unstructured interview methods. As such, this paper presents the most comprehensive analysis of land and biodiversity issues in the Sub-region to date. The information and analysis presented is intended to provide the Acholi Community, the local governments of the Sub-region, the central government and the international development community a comprehensive set of proposals that can constitute a meaningful and people centered development agenda in the Sub-region.

<sup>6</sup> ACODE/USAID, 2007. Land Tenure, Natural Resources Governance and Post-Conflict Transformation in Northern Uganda. Acholi Sub-region Workshop on Land Tenure, Natural Resources Governance and Post-conflict Transformation, April 10-14, 2007, Gulu.

Over the course of the study, specific effort was devoted to bringing together critical information and data on land and biodiversity in the Sub-region. Through retrieval of archival records, we were able to access useful background information and maps that show how contemporary Acholi Sub-region has evolved over time. Most of these maps presented as annexes to the paper show comprehensive survey data generated through surveys of the entire Acholi Sub-region which were undertaken during the 1960s.<sup>7</sup> These maps provide a useful resource for land use planning and development in the sub-region.

In order to reconstruct the land and biodiversity tenure history of the Sub-region, the paper is presented in seven major parts corresponding to the four phases in which the study has been divided. Part II after this introduction covers the period before 1900. Through existing literature, we analyze the pre-colonial history of Acholi socio-political, cultural and economic organization. The specific norms and rules that governed property relations, in particular rights to land and biodiversity are analyzed and provided as a baseline for subsequent analysis.

In Part III, we provide a detailed account of the changes that have taken place in the Acholi Sub-region up to the time of independence. During this period, substantial changes in land tenure and the governance of biodiversity are introduced by the colonial authorities. The administrative and demographic reconfiguration that took place during this period combined with the pre-colonial history to create new property relations that reverberate in the Sub-region today. In many ways, it is a combination of these factors that largely explain much of the demographic and ecological geography of the Sub-region during the colonial and immediately post-independence era.

Part IV of the paper analyzes the changes that have taken place in the Acholi Sub-region from 1962 to 1986 when the government of the National Resistance Movement captured power. In many ways, much of what transpires during this period is dictated by the colonial legacy. In particular, a series of land reforms continue through the 1960s and the 1970s. While these may not have had practical impacts on the ground, the land use changes effected during the colonial period which included establishment of major conservation areas continued with varying scope and effectiveness. After 1986, insurgency broke out in most of Northern Uganda and subsequently evolved into an enduring conflict that has now lasted for over 20 years. Like in the days of the sleeping sickness epidemic during the first three decades beginning around 1900, the insurgency triggered a new wave of population movements from the hitherto established settlements.

Consequently, Part V covers the phase 1986 to the present. This part analyzes the implications of the land and natural resources tenure reforms that were introduced by

<sup>7</sup> A comprehensive set of maps covering the Acholi Sub-region and drawn to a scale of 1:50,000 can be found in the Brenna Library of Earth Sciences at Stanford University, California. The maps were accessed by the Team Leader for the study during August-September 2007. Selected examples of these maps are reproduced as annexes at the end of the paper.

— |

| —

— |

| —

the 1995 Constitution and the subsequent statutory enactments on the wide range of property rights in land and biological diversity.

The general conclusions on the status of land tenure, the nature of property rights in biodiversity resources, the current institutional architecture for administering property rights in land and biodiversity, as well as the present and future of customary systems of land tenure in the Sub-region are presented at the end of each part.

Part VI focuses on discussing the foundations for a new property rights framework that can guarantee the land rights of the people of Acholi while protecting biological diversity as a basis for economic development and post conflict stability.

Part VII which is the last section of the paper provides possible recommended actions to address the ambiguities in the current property rights regime in the Sub-region. The report emphasizes that land and biological diversity are the most important economic elements in the Acholi Sub-region today. However, the disruptions in the demographic and ecological geography of the area over the century and particularly during the last two decades of insurgency have generally created new resource rights dynamics that need to be fully taken into account if these resources are to benefit the majority of the population.

### 1.3. Study Constraints

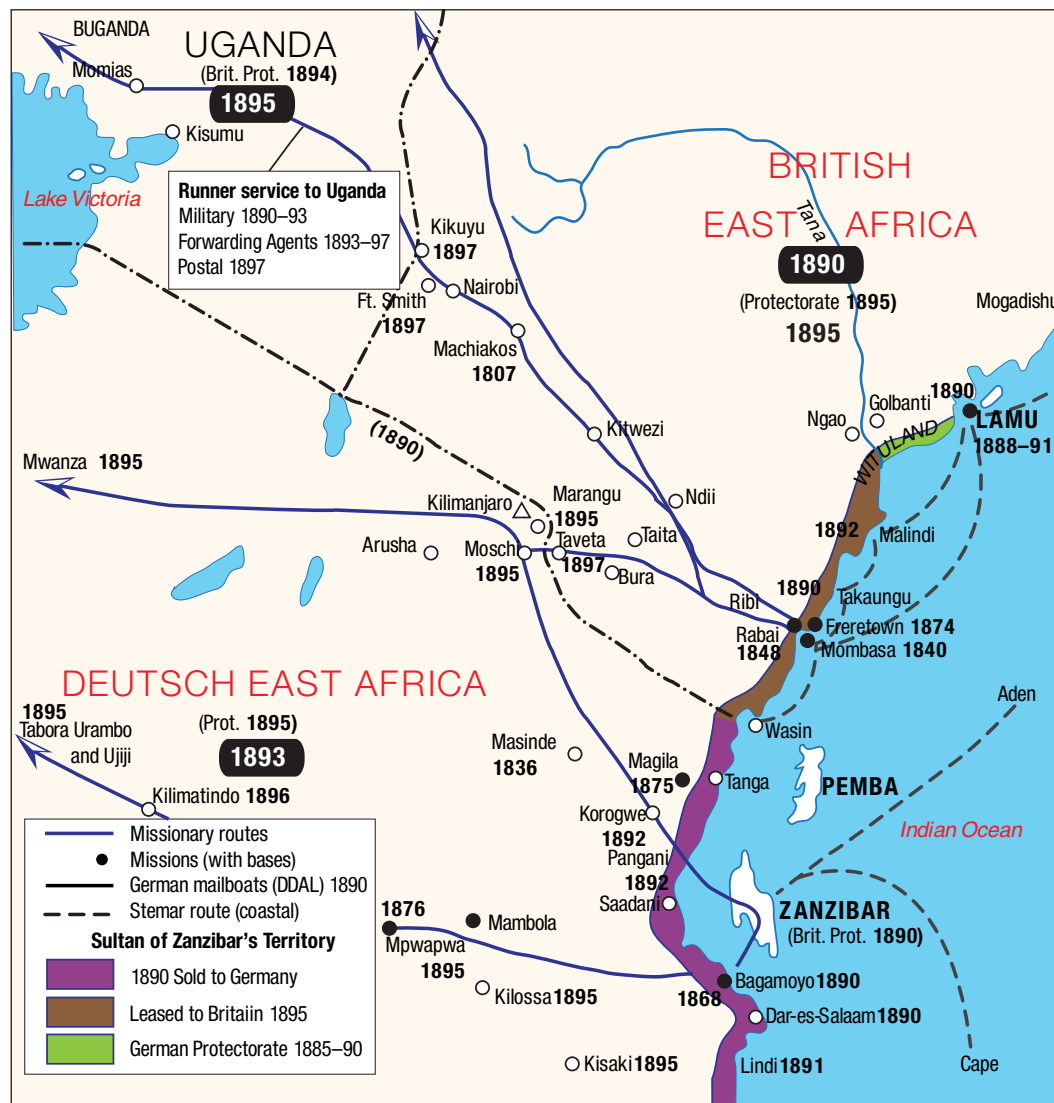
Generally, two major constraints were encountered during the course of the study. The first constraint related to the existence of adequate documentation and data relevant to the study. In particular, archival information regarding the Acholi Sub-region was not readily available. Where it was found, it was not easily retrievable. Little information in the form of official reports, data and other forms of documentation especially for the period ranging from mid-1970s to the late 1980s was also not available. However, important archival information was accessed from the Green Library, the Brenner Library of Earth Sciences and the Hoover Institution Library at Stanford University, California.

The second constraint concerned the local nomenclature used both in practice and in most of the literature. While the term *clan* is used generally as the basic juridical unit in matters of land ownership, land administration and biodiversity management, there is neither clear definition nor common understanding of what constitutes a *clan*. In both the literature and practice, the term *clan* is used to refer to what may be referred to as the "Acholi Super Clans" as well as other lineage offshoots that now exist as distinct traditional units.<sup>8</sup> To address this constraint, the Study opted to consider the major Acholi Chiefdoms as they existed around 1900 (Table 1). However, it suffices to say

<sup>8</sup> A focus group discussion organized during the course of this study to help compile the Acholi clans turned out more than 200 "clan units" and the exercise was abandoned in favor of the big clans. Informal discussions with some of the Acholi elders and officials of the Acholi traditional institutions also showed that it was not easy to determine with precision the Acholi clans for purposes of delineating land ownerships and land rights on a clan basis.

that delineation of clan lands as a basis for the future determination of property rights in the Sub-region clearly requires a general consensus on the overall clan structure of the area.<sup>9</sup>

**Figure 1: The Nucleus of the Uganda Protectorate in 1897.**



<sup>9</sup> This task may probably be accomplished in partnership with the institution of the *Rwot*.

## 2

# Governance of Land And Biodiversity in Acholi Sub-Region: Pre-Colonial Era to 1900

### 2.1. Evolution of Acholi Sub-region in the Uganda Protectorate

Since the pre-colonial days, Uganda in general and Acholi sub-region in particular have undergone significant political, social and economic changes. From a patchwork of pre-colonial kingdoms, chiefdoms and a network of autonomous clan systems, the present day Uganda began to emerge around the late 1890s. Figure 1 shows Uganda as it existed as part of the evolving East Africa British colonial territory in 1897. The colonial boundaries continued evolving over time and as shown in figure 3, parts of the territory then occupied by the Acholi people were brought into the Uganda part of the British East Africa Protectorate by around 1904. Existing accounts suggest that it was not until around 1910 that what is now contemporary Acholi Sub-region was brought under the colonial administration of Uganda.

Before 1900, much that is known about Uganda in general and Acholi Sub-region in particular is documented in terms of the history of the different kingdoms and ethnic groupings. The most dominant of this anthropogenic exposition of Ugandan society is the history of the major Kingdoms of the Great Lakes Region and in particular Buganda, Bunyoro, Ankole and Toro. Much that is known about the Acholi people including their traditions and practices regarding land and natural resources tenure is set out in detail in the next section.<sup>10</sup>

Generally, little is known about many Ugandan communities until the arrival of the first European explorers around the middle of the 19<sup>th</sup> Century. In any case, some of the communities such as the Acholi people were not part of the Ugandan state that emerged after the demarcation of the colonial boundaries at the turn of the century. As shown above, the 1897 map of British East Africa only shows Uganda to be restricted to Buganda Kingdom and the areas around Lake Victoria. The current international border of Uganda was not drawn until 1926 when some parts of what used to be

<sup>10</sup> For a comprehensive account of Uganda's pre-colonial history, see *Kanyehimba, G. W., A Constitutional History of Uganda*; Ofscansky, Thomas, 1996. *Uganda: Tarnished Pearl of Africa*. WestviewPress, Boulder and Oxford. Chapter 2.

Uganda were transferred to Kenya and Sudan. Figure 3 shows the evolution of Uganda's boundaries and the territorial transfers to Sudan that have had a direct bearing on the geographical set up of the present day Acholi Sub-region. For purposes of this paper, any references in the literature to the "greater" Acholi are excluded. The study focuses on the Acholi Sub-region as it exists in contemporary Uganda comprised in the districts of Gulu, Kitgum and Amuru.

**Figure 2: Map of Uganda as part of British East Africa in 1904**



**Source:** World History at KML: History of Uganda.

## 2.2. Administrative Reconfiguration of Acholi Sub-region to the Present

The present day Acholi Sub-region consisting of the four districts of Amuru, Gulu, Pader and Kitgum has evolved through a series of administrative reconfigurations by the colonial and post independent governments. The first such configuration took place in 1912 when by proclamation, the colonial authorities divided what was then the Northern Region into 5 districts including the district of Gulu and Chua.<sup>11</sup> By a similar proclamation, Acholi was declared an administrative district distinct from the Northern Region in 1917. In 1971, two districts of Acholi then known as West Acholi and East Acholi were renamed Gulu and Kitgum respectively. After the overthrow of the Amin regime in 1979, all the districts in Uganda were named after the major administrative centres or towns. According to Okidi-Lumedo, new names for the districts were considered more appropriate in helping foster national unity as the previous names had tended to entrench tribal hegemony.<sup>12</sup>

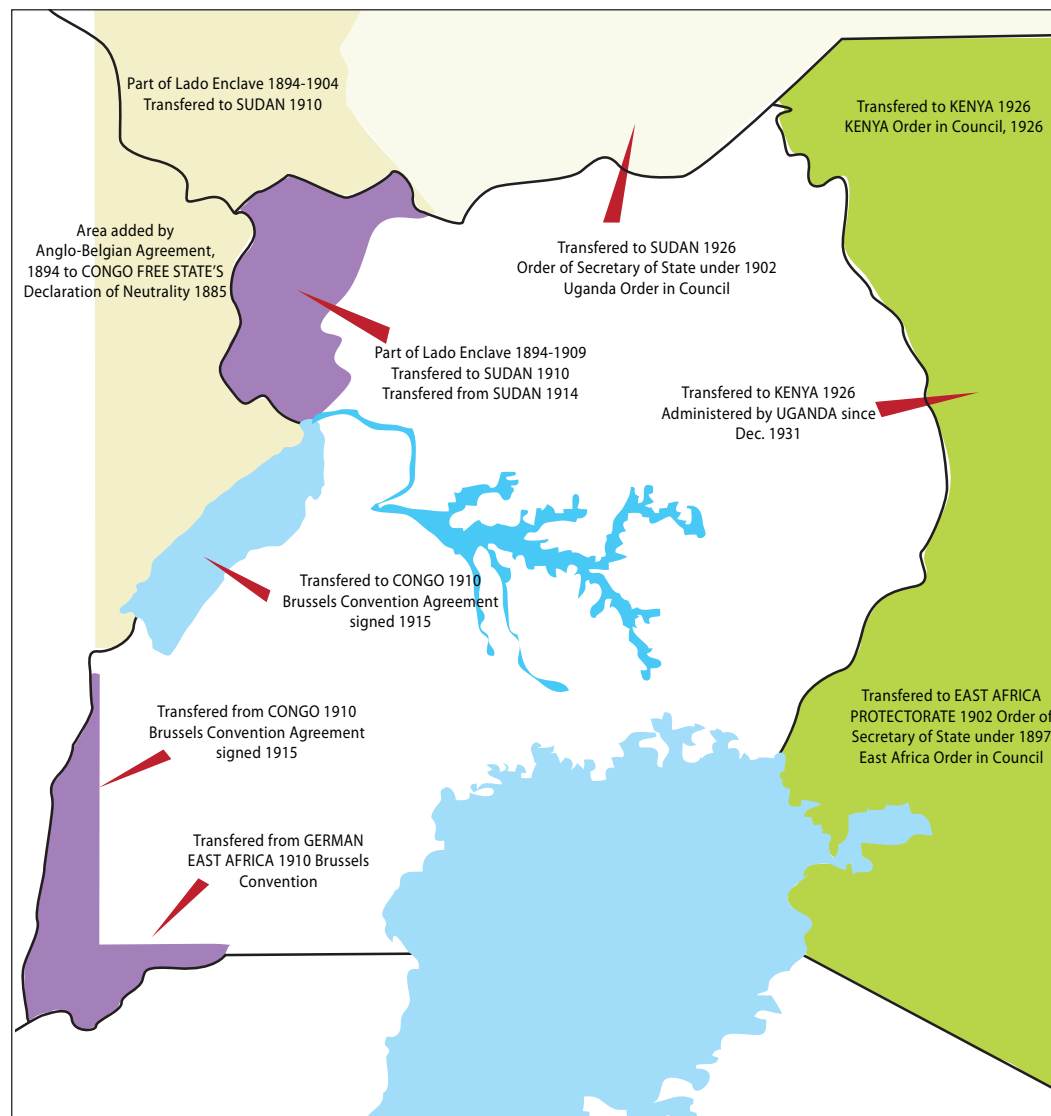
It is not easy to generalize issues of land tenure as they existed by the dawn of colonialism. What is evident is that the British colonial authorities pursued separate processes of executing protection agreements with the prominent kingdoms of the Lake Victoria region. However, existing literature clearly indicates that in the pre-colonial kingdoms Ugandan communities had well developed systems of governance that had evolved rules regarding the management of land and natural resources including fragile ecosystems. Land was generally owned by the entire community and vested in the prevalent authority (king or clan head) in trust for the members of the particular community. Within each community, rules and customary practices had emerged governing land and natural resources. Customary rules ensured equitable access to land for cultivation, grazing and hunting. Special rules were built within the system to ensure sustainable exploitation of these resources including regulated access to fragile ecosystems.

<sup>11</sup> The Uganda Order in Council, 1902. According to this Ordinance, the three other districts that formed part of the Northern Region are: Bunyoro, Nimule, Gondokoro.

<sup>12</sup> Contribution by Mzee Okidi-Lumedo David M. during the fieldwork. Okidi-Lumedo is considered one of the leading authorities on Acholi cultural values and is author of three books on Acholi.



**Figure 3: The making of Uganda's final boundaries determined the current geographical set up of Acholiland.**



However, the system of land and natural resources tenure began to unravel around the 1880s as the British colonialists fomented civil wars between the Kingdoms with a new scale of violence following the introduction of guns.<sup>13</sup> Through a series of agreements, most of Uganda had come under the management of the Imperial British East Africa Co. (IBEAC), which managed the country on behalf of Britain.<sup>14</sup> In 1893, the British Imperial Government took over the administration of its Ugandan possessions from IBEAC which was experiencing financial difficulties in managing the territories. In 1894, Uganda was

<sup>13</sup> It is important to recognize that the various kingdoms were often engaged in some form of conflict either fighting for territory, raiding of cattle, etc. However, by the introduction of the guns and the alliance between Buganda and the British, violence reached new levels.

<sup>14</sup> The Charter that brought Uganda under the management of IBEAC was signed in 1888.

then declared a British Protectorate. The now famous 1900 Buganda Agreement was signed.<sup>15</sup> A series of agreements were subsequently signed between the British and the kingdom governments.<sup>16</sup> From around 1900, the British colonial authorities began to establish their influence over the Acholi Sub-region.

Today, these agreements remain the most complex colonial legacies that have continued to define and shape Uganda's land and natural resources governance regime for over a century.

### 2.3. The Organization of Acholi Society in the Pre-colonial Period

The historical evolution of the Acholi people and the demographic geography or settlement patterns and socio-political organization are essential foundations to our understanding of issues of property rights to land and biodiversity governance in the Sub-region today. The social interactions arising therefore create norms and rules that govern access to key resources such as land and biodiversity. By analyzing the evolutionary history of the Acholi people, we are able to draw appropriate deductions as to the nature of customary norms and rules that govern the allocation, protection and enforcement of property rights in such communities. Given the magnitude of the changes that have taken place in Uganda in general and Acholi Sub-region in particular, this historical examination is central to any analysis aimed at informing a potential property rights regime in the post-conflict era that is on the horizon.

There are generally not so many detailed accounts that provide a coherent and systematic account of the historical evolution of the Acholi people and the manner in which they settled in present day Acholi. All existing accounts seem to concede some level of ignorance about the actual origins of the Acholi people, their political organizational structures and the intra-relationships between the numerous chiefdoms and lineages that dominated the Acholi social set up. Indeed, some of the most detailed accounts of the origins of the Acholi people and their subsequent settlement in Acholiland provided by F.K Girling<sup>17</sup> and Ronald Atkinson,<sup>18</sup> clearly show their own discomfort about making precise conclusions on this subject.

The majority of the ethno-geographical accounts suggest that the Acholi people are part of the Nilotic speaking peoples that settled in Northern Uganda around the 17<sup>th</sup> Century. Being of pastoral backgrounds, these communities were highly mobile and generally had minimal centralized political organization. Their socio-political set up was

<sup>15</sup> Buganda Agreement of 1900. Available at [http://www.kituoachakatiba.co.ug/uganda\\_1900.htm](http://www.kituoachakatiba.co.ug/uganda_1900.htm)

<sup>16</sup> The respective agreements of Ankole, Toro and Bunyoro can be found at [http://www.kituoachakatiba.co.ug/ankole\\_1902.htm](http://www.kituoachakatiba.co.ug/ankole_1902.htm); <http://www.kituoachakatiba.co.ug/bunyoro.htm>; [http://www.kituoachakatiba.co.ug/toro\\_agreement\\_1900.htm](http://www.kituoachakatiba.co.ug/toro_agreement_1900.htm) (accessed on October 1, 2007).

<sup>17</sup> Girling, F.K., 1960. The Acholi of Uganda. Her Majesty's Stationery Office. London.

<sup>18</sup> Atkinson, Ronald, The Evolution of Ethnicity among the Acholi of Uganda: The Pre-colonial Phase.

largely based on kinship and decision-making by kin-group elders.<sup>19</sup> However, as a result of interactions with the Bunyoro Kingdom, the Acholi people adopted some of the ideas and regalia of kingship. The traditional chiefs or the *Rwots* acquired royal drums, collected tribute from followers, and redistributed it to those who were most loyal. Quite uniquely, compared to the more centralized kingdoms of Central and Southern Uganda, the Acholi chieftaincies remained relatively small in size, and within them the power of the individual clans remained strong enough to challenge that of the *Rwot*.<sup>20</sup> It is this inherent democracy embedded within the traditional Acholi political organization and traditional institutions that have always been the foundations of equity and justice in matters of access to land and natural resources in Acholi culture.

Before and during colonialism, the Acholi people were organized in some form of hierarchical structure with different layers of socio-economic organization playing different roles. Girling explains a structure whose smallest unit is the household and one that builds upwards to the entire Acholi community. According to this account, the household was the smallest social unit of the Acholi community and was configured in such a way that it could maintain a separate economic existence. The next level of the organization is what he calls the *Hamlet* largely comprised of a collection of households which are built close to one another around a circle of bare earth called *dye-kal* or central courtyard.<sup>21</sup> The *Hamlet* as the second level of social organization was a neatly woven collection of households of *agnatic*<sup>22</sup> kinsmen. The boys and girls within the *Hamlet* shared certain responsibilities and sometimes worked together in groups engaging in a wide range of activities such as cultivation and hunting expeditions for boys or traditional domestic tasks for girls.

The third level of Acholi socio-political organization was the village. Traditionally, the village had a fence made of either brushwood or euphorbia which enclosed the *Hamlets* within it and the households within the hamlet. In contemporary Acholi, although the village is still recognized as a social and political organizational structure, the different hamlets and households that form that village are scattered over a much larger area than it was previously. But its unique characteristics remain in different forms and with varying degrees of authority. Historically, the village had a village elder or the *Rwot kala* who was always recognized as having authority to resolve internal disputes and represent the village in relationships outside the village. Up until now, the Acholi villages are still known by their clan heads. The village lineages that dominated Acholi political organization formed the basic social and economic foundation of the Acholi people. Until the dawn of colonialism, the village lineages provided the setting for most of the day-to-day activities of their members. Under the direction and influence of a recognized

<sup>19</sup> See Wild, J.V. (1954). *Early Travellers in Acholi*. Thomas Nelson & Sons Ltd, Edinburg.

<sup>20</sup> *Rwodi* is the plural of *Rwot*

<sup>21</sup> *Supra* note 17, pg 11

<sup>22</sup> The relatives that formed the *Hamlet* were descended from a man who was also the ancestor of other relatives, especially through the male lineage.

lineage head, assisted by lineage elders, each localized lineage possessed rights to both agricultural and hunting land, organized production and utilization of the proceeds of that production, and, in general, was left responsible for most of its own internal affairs.<sup>23</sup>

While admitting that it was difficult to find an appropriate reference, Girling calls the next level of Acholi organizational unit the Domain. Consultations with Acholi elders reveal that Girling's *Domain* should be what is generally referred to as chiefdom. According to Girling, the Domain is a cluster of villages together with the land used for agriculture, and for hunting. The Domain is headed by the *Rowt*, or ruler who exercises overall authority over it. Like the village, the domain was named after one of the ancestors of the rulers hence the *Pa-Tiko, Pa-Yira or Pa-Dibe, etc.* At the time of completing and publishing his findings in 1960, Girling observes that although the Domains or Chiefdoms were actually still known to the people, they were not officially recognized by the colonial administration. Even though the county chief at the time was known officially as the *Rwot*, this had nothing to do with the original indigenous organization of the Acholi people. Table 1 below shows the Chiefdoms of the Acholi people as they existed around 1900.

**Table 1: Known Chiefdoms of the Acholi People as at 1900.**

Padibe	14. Longorene	27. Popoka	41. Agoro	54. Lamogi
Palabek	15. Palonga	28. Lomura	42. Madi Opei	55. Madi Kiloc
Nam Okora	16. Orom	29. Akara	43. Atyak	56. Pabo
Paomo	17. Pagak	30. Lamogi	44. Papee	57. Pawel
Alero	18. Palaro	31. Payira	45. Paibona	58. Paico
Patiko	19. Lukwor	32. Koyo	46. Pugwenyi	59. Parwec
Pajule Paluo	20. Painata	33. Oryang	47. Ngekidi	60. Pageen
Lameet	21. Pajimu	34. Lukwor	48. Koc	61. Pokumu
Bolo	22. Bwobo	35. Kilak	49. Puranga	62. Paimol
Adilang	23. Pukor	36. Paicam	50. Umia Anyima	63. Umia Pacua
Lira Paluo	24. Ajali	37. Patongo	51. Ariya	64. Pela
Wol	25. Parumo	39. Parabongo	52. Pacer	65. Pader
Pabala	26. Kwong	40. Pacabol	53. Koro	

**Compiled from:** Girling, F.K., 1960. *The Acholi of Uganda*. Her Majesty's Stationery Office. London; Atkinson, Ronald, *The Evolution of Ethnicity among the Acholi of Uganda: The Pre-colonial Phase*; and Focus group discussion conducted during the course of the study.

Atkinson provides more insight into the evolution of the Acholi people as an ethnic group until 1900. Again, this is an ethno-geographical account of the Acholi people that was not intended to address issues of land tenure and biodiversity. However, the detailed breakdown of the Acholi Chiefdoms (Table 1) at the dawn of colonialism provides

<sup>23</sup> Atkinson, Ronald, *supra*, pg20

a good basis for our understanding of the Acholi traditional set up that is relevant for the present study. What is, therefore, apparent from Atkinson's and other accounts is that while the Acholi people could be clearly distinguished from surrounding peoples by their language and customs, it is believed that they neither had any centralized political authority or any identifiable central organ beyond the chiefdom.

Although contemporary references to Acholiland always tend to suggest that there probably existed such a larger geographical or political unit comprising of all the Acholi Chiefdoms, the historical accounts above do not support such a hypothesis. Instead, the accounts show that what is now Acholiland is the entity whose geographical delimitations evolved through the colonial border demarcations and internal administrative reconfigurations in the Uganda Protectorate. Nevertheless, since the colonial period, the concept of Acholiland has acquired important meaning including expressions of ethnic solidarity and elements of political and economic self-determination. The modern Acholi traditional institutions and the roles they play in land and biodiversity governance is discussed later in this paper. In this section, the examination of the roles played by the traditional institutional set up is restricted to the pre-colonial period.

#### **2.4. Acholi Pre-colonial Economy and Resource Tenure**

The current discourse on land and resource tenure in the Acholi Sub-region has invoked a feeling of nostalgia not only about land but also about the traditional system of land tenure and biodiversity governance. However, it is not often easy to appreciate whether there was a well documented and generally accepted property rights regime with clear norms and rules of ownership, access and enforcement that can be invoked in contemporary Acholi. Or if there are such rules, whether they can be applied, and with what necessary modifications, to address some of the emerging property rights issues often associated with a post-conflict situation.

The foregoing review shows that the Acholi social, political, economic and spiritual settings in the pre-colonial period were closely tied to each other with one aspect closing into the other. These settings had naturally evolved as illustrated above and had been tested over time. The *Rwot* headed the highest political structure – the chiefdom, and also oversaw the political economic and spiritual life of the community. He was assisted by lineage heads with whom he consulted in the exercise of power and mandate. Lineage heads in turn derived their power from their communities and exercised it in the interests of the subjects. This provided checks and balances and provided a stake for the subjects to determine the way they needed to be governed. Culture also assisted in checking the powers of the *Rwot* and in ensuring that he exercised that power in the interest of the subjects. This was critical in facilitating political and social harmony and formed the premise upon which communalism flourished.

Local production systems were embedded within this larger social, political and cultural organization. Land holding, as part of the production system was communally owned as were the production systems. Lineage heads (*Rwot kweri*) oversaw production systems and provided guidance and leadership on land allocation, management and use within the lineage while at the same time being accountable to the *Rwot*, who was the chief custodian. Subjects had title to the land they tilled and left to fallow. This title was however subject to communal interest as were grazing and hunting grounds. Some of the essential tenets of the Acholi land tenure regime are that land use by the subjects and the mechanisms of dispute resolution amongst the subjects were prescribed by cultural norms and practices that guided the *Rwot kweri* in decision making. Lineage heads presided over disputes within their lineages, while a major conflict that cut across two or more lineages was presided over by the *Rwot* whose decision was final.

This setting enhanced a systematic mechanism of managing and handling land and production systems. This was however facilitated by the fact that the people traded the same cultures and had common values and aspirations. The population was low and land was fertile, largely abundant and unlimited especially in the light of the fact that there were no known external people interested in acquiring land in the area. Where one was aggrieved and was unable to draw satisfaction from the productions systems in place, he or she had a choice to move away to another area

## 2.5. The Acholi Property Rights Structure at the Dawn of Colonialism

Based on the above exposition, it is tenable to observe that the norms that governed property rights in land and biodiversity resources are largely a reflection of the general economic structure of the Acholi society as described by various writers at the turn of the 18<sup>th</sup> century. In this regard, three major sectors dominated the Acholi economy up to the time of colonialism. These are cattle grazing, cultivation and hunting. Going by these economic activities, the existing literature and the oral accounts obtained during the course of this study, a fairly comprehensive property rights regime can be identified as discussed below.

### 2.5.1. Land Ownership

Like in many other parts of the country, the traditional system of land tenure in Acholi Sub-region persisted in its entirety until the dawn of colonialism. This system was largely based on the traditional institutional structure where land was owned communally and hence vested in the traditional leaders or the *Rwot* (*Won Lobo*) in the case of the Acholi Chiefdoms. According to Acholi elders, the *Rwot* in consultation with his advisors exercised ultimate administrative authority over land and had appellate jurisdiction over

matters of conflict regarding land. As a collective entity, the clan exercised all rights of land ownership as far as clan land is concerned.

### 2.5.2. Hunting rights

The traditional Acholi land tenure system was configured to support hunting as a major land use practice. According to existing tradition, hunting was a highly organized and systematic economic activity. The hunting activities (*Dwa*) were organized around four seasons: *Dwar Arika*, *Dwar Lino*, *Dwar Arum* and *Dwar Obwo*. The *Dwar Arika* was held during the rainy seasons and particularly when the rivers were flooding. The system depended on pushing the animals towards the flooding river and cornering it until it was speared. The *Dwar Lino* also known as the “ring fire” was used mainly during the dry season and was largely used to hunt big game such as elephants. Starting a ring of fire around a herd of elephants for example created the conditions necessary to kill the animal. *Dwar Arum* was the main hunt undertaken during the dry season to take advantage of the short grass. One of the unique characteristics of the *Dwar Arum* was the number of hunters and the level of skill and organization involved in undertaking and executing the hunt. Finally, *Dwar Obwo* was a relatively small hunt coming at the beginning of the rains and largely conducted around human settlement and cultivation field.<sup>24</sup>

Access to clan hunting grounds was strictly regulated through the system of hunting seasons and overseen by the *Won dwar* (the father of the hunt area). The restrictions on unauthorized hunting in the clan hunting grounds were enforced rigorously to the extent that even the *Rwot* had to get the permission of the *Won Dwar* before going hunting. Another inbuilt regulatory mechanism that ensured sustainability of the resources was the fact that burning of grass was done systematically and under the exclusive control of the *Won Dwar*. It is important though to recognize that, with permission of the *Won dwar* and *Rwot*, part of the clan hunting grounds could be converted to settlements or cultivation if a member of the clan was interested in such conversion. No one had no right to prevent such land use change.<sup>25</sup>

#### Box 1: A description of Acholi traditional hunting grounds

A number of hunting grounds existed in the whole of Acholiland in pre-colonial times right up to about independence time. The hunting grounds were named after prominent hunters who demarcated their hunting grounds and the hunters were recognized by the communities as land owners. The communities referred to hunting grounds as “*Tim pa ...*” (The hunting ground of so and so). The hunters often led the communities to hunt game in their hunting grounds in dry seasons and when the communities had less . in the fields.

<sup>24</sup> As recounted to the study team by Rt. Bishop Walter Ochola and Dr. J.J.Otim during various interactions in the course of doing fieldwork for the study during 2007. See also Bere, R.M, (1955). “*Land and Chieftainship among the Acholi*,” in Uganda Journal, vol. 19, 1955, pp 49-56).

<sup>25</sup> *Ibid.*

*Hunting Grounds in Agago County, Pader District:*

Hunting grounds in Agago County covered a wide area bordered by two Rivers: River Agago in the South and River Auc in the North. Smaller streams of Lukole, Ngudi, Iwaro Alela and Kitir flow through the 11 miles width of the hunting grounds in a westerly direction from their sources at a range of Inselberg Mountains in the East. The mountain ranges from the boundary between Acholi and Karamoja regions.

All the streams including River Auc pour into River Agago in the West. River Agago then carries the big volume of water into River Aswa where it enters at Aruu Falls. At the falls the work of thunderbolt led to a split in the confluence of the two rivers giving water a passage from which it gushes down from a height into Aswa River. River Aswa empties into the Nile close to Nimule in Southern Sudan.

In between River Agago and River Auc were Tim pa Omedo Otori-Labuc (between Lukole and Ngudi) , Tim pa Owon Ocamo-Geng (between Ngudi and Iwaro streams), **Tim pa Ajal** (between Iwaro and Alela streams) and Tim pa Ajalia Muta (between Alela stream and Ricer Auc). The main game hunting seasons were when large game herds were migrating from the present day Kidepo to Murchison Falls National Parks.

The Tim (hunting grounds) mentioned above were on migratory routes of various game species migrating from Kidepo in Karamoja to Murchison Falls in West Acholi.

Seasonal migrations of elephants, buffaloes, lions, leopards, hyenas, wolves, jackals and various antelope species resulted into destruction of crops, restricted human movements, and sometimes loss of human lives and domestic animals. Wild animals were killed for meat and trophies. In 1958, large herds of elephants were destroyed by a wild bush fire in Tim Pa Ajalia Muta set after the herds destroyed large fields of crops. A group of hunters armed with rifles and led by a white Aide de camp (ADC) intervened to collect elephant tusks and warned the communities to stop arsonist activities.

The two game sanctuaries of Kidepo and Murchison Falls were later gazetted Game Parks and their vicinities declared Game Reserves. The hunting grounds are no more following gazetted of Game Parks and declaration of Game Reserves leading to restricted movements of games, migratory routes of games were soon settled by many people due to rising population and other attendant social infrastructure development like schools, health centres and feeder roads were constructed.

*Hunting Grounds in Chua County, Kitgum District*

Tim Pa-Lukok (the hunting ground of Pa-Lukok) was between Akilok in the North East, Madi Opei in the North West, Orom in the east and Namokora in the South east. This hunting ground was larger than all the smaller hunting grounds in Agago County. Once the hunt at Tim Pa-Lukok was declared, it drew many people from far and near. People from Agago, Chua and Lamwo Counties converged at Tim Pa-Lukok to hunt. The hunting expeditions in dry seasons each lasted for weeks to one month.



Tim pa-Lukok was teeming with games of various species. People camped in the wilderness with their packed food supplemented by game meat. The hunt lasted for long because a series of smaller hunting expeditions were organized deep into the wilderness of the hunting grounds and much of the games had to be smoked to preserve the meat and lessen the weight. The many games of various species at Tim Pa-Lukok were because the hunting ground bordered Kidepo game sanctuary. Not until Kidepo game sanctuary was gazetted a Game Park and its vicinity declared a Game Reserve did Tim Pa-Lukok disappear.

#### *Hunting Grounds in Lamwo County, Kitgum District*

Tim Padwat (hunting ground of Padwat) was the largest of the hunting grounds in East Acholi. It was in Lamwo County of present day Kitgum District and at the border with Southern Sudan. On Sudan side, the hunting ground extended deep into the interior of the county. People from Lamwo and Chua counties of Kitgum District including Atiak in present Amuru District would join the hunts at Tim Padwat in dry seasons. People from Pader district could not join the hunts because the hunting ground was out of reach to them.

The game resources at Tim Padwat became increasingly difficult to fully exploit soon after Sudan independence in 1956 when a series of civil wars broke out between Northern and Southern Sudanese until 2005 when it subsided. There were a lot of spill over effects of the civil wars into Uganda.

**Hunting Grounds of West Acholi** Tim pa Amir, Tim pa Lamaka and Tim pa Lugwete were all situated in West Acholi in present day Amuru District. The hunting grounds stretched from along the source of Albert Nile to the border with the present day Adjumani District in the West Nile region. there were a lot of animals in the hunting grounds, hence the British gazetted the areas to be Murchison Falls Game Park and Aswa-Lolim Game Reserve soon after colonization was complete.

Tim Pa-Amira (Amira's hunting ground) was in the South close to Paraa (today Paraa is well within the park). Some clans of the dominant Payira chiefdom lived in this Southerly part of the Albert Nile. Tim Pa-Lamaka (Lamaka's hunting ground) was in the central zone in the area inhabited by the Alero Clan and in the North was Tim Pa-Lugwete (Lugwete's hunting ground), heart land of Lamogi clan. A lesser Aswa River drains from Guru-guru Hills of Kilak Mountain ranges in the east and pours into the Albert Nile in the West.

During hunting seasons in the dry season, hunting expeditions were organized jointly such that the Payira clan from the South would advance westwards and the Lamogi clan from the North would advance southwards until the three clans met at the centre close to the Nile. The three clans returned home with much meat, evidence of successful hunts.

The three hunting grounds of Amira, Lamaka and Lagwete are no more. Settlements close to the hunting grounds were evacuated when the British colonialists ordered the communities along the Albert Nile on Acholi side to move closer to Gulu. Evacuation occurred in 1912, soon after the founding of Gulu town in 1910.

The British colonialists wanted people to be close to the administration center for easy control, to ensure uninterrupted supply of free forced labour for public work to build Gulu town and as a measure to protect large game herds in the three hunting grounds

The three hunting grounds of Amira, Lamaka and Lagwete are no more. Settlements close to the hunting grounds were evacuated when the British colonialists ordered the communities along the Albert Nile on Acholi side to move closer to Gulu. Evacuation occurred in 1912, soon after the founding of Gulu town in 1910. The British colonialists wanted people to be close to the administration center for easy control, to ensure uninterrupted supply of free forced labour for public work to build Gulu town and as a measure to protect large game herds in the three hunting grounds

In ordering the communities to move out from settlements close to the Nile, people were bluffed into believing that the areas were prone to danger of tse-tse flies. Today **Tim Pa-Amira** is covered by a greater part of Murchison Falls Game Park and Game Reserves while **Tim Pa-Lamaka** in the center is an extensive commercial farming area and **Tim Pa-Lugwete** has some commercial farms and a Game Reserve close to the border of Adjumani District. The easy movements of people away from the vicinity of the Nile made the areas bordering the Game Parks and Game Reserves to remain thinly populated by the time people were ordered into the camps because of the insurgency. Today, the areas bordering the Game Park and Game Reserves have been trespassed onto by the Alur ethnic group from across the Nile creating conflict with the Acholis crammed in the camps. Prior to the Alur influx, Amin rewarded a prominent Alur with part of **Tim Pa-Lamaka** land.

Traditional hunting ground and associated rules were at the core of the Acholi traditional practices in the conservation of biological diversity and conferment of property rights in biodiversity. These hunting grounds were held by clans, most times with overlapping jurisdictions but with clear rules of access. Today, traditional hunting grounds are talked about only in historical terms, very few people seem to know where they were located or where the boundaries were. The description of these hunting grounds as described in box 1 above is a special contribution by Mzee Okidi-Lumedeo upon request by the authors. The contribution regarding hunting grounds is produced verbatim with minor editing.

### 2.5.3. Access to Water and Grazing Rights

The Acholi traditional land ownership system preserved the rights of individual households to graze their animals on common grazing lands. The Acholi people practiced pastoralism and to the extent that since land was generally considered being in plenty, no known conflicts arose over the grazing lands. Since major watering points were also found in clan lands, the right of access to water for everybody was secured and guaranteed by the hitherto clan governance structures.

#### 2.5.4. Individualized rights: Cultivation and Occupancy

The rights to land for establishing a household and for cultivation are clearly the only rights for which land could be appropriated by individuals. Atkinson notes that these rights were in fact perpetual and could be inherited. However, given the fact that the different Acholi clan lineages seem not to have settled permanent until the later part of the 18<sup>th</sup> Century, it is still difficult to state with precision the perpetual nature of these rights as they related to specific pieces of land. What is clear however is that the clan land system had an inherent mechanism by which individual households could expropriate land based on effective occupation by construction of households and cultivation.

## 3

# The Reconfiguration of Land and Biodiversity Resources Tenure from 1900 to 1962

Before independence, there are four factors that had major influence on biodiversity and land tenure in the Acholi Sub-region. These are: a) the extension of colonial administration; b) the sleeping sickness epidemic and associated control legislation; c) the colonial administration and resettlement policy; and d) the colonial conservation agenda.

### 3.1. The extension of the colonial administration to the Acholi Sub-region

As early as 1900, the British began to establish more effective control over the rest of the territory that eventually came to be contemporary Uganda. The districts of Gulu and Chua comprising of the whole of the Acholi Sub-region including their boundary demarcations were set by proclamation in The Uganda Order in Council, 1902.<sup>26</sup> By this time, the Acholi people had developed a highly sophisticated and clearly delineated property rights regime based on the clan land tenure structure. J.J. Otim has provided a succinct summary of the pre-colonial clan land tenure structure as discussed above in his overview presented to the workshop of Acholi leaders that kicked off this study.<sup>27</sup> Accordingly, the land tenure structure was divided into four sub-categories: land for homesteads; land for cultivation; land for grazing; and land for hunting. The system had an in-built mechanism for the management of cross-cutting environmental issues such as ecosystem preservation and biodiversity management. Specific good practices included, *inter alia*:

- Controlled hunting and bush burning;
- Preservation of long maturing tree species or medicinal plants; and
- Maintenance of forests and biomass in fragile ecosystems such as hilly areas and steep slopes;

<sup>26</sup> The Uganda Order in Council also established and set out the boundaries of the districts of Nimule (later West Nile) and Gondokoro (later transferred to Sudan).

<sup>27</sup> Otim, J.J., 2007. An Overview of Land Tenure and Natural Resources Tenure in Acholi Sub-region: Perspectives of the Past, Present and Future. Workshop Paper (Unpublished). Additional information was obtained through bilateral interviews with Dr. Otim and other Acholi elders and leaders during the study.

The clan heads or *Rwodi* exercised administrative and judicial authority over land but also acted as the trustees of land for the clan. In this regard, the *Rwodi* acted as the trustee of land for the respective Acholi clans and was largely responsible for guiding and superintending over clan land allocation, boundary demarcation, land utilization and dispute settlement.

In the early years of colonialism, the colonialists approached Acholi with lesser enthusiasm except for their interest in elephant tusks and as a buffer zone against potential expansionism by other colonial powers. The area was dry with little to contribute to the development of the colonial economy and was therefore considered to be of marginal value to the colonial endeavour. In addition, the area was generally sparsely populated and located at the far north from the centre of the colonial political administration based in Buganda, which made it difficult for the colonialists to establish a viable and cost effective colonial administration structure.<sup>28</sup> Acholiland was also occupied by a tribe or social cultural setting that was considered quite inferior, lazy and hard to deal with. The political organization, which was decentralized in small units was less favoured by the colonialists who preferred centralized monarchs like Buganda, Bunyoro, Ankole and Toro.

As the scramble for Africa raged during the late 19<sup>th</sup> century, the British began to pick interest in what was to later be called Northern Uganda. The Belgians and French had acquired interests to the west of the now geographical unit of Uganda while the British were interested in Buganda and the Nile Basin. The British realized early enough that by controlling Northern Uganda, they would be able to monitor the activities of the former and guarantee the security of their interests in Buganda and the rest of Uganda generally. By the end of the last decade of the 19<sup>th</sup> Century, the British had coerced, lured or conquered a number of Acholi chiefdoms, one by one. By The Uganda Order in Council 1902, the British officially recognized Northern Uganda, including Acholi Sub-region as part of the British Protectorate.<sup>29</sup>

There are generally five major factors that played a key role in redefining and reconfiguring the land and biodiversity tenure structure over the half a century of colonialism. These include: (i) the pre-colonial disturbances of the Acholi population especially in the 19<sup>th</sup> century arising from local warfare; (ii) slave raiding and administrative over-rule under Egyptian expansionism; (iii) the sleeping sickness control measures mainly up to around 1915; (iv) the establishment of a network of conservation areas which continued into the post-colonial period; and (v) the colonial policies and administrative changes designed to achieve convenience in the administration of Acholiland.<sup>30</sup> Because of the lasting impacts

28 Wild, J.R Full details of the book are needed here

29 See also Wild, J.R, *supra*

30 For a more detailed analysis of the British colonial policy in Uganda, see Bass, James David., (1930). "*British Colonial Policy in Uganda*". University of Virginia PhD. Thesis. Published in 1975 by University Microfilms International, Michigan and London.

and relevance of the later three factors to the current discourse on land tenure and biodiversity governance in the Sub-region, they are discussed in more detail below.

### 3.2. The Sleeping Sickness Epidemic

The reported outbreak of sleeping sickness in Uganda around 1900 is a phenomenon of immense epidemiological studies. In varying degrees and geographical coverage, a number of early studies provide a fairly comprehensive account on the basis of which fairly accurate conclusions can be made as to how that epidemic affected the property rights configuration in the Acholi Sub-region. The first major outbreak of the sleeping sickness epidemic in Uganda occurred during the period 1900-1920. A detailed account of this outbreak is given by Langlands<sup>31</sup> who suggests that this outbreak was largely concentrated around the Lake Victoria region, the Busoga region and most of Southern Uganda.<sup>32</sup> According to this account, it is estimated that sleeping sickness may have existed in parts of the Acholi Sub-region from around the 1900 although the extent of the epidemic was not documented until 1905.<sup>33</sup> The reports suggest that the epidemic was concentrated in the areas that used to be referred to as Wadelai and Ajei on the Eastern side of the River Nile in Acholi.

It is estimated that the sleeping sickness epidemic reached its peak around 1910 by which approximately 3,000 people had died on the Acholi bank of the Albert Nile. The various accounts recorded in the medical archival records show that during the period up to 1910, the epidemic covered the area stretching from the tip of Lake Albert and encompassing a narrow stretch of land up to the Zoka Forest. Langlands reports that although very few cases were reported after 1915, the population of the area had already been removed.<sup>34</sup> In addition to the removal of the population from the area as a result of the epidemic, the administrative headquarters of what was then called Wadelai District were transferred from Wadelai to Koba in the South in 1906 as shown in figure 4. However, a serious outbreak of the epidemic at Koba forced the colonial authorities to relocate the district headquarters to Gulu in 1912.<sup>35</sup>

As part of the colonial government strategy to control the sleeping sickness epidemic, the Uganda Sleeping Sickness Ordinance of 1908 was enacted.<sup>36</sup> The ordinance vested the Governor with powers to declare any part of Uganda Protectorate to be infected

31 The account by Langlands and subsequent studies rely on the archival Medical and Sanitary Reports of the Uganda Protectorate collected by the colonial Government.

32 Langlands, B.W., 1967. *The Sleeping Sickness in Uganda 1900-1920: A Study in Historical Geography*. Makerere University College. Kampala.

33 Hodges, A.D.P., "Report on Sleeping Sickness in Uganda from January 1906 to 30 June 1906" in Report of the Royal Society Sleeping Sickness Commission, Vol. 9, No. 23, 1909, p.4; cited in Langlands, B.W., *ibid.* p.29.

34 It has not been possible to establish precisely where the people who were removed from this area were resettled.

35 See Drew, C.M., "Report on the Work of the Sudan Sleeping Sickness Commission in the Lado Enclave from 1 April 1911 to 30 September 1911" in *Sleeping Sickness Bureau Bulletin*, vol. 3, 1911, pp. 85 and 476, cited in Langlands, B.W., *supra*.

36 No. 4 of 1908.

with sleeping sickness and hence to make rules for the control of the disease. It appears from the first regulations enacted under the ordinance that most of the sleeping sickness control measures were focussed on the Lake Victoria region.<sup>37</sup> In 1911, the Uganda Sleeping Sickness (Amendment) ordinance was enacted providing for stiffer penalty for non-compliance with the law.<sup>38</sup> In 1913, the Sleeping Sickness Ordinance was enacted repealing the 1908 Ordinance as amended in 1911. It is important to recognize that no substantive changes were introduced by this enactment. Subsequent legislative reforms took place in 1923 and later in 1928 when a new and more comprehensive legislation was enacted.<sup>39</sup> The 1928 Sleeping Sickness Ordinance was incorporated in the revised edition of the Laws of Uganda in 1964<sup>40</sup> and subsequently incorporated in the latest revised edition of 2000.<sup>41</sup>

Although several historical accounts suggest that major population movements in the Acholi Sub-region took place around 1910-1915, there is no evidence in the legislation that the Sub-region was ever considered or declared a sleeping sickness infested area around that time. It is only in the regulations made in 1929 that covered most Acholi Sub-region. Three sleeping sickness areas were declared in Acholi: The Gulu Sleeping Sickness Area and The Chua Sleeping Sickness area. One infected area was declared as The Madi Infected Area. Two restricted sleeping sickness areas were declared in The Gulu Sleeping Sickness Area (Unyama-Asua River Restricted Area and The East Madi-Western Gulu Restricted Area) while The Namur River Restricted Area was declared in The Chua Sleeping Sickness Area. These declarations of sleeping sickness areas partly explain why the present day Amuru district is sparsely populated.<sup>42</sup>

37 By Proclamation under the audience, most of the areas in and round Lake Victoria were declared sleeping sickness infested areas. See Schedule to the Uganda Sleeping Sickness Ordinance, 1908. See also Sleeping Sickness Rules (No. 2), 1908.

38 No. 2 of 1911. The original term of imprisonment of 12 months was provided for replacing the 2 months imprisonment term provided for in the 1908 Ordinance.

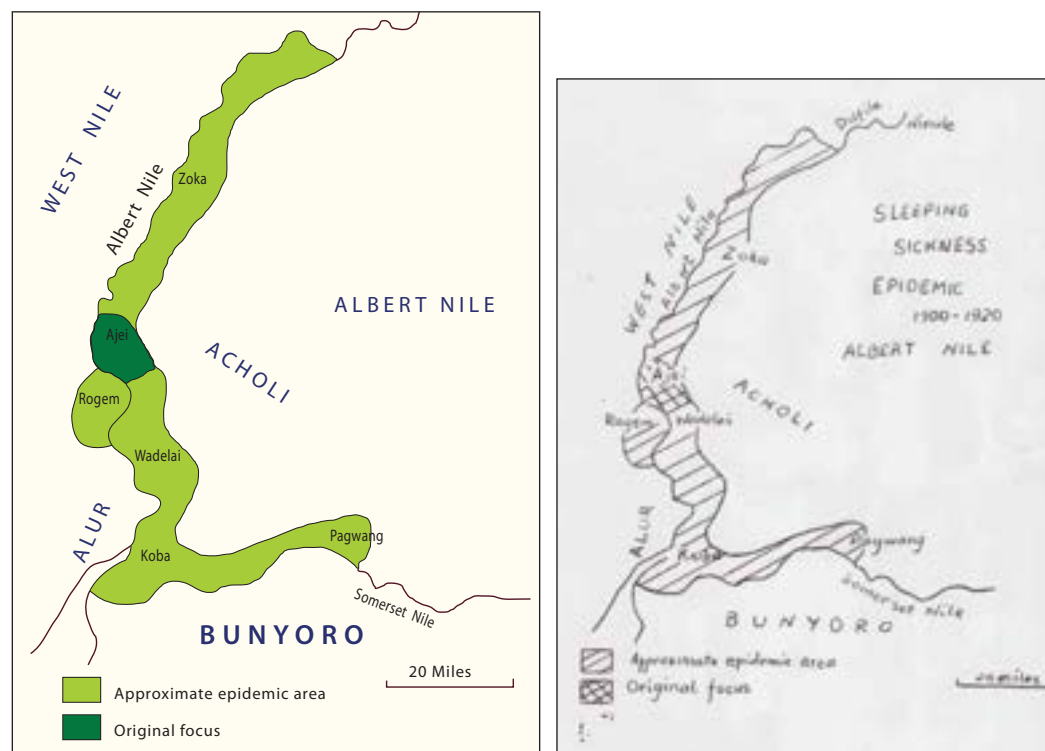
39 The Sleeping Sickness Ordinance, 1928 came into force on 15<sup>th</sup> April 1929. See The Sleeping Sickness Ordinance, 1928 (Notice of Commencement dated 10<sup>th</sup> April 1929).

40 Cap 274 of the Laws of Uganda, 1964.

41 Cap 282 of the Laws of Uganda, 2000.

42 We have found no evidence that these regulations have ever been revoked although the prevalence of sleeping sickness has been substantially reduced.

**Figure 4: Sleeping Sickness in the Acholi Sub-region 1900-1920<sup>43</sup>**



More recent studies that have considered the extent of the epidemic have been largely conducted as epidemiological studies and hence do not tell us how much the geographical distribution of the disease have impacted on human settlement patterns or resource tenure and access relations.<sup>44</sup>

### 3.3. Administrative Policy and Population Resettlement

In addition to the human settlement reconfiguration dictated by the sleeping sickness epidemic, the British colonial administration in Acholiland implemented a resettlement programme during the colonial period. The extent of these resettlement policies on the pre-1986 settlement patterns is generally not easy to ascertain. However, what is clear is that different Acholi communities were moved to different locations at different times, a process that constitutes the initial disruption of the Acholi clan-based land tenure and property rights structure.<sup>45</sup> Such early clan dislocation is traced to July 1900 when some Lokung defied Delme-Radcliffe –the first colonial occupier of Acholiland who stayed in Acholi until around 1916. In retaliation, Radcliffe burnt some villages and installed Ogwok

<sup>43</sup> Laglands, B. W. (1967), *supra*. p.31

<sup>44</sup> See for example Berrang-Ford, L., 2006. "Sleeping sickness in Uganda: Revisiting Current and Historical Distributions" in *African Health Sciences*, 6(4): 223-231. Makerere Medical School. Kampala.

<sup>45</sup> For example, Crazzolara has pointed out that between 1880-1890, Emin Pasha removed a large community of Acholis away from Pabbo. He does not provide any additional details including where this community was moved to. See Crazzolara, J.P., (1951). *The Lwoo, Part 2: Lwoo traditions*. pg. 253.



of Padibe as the chief over Lokung and Padibe.<sup>46</sup> Later in 1911, the Acholi occupying the Guruguru hills to the Northwest of Gulu rebelled against the colonial administration leading to the famous Lamogi rebellion (1911-1912).<sup>47</sup> Several other historical accounts suggest that a number of Acholi communities were forcefully moved during the period 1900-1914.

The major policy motivation of the colonial resettlement policies in the Acholi Sub-region was administrative convenience mainly associated with collection of taxes. Like in many parts of Uganda, the local population tended to try to maximize the benefits of geographical isolation by avoiding payment of taxes and community service. A number of reports and archival colonial records provide a fairly detailed account of some specific population movements in the Acholi administrative region for the period beginning 1910 and lasting to the mid-1920s. For example, it appears that in early 1914, communities in the Lokung and Palabek hills were removed.<sup>48</sup> Other significant population movements around the same time involved removal of some communities around Mt. Orom who subsequently settled in Omiya Pachwa while others were removed from Agoro Mountains, medial and Nangiya hills. Most of these communities were moved to the low lying plains for ease of administration.

The second major movement of populations in the Sub-region involved regrouping of communities originally settled in the plains. Obol-Owit suggests that the resettlement of some communities along the roadsides seems to have been a voluntary response to emerging economic opportunities brought about by the communication infrastructure.<sup>49</sup> The third reason for resettling the population in the Acholi Sub-region seems to have been the need to remove people from both the international border and the internal administrative borders. Archival correspondences between the local colonial administrators in Acholi and the headquarters points to this as a deliberate colonial policy to stop the local practice of dodging payment of taxes and avoidance of labour obligations especially the mandatory communal works on roads.<sup>50</sup>

In the meantime, several administrative changes were introduced by the colonial authorities. For example, in 1921, Acholi was divided into two districts: Gulu and Chua largely following river Aswa. In 1931, East Acholi was sub-divided into the counties of Lokung, Palabek, Payera, Pader, Lira, Pajuli, Padibe, Chua, Agoro and Kitgum township. A further reconfiguration took place during the 1940s such that by 1948, some of the smaller sub-counties had been amalgamated and three counties: Lamwo, Chua and Agago created. Most of the available ethno-geographical accounts of the Acholi Sub-

46 Gray, Sir J.M., (1952). "Acholi History, 1860-1901," in Uganda Journal, 1952 (Part III), pg.138.

47 For a detailed account of the Lamogi Rebellion, see Adimola, A.B., (1954). "The Lamogi rebellion 1911-1912," in Uganda Journal, 1954. pp.170-173. According to Adimola, the local people refused to surrender their guns to the British sparking off a confrontation that lasted until 1912.

48 See Monthly report of the D.C of Chua, March 1914, p.7.

49 Obol-Owit, L.E.C., (1967). The changing pattern of settlement in East Acholi. Occasional Paper No.7. Department of Geography, Makerere University. Kampala.

50 Most of these accounts are contained in the reports and letters from the D.C of Gulu and Chua for the period 1915-1919.

region clearly show that up to 1962, major settlements were concentrated in this part of Acholi and population density decreased substantially as one moved towards the West into what is now Amuru district.

As a result of these population movements and the administrative reconfiguration of the Sub-region, the Acholi socio-political structures that had naturally evolved over centuries were remodelled largely driven by administrative convenience and expedience. The result of this reconfiguration is that a number of chiefdoms were amalgamated, thereby extending the authority of some chiefs over peoples they never previously ruled, while other chiefs were demoted and others scrapped all together. Individuals and groups of peoples were for the first time coerced into administrative settings not of their liking. At the helm of the local political structure, a 'paramount chief' was installed as the overall accounting authority to the colonial administration. The removal of people from the hills and the plains onto the major communication infrastructure mainly roads also partly accounts for the expanses of land that remained uninhabited for years and the clan ownership of these lands remained unaccounted for.

### 3.4. The Colonial Conservation Agenda

Another major colonial policy that provides an explanation with regard to clan settlement patterns that emerged during the colonial period is the policy of establishing protected areas. During this period, key biodiversity resources comprised in Acholi traditional conservation regimes were either converted into forest reserves, national parks, game reserves or designated controlled hunting areas. A system of laws modelled along the equivalent British legislation was introduced to provide a new legal framework for the management of biological diversity in the Sub-region. The Colonial Government also embarked on a process of establishing central government institutions that were designed to manage the exploitation of natural resources which were at this time vested in the Crown. In this regard, the Department of Forestry was established in 1917<sup>51</sup> to manage the country's forests to produce a sustainable yield of timber and poles for the colonial enterprise. In 1925, the colonial authorities established the Game Department to preserve and control the depredation of Uganda's fauna.<sup>52</sup> By 1935, there were at least five game reserves already established in Buganda, Bunyoro and Gulu which were then estimated to cover an area of 1, 800 square miles. As discussed below, by independence in 1962, a network of protected wildlife areas and forest reserves had been established all over the Acholi thereby creating a new property rights regime that reverberates in the contemporary discourse on land tenure and biodiversity governance in the Sub-region.

51 Ofscansky, Thomas, 1996. Uganda: *Tarnished Pearl of Africa*. WestviewPress, Boulder and Oxford. Pg 8.

52 *Ibid*, pg 9.

**(a) The Establishment of the Protected Forest Estate**

A system of forest reserves were established in the Sub-region beginning in the late 1940s according to available archival records. These records show that by 1952, five local forest reserves each measuring approximately 6.76 sq. miles had been established within a radius of 7 miles from Gulu town. In addition, four plantation forests were also established. The available information about these reserves and plantations for 1952 and 1962 is provided in tables 2 and 3 below.

**Table 2: Acholi Bush Fuel Reserves and Forest Plantations as presented in the 1952 Uganda Forest Department Report<sup>53</sup>**

Reserve Name	Size (Sq. miles)	County	Map No.	Aerial Photo Ref.	Applicable Legal Instrument
Opok LFR	2.0	Omoror	A.7	UG.25/5163	L.N. 166 of 1947
Opaka LFR	0.84	Omoror	A.8	UG.27/5077	L.N. 245 of 1947
Lokodi LRF	0.50	Aswa	A.28	UG.75/5062	L.N. 299 of 1951
Keyo LFR	2.92	Kilak	A.13	UG.12/5137	L.N. 277 of 1945
Gweng Diya LFR	0.50	Kilak	A.29	UG.24/032	L.N. 299 of 1951
Plantation Name	Acres				
Koro Plantation	12.7		A 34	UG.25/5160	L.N. 257 of 1948
Kolo (old)= Abili	9.0		A 34	UG.27/5077	L.N 257 of 1948
Ongako Plantation	3.2			UG.25/5072	L.N 257 of 1948
Bungatira Plantation	11.7		A 34	UG.58/5324	L.N 257 of 1948

**Table 3: Acholi Central Forest Reserve as reported in 1962**

Forest	Location	Size (sq miles)	Serial No	Map sheet Ref/Map No	Est. Legal instrument	Est/Gazt date
Abera	Aswa County	4.6	60	1.1	LN 41/ 48,257/ 48, 175/49, 31/ 49,82/ 50,154/ 1950	<b>1951</b>
Acholi Hills	Agago, Chwa, Lamwo	35.00	61	C.11 D J.1, J11	LN 1951	<b>1951</b>
Agoro Agu Hills	Lamwo county	107	62	C11.D1	"	<b>1951</b>
Amuka	Aswa county	4.35	63	1.1	"	<b>1951</b>

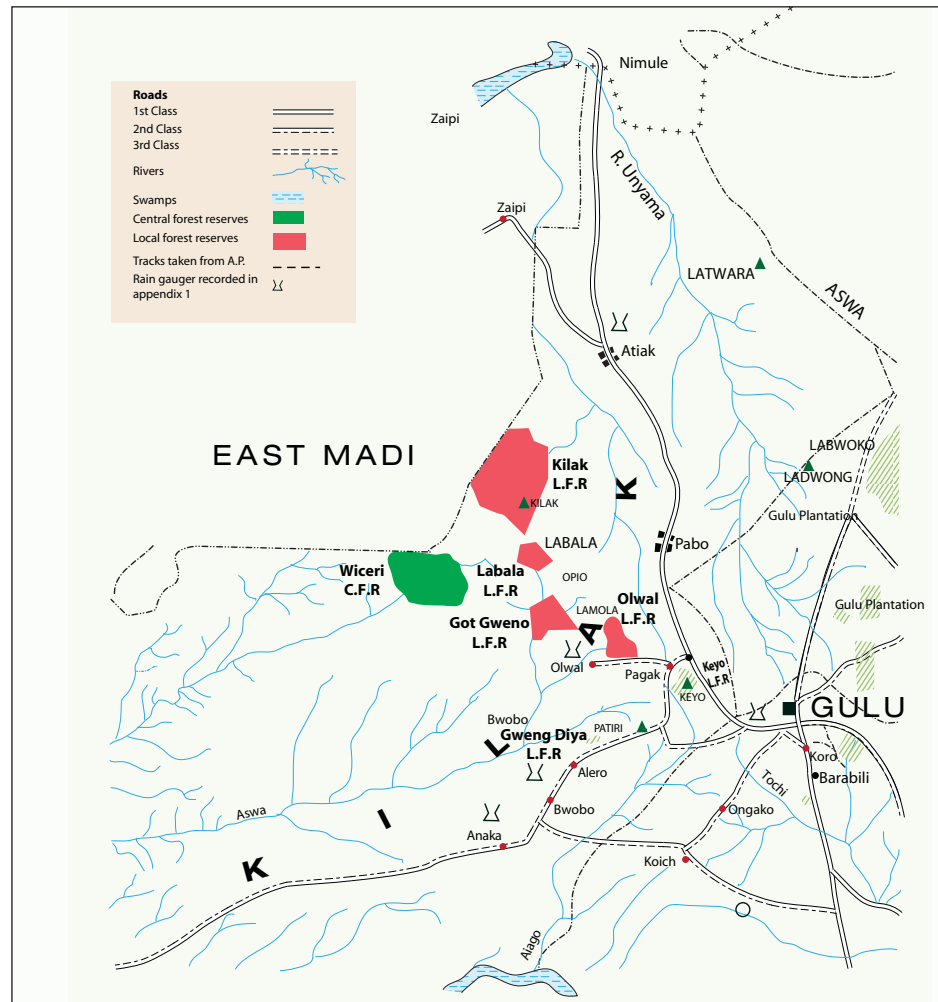
<sup>53</sup> Government of Uganda, 1952. Working Plan for Acholi A.L.G Reserve (Gulu Plantation), Acholi District. Uganda Forest Department, Kampala; Government of Uganda, 1962. Working Plan for the Acholi Bush Fuel Reserves. Uganda Forest Department, Kampala;

Forest	Location	Size (sq miles)	Serial No	Map sheet Ref/Map No	Est. Legal instrument	Est/Gazt date
Gulu Plantations	Omoro sub county	0.42	65	1.1	"	<b>1951</b>
Aswa Patong	Aswa sub County	73	64	C111	"	<b>1951</b>
Lagute			66	1.1	"	"
Lira(Cwa)	Agago		67	J.1	"	"
Opit	Omoro		68	1.1,1.11	"	"
Payera	Aswa		69	C.1V.1.11	"	"
Unyama	Kilak		70	C.1,C.11	"	"
Lalak	Lamwo		71	C.11	"	"
Lamwo	Lamo		72	C.11	"	"
Parabong	Agago		73	D.111	"	"
Paimol	Agago		74	D.111	"	"
Orom	Chua		75	D.1V NW	"	"
Madi Opei	Lamwo		76	D.1	"	"

The map in Figure 5 shows the distribution of central and local forest reserves in Acholi District as shown in the Uganda Protected Work Plan for the Acholi Forest Reserves in 1961. The work plan was authored by D.W.G. Bacon, the then Assistant Commission for Forests.<sup>54</sup>

54 ???

**Figure 5: Map of Acholi District showing central and local forest reserve as of 1961**



**Table 4: Forest Reserves of West Acholi, Acholi District established during the colonial period<sup>55</sup>**

Serial # (a)	Reserve Name	Size (Sq. miles)	County	Map Sheet Area Reference	Demarcation and Survey of Boundary Date	Gazette Map Ref. & Scale	Aerial Photo Ref.	Applicable Legal Instrument
75	Got Gweno LFR	8.7	Kilak	1.1 N.W. No. ACH 33	1951	ACH 33 1:10,000		LN # 253 of 1952 GN # 1182 of 1952

<sup>55</sup> See Work Plan for West Acholi reserves for the period July 1, 1962 to June 30, 1972. National Forestry Authority Archives, Kampala.

Serial # <sup>(a)</sup>	Reserve Name	Size (Sq. miles)	County	Map Sheet Area Reference	Demarcation and Survey of Boundary Date	Gazette Map Ref. & Scale	Aerial Photo Ref.	Applicable Legal Instrument
77	Kilak LFR	58.65	Kilak	B IV S.E, C111 S.W	1953	A 36 1:25,000		LN # 324 of 1953 GN # 1395 of 1953
78	Labala LFR	6.50	Kilak	C111 S.W, 1.1 N.W, No. A34	1953	A 34 1:25,000		LN # 324 of 1953 GN # 1395 of 1953
69	Olwal LFR	5.20	Kilak	I.I No. A 16	1947	A 16 1:10,000		LN # 415 of 1948 GN # 524 of 1952
79	Wiceri CFR	18.66	Kilak	NA 36/B IV S.E/H II N.W	1954	AC 36 1:25,000		LN # 324 of 1953 GN # 19 of 1955
<p><b>Explanatory Notes</b></p> <p>(a) The serial number, country and map sheet reference is based on Laws of the Uganda Protectorate 1951, Cap 133 pg 2134 &amp; 2143 where the reserves were subsequently consolidated.</p>								

Table 4 above shows the forest reserves reported to be located in Kilak County, Acholi District as of July 1, 1962. In addition to these reserves, the Uganda Forest Department Report of 1962 provides useful information about other areas of biodiversity and other importance whose maps had been produced. These include Kilak Hills and Watershed between Ceri and Ome Rivers (A.20: 1:50,000) and Ceri-Kilak-Anyuge area (AC.44: 1:30,000). Around the same time, the Acholi and East Madi Sanctuaries were established as well as the Murchison Falls National Park which was established under Legal Notice 162 of 1952.<sup>56</sup>

### (b) Establishment of Wildlife Protected Areas

In Part II, we described the Acholi system of property rights regarding wildlife. Prior to 1900 and before the introduction of colonial legislation, access to wildlife resources mainly in the form of hunting rights was regulated through customary rules and practices of the Acholi people. Around the early 1920s, the colonial authorities embarked on a system

<sup>56</sup> See also SI No. 226-25 of 1964

of wildlife protection based on the British legislation on wildlife. The first of these laws was introduced in 1926 as the Game Ordinance. The Game Ordinance enjoined the Game Department with the mandate to regulate hunting and all other forms of wildlife utilization. The first set of wildlife protected areas in the form of Game Reserves and Controlled Hunting Areas (CHA) were established under this legislation.

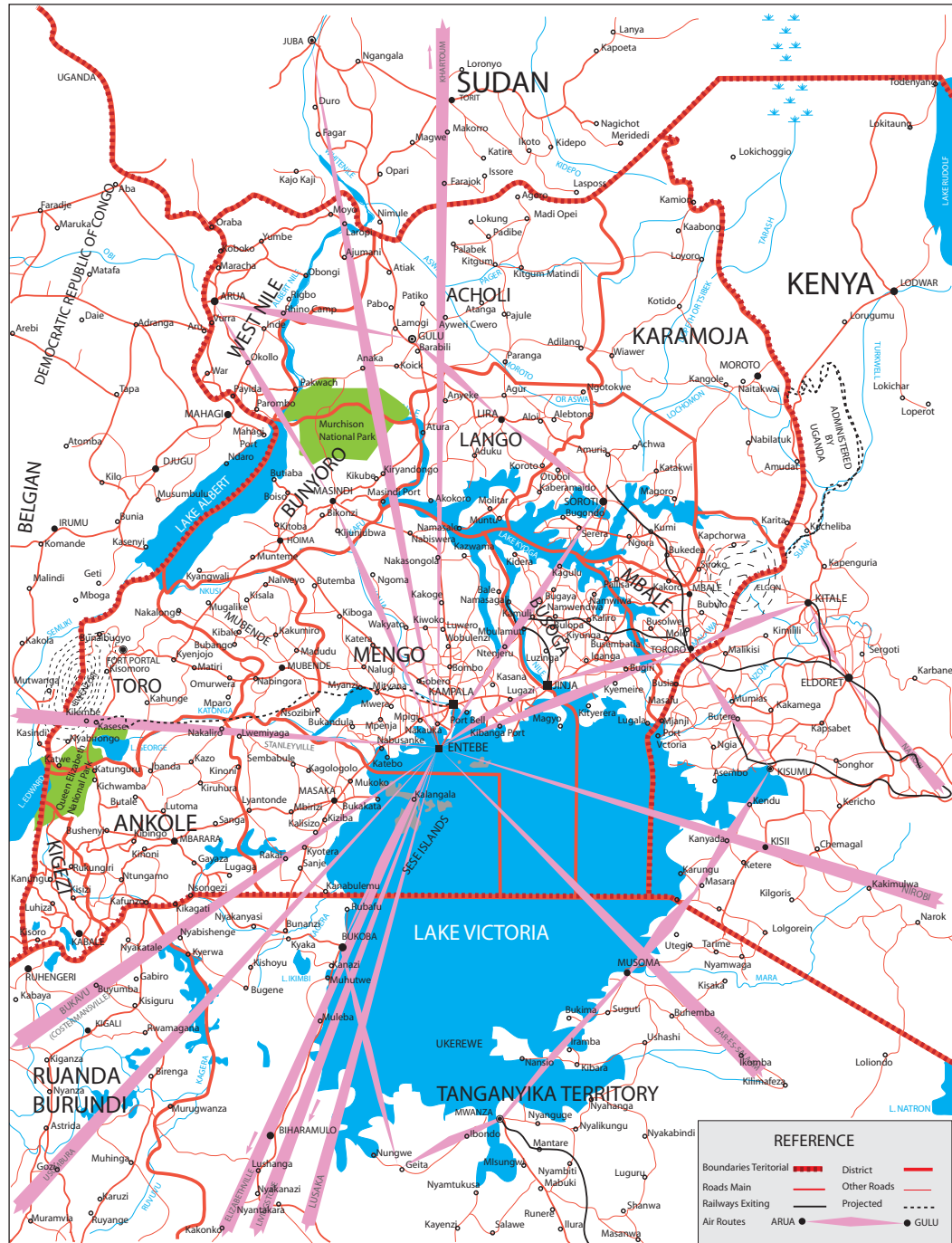
In 1952, the National Parks Ordinance was introduced allowing for the establishment of the first national parks in the country. The Murchison Falls National Park and Queen Elizabeth National Park were established around this time.<sup>57</sup> Murchison Falls National Park which is partly located in Acholiland was established by Statutory Instrument No. 162 of 1952<sup>58</sup>. As apparent from the map below, the Park first showed on the first map of national parks as presented by the Trustees of Uganda National Parks in 1953.<sup>59</sup>

57 For a detailed account on the establishment and administration of Murchison Falls National Park during the colonial period, see Willock, Colin (1964). *The Enormous Zoo: A profile of the Uganda National Parks*. Longmans. London.

58 Boundary Plan No. 302 deposited at the Survey Records Office, Department of Lands and Surveys, Entebbe.

59 The Trustees of the Uganda National Parks (1954). *Uganda National Parks: Handbook*, 1954. Kampala.

Figure 6: Map of Uganda showing Murchison Falls National Park in 1953



Some of the available demographical accounts of Acholiland show that for quite some time, there were areas of unsettled terrain mainly in West Acholi especially in the areas of Kilak and Omoro. These are the areas where major conservation areas were subsequently established by the colonial authorities. Approximately 490 sq. miles of Murchison Falls



National Park (1,272 sq. km) cover part of Southern Kilak while an estimated 166 sq.miles (427 sq.km) fell in Omoro County.

In 1959, the Aswa-Lolim Game Reserve was established by Legal Notice No. 217 of 1959. The boundaries of the reserve are described as follows in the Instrument:

“The area comprised within the following boundaries:

“Commencing at the point on the Murchison Falls National Park boundary where the Anaka-Pakwach Road crosses the hill Opoko-pung approximately 11 miles from Pakwach; thence in a northerly direction to the summit of the most westerly hill of the Lolim group; thence to the source of the River Kulunyang; thence following the thalweg of the said river to its junction with the River Aswa; thence in an easterly direction following the north bank of the Aswa river to the point where the river Dendonga joins the River Aswa, thence in a southerly direction following a line of cairns along a series of ridges to the River Laminaye, thence following the eastern bank of the said river to its headwaters; thence in a southerly direction following a line of cairns or “Reserve” notices to a point in Murchison Falls National Park. Boundary on the Anaka-Pakwach road approximately 19 miles from Anaka; thence following the said boundary in a westerly direction to the point of commencement.”

The Aswa-Lolim Game Reserve is estimated to comprise an area of 112 sq.miles or approximately 290 sq.km sitting just on top of Murchison Falls National Park as shown on a 1967 Map of Uganda in figure 9. Generally, there are no any indications that the establishment of these protected areas was ever associated with massive movement or dislocation of populations from their hitherto existing settlements. The colonial authorities essentially took advantage of the sparse population of the area.

### **(c) Impact of colonial era changes on property rights in biodiversity and land**

In the preceding section, we highlighted the fact that the property rights regime that emerged in Acholiland at the turn of the 20<sup>th</sup> Century was based on the clan structure of the Acholi people. As the clans had almost settled permanently in the Sub-region after a period of clan warfare in the 17<sup>th</sup> and 18<sup>th</sup> Centuries, the legitimacy of the claims to access land and the attendant rights such as hunting rights, water rights and grazing rights were not contestable.

However, by 1962, the total demographic and ecological reconfiguration of the Acholi Sub-region had shifted from its pre-colonial structure to give way to new systems of land ownerships, resource access and property rights relations. While the pre-colonial traditional land and biodiversity governance institutions remained operative, they had essentially been transformed by the colonial administrative arrangements that were

superimposed at the beginning of the colonial period. In the process of reconfiguring the protectorate for administrative convenience, the British focussed on creating bigger administrative entities which impacted on the clan-based social political and cultural organization of the Acholi people. The introduction of colonial administrators as part of the colonial administration infrastructure changed the power relations over land. As several commentators have observed, the traditional land administration and adjudication institutional framework was severely undermined by these new changes.

In particular, the creation of protected areas created a new property rights dispensation where access to these exclusive conservation areas could only be attained through a set of elaborate procedures as provided for in the respective legal instruments. To compound the problem, both the colonial and post-colonial governments never invested in helping the local people understand and utilize these procedures to secure access to the critical livelihood resources. Consequently, while creating a statutory rights regime of access parallel to the Acholi traditional rights of access to biological resources, the colonial property rights and administrative reconfiguration also began to create potential limits for the full functioning of customary land tenure regime in the Sub-region.

However, it is important to restate that in addition to the pre-colonial factors discussed in the previous section, the following factors further re-defined the demographic geography of the Acholi Sub-region up to independence in 1962: (i) the sleep sickness control measures which led to removal of people from the tsetse fly infested areas especially in the Aswa-Lolim valley in West Acholi; (ii) the colonial administration policy of reconfiguring local administrative boundaries; (iii) the policy of removing people to low lying areas and roadside for administrative convenience; and (vi) the creation of a system of protected areas at the pursued mainly beginning the 1940s.

## 4

### From Independence to the Breakout of the LRA-Government Conflict, 1986

For the next two and half decades after independence, some of the colonial era changes continued to influence the structure of property rights on land and biodiversity in the Acholi Sub-region and elsewhere in Uganda. These colonial policies were reinforced by a number of other legal reforms and administrative policies pursued by the post independent governments that followed. The major factors that significantly altered land tenure and biodiversity governance are discussed below.

#### 4.1. The Implications of the 1962 and 1967 Constitutions on Land Tenure and Biodiversity

The period between 1962 and 1986 are important for addressing issues of land tenure and biodiversity governance in the Acholi Sub-region for three important reasons. First and foremost, soon after 1986, the Lord's Resistance Army (LRA) rebellion started in covering most of Acholi and Lango leading to massive movement of the population into IDP camps. In spite of the continued legal changes and the governance of land more or less like during the colonial period, relatively stable settlement patterns had emerged. Understanding these settlement patterns and associated land tenure and biodiversity governance arrangements can provide a good basis for confronting the challenges that have merged over the last two decades of conflicts.

Secondly, the series of legal changes that took place between 1962 and 1986 are also crucial in determining legitimate claims to land by different parties and entities. Thirdly, the biodiversity management regime that existed around this time can provide a basis for a more systematic ground for resource management planning, economic development of the area and securing the key livelihood resources needed to cushion vulnerable populations in the immediate post-conflict era. In the short and medium-term, natural resources will continue to provide the main source of energy (wood fuel) for example construction materials, medicinal resources as well as strategic economic resources such as timber and the generation of tourism.

It is generally tenable to conclude that the constitutional dispensation that was ushered in at independence did not introduce any substantial changes in the land tenure regime that existed at the time. This is more so with respect to the Acholi Sub-region and other

areas where there had been no specific agreements like was the case with the kingdom governments. However, three specific constitutional provisions contained in article 118 regarding biodiversity and land are relevant to this study. First, the constitution established “for Uganda, a Land Commission” and “for each Federal State and each district, a Land Board.”<sup>60</sup> Article 118(7) provided that “the Land Commission shall hold and manage any land vested in it by any law or acquired by the Government of Uganda and shall have such other powers and duties as may be prescribed by Parliament.” On the other hand, article 118(8) in respect to the Land Board of a Federal State or District provided thus:

“118(8) The Land Board of a Federal State or of a District shall hold and manage, for the benefit of the people of the State or District, any land vested in it by any law or acquired by the Government of the State or the Administration of the District, as the case may be, and shall have such other powers and duties as may be prescribed by Parliament or, in the case of the Land Board of the Kingdom of Buganda, by any law in force in that Kingdom.”

With particular respect to the governance of biodiversity, article 118(10) of the Constitution specifically provided that “the provisions of sub-section (7) and (8), of this section shall be without prejudice to the provisions of any law relating to:

- a) The compulsory acquisition or taking possession of any land;
- b) Mines, minerals, forests or national parks; or
- c) The tenure, use or management of land

The combined legal effect of these provisions can be summarized as follows: First, The land tenure regime that existed at the time of independence was to remain in force under the new constitutional dispensation. In the Acholi Sub-region, the land largely remained crown land under customary tenure as we have found no documentation of any grants of freehold land that had been issued by the time of independence. Secondly, the tenurial status of conservation areas such as national parks, games reserves, wildlife sanctuaries and forest reserves was never affected by the 1962 Constitution. Since these conservation areas were under the custodianship of Statutory Government Agencies such as the Uganda National Parks and the Forestry Department, it is tenable to argue that these areas did not fall under the ambit of the Land Commission of the local land boards. Consequently, conservation areas continued as a separate system of land and natural resources tenure without prejudice to the powers and functions of the Land Commission or the local land boards.

The 1967 Constitution abolished the hitherto existing kingdoms converting them into districts. Since Acholi was already categorized a district under the 1962 Constitution, it is tenable to argue that the provisions regarding the abolition of kingdoms had no practical effect including on issues of land tenure and biodiversity. Article 115 of the

<sup>60</sup> Constitution of the Republic of Uganda, 1962. Article 118(1)(a) and (b).

1967 Constitution save all existing laws provided that the “existing law shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with this Constitution.” The constitution also recognized the existence of customary tenure to the extent that “existing law” was defined to mean “the written and unwritten law of Uganda or of any part thereof as it existed immediately before the coming into force of this Constitution...”

In addition to these constitutional changes, a number of other administrative and legal developments took place in the period between 1962 and 1986 that continued to reconfigure property rights over land and biodiversity in the Acholi Sub-region. The most significant of these changes are discussed below.

#### **4.2. The Legal Implications of the Public Lands Act and the Land Reform Decree**

In order to fully understand the implications of the Public Land Act of 1969 and the 1975 Land Reform Decree on property rights in land and biodiversity in the Acholi Sub-region, it is important to recap the legal status of these resources up to this time. First, since the Acholi Sub-region did not fall under any kingdom-like arrangements where specific agreements including provisions on land tenure were concluded, land in the Sub-region was vested in the Crown of England and became known as Crown Land. Individualized tenure in the form of leaseholds out of Crown Land was granted on a basis of 49 or 99 year leases. Leasehold certificates of title would be issued by the Governor on behalf of the Crown of England. Upon independence in 1962, District Land Boards in the case of the non-kingdom areas such as Acholi Sub-region were established and by implications took over the role of the Governor with respect to land. As already indicated above, a Land Commission was established and discharged similar functions on behalf of the Central Government. We have already observed that both the 1962 Constitution and the 1967 did not affect the legal or management status of protected areas to the extent that the laws establishing those areas were saved by the relevant constitutional provisions.

It is against this background that the legal and practical implications of the Public Lands Act of 1969 and later the 1975 Land Reform Decree can be analyzed. First, the Public Lands Act established the Uganda Land Commission (ULC). The Act once again centralized the control of land in the country and vested it in the ULC. It is important to recognize that in legal terms, nothing changed because no title was issued to the commission as evidence of vesting of land under the Act. Secondly, any subsequent appropriation of land by government for particular purposes was done by issuance of a title in the names of the Uganda Land Commission. It may therefore be tenable to argue that if no title was issued, the land was vested in the Uganda Land Commission only in theory with no practical or legal effect. Thirdly, the Public Land Act abolished the District Land Boards which had been established under the 1962 Constitution. Districts effectively lost any mechanism through which they could be involved in the control of land or any matters connected to such control.

The fourth observation which directly relates to the governance of biological diversity relates to the implications of the Act to biodiversity conservation areas including forest reserves and wildlife protected areas. It is important to recognize that the Public Lands Act only covered public land that was under the control of the 1962 Land Commission and hence did not affect protected areas, or lands that were already under mailo or freehold titles. In this regard, unless specific legal and administrative changes were effected, as shown later, the Public Lands Act did not affect the status of these protected areas.

The second major legislative reform that had significant implications on property rights on land is the Land Reform Decree, 1975.<sup>61</sup> Going by the extent of the substantial changes introduced by the Land Reform Decree, these were only comparable to those introduced by the 1900 Buganda Agreement. Under the decree, all land was declared public land to be administered by the Uganda Land Commission. The decree purported to abolish all freehold interests in land other than where such interests were vested in the Commission. All freehold and individual mailo interests were transformed into leases of 99 years for individuals, and 199 years for public, religious and charitable bodies.

The Land Reform Decree also removed the legal protection for customary tenure which had been enshrined in the Public Lands Acts, 1969. The decree prohibited any dealings in customary land including transfer or removal from the land effectively making customary land holders tenants at sufferance. Limited protection was provided for customary tenants on public land where such tenants could only be evicted under terms and conditions imposed by the Uganda Land Commission and approved by the Minister. Although the decree provided a window for the continuance of customary tenure, it prohibited new acquisition of customary holdings unless permission had been obtained.<sup>62</sup> The decree effectively meant that customary tenants on public land did not have any transferable interest on land.

In spite of the radical nature of the changes introduced in Uganda's land tenure regime by the Land Reform Decree, the law was never fully implemented. It remained largely inoperative and the Uganda Land Commission never took effective occupation of most of the land. Consequently, customary occupation including wide ranging land transactions in customary land continued unabated during the period the decree was in existence.<sup>63</sup>

### 4.3. Land Surveys of the 1960s

Comprehensive surveys of the Acholi Sub-region were undertaken from around 1961 to 1969. The survey maps drawn to a scale of 1:50,000 provide detailed information and data on the Sub-region. It is therefore clear that these survey maps provide a good basis

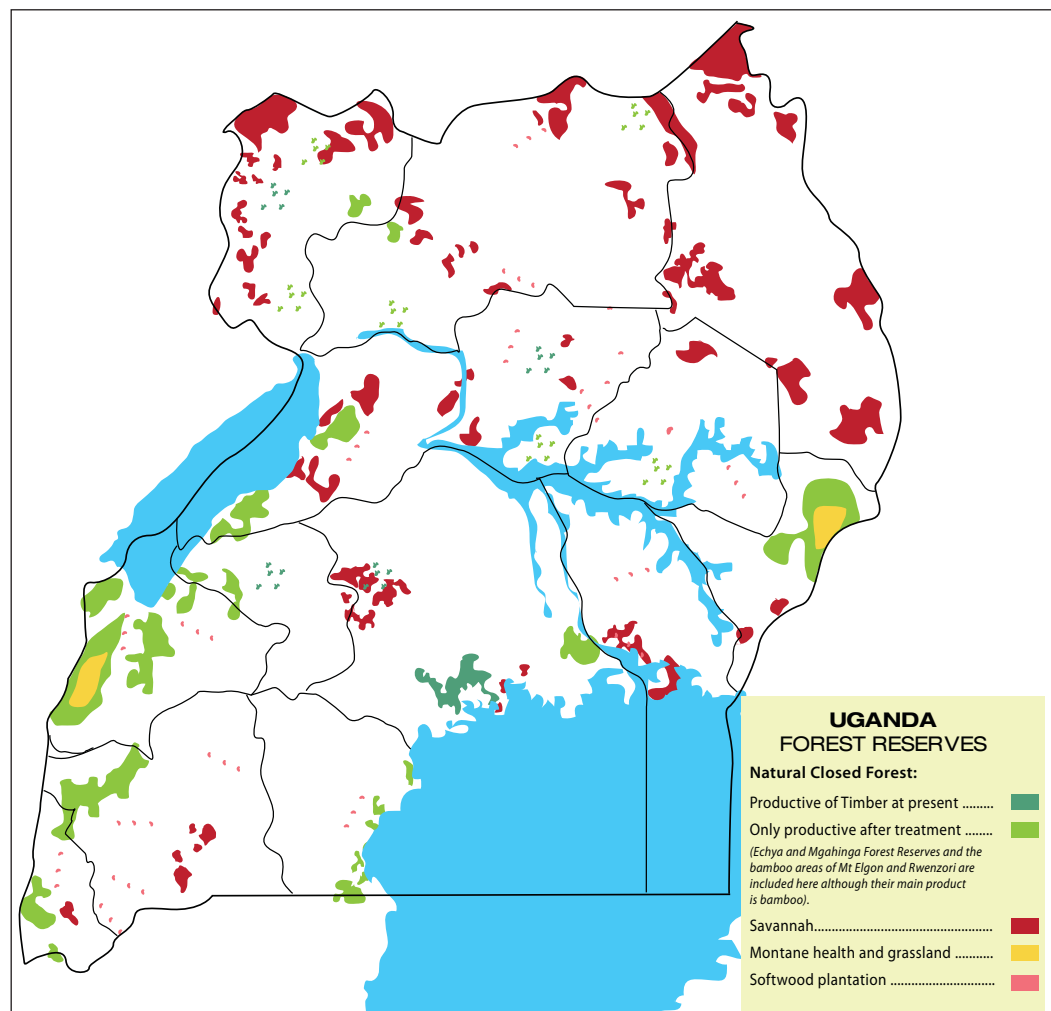
<sup>61</sup> Repealed in 1998 by the Land Act, 2000.???

<sup>62</sup> Occupation of land under customary tenure without consent was criminalized.

<sup>63</sup> By recognizing the existence of customary tenure, the Constitution clearly re-established the status quo as it existed before the coming into force of the Decree subject to the numerous transactions that had taken place with respect to land including customary land holding.

for future land use planning and management of the area. The full set of the digital copies of the maps are available separately.

**Figure 7: Network of forest reserves and other biomass concentrations as shown on the 1967**



Source: Map of Uganda (Atlas of Uganda, 1967)

#### 4.4. Degazettement of Protected Areas and Status of Land Use

During the early 1970s, a number of protected areas in the Acholi Sub-region were degazetted by government. In particular, the Aswa-Lolim Game Reserve which had been gazetted in 1959 was degazetted in 1972.<sup>64</sup> The Kilak Controlled Hunting Area was revoked during the same year SI No. 55 of 1972. There is no evidence that the conservation status of these areas has ever changed since then. In 1996, the Ministry of Tourism, Wildlife and Antiquities reported that it was exploring the possibilities of

<sup>64</sup> See SI No. 54 of 1972.

raising the conservation status of “all or part of the Aswa-Lolim area/East Madi area.” The same report observed that at the time of its preparation in 1996, there was “virtually no human communities in the area to oppose such a move, and the wildlife habitats of the area appear (*from the air at least*) to be relatively undisturbed.”<sup>65</sup> Although the Uganda Wildlife Authority has pursued this issue at different levels, there is no reported substantial progress in achieving the objective stated in the report. Figure 7 above shows the network of conservation areas that had been established across the country including the Acholi Sub-region by 1967.

#### 4.5. Establishment of Ranching Schemes

Another major factor that shaped the current tenure regime in the Acholi Sub-region was the establishment of a series of ranching schemes in the late 1960s and early 1970s. Although there is very scanty information available on how the process was undertaken, it was possible to sketch out what transpired. Consequently, it was possible to draw on subsequent events and draw some specific conclusions on the tenure status of the land covered by these ranches.

First of all, the network of ranches that emerged across the Sub-region were established by the Uganda Livestock Industries Ltd (ULIL). The ULIL was incorporated in 1962 under the Companies Ordinance.<sup>66</sup> It was incorporated as a subsidiary of the Uganda Development Corporation (UDC).<sup>67</sup> Three of the ranches in Acholi Sub-region fall under the ambit of ULIL. Aswa Ranch located in the districts of Kitgum and Pader measures 105,400 acres. The Ranch was leased to ULIL for a period of 99 years effective January 1, 1967.<sup>68</sup> The land was leased by the Acholi District Land Board for purposes of livestock development. Kilak Ranch measuring 18,210 hectares and Pader Ranch measuring 24,280 hectares are located in Pader District.<sup>69</sup> Available information suggests that no titles were ever issued for these two ranches and hence they may be considered non-existent in a strict legal sense.<sup>70</sup>

<sup>65</sup> See Tindigarukayo-Kashangire, Justice, (1996). Wildlife Surveys Coordination: Final Report, March 15, 1996 (Unpublished).

<sup>66</sup> No. 1 of 1958 (came into force on January 1, 1961) revised in 1964 as Cap 85 and now Cap 110 of the revised edition of the Laws of Uganda, 2000.

<sup>67</sup> UDC was established in 1952 under the Uganda Development Corporation Ordinance (No. 1 of 1952) or Cap 319, Law of Uganda, 1964 and now Cap 326 of 2000, Revised Edition of the Laws of Uganda.

<sup>68</sup> See Leasehold Register Volume 675 Folio II. Accordingly, the expired leasehold interest of ULIL is about 59 years assuming that ULIL has consistently complied with the conditions of the lease. Apparently, we could not obtain a copy of the land title in the Land Registry as it was reported unavailable.

<sup>69</sup> We could not obtain documentary evidence to corroborate information that ULIL tried to pay ground rent to Apach District for Aswa ranch and Kitgum District for Maruzi ranch but the Districts refused to accept the payments. The terms of the lease provide for a payment of UGX100/acre and the districts have indicated they would claim all outstanding earlier if payment was ever to be accepted.

<sup>70</sup> For more information about the status of all the ranches under the ambit of ULIL, see correspondence between ULIL and the Privatization Unit dated August 30, 2007 (letter ref. ULI/333(ii)). According to interviews with various individuals privy to the privatization process, ULIL is awaiting winding up under the PERD Statute.



Little information is also available regarding Acholi Ranch and Agago Ranch. What is clear from this study is that Acholi Ranch was never owned by ULIL in any capacity. Scanty information from a number of people interviewed suggest that Acholi ranch was under the management of Soroti Meat Parkers although it was being used by the Uganda Prisons perhaps under directive from President Idi Amin. It was not possible to obtain an authoritative validation of the actual status of these two ranches.

At the moment, these ranches have generated a lot of “excitement” among the key actors especially the central government, the respective local governments and the acholi parliamentarians. The tenure status of these ranches appears to be a source of serious contestation between the central government and local governments. Based on the analysis of the facts, it is tenable to make a number of conclusions as to the present legal status of these ranches. First, for those ranches where there is no evidence that title was ever issued remain public land as stipulated under the 1969 Public Lands Act. Under the 1995 Constitution as amended, the respective land came under customary tenure in accordance with Acholi traditional system of land holding prevalent in the Acholi Sub-region. For ranches where title was issued, the legal position is only determinable by considering all the particular facts on a case by case basis. However, it is unlikely that these leases can be sustained in law bearing in mind the fact that ULIL or any other entity holding the leases to these ranches has not been paying ground rent which is often a fundamental term of the lease. Specific proposals on how the current standoff regarding these ranches can be resolved are provided in the recommendations section of this paper..

#### 4.6. Demographic Geography of Acholiland at the Start of the Rebellion

At this stage, it is possible to say that a combination of historical factors, a broad range of colonial policies and a series of post-independence constitutional, legal and administrative changes shaped the demographic configuration of Acholi as it existed at the start of the LRA insurgency after 1986. The relatively low population of the area made some of the administrative actions such as establishment of ranches leading to further changes in the structure of property rights in land and biodiversity.

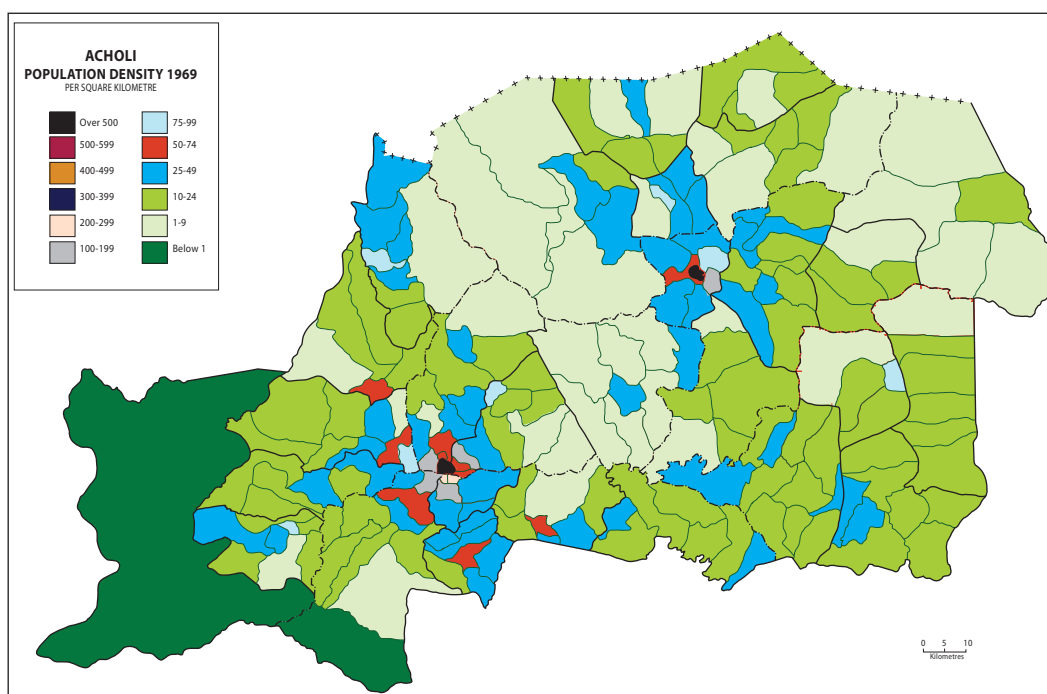
Table 5 presents the population of Acholi in 1969 compared to 1959.

**Table 5: Acholi Population in 1959 and 1969 by 1969 Administrative counties**

1969 Code No.	County	Area in sq. miles	Population 1959	Population 1969	Percentage Increase	Pop. Density 1959 (sq. m)	Pop. Density 1969 (sq.m)
420	Kilak	2760	57378	90385	57.5	21	33
421	Lamwo	2077	35661	60539	69.8	17	29
422	Chua	2055	52140	80555	54.4	25	39
423	Aswa	881	53754	84379	57.0	61	96
424	Omororo	1497	45017	78304	73.9	30	52
452	Agago	1513	42900	71255	66.1	28	47

It is evident from the above figures that the counties of Kilak and Omoro present day Amuru district still had the lowest population density. Figure 8 shows that the western most parts of Acholi were actually uninhabited. We have already showed that during the colonial period, most of the communities that were settled in the Aswa-Lolim area were removed either as part of the sleeping sickness control measures or for purposes of administrative convenience. As shown in Figure 8 below, settlement patterns since then to the present clearly show that Central and East Acholi were more settled compared to West Acholi.<sup>71</sup>

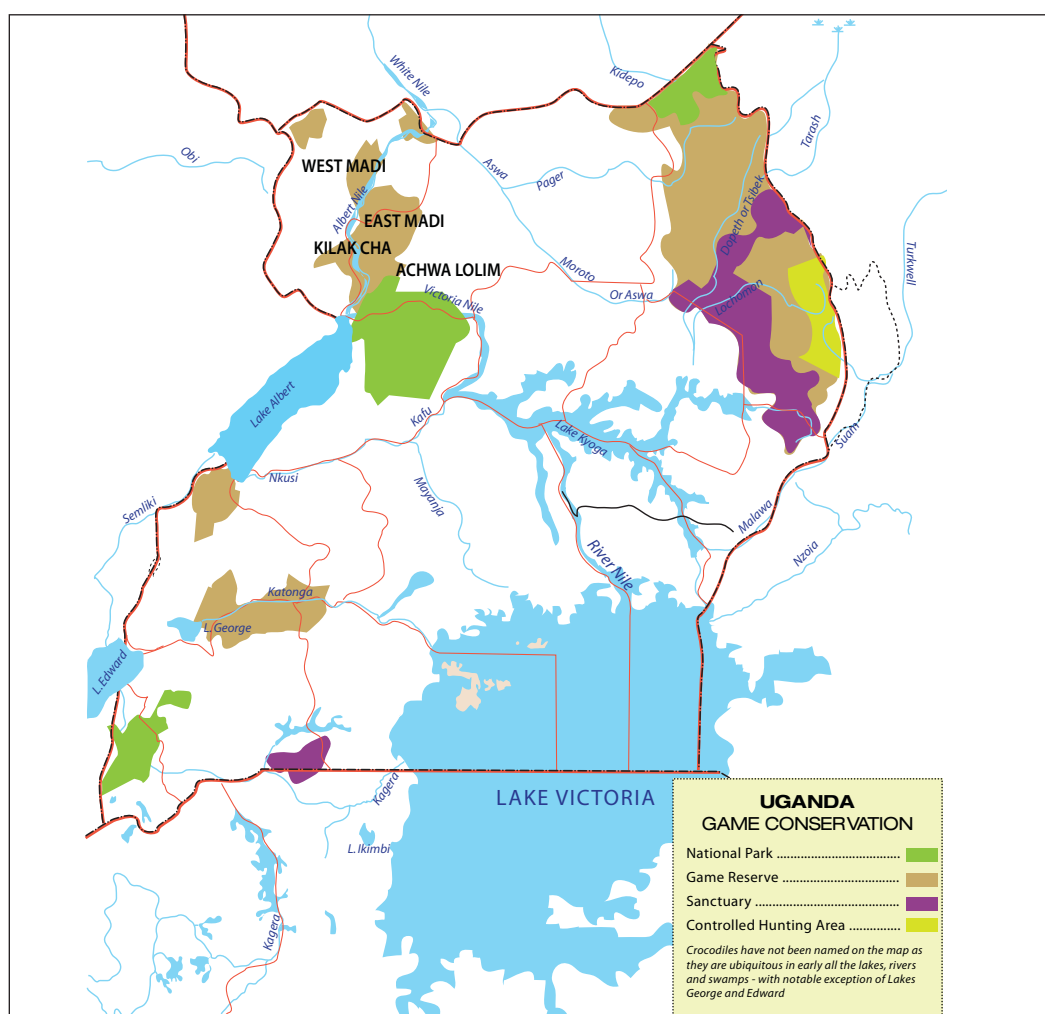
**Figure 8: Population distribution of Acholi Sub-region based on the 1969 Population Census**



<sup>71</sup> Langlands, B.W, (1971). The Population Geography of Acholi District. Occasional Paper No. 30. Makerere University.

By 1969, these areas were comprised of Acwa-Lolim Game Reserve and Kilak Controlled Hunting Area as shown in figure 9 below. As shown on the same map, the Acwa-Lolim Game Reserve and the Kilak Controlled Hunting Area connected Murchison Falls National Park to East Madi and West Madi Controlled Hunting Areas. Although the Acwa Game Reserve and Kilak Controlled Hunting Area were degazetted in 1971, there is no evidence to suggest that the population moved back to these areas.

**Figure 9: Map of Uganda showing Acwa-Lolim Game Reserve, Kilak CHA and the East and West Madi CHAs before they were degazetted in 1971**



Source: Atlas of Uganda, 1967

#### 4.7. Characterization of the Land and Biodiversity Tenure Regime at the Breakout of the Insurgency

Based on the above analysis, it is possible to draw specific conclusions on the nature of property rights in land and biodiversity as they existed by the time the insurgency broke

out soon after 1986. By the time the insurgency broke out, there had been established a high degree of stability in settlement patterns and the hitherto existing property rights structure had acquired a higher level of acceptability by the population. It is, therefore, tenable to consider the property rights regime existing at the time as the fundamental starting point for ensuring security of tenure and integrity of key biodiversity resources. This property rights structure can be described as follows:

#### **4.7.1. Communally owned land**

Communal land tenure governed by customary norms, rules and practices was still the dominant form of land tenure in the Sub-region. In many ways, the traditional clan structure had been significantly metamorphosed to adapt to various changes introduced during the colonial period and the post-independence constitutional and land law reforms. However, the clan institutional structure remained central to the administration of land in the Sub-region. It is also important to observe that the land under the control of the clans had been substantially diminished by the tenure regime as it evolved through colonialism and the post-independence period. The creation of protected areas and the network of ranches took land out of the control of the clans and created a new system of access rights that became governed by statutory law rather than traditional or customary rules.

#### **4.7.2. Biodiversity conservation areas**

Biodiversity conservation areas had been generally accepted as part of the existing land tenure system. Even though there was general breakdown of conservation agencies during the 1970s implying that less planning and monitoring was being undertaken, the population had accepted the existence of these conservation areas as constituting the new land tenure map of the Acholi Sub-region. It is important to recognize that even those areas such as the Aswa-Lolim Game Reserve and the Kilak Controlled Hunting Area which had been degazetted by the Idi Amin regime remained uninhabited until around 1996. Existing reports show that communities started moving into these areas only recently.<sup>72</sup>

#### **4.7.3. District lands**

As this report has shown, the proposition that the districts had appropriated some lands and in particular Agago Ranch and Acholi ranch is not clear. The inventory of government land with the Uganda Land Commission includes Acwa Ranch but makes no mention of Agago or Gulu ranch. We have argued elsewhere that even if the leases to these lands were considered valid, the reversionary interest in the land vests in the districts and not the central government. On the other hand, there have been such material changes in the conditions on the ground to warrant a determination that such leases ceased to exist and hence the land reverted to the local governments and vested as

<sup>72</sup> Wildlife Survey Report, 1996.

such at the time the insurgency broke out. However, establishing the physical existence and boundaries of these ranches as they should have existed at the time the insurgency broke out is an important first step in clarifying property rights in land and biodiversity in the Sub-region.

#### 4.7.4. Private land rights

As already discussed, there is evidence that individualization of land through acquisition of freehold titles in the Acholi sub-region started way back in 1967.<sup>73</sup> Indeed, several publicly well known people from the Acholi Sub-region hold leases of different sizes along the Gulu Pakwach road.<sup>74</sup> Some of these leases date back to the 1970s and the most recent one lease is believed to have been issued in 2006.<sup>75</sup> It is important to recognize that the various changes in the legal status of land that have taken place since independence have made different types of transactions possible which has led to conflicting and overlapping property rights claims. In addition, the existence of such private or individual leases if they were to be considered valid tends to render questionable the general perception that land in the Acholi Sub-region is held communally. Indeed, the extent to which these titles affect communal land tenure or whether they were issued over clan lands is a matter that will require particular attention in any reconfiguration of rights over land and biodiversity in the Sub-region.<sup>76</sup>

73 Information available at the Gulu land registry shows that two applications for land titling were submitted in 1967. This number continued growing but also fluctuating for the period up to 1996 when the aggregated applications data for the whole of Acholi Sub-region was available. The number of applications reached the peak in 1976 (187 applications), 1978 (158 applications), 1984 (156 applications), 1985 (166 applications), 1989 (159 applications) and 1990 (230 applications). At the time of writing this report, it was not possible to establish the actual grants of land titles from these applications. This information was obtained from the Gulu Land Registry during fieldwork.

74 See for example the following files: file No. 40638, Alero, West Acholi, Register vol.: 902 (2,500ha), Folio 7; file No. 40665, Lolim Estate, Kilak County, LRV 905, Folio 11 (2,736ha); File No. 35389, Purongo Estate, Anaka Division, LRV 778, Folio 23 (2,400); file No. 40800, Omee, West Acholi, Land No. NAW/335 (1,416 ha); file No. 35188, Lolim, LRV 703, Folio 2 (2,428 ha); file No. 35479, Lolim, West Acholi (930 ha); file No. 33896, Lolim, Kilak, West Acholi, LRV785, Folio 4 (648 ha); file No. 40669, Lolim, West Acholi (120 ha); Lolim LRV 908, Folio 2, NAW/827 (2,590 ha); file No. 40743, Pajengo, West Acholi, NAW/437 (2,020 ha); file No. 40670, Lolim Pakwach, West Acholi (1,200 ha); LRV 1236, Folio 20, Plot No. 8, Block 2, Alero, Kilak, West Acholi (also known as Nwoya Block 2, Plot 8) (506 ha); File No. 40671, Lolim, West Acholi (2,590); File No. 40645, Pajengo & Polowang (1,200 ha). The names of the leaseholders have been deliberately left out but are available on file in the ACODE Library of Law and Public Policy ([library@acode-u.org](mailto:library@acode-u.org)). There are a number of other known persons who own land in varying sizes although the identification information such as file numbers, leasehold register volumes and folio numbers have not been obtained at the time of completing this study.

75 Personal communication with the leaseholder who preferred not to be mentioned by name in this Report.

76 The authors of this Report are following up on this issue and may provide ex post information with respect to the status of private land titling.

# 5

## Changes in Land Tenure and Biodiversity Governance in the Post-1986 Era

The structure of property rights in land and biodiversity at the beginning of the insurgency after 1986 was generally settled discussed above. There are no reported major conflicts over land or over the network of biodiversity conservation areas such as wildlife protected areas and forest reserves. This was possible partly because Acholi Sub-region was still relatively under populated. However, the two decades of war altered the situation by disrupting the traditional land management systems and institutions that for generations ensured equity, transparency and accountability in land transactions and access to key natural resources. To this extent, any post-conflict resettlement, reconstruction and economic development agenda must be predicated on a thorough and comprehensive understanding of contemporary land tenure issues. Evidence from the field clearly shows that such a development agenda will not be successful unless it involves reconfiguring of existing land management and administration institutions including clarification of rights of ownership and access, institutional mandates and systems of accountability.

### 5.1. Post-1986 Constitutional Reforms in Land and Biodiversity Tenure

The first major comprehensive reforms in Uganda's land policy and laws were introduced by the 1995 Constitution. During the constitution making process (1987-93), land was one of the hotly debated issues. According to the report of the Uganda Constitutional Commission, four major fears were expressed by many citizens who presented memoranda and participated in the commission's consultative meetings. These were: (i) potential land grabbing by the rich and the powerful; (ii) fear of non-Ugandans taking over land from the citizens; (iii) too much centralization of land administration; and (iv) corruption in the land office.<sup>77</sup>

Consequently, the provisions on land in the National Objectives and Directive Principles of Land Policy and article 237 of the Constitution were informed by these concerns. In the attempt to ensure security of tenure on land and natural resources, the Constituent

<sup>77</sup> Odoki Commission Report, pg 672 (paras 25.6-25.9)

Assembly agreed on three fundamental provisions that have continued to shape the debate over property rights in land and biodiversity. These are (i) the vesting of the radical title to land in the citizens of Uganda;<sup>78</sup>

(ii) the recognition of customary land tenure;<sup>79</sup> and (iii) the vesting of natural resources in the people of Uganda with the State and local governments as the trustees to these resources.<sup>80</sup>

While article 237(1) recognized the inherent right of Ugandans in their individual right to own land, article 237(3)(a) recognized the existence of communal land ownership regimes where land is governed by customary rules developed through time and consistent practice. Although it is generally recognized that there is increasing land titling activity going on across the country, there is general agreement that most of the land in the Acholi Sub-region falls under the category of communally owned land governed by rules of customary law. On the other hand, article 237(3)(b) recognized the inherent beneficial interest that the people of Uganda hold in natural resources such as forests and forest reserves, wildlife protected areas, swamps, water, etc.

In 1998, the Land Act was enacted to give effect to the provisions on land enshrined in the 1995 Constitution. In relevant parts, other than restating the foundational provisions enshrined in the constitution, the Act sought to establish a mechanism by which customary interests land would constitute the same legal interest as is the case with freehold land or mailo land. In this regard, the Land Act specifies that any person, family, or community holding land under customary tenure on former public land may acquire a certificate of customary ownership for that land. The certificate can be used as market instruments such as leasing, mortgaging or mortgaging in those communities that permit these practices.<sup>81</sup> In general a very specific property rights and tenure structure emerges from the post-1986 constitutional and the numerous legal reforms as discussion below.

## 5.2. Forms of Land Tenure and Property Rights: Implications for the Conservation of Biological Diversity

The majority of the people in the Acholi Sub-region have lived in IDP camps for almost two decades now. At the height of the insurgency, they were forced to abandon their farming fields and villages as they sought protection from the conflict and the marauding fighters of the Lord's Resistance Army. Consequently, the economic base of the Sub-region which is entirely dependent on agriculture and agro-trade has been substantially disrupted. The asset base of the individuals, households and clans has since then been undermined as insecurity and uncertainty over property rights characterize the process of

<sup>78</sup> Article 237(i)

<sup>79</sup> Article 237(3)(a)

<sup>80</sup> Article 237(2)(b)

<sup>81</sup> The instructional structure for granting certificates of customary ownership have not been established in the whole of the Sub-region and there is no evidence that such certificate has been issued anywhere in the country.

return of the population from the IDPs. A major important dimension of the development and rehabilitation plan for the Sub-region must therefore focus on reestablishing and securing the property rights base of the people.

### 5.2.1. Communally owned land

The main basis for customary land tenure regimes is communal land ownership. In Acholi Sub-region, the juridical basis of communal ownership of land in the Sub-region is considered to be the clan. This is in spite of the fact that there seems to be no consensus as to the actual number of clans or the specific size of a lineage group that constitutes a clan for purposes of land demarcation. Over the course of the study, the current Acholi clans were identified through a focus group discussion and the information validated through key informant interviews (Table 1).<sup>82</sup>

The approximate administrative locations presented in the table do not necessary show or imply that this is where clan land is located. Rather the information is intended to provide the starting point for identifying these lands if the current administrative locations suggest the approximate locations thereof.

Under customary tenure, each member of the community has a right to use independently the land that is recognized as the holding of the community. Indeed, the elders and clan leaders in Acholi Sub-region consider their land tenure to be held under customary land tenure.<sup>83</sup> However, there are already expressions of a considerable degree of uncertainty as to the extent and boundaries of their lands. Since the recognition of customary tenure in the 1995 Constitution, various attempts that have been made to codify the incidences of customary land ownership including its sets and subsets which is often the basis for claims of proprietary interests have not been successful.

During the course of this study, it was apparent that there is no consensus as to the direction customary ownership of land in the Sub-region should take in the face of other competing tenure regimes. While constitutional recognition of communal land ownership should have been the epitome of the struggle for its preservation, the progressive codification of the customary norms undermines this land tenure regime and may signal its eventual collapse. It is important to recognize that communal land ownership is governed by customary rules and norms. Such rules and norms remain largely unwritten and continue to evolve and adapt to new changes in the environment within which they operate. However, when such rules are codified into written law, they become part of the statute law and hence cease to be customary. Codification

<sup>82</sup> It is important to note that comments have been raised that this list may perhaps not be exhaustive and should therefore be considered as a starting point for identifying and mapping clan lands.

<sup>83</sup> For example, a 2006 Report prepared for the World Bank estimates that over 90 percent of the land in the whole of Northern Uganda falls under customary tenure arrangements. See Rugadya, Margaret, et al, 2006. A review of Literature on Post Conflict Land Policy and Administration Issues, During Return and Resettlement of IDPs: International Experience and Lessons from Uganda. (Unpublished).



removes the flexibility and capacity for evolution and adaptation that are inherent in all customary legal systems.<sup>84</sup>

### 5.2.2. Common property resources

Between communal resource ownership and gazetted natural resources are a host of Common property resources. These are resource systems whose size and characteristics make it costly, in social and economic terms, to exclude potential beneficiaries from gaining access to their use. These resources ordinarily include grazing lands, woodlands, fisheries, recreational parks, ritual grounds, watering points, salt licks wetlands, etc. Until the creation of gazetted protected areas from the colonial period to date, major forest and wildlife ecosystems could be considered to fall under this category as well. The unique characteristic of common property resources is that they are managed under customary rules of particular communities which develop a largely informal rules system that guarantees equitable access to the resource and regeneration of the resource itself. In the Acholi Sub-region for example, access to hunting grounds and regeneration of stock was guaranteed through a system of seasonal hunting.

Generally, opinion leaders in the Acholi Sub-region believe that traditional clan grazing and hunting grounds still remain as some form of common property resources. However, there is widespread consensus that it is no longer tenable that access can be managed under the traditional customary arrangements given the emerging problems regarding land tenure in the Sub-region. The growing competition over land driven by factors ranging from speculation, the apparent breakdown or weakening of traditional land management institutions to external influence, have adversely impacted on the capability of traditional institutional arrangements, custom and social conventions that are at the heart of a successful common property resource ownership regime. Indeed, there is a strong case to support a proposal that these resources be identified, mapped out and new instruments developed to ensure harmonious and sustainable utilization of resources of a common property nature.<sup>85</sup>

### 5.2.3. Private Land

Private land secured through freehold or leasehold tenure evidenced by grant of title is a relatively increasing phenomenon. However, other than the information on leaseholds alluded to earlier,<sup>86</sup> the data and information needed to fully establish the extent and trends in land titling is in most cases anecdotal and insufficient to show a clear pattern

<sup>84</sup> During the course of fieldwork, a number of institutions such as the Land Rights and Equity Movement (LEMU) and the Norwegian Refugee Council (NRC) were involved in efforts to reduce customary rules into writing. If such processes result into full codification of customary rules as is evidenced in their continuing codification under the Land Act, this could signal the end of communal land ownership as it will evolve into a statutory form of land tenure.

<sup>85</sup> Because of the micro nature of common property resources, it was not possible during the course of the study to develop a comprehensive checklist of these resources. This would require a longer-term process that includes detailed surveys focusing on the different Acholi clans.

<sup>86</sup> See note 73

of behavior. For the period between 2004 and July 2007, a total of 288 applications for land registration were received by the Gulu Land Office. Only 10 of these applications were for rural land specifically received in 2004. The rest of the applications were for urban land.<sup>87</sup>

Generally, records show that conversion of land through tilting is not prevalent at the moment. However, there is widespread anxiety among the leaders and the public that individuals from within and outside the Sub-region could take advantage of the law to enclose and title land that belongs to clans and communities. Indeed, there is a big likelihood that this could happen given the institutional complexities and overlapping institutional mandates over land that are prevalent at the moment.

#### **5.2.4. Public trust lands or gazetted biodiversity conservation areas**

Another important form of land tenure in the Sub-region that raises fundamental property rights issues is the category of land that we prefer to call Public trust land or gazetted protected areas. As already alluded to in the preceding section, since the colonial times, a system wide network of central and local forest reserves has been established in the Sub-region. The current status of forest reserves in the four districts is shown in figures 10-13.<sup>88</sup>

<sup>87</sup> Data were obtained from analyzing the records available at the Gulu Land Office during August 2007

<sup>88</sup> National Forestry Authority, 2007.

Figure 10: Acholi Region Forest Cover; Amuru district

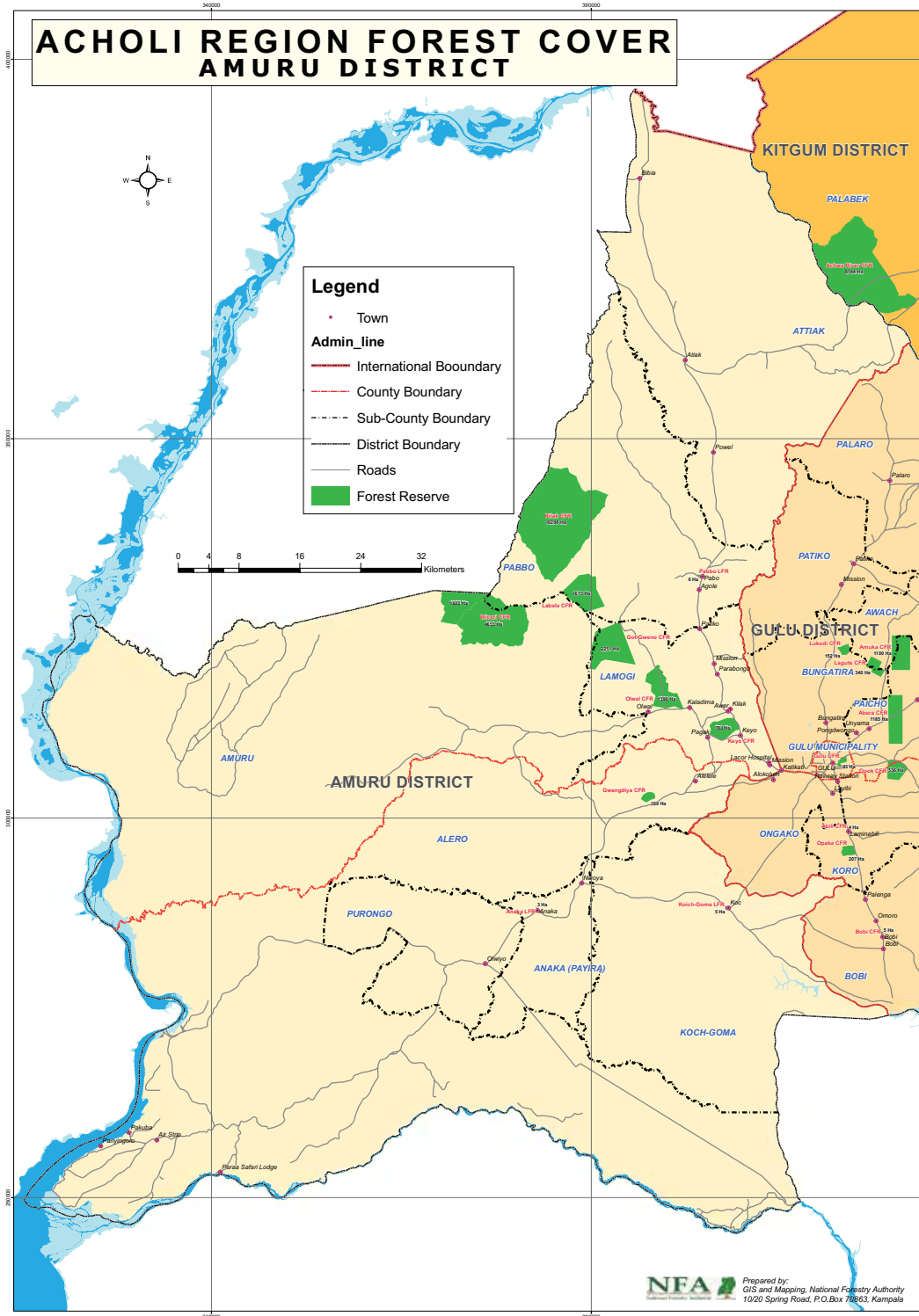


Figure 11: Acholi Region Forest Cover; Gulu district

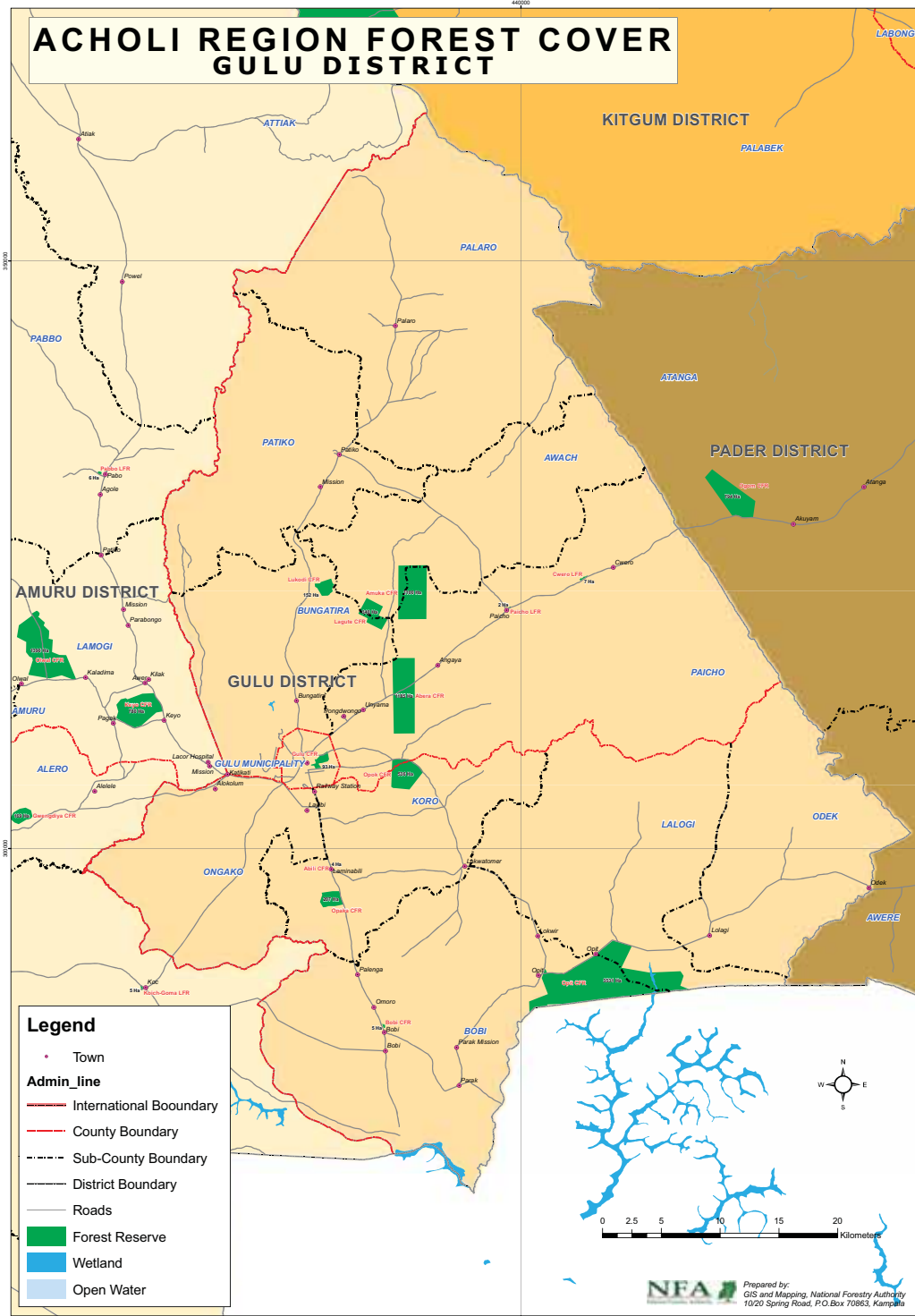


Figure 12: Acholi Region Forest Cover; Pader District

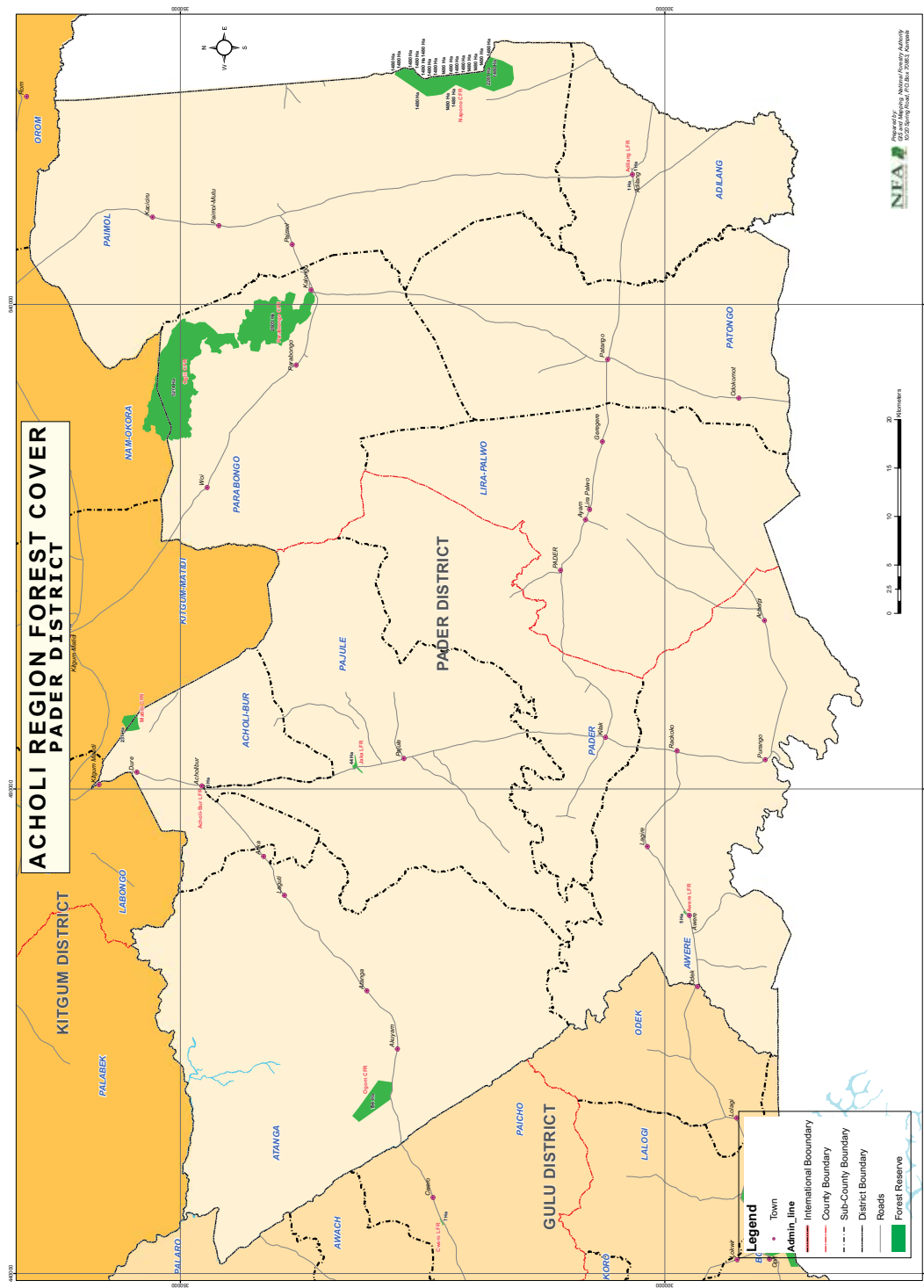
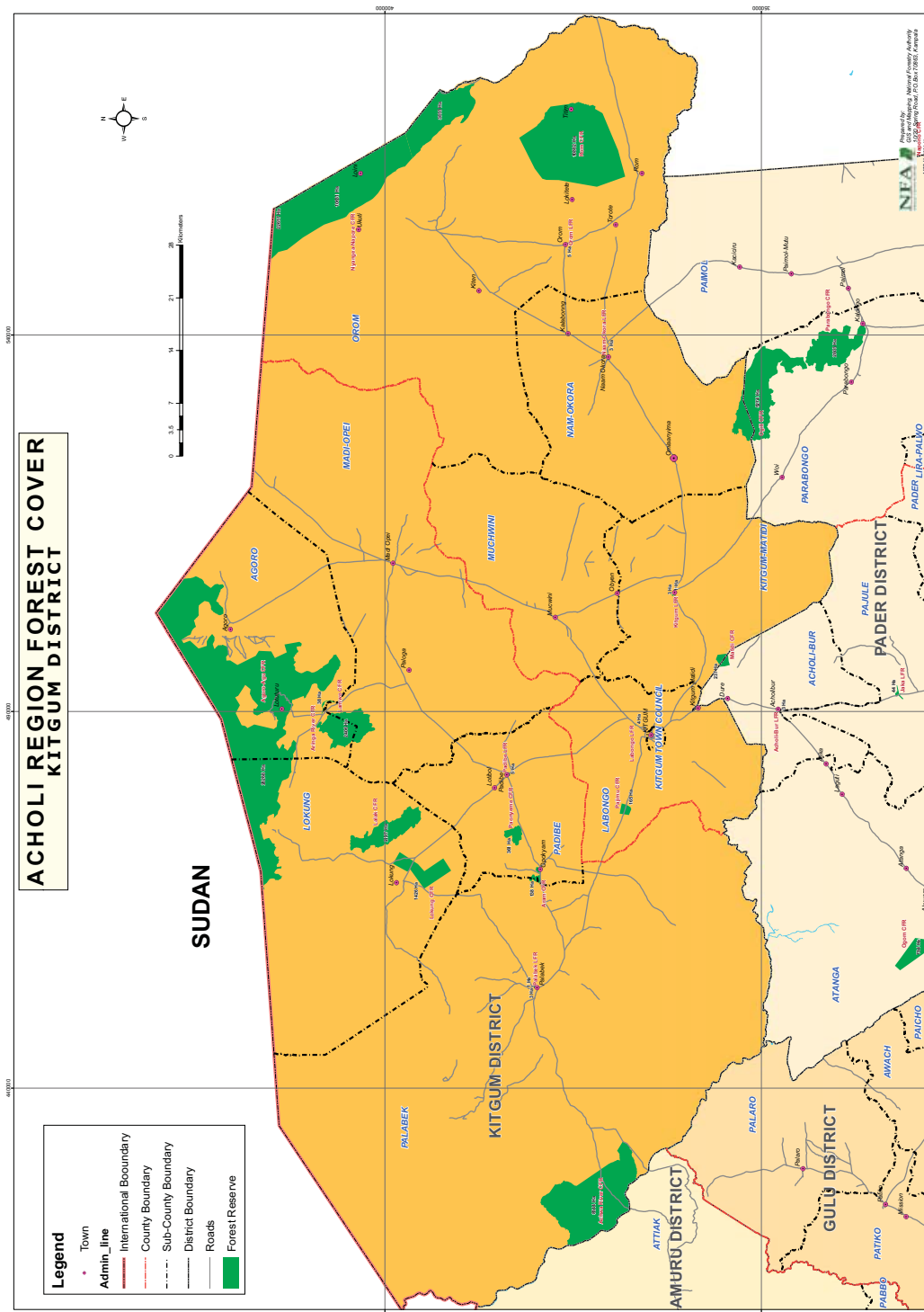


Figure 13: Acholi Region Forest Cover; Kitgum district



In addition, part of Murchison Falls National Park fall within the administrative boundaries of Gulu District while East Madi Game Reserve is also situated in the Sub-region. There are proposals to establish other game reserves including a proposal to establish a

wildlife reserve in the Lipan area.<sup>89</sup> These biodiversity resources could provide the basis for reconstructing livelihoods and could become an important source of revenue for the Government and local governments both during the resettlement and post-conflict period. However, the ill-defined rights in land in general and these resources in particular could make them vulnerable to encroachment, unsustainable harvesting and potential conflict hotspots. Since their establishment, these resources have been under the management of designated central government agencies or local governments in the case of local forest reserves.

However, over the last two decades, government attempts to either acquire land or convert these resources into alternative forms of land use have generated considerable suspicion hence undermining the legitimacy of these institutions as guardians of the public trust.<sup>90</sup> Unless the legitimacy of these state agencies is re-established and mutual trust between the citizens and the agencies restored, the return of the population from the IDP camps could lead to accelerated encroachment and degradation of these protected resources. Re-establishing this trust will require that the agencies demonstrate that they can operate with the autonomy that they derive from the relevant legal instruments and can defend the public interest against individuals, corporate or government officials speculating on land in the Sub-region.

#### 5.2.5. Government land

The most controversial of the current land tenure type is what is increasingly being referred to as Government land. Although not specifically mentioned as a form of land tenure under the 1995 Constitution and its subsequent amendments, the term government land appears to bring about nostalgic sentiments in the entire country and Acholi Sub-region in particular. The constitutional basis of government land as a form of land tenure seems to emanate from article 239 setting out the functions of the Uganda Land Commission. In this regard, the Constitution provides thus: "The Uganda Land Commission shall hold and manage any land in Uganda vested in or acquired by the Government of Uganda in accordance with the provisions of this Constitution....." This is also akin to provisions regarding the functions of the District Land Boards<sup>91</sup> which provides *inter alia* that the functions of a district land board are "to hold and allocate land in the district which is not owned by any person or authority.

The exact legal interpretation of these provisions is conceived differently by different actors and seems to be a source of some of the major conflicts between government and the citizens. For example, government seems to consider all natural resources

<sup>89</sup> These efforts date back to the late 1990s and are based on the 1996 Wildlife Survey. See correspondence between Robbie Robinson and Hon. J.L.Okello-Okello on this issue. Letter reference UWA/PA/2 dated 12 April 2000.

<sup>90</sup> Local leaders do not view agencies such as UWA or NFA as potential partners but rather as competitors who are trying to enclose more land and remove it out of reach of the population or the local governments.

<sup>91</sup> Constitution of Uganda, 2005. Article 241

whether gazetted or not to be government land<sup>92</sup> and yet the plain language of article 237(2)(b) does not either directly or indirectly suggest that those resources are vested in “Government of Uganda.” The fact that resources such as national parks, game reserves, forest reserves are actually held and managed by statutory bodies established by Parliament through legislation tend to render tenable the argument that these are not lands “vested in Government” or “held by local government.”

If the above interpretation were to be authoritatively resolved in favor of existence of public trust as clearly stated under the Constitution, the only contested land would be land that is occupied by public infrastructure such as hospitals, schools, research stations, demonstration stations or any other land that would fall within this category. For example, land comprised in the former government ranches where there is unequivocal evidence of contestation between Central Government and the local governments in the Sub-region would fall in this category.

There are a number of major issues that emerge with respect to lands acquired by statutory bodies such as the Uganda Investment Authority which is growing into one of the biggest landlords in the country as it acquires land for private investments. To the extent that these bodies use funds from the consolidated fund, the vesting of such lands is a matter of public interest. There are fundamental questions as to whether Parliament in creating these bodies intended to create real estate agencies engaged in the business of acquisition and disposal of land or if such acquisitions give rights or any form of claims on how such land is vested and disposed of. Resolving this legal lacuna may be important in creating public confidence in the legitimate development activities of these agencies.

#### 5.2.6. District Land

The ability of the local governments to provide the wide range of public services required for effective post-conflict resettlement and economic development will also depend on the extent to which districts can access land for public investments. However, if the existence of another category of tenure called Government land can be inferred from Article 239 of the Constitution, then similar inferences can be drawn from Article 241(1) (a) providing for the functions of district land boards. The Constitution provides that the functions of district land boards are *inter alia* “to hold and allocate land in the district *which is not owned by any person or authority* (emphasis added).” Under this provision, district land boards are established as the main land agencies of local government.

In a communal land ownership arrangement such as is dominant in the Acholi Sub-region, it is a challenge to identify land *that is not owned by anybody or any authority*. The

<sup>92</sup> Legal advice by the Attorney General’s Office and the Office of the Solicitor General is highly inconsistent on the matter of protected areas. See Tumushabe, Godber, 2004. *The Politics of Investment and Land Acquisition in Uganda: The Case Study of Pian Upe Game Reserve*. ACODE Policy Briefing Paper Series, No. 7, 2004. ACODE. Kampala.



dominant perception among the local government officials and opinion leaders that were interviewed during the study is that land which is occupied by local government public bodies such as local administration offices, community hospitals, or public schools, all constitute land held by the district land board.

However, like in the case of Article 239, there are still unresolved ambiguities that are inherent in the provisions of Article 241(1)(b). Unfortunately, the Land Act does not provide any better guidance on resolving these ambiguities. For example, it is not clear whether the Constituent Assembly intended that district land boards hold such land as trustees for the public interest, in which case the restrictive rules of dealing with public trust property would apply. Or do district land boards assume the status of a landlord akin to other entities holding private interests in land? Besides the ambiguities, the majority of the land that is occupied by these public bodies is not surveyed or registered. Consequently, whichever is taken as the right constitutional interpretation of the powers of district land boards over public land in the districts, it is a potential area of conflict between district land boards and the local community on the one hand, and between district land boards and the central government on the other.<sup>93</sup>

It is therefore tenable to argue that the contemporary land tenure regime created under the Constitution including the deliberate attempt to codify the customary rules governing communal land ownership has left more ambiguities than it intended to resolve. Throughout the country, these ambiguities do not only create considerable potential for resource related conflicts but also make it difficult for local governments, statutory bodies and communities to engage in meaningful land use planning or undertaking strategic and long term investment decisions. In the Acholi Sub-region, the ambiguities are further compounded by the prolonged stay of the population in IDP camps where many elders with extensive knowledge on individual and clan land boundaries have died. Among other things, this has provided some of the people with the opportunity to grab land that may be claimed as falling under communal ownership.

Thus, the expeditious manner in which these ambiguities are resolved so as to establish an unambiguous system of land tenure and property rights is fundamental to mitigating current and future resource-based conflicts. It is also a major determinant of the extent to which local ingenuity and biodiversity resources can be harnessed to create new economic opportunities in the post conflict period. Resolving these ambiguities requires creating a new legal and administrative framework that recognizes and enforces key and essential elements that underpin property rights on land and biodiversity. As a parallel but concurrent process, the re-establishment of the clan-based institutional structures and clearly delineated functions need to be done expeditiously and linked to local and central government legal and administrative framework for land and biodiversity management and administration.

<sup>93</sup> The allocation of land occupied by public schools especially in Kampala clearly illustrates this problem and the potential conflict associated with the legal ambiguities that surround the tenure status of these lands.

# 6

## Foundations for Security of Tenure in Land and Biodiversity in Acholi Sub-Region

Essentially, re-establishing an enduring property rights regime in land and biodiversity will require addressing three inter-related issues: (i) securing the essential ingredients of tenure security; (ii) identifying potential conflicts and addressing them at their latent stage; and (iii) establishing a robust and dynamic institutional arrangement that handles land and biodiversity related transactions in a transparent and accountable manner. These are elaborated below in more detail.

### 6.1. Essential Ingredients of Security and Certainty of Property Rights on Land and Biodiversity

In the preceding sections, we have described the changes that have occurred in the Acholi Sub-region over the last century and stated in precise terms the current land tenure regimes that are prevalent in the area. These changes have substantially impacted upon property rights on land and biodiversity in many ways. These changes have brought about widespread uncertainty that could not only be a breeding ground for future conflicts but is likely to undermine any attempts to engineer economic development and sustainably manage the biodiversity resources of the region. This is why it is imperative that any investments in the sub-region focus on clarifying and securing effective protection of individual and community rights on land and biodiversity.

There are at least 5 key ingredients that are inherent in any rights regime relating to land. These ingredients are the essential consideration for establishing a secure resource tenure system that creates conditions for peace and an enabling environment for business and investment. The first ingredient regards **recognition of the rights of the property holder whether an individual, or a legal corporate or a community entity** legally claiming interest in a given piece of land or resource. These rights ought to be recognized by the state, the legal system and those that would be affected by ones enjoyment of those rights. In the case of land and natural resources, rights on land ought to be recognized by those holding rights on the adjacent lands. Ownership of land and natural resources is at the center of the current controversy that resonate both at the local and

national level. In the words of the Uganda Constitutional Commission, “ownership of land by the individual, family or community confers real or potential wealth, social prestige and a sense of economic security.

The second ingredient is **the existence of effective institutions to secure and guarantee the enforcement of property rights**. This parameter is particularly important if individuals are to make meaningful investment decisions and conflicts are to be avoided. Consequently, the absence of effective and legitimate mechanisms and institutions to resolve property rights disputes are a bedrock for potential resource-based conflicts and are likely to undermine the environment for business and investment.

The third essential ingredient of property rights in land and natural resources related is the **clear demarcation of the land or natural resource** upon which the rights are being claimed. Clearly identifiable boundaries are important for the security and certainty of rights on land and natural resources for multiple reasons. For example, accurate and precise well-defined boundaries or demarcations are easier to enforce and cost less to protect.<sup>94</sup> Unclear land boundaries make it difficult to define the bundle of rights possessed by competing parties and are a recipe for conflict.

Fourth, a secure property rights regime is dependent on **the clarity with which rights and obligations regarding land and natural resources are defined**. In particular, secure tenure derives from this clarity of the rights regime. The clarity of these rights also to a large extent defines the extent to which individuals and communities can make meaningful business decisions regarding the particular resource. It is this clarity that determines the nature and scope of interest that can be transferred from one party to another in potential business transactions. Lack of security of tenure effectively acts as a major disincentive for investment and transferability of property rights.

The fifth essential attributes of security and certainty of rights on land and natural resources is **the definitive unequivocal clarity of the duration of the rights held on a particular land or resource**. In this regard, rights may vary according to the system of land or resource tenure. In Uganda, these tenure systems are provided for in the Constitution and the Land Act. However, even though it is recognized that land in Acholi Sub-region is owned customarily, which would imply ownership in perpetuity; the disruption of the customary land tenure systems over the duration of the insurgency has significantly undermined the integrity of this tenure regime. In any case, the entire legal regime regarding individual and community rights in key biodiversity resources such as forests, protected wildlife areas, community hunting grounds, etc have become more unclear or severely contested.

As already alluded to, these essential ingredients are largely lacking in the Acholi Sub-region. The traditional system of customary tenure has been significantly undermined

<sup>94</sup> For further reading on this issue, see Daniels, T. L. (2001). ‘Coordinating Opposite Approaches to Managing Urban Growth and Curbing Sprawl: A Synthesis’ in *American Journal of Economics and Sociology*, **60**(1) pp229.

by the disruption of the traditional land management structures over the duration of the insurgency. The traditional institutional structures are also struggling to forge a new working relationship with conventional political and administrative structures that are claiming legitimacy in dealing with land matters. In effect, land rights in the Acholi Sub-region is in a state of flux and will require innovative re-engineering to ensure that the regime that emerges from the process of return does not disenfranchise the majority of the population. At another level, there is significant contestation of the institutional legitimacy of the national, local government and traditional institutions for the enforcement of property rights and resolution of potential benefits. What is clear, however, is that property rights in land and biodiversity were better defined at the time the insurgency broke out than they are today.

## 6.2. Typology of Conflicts and Potential Conflict Hotspots in Acholi Sub-region

At the moment, the Acholi Sub-region is emerging out of a major conflict characterized by armed rebellion between Government and the rebels of the Lord's Resistance Army. The Acholi people have therefore been both actors but more importantly victims of the conflict. However, it is clear that as a result of many internal and external factors, there is a likelihood that new conflicts revolving around property rights in land and biodiversity could escalate during and after the process of return. In addition to competition for land, one other key internal factor that could exacerbate conflicts is the process of environmental change that may be induced by the process of return to their homes after displacement return. This is because environmental change raises three primary sources of scarcity of renewable resources such as biodiversity. These are:

- **supply induced scarcity** often related to depletion and degradation of biodiversity resources;
- **demand induced scarcity** largely as a result of increases in population or increased consumption; and
- **structural scarcity** which is often a result of unequal distribution of the available resources among the competing actors.

Consequently, understanding the types of conflicts in any political, socio-economic or ecological setting helps to understand the interests of the different actors so that mechanisms are developed to mitigate the effects of environmental scarcity. This study shows that there has been major disruption or reconfiguration of the overall institutional architecture for addressing property rights related conflicts in the Sub-region. This institutional malfunctioning creates a vacuum for elite resource capture and potential ecological marginalization both biodiversity management and the vulnerable populations that depend directly on biological diversity. Consequently, understanding the types of conflicts and the different actors provides a basis for proposing possible mitigation measures.

### 6.2.1. Conflict between Government and Acholi Sub-region

The first level of conflict over land and biodiversity in Northern Uganda is between **the central Government and the leadership of Acholi**. At this level, the most active of the Acholi leadership are the members of the Acholi Parliament Group (APG) and the district local governments. Evidence of this conflict is apparent through newspaper accounts quoting statements from all these actors as well as statements of the APG documented in the parliamentary proceedings. The depth of the conflict is also clearly corroborated from the interviews with officials during the course of the study.

This conflict is largely based on deep seated suspicions that the Acholi leadership holds over the perceived intentions of central government. Acholi leaders believe that Government is engaged in designs to help well placed and politically influential people from other parts of the country to access and enclose land in Acholiland. This would result into widespread disenfranchisement of local people. Although some observers believe that the suspicion is predicated on the 20 years of insurgency, it is also tenable to argue that this suspicion between citizens and Government stems from Government failure to address land problems bedeviling the entire country. There is overwhelming evidence showing that across the country, citizens and local leaders are suspicious of any Government plans to get involved in land matters in all the different perspectives: land administration, land conflict resolution, resettlement, etc.<sup>95</sup>

There is widespread belief among opinion leaders in the Sub-region that since 1995, a combination of at least four key factors account for the apparent tensions in the contemporary discourse on land between the Acholi people and the central government in Kampala. These are:

- (i) the heated political debates during the process of enacting the Land Act and the scope of the consultations undertaken by political and civil leaders which have combined to raise the levels of consciousness over land and land rights;
- (ii) the expanding work of civil society organizations and the local electronic media which again has substantially raised civic consciousness over issues of land ownership and associated rights; and
- (iii) the latent tensions between the local political leaders in the three districts and the Acholi traditional leaders or the *Rwodi*.
- (iv) the fourth and perhaps most important factor are the highly publicized multiple attempts to acquire land in the Sub-region presumably for investment and potential government development programmes. Because these individuals and groups are considered highly connected to senior government officials, this has increased the levels of suspicion among the Acholi people across the spectrum. These attempts

<sup>95</sup> The various land conflicts such as those involving the Balalo in Bugungu District and Teso wetlands, Kibale district, etc are all evidence of this suspicion that some of these groups are encouraged by people well placed in Government to take over unoccupied land in these areas.

documented in both official and unofficial reports and correspondences clearly highlight the legitimate basis of the concerns raised by the Acholi people in the current discourse on land and natural resources in the Sub-region.

A few examples may illustrate this fourth point. In 1999, a company going by the name of Divinity Union Ltd<sup>96</sup> put forward a proposal to turn several districts in Northern Uganda into a "grain belt." Divinity Union Ltd was interested in the Aswa-Lolim Valley in Gulu district and several counties in Kitgum district.<sup>97</sup> Around the same time, the Uganda Wildlife Authority proposed to gazette Lipan Controlled Hunting Area into a National Park.<sup>98</sup> In 2003, a Security and Production Programme (SPP) was conceived as a potential "strategic plan for solving the insecurity in Acholi Sub-region."<sup>99</sup> Later in 2005, the Office of the Senior Presidential Advisor on Reconstruction of Northern Uganda, Luwero and the Rwenzori published a strategy paper on food security for the districts of Gulu, Kitgum and Pader for the period 2006-2010.<sup>100</sup>

It should be noted that while some of these proposals may have been legitimate investment programmes to help reestablish peace and spur economic development activities in the Sub-region, the absence of a clear national policy and institutional framework for pursuing these initiatives has largely fueled the suspicion that is evident in the land policy discourse in Northern Uganda. Indeed, in the absence of a clearly defined property rights regime, it is unlikely that similar development initiatives will get the needed support. The challenge therefore is for Government and the Acholi local governments and leaders to work towards re-establishing and ascertaining the rights of the various claimants to land and natural resources as the primary legitimating factor for future investment and economic activities. Achieving this requires a better understanding of the nature of the rights that need to be ascertained, clarified and secured through an effective institutional and legal framework.

The underlying problem is that in many cases, government acts more as an interested party rather than a neutral arbiter in conflict matters. For almost the same reasons, the NRM Government has at every opportunity during the last two decades failed to solve major land problems in the country. The failure of the Government to articulate appropriate constitutional foundations for a national land policy during the Constitutional making process, the enactment of the Land Act and the recently concluded constitutional review

96 The Company is owned by Salim Saleh who was then a Senior Presidential Advisor. He is also President Yoweri Museveni's young brother

97 Divinity Union Ltd, 1999. Uganda-The Bread Basket of Africa: Conceptual Outline of a Private Sector Strategy for Uganda's Grain Belt. (Unpublished).

98 See Republic of Uganda, 2000. Wildlife Protected Area Plan for Uganda, Vol. 4. Uganda Wildlife Authority. Kampala.

99 According to the planning document, the objectives of the SPP would be achieved through beefing up local defense using youth volunteers who are recruited and trained specifically to secure production areas where they live, and creating security that would allow the population to produce their own food so as to reduce dependence on food aid. (The author of the strategy is not identified on the document).

100 The document obtained in the course of the study is dated December 2005. which document is this?

process combined with major land appropriations across the country has substantially undermined the legitimacy of Government to act as the responsible neutral party in major land transactions.

### **6.2.2. Conflicts between the Acholi political leaders**

The other major conflict over land is between Acholi Parliamentary Group and the Acholi local political leaders. This conflict is mainly over issues of mandates and roles by these politically influential actors.

The conflict is largely driven by competition for influence and power which comes with demonstrated control over land matters such as ownership, allocation and access. On the one hand, the Acholi Parliamentary Group sees itself as the legitimate representative of the people of Acholi on land matters. As already, discussed, many of the issues dealing with land reforms are taking place in parliament where the Group has considerable influence. On the other hand, the local government officials consider themselves as having more legitimacy to speak on behalf of the people or make decisions regarding land on behalf of the population. Generally, this is largely a latent conflict that is often subsumed under the first conflict which is perceived to be a “foreign” threat.

### **6.2.3 Conflict between Acholi political leaders and the Acholi traditional leaders**

This is largely a conflict over mandate in the context of the evolving land and natural resources tenure regime and the changing roles of Acholi traditional rulers. In many ways, each of these actors is contesting the mandate of the other over land matters in the Sub-region. There are unresolved issues regarding who is the “true” spokesperson of the Acholi people in dealing with the central government and non-Acholi individuals who are seeking to acquire land in the Sub-region. This was evident over the course of conducting the study and during the workshop which was convened at the commencement of the study. The majority of the Members of Parliament and local council officials questioned the ability of the traditional leaders to handle emerging complex property rights issues and highly sophisticated land transactions.

As already alluded to, the institutional terrain regarding land and natural resources tenure, access and control has fundamentally changed over the last two decades. The translocation of the majority of the Acholi rural population into IDPs created a vacuum in land ownership and control which is often associated with effective occupation. Within the camps, new institutional structures such as the Camp Headmen who assumed new administrative and conflict adjudication responsibilities have emerged to become new power centres. The institutional reconfiguration that has taken place over this period has therefore affected the roles and legitimacy of the traditional leaders in land and biodiversity matters. In this regard, the legitimacy of the traditional leaders has become deeply contested by these power centres that have emerged out of the contemporary situation in the Sub-region.

Political power, political influence and the potential wealth arising out of land and natural resources control appears to be the key drivers of this conflict. The Acholi Sub-region in particular and the whole of Northern Uganda in general has remained under-developed as a result of the insurgency. In spite of its immense human, land and biodiversity resources, it has not attained the modest levels of economic and social development that are evident in other parts of the country. The majority of the people still live in abject poverty. Consequently, ability to control land, demonstration of interest in protecting the land rights of the people or ability to exercise substantial influence over the process of allocating property rights over strategic biodiversity assets will remain the single biggest source of political Strife in the foreseeable future.

However, it is important to recognize that there is some level of convergence between the MPs, the local government leaders and the traditional leaders over the need to secure the land and resource rights of the Acholi people in their land. What appears to be the missing link is a neutral platform upon which these actors are able to engage in meaningful dialogue on their respective roles in the ongoing and future discourse on land in the Sub-region. Indeed, establishing such a platform could also provide a valuable opportunity for the Acholi leaders and the central government to resolve the current controversies over land to pave way for the implementation of development and reconstruction programmes.

**Table 6: Presently known or potential conflicts over land and biodiversity in the Acholi Sub-region**

Typology	Conflict	Nature of the Conflict	Actors	Examples
Conflicts Among Actors	Government/ Acholi Sub-region	<ul style="list-style-type: none"> <li>• Land acquisition/</li> <li>• Land ownership (with respect to the ranches);</li> <li>• Biodiversity assets</li> </ul>	<ul style="list-style-type: none"> <li>• Executive/ Government;</li> <li>• Acholi MPs;</li> <li>• Acholi Local Government Leaders;</li> <li>• Acholi traditional leaders and people;</li> </ul>	UWA/NFA vs Local Populace Land for Investment e.g Madhvani case Wildlife destroying property-no compensation by government
	Acholi Political Leaders v. Acholi Political Leaders	Mandate	MPs Local Government Leaders	
	Acholi Political Leaders v. Acholi Traditional Leaders	Mandate	MPs/Local Government Leaders/ Traditional leaders	
	Inter-clan conflicts	Land	Ker Kal Kwaro Acholi, NGOs e.g NRC, ARLPI, JPC, District Leaders	Pawel vs Lamogi Amuru vs Pabbo Patiko vs Lamogi



Typology	Conflict	Nature of the Conflict	Actors	Examples
	Inter-district	District boundary	District Leaders/ local leaders	Nebbi vs Amuru Amuru vs Adjumani-scramble for Sudan market Oyam vs Gulu
	Local administrative conflicts	Sub-county boundaries  Power struggle between LC IIIs and LC IIs	LC III Chairpersons Traditional Leaders and Clan Heads District Leaders LC IIIs, LC IIs	Paloro vs Atiak-Dispute over parish boundaries. Alero vs Amuru-Boundary dispute Amuru vs Pabbo-Boundary dispute Who presides over land disputes
Conflict over biodiversity	Ranches (Aswa, Agago)	Land ownership & control	Central Government/ MPs/Local governments	
	Forest Reserves	Encroachment	NFA District Forest Officer NGOs e.g CARE International	Wiceri forest area in Amuru-NFA moving to evict residents Central and Local Forest Reserves like Bobbi CFR and Cwero LFR have been encroached
	Game Reserves/ National Parks	Problem Animals (Wildlife)	UWA, District Leaders, Local Populace, NGOs	Apar in Amuru-UWA is pushing to gazette it by evicting residents claim its part of East Madi Reserve Buffaloes in Anaka, Amuru, Lamogi, Purongo, Got Apwoyo, Hippos around the Nile Lipan Communal Wildlife Area
	Elephant Corridor Aswa-Lolim  Boundary for Elephant Trenches	Elephants-Control of Movements and Poaching	UWA, Acholi People, Local Leaders, District Leaders	Elephants around KochGoma in Kalang, Kochli, Koch- Ongako, Alero etc Scareshooting
	Ungazetted areas	Acquisition of land	Individuals Clans	Land in Amuru

Typology	Conflict	Nature of the Conflict	Actors	Examples
<b>Acronyms</b>				
<b>ARLPI</b> –Acholi Religious Leaders Peace Initiative				
<b>JPC</b> -Justice and Peace Commission				
<b>NRC</b> -Norwegian Refugee Council				
<b>GNF</b> -Gulu District NGO Forum				
<b>UWA</b> -Uganda Wildlife Authority				

#### 6.2.4 Inter-clan Conflicts

The period that the Acholi people have spent in IDP camps has created general uncertainty over clan lands as this is increasingly being evidenced in the process of return. During this process, some of the returnees believe they should return to land they occupied at the time of colonization. This and other resettlement issues such as gender rights, orphaned children, etc are creating new tensions. The political leaders from the Sub-region have emphasized that people must return to the land where they were removed at the peak of the LRA insurgency. This appears to be the most prudent approach that will help in avoiding overlapping claims by different clans. Indeed, before the insurgency land and biodiversity tenure regime had attained considerable levels of certainty and predictability, this appears to be the logical starting point for re-establishing a property rights regime that secured peoples access to land and the sustainable management of biodiversity resources.

Nevertheless, the re-establishment of boundaries of clan land and biodiversity conservation areas will need to be handled in a pragmatic and transparent manner. The challenge is that in some cases, clan land claims are being pushed back to the pre-colonial clan settlement patterns which were disrupted by subsequent movements of people as part of the colonial administrative policies and the tsetse fly control programme during the colonial days. The most conspicuous of these clan conflicts at the moment are the Pawel versus Lamogi and the Patiko versus Lamogi conflict. However, with the resettlement programme gaining momentum and in the absence of clear boundary demarcations for clan lands, these conflicts are likely to increase and intensify. More than anything, potential clan conflicts if not handled at their latent stage could have devastating effects on both the population and biodiversity. Indeed, clans and clan members who are edged out of clan lands will most likely resort to occupying fragile biodiversity ecosystems and marginal lands.

Perhaps, the common property resources such as clan hunting grounds present a much bigger problem. Some of these hunting grounds fell under the jurisdiction of more than one clan and access was regulated through a well acknowledged hunting timetable for the different clans. It is unlikely that in their current state, the traditional land management

structures that formed the bedrock of this highly sophisticated arrangement still apply in contemporary Acholi. It is these lands that are also targeted by individual land interests as well as government agencies.<sup>101</sup> Consequently, more pragmatic arrangements such as Memorandum of Understanding between clans or affected local government units should be explored. Such arrangements would create a more realistic mechanism to secure the interests of the clans, the local government and the sustainable management of biological diversity of the Sub-region. Many of the respondents that participated in this study, especially clan leaders and local council leaders believe that the demarcation of clan boundary land should be one of the priorities for any post-conflict resettlement programme. This should be done through a highly participatory process where clan leaders, elders and local council officials participate in identifying and confirming clan land boundaries.

#### 6.2.5. Inter-district Conflicts

These types of conflicts are largely manifested in the form of boundary disputes between administrative units on either side of the common borders of neighboring districts. For example, there is a conflict between the people of Pabbo in Gulu and the people of Lamogi in Amuru. Local leaders and official internal communication among the district political leaders show that this boundary conflict is a result of unclear boundary marks. In this particular case, the misunderstanding seems to be on the right direction of River Ome.<sup>102</sup> Other high profile inter-district conflicts include those between Nebbi versus Amuru and Amuru versus Adjumani.

#### 6.2.6. Local Administration Boundary Conflicts

In addition to inter-district conflicts, there are also low profile and low intensity boundary conflicts between different local administrative units within the Sub-region. These are largely boundary disputes that emerge as a result of unclear administrative boundaries. The best examples of these conflicts include: Paralo versus Atiak; Alero versus Amuru; and Amuru versus Pabbo. Although these are largely low intensity and low profile conflicts, they have persisted over time. Both at the district and village level, there is no recognized mechanism for adjudicating in such boundary disputes.

As the issue of land continues to gain elevated profile, these conflicts could exacerbate with undesirable consequences. When these conflicts result into widespread displacement of the population, the immediate option for such people is to encroach on biodiversity conservation ecosystems and resources. Alternatively, such people tend to occupy marginal lands and end up triggering undesirable environmental consequences.

<sup>101</sup> For example, there are proposals to gazette Lipan Hunting grounds into a wildlife reserve.

<sup>102</sup> See for example Report on land dispute between the people of Pabbo and Amuru/Lamogi. Letter ref. CR/1203/1. Office of the Chief Administrative Officer, Gulu Local Government.

### 6.2.7. Conflict over specific biodiversity conservation areas

These conflicts relate to specific biodiversity conservation landscapes. Within the Sub-region, there are a number of such conflicts that are considered to be having potentially negative implications on the sustainable management of biological diversity and on the local communities around or within these landscapes. The most high profile of these cases based on the nature of potential changes in property rights of the various actors and the likely impacts on the local population are the following:

- The *Wiceri* forest area is designated for potential gazettement by the National Forestry Authority and the local people living within the area could be evicted if the Authority proceeds with its plans;
- Bobbi Central Forest Reserve and Cwero Local Forest Reserve were reported as encroached and degraded. Re-establishing the ecological and legal integrity of these reserves could spark a major conflict between the NFA and the responsible local government on the one hand and the local community that has encroached on the reserves on the other hand.
- Uganda Wildlife Authority has plans to gazette the Apar area in Amuru District because it claims it is part of East Madi Game Reserve. Such gazettement would result into eviction of the local people who stay in this area;
- The proposal to gazette the Aswa-Lolim valley as an elephant corridor is likely to raise conflicts between the local government, the local people and private land owners who have land allocations in the area.

It is important to recognize that local governments and local people are largely opposed to securing biodiversity conservation areas. However, there is general consensus that this opposition is based on the perception that Government uses gazettement to deprive local people of their proprietary interests in land and the specific biodiversity resources. There is widespread consensus that mechanisms that can secure these resources without disenfranchising the local people and local authorities would be acceptable to them.<sup>103</sup> Consequently, achieving biodiversity management objectives in the current environment will require local governments to work in partnership with traditional leaders and take leadership of this process. It is important to recognize that the local governments have both the constitutional and legal authority to establish such conservation areas buttressing the strong suspicions against central government agencies such as UWA and NFA.

<sup>103</sup> Although the discussions on the possibility of establishing the Elephant Corridor in the Aswa Lolim area was often met with resistance, local leaders interviewed seemed to change their mind on the issue if the establishment of the corridor was undertaken as a project of Amuru Local Government which would give the district an opportunity to secure its own interests and negotiate appropriate access and benefit sharing arrangement for the local population.

## 6.3 Institutional Framework for Land and Biodiversity Management

Establishing an effective and equitable property rights regime in the Sub-region is central to any future development planning. However, such a regime is incomplete without the requisite institutional mechanisms to ensure equity, accountability, enforcement and settlement of disputes in case of potential conflicts. In this section, we analyze the institutions that are currently in place to deal with issue of property rights in land and biodiversity. The institutions are grouped into four categories: constitutional bodies; statutory agencies; traditional institutions; and administrative bodies.

### 6.3.1. National level constitutional bodies and Government Statutory Agencies

#### 6.3.1.1 Constitutional Bodies

The Uganda Land Commission is the only national level institution created by the Constitution with mandate over land. The Commission is created under Chapter fifteen of the Constitution which provides for matters relating to land and environment. Article 238 establishes the Commission and provides for its governance. Inherent in the provisions of article 238 are the principles of an independent Uganda Land Commission<sup>104</sup> charged with the constitutional responsibility to “hold and manage any land in Uganda vested in or acquired by the Government of Uganda” in accordance with the provisions of the Constitution.<sup>105</sup>

#### 6.3.1.2. Central Government Statutory Bodies

There are at least three key statutory bodies whose mandate relates directly to issues in Uganda and hence by extension in Acholi Sub-region. These institutions possess considerable authority, power and influence derived from their statutory mandates. The **Uganda Wildlife Authority Statute (UWA)** was established in 1996 under the Uganda Wildlife Act.<sup>106</sup> The **National Forestry Authority (NFA)** was established in 2003 under the National Forestry and Tree Planting Act<sup>107</sup> and holds and manages all central forest reserves across the country. The **Uganda Investment Authority (UIA)** was established in 1991 under the Investment Code.<sup>108</sup> Within its broad mandate of promoting investment, the UIA has developed a practice of purchasing and disposing off land for investment.

<sup>104</sup> A person holding office as a member of Parliament or a member of a local government council is required to relinquish such office upon appointment as a member of the Commission. This safeguard is intended to shield the Commission against political influence peddling.

<sup>105</sup> According to the provisions of this article, Parliament may prescribe other functions for the Commission.

<sup>106</sup> Cap 200 of 2000.

<sup>107</sup> Act No. 8 of 2003

<sup>108</sup> The Investment Code Act, Cap 92, Laws of Uganda Revised Edition, 2000

Increasingly, the operations of these agencies regarding the land and biodiversity resources they hold is becoming a matters of great contestation by local governments, civil society and local people. Across the country, politically influential and economically powerful people are acquiring interests in land held by these bodies while local people are encroaching on the protected areas or lands vested in these agencies. To this extent, there are growing conflicts between the local people and the agencies.

#### *6.3.1.3. Central Government Administrative Departments*

In addition to the Uganda Land Commission and statutory agencies described above, there are a host of administrative agencies that are extensively involved in matters of land and biodiversity management. The Ministry of Lands Housing and Urban Development for example is responsible for matters of the national land policy, land administration and land registration. The Ministry of Water and Environment is responsible for a range of biodiversity issues including forestry and forest reserves, wetlands, water and general environmental issues. The Ministry of Trade, Tourism and Industry is responsible for wildlife protected areas. The Ministry of Finance, Planning and Economic Development oversees the work of the Uganda Investment Authority which is heavily involved in acquiring land for private investments. And the Ministry of Agriculture, Animal Industry and Fisheries is responsible for any major investments in agriculture and fisheries, which are some of the key attractions for private developers.

The Office of the Prime Minister is supposed to provide the coordination mechanism for these ministries and agencies to jointly and harmoniously address land and biodiversity issues in the Sub-region. However, there is hardly any evidence that such coordination is present or is felt at the local level. In any event, the problem of coordination could be compounded by the complex multi-layered structure that has been proposed for the Implementation of the PRDP.<sup>109</sup> Consequently, keeping issues of land and biodiversity in Acholi Sub-region on the agenda of these ministries and agencies will require systematic evidence-based and proactive advocacy at the national and local level.

#### *6.3.1.4. Land Governance Institutions at the Local Level*

Both the Constitution and principal legislation establish elaborate vertical land governance institutional structures at the local level mandated to discharge a wide range of land and biodiversity related functions. These institutions are described in the foregoing sections of this report.

<sup>109</sup> Republic of Uganda, 2007. National Peace, Recovery and Development Plan for Northern Uganda (PRDP) 2006-2009.

### 6.3.2. Regional land boards

In 2005, Parliament amended the Constitution<sup>110</sup> to provide for *inter alia* the establishment of a regional land board by regional governments.<sup>111</sup> Article 10 of the Act provides *inter alia* that a regional government may establish a regional land board whose functions may include: coordination and monitoring of land use and; planning of land use.<sup>112</sup> The regional land boards are comprised of all chairpersons of the district land boards, and an equal number of members appointed by the regional government.<sup>113</sup> At the time of completing this study, none of the districts of the Acholi Sub-region are members of any regional government and hence the land and biodiversity resources in the sub-region do not fall under the jurisdiction of any regional land board.

There are also ongoing consultations among the Acholi leaders about the idea of forming an Acholi Land Trust. The preliminary proposal among its architects is that all land in the Acholi Sub-region would vest in the trust which would provide oversight over its administration and grant of certain property rights.<sup>114</sup> In many ways, the proposal for the establishment of such a trustee could provide a platform where the Sub-region could handle all matters concerning land. However, the overall architecture of the proposed trust is yet to be delivered. It therefore remains to be seen whether an innovative mechanism can be designed on the basis of principles that inspire confidence in the population, create proper mechanisms for accountability and functions to mitigate the current institutional shortcomings in the property rights regime in the Sub-region.

### 6.3.3. The Proposed Acholi Land Trust

Akin to the regional land boards is a proposal to establish an Acholi Land Trust. At the time of the study, this proposal was still being discussed among the political leaders within the Sub-region. The proposal entails establishing a Sub-region-wide institution that becomes a trustee of all land in the Sub-region. The trustee would act as a clearing house mechanism for all major land transactions and provide a platform for inter-district collaboration. This proposal is at a preliminary stage and actual design modalities are yet to be implemented. As a locally conceived proposal, the idea of Acholi Land Trust may

<sup>110</sup> The Constitutional (Amendment) (No. 2) Act, 2005. The Act was assented to by the President on December 21, 2005 and came into force on December 30, 2005.

<sup>111</sup> The concept of regional governments is operationalized by article 4 of the Constitutional Amendment Act (No.2) which amends article 178 of the 1995 Constitution. The original article 178 provided for cooperation between two or more districts in the areas of culture and development set out in the Fifth Schedule of the Constitution. The introduction of regional governments is largely predicated on Buganda's quest for federal and the return of its properties including land. In practical terms, the article has little value with regard to land tenure issues.

<sup>112</sup> Under article 10(b), central government land planning overrides regional land planning in case of conflict.

<sup>113</sup> Although article 10(3) of the Act provides that a regional land board shall be represented on each District Land Board in its region in a manner prescribed by Parliament, it is difficult to see the value of this provision since all the chairpersons of the district land boards would in fact be members of the regional land boards. However, given the tendency towards state sponsored positions at the local and national level, it is likely that such a provision would be exploited to add additional persons on the regional boards hence making such boards a costly venture to operate.

<sup>114</sup> Consultative meetings with district chairpersons.

have more support and legitimacy among the local people than the proposed regional land boards. However, the proponents of the proposal indicated that they would welcome technical assistance to enable them fully develop the concept to initiate consultations.

#### 6.3.3.1. *District Land Boards and District Land Tribunals*

The Constitution establishes District Land Boards under article 240.<sup>115</sup> The District Land Boards are empowered to: (i) hold and allocate land in the district which is not owned by any person or authority; (ii) facilitate the registration and transfers of interests in land; and (iii) to deal with all other matters connected with land in the district in accordance with laws made by Parliament. The Constitution further provides that “in the performance of its functions, a district land board shall be independent of the Uganda Land Commission and shall not be subject to the direction or control of any person or authority but shall take into account national and district council policy on land.”<sup>116</sup>

It should be noted that one of the major deficiencies of the district land boards as far as the Acholi Sub-region is concerned is that they do not take into cognizance of the existence of the traditional land management structures.<sup>117</sup> In the final analysis, the existence of the district land boards, their composition and functions runs counter to the traditional authority of the *Rwot* as recognized in the Acholi traditional set up. Beyond this potential overlapping mandate, the boards and the tribunals are barely functional. Consequently, they do not provide a dynamic and robust institutional authority to address emerging and complex land and biodiversity issues that are characteristic of most post-conflict situations.

#### 6.3.3.2. *Lower local level institutions*<sup>118</sup>

Several land administration institutions exist at the local level parallel to the local council (LC) structure. These are supposed to be complemented by other statutory committees such as those provided for under the National Environment Act, the National Forestry and Tree Planting Act, etc. The Land Act also provides for the establishment of Communal Land Associations (CLA) as a means of operationalizing communal tenure. As a result, an equally complex network of land institutions has also emerged at the local level creating considerable levels of multifunctionality. It needs to be emphasized that the entire institutional framework for property rights administration and enforcement require rethinking and reconfiguration because its design does not reflect the dynamic changing nature of property rights in land and biodiversity in the Sub-region.

<sup>115</sup> Land Act, 2000. s.57

<sup>116</sup> Article 241(2)

<sup>117</sup> This is inevitable since the Land Act is a national law and is unlikely to take into account all locally specific details.

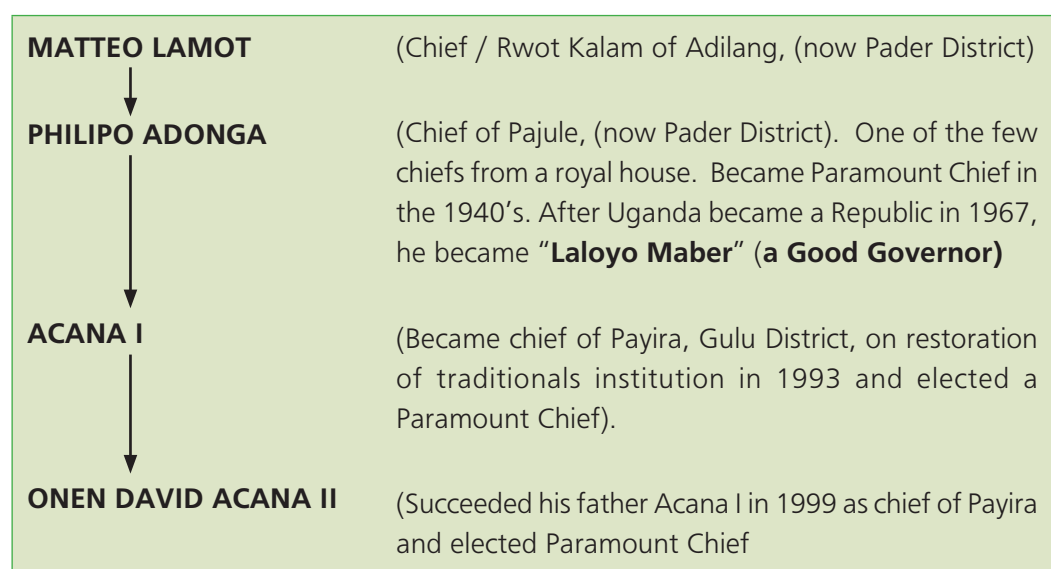
<sup>118</sup> Various studies have comprehensively catalogued these institutions. For example see Rugadya, Margaret, supra.



### 6.3.4. Traditional Institutions

At the centre of the contemporary debate on property rights is the role of the Acholi traditional institutions. As this report showed in Part II, the Acholi traditional structures were the main institutions responsible for land, land security and land rights administration as well as land dispute settlement. However, this traditional institutional structure has been undermined since the colonial authorities embarked on bringing Acholi under colonial administration starting with the British attack on the Chiefdom of Payira around 1894.<sup>119</sup> After the arrest of Awic, the Chief of Payira, the British introduced immediate administrative changes, abolished the institution of the traditional chief (*Rwodi Moo*) and handpicked persons whom they appointed as the new chiefs who came to be known as the *Rwodi Kalam* (plural) or the *Rwot Kalam* (singular). The handpicked chiefs were then allowed by the British colonial authorities to elect from their ranks a chief to be their spokesperson. This is how the institution of the Paramount Chief emerged. With the emergence of the institution of the Paramount Chief, the Acholi people had acquired some form of centralized traditional authority which was hitherto not known in the Acholi traditional institutional arrangements. Figure 14 below shows the lineage of the Institution of the Paramount Chief to the present.

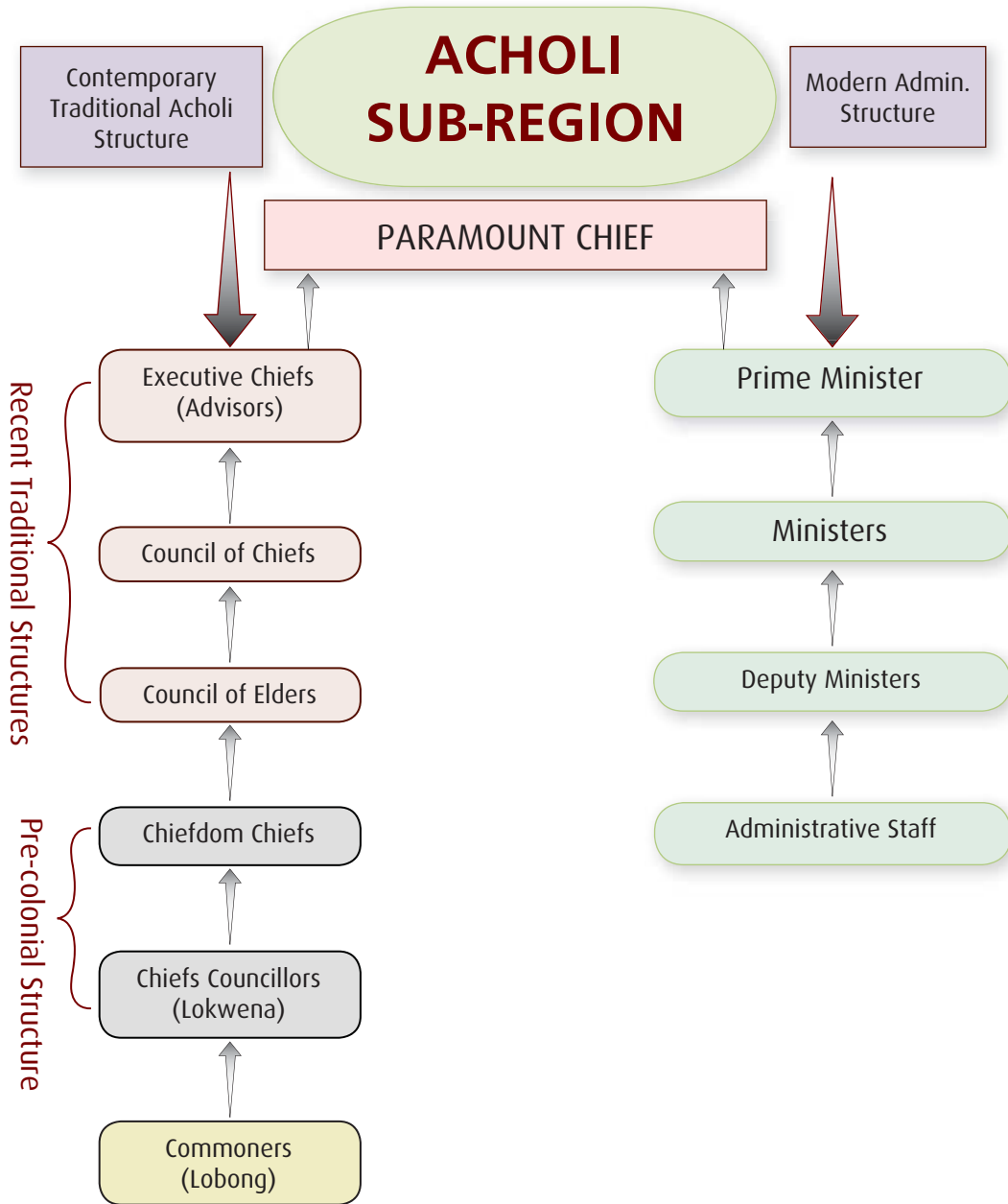
**Figure 14: The Institution of Acholi Paramount Chiefs**



In addition to the institution of the Paramount Chief, more layers of traditional authority have evolved over time. The current hierarchical set up of the Acholi traditional structure as it appears today is illustrated in figure 15 below.

<sup>119</sup> The British were in hot pursuit of Omukama Kabalega of Bunyoro who had taken refuge among the Payira.

Figure 15: Approximate Configuration of Contemporary Acholi Traditional and Modern Structures



# 7

## Emerging Issues and Investment Priorities for Promoting Conservation of Biological Diversity

There is already significant interest by government and the international development community to stabilize the Northern Uganda in general and the Acholi Sub-region in particular. This presents a unique opportunity to recreate and build strong foundations for peace, rural livelihoods and economic development. Land and the biodiversity resource base of the Sub-region represent the immediate capital asset that can be harnessed to achieve sustainable peace and the development aspirations of the people of the Sub-region. Yet, there are a number of fundamental practical and policy issues that need to be addressed in a comprehensive, strategic and sustained manner if sustainable peace and economic prosperity is to be achieved. Previous studies cited in this report have raised a wide range of issues. However, based on this comprehensive study, eight specific recommendations are proposed as the essential starting point for creating enabling conditions for sustainable peace and post-conflict socio-economic transformation in the Sub-region.

### **7.1. Support the policy and legal reform process to clarify property rights in land and biodiversity**

The apparent conflicts over property rights on land and biodiversity are rooted in a complex and highly evolving land law and policy. The national land policy and land use planning processes are proceeding at very slow pace and are perhaps raising more complexity than will define property rights in land and biodiversity across the country. The completion of the policy process therefore could provide the basis for defining in clear and precise terms the nature and scope of property rights held by different persons and groups.

The delay in the process could prejudice the land rights of the people of the Sub-region and undermine efforts aimed at the sustainable conservation of biological diversity. The Acholi Parliamentary Group could mobilize the Parliament to be more assertive in demanding for the speedy completion and promulgation of the policy. It is to be emphasized that the completion of a national land policy and the complete return of the population from

the IDP camps are essential pre-conditions for establishing a sustainable property rights regime in land and biodiversity.

## **7.2. Support the process of establishing a clearly defined and decentralized institutional framework to guarantee property rights**

The lack of clarity in institutional mandates of the informal and formal institutional arrangements governing land and biodiversity is a source of insecurity for the people of the Sub-region. The formal structures established under the Land Act almost mirror the informal structure of traditional land management among the Acholi people. The apparent competition for authority and influence arising out of overlapping mandates has created a significant institutional paralysis and vacuum. The relationship between these institutions and the central Government agencies responsible for biodiversity management is also unclear. Consequently, the central government agencies lack the legitimacy that could be derived from the acceptability and interaction with these local institutions.

## **7.3 Build capacity of local governments and traditional land management institutions to make them responsive to ongoing dynamic changes**

A number of studies have recognized the range of institutions that have been put in place to handle land matters including the veiled statutory recognition of traditional land governance structures. However, it is important to recognize that there are dynamic changes taking place in the Acholi Sub-region as a result of the establishment of a semblance of peace. All the current institutions be they land boards, the institution of the *Rwot* or the local level land institutions lack the robustness required to deal with the dynamic changes that are inherent in the current discourse on land and biodiversity. Investments to make these institutions robust so that they can inspire confidence in the population will go a long way to create an enabling environment for securing biodiversity conservation landscapes of importance.

## **7.4. Land boundary identification, demarcation and mapping**

The absence of clear land identification, demarcation and mapping is a major threat to property rights in land and biodiversity in the Sub-region. It is common knowledge that the bulk of the land is owned communally by the different clans of Acholi. However, the many years of insurgency have created considerable uncertainty over the locations and boundary marks of these lands. There are also issues with the common property resource areas such as clan hunting grounds, water points, wetlands, and other areas of biodiversity importance where clans had concurrent jurisdiction. Hence, there is need to invest in a comprehensive land identification, demarcation and mapping programme

aimed at achieving four inter-related objectives: (i) creating a secure and predictable property rights regime that mitigates conflicts; (ii) guaranteeing the rights of vulnerable sections of the population such women, widows and orphans; (iii) creating an enabling environment for the sustainable and productive management of biological diversity; and (iv) securing government and local government land for public investments.

### **7.5. Strengthening land rights awareness and environmental civic education and consciousness**

The widespread uncertainty and conflicts over land rights is also based on lack of adequate knowledge on land laws, misinformation, and general lack of understanding of the linkages between sustainable conservation of biological resources and post-conflict development activities. A comprehensive land rights awareness and environmental civic education programme would strengthen local demand for vertical and horizontal accountability of local institutions. It would also be a building block for securing the property rights of women and other vulnerable groups. Increased civic capacity would enable communities gain confidence and negotiate with biodiversity governance agencies for fair and equitable benefits in any regimes for the conservation of critical biodiversity landscapes.

### **7.6. Invest in strengthening local government capacity for land use planning and land mapping**

Local governments will need to take a more visible role in the administration of property rights in land and the management of key biodiversity conservation landscapes. However, the relevant departments of local governments face severe capacity limitations. In addition to a very narrow staffing base, the departments lack basic information management infrastructure, land surveying and mapping equipment, etc. Given the limitations imposed on staffing levels by the local government regulations, additional capacity to work with independent service providers and professional bodies is required.

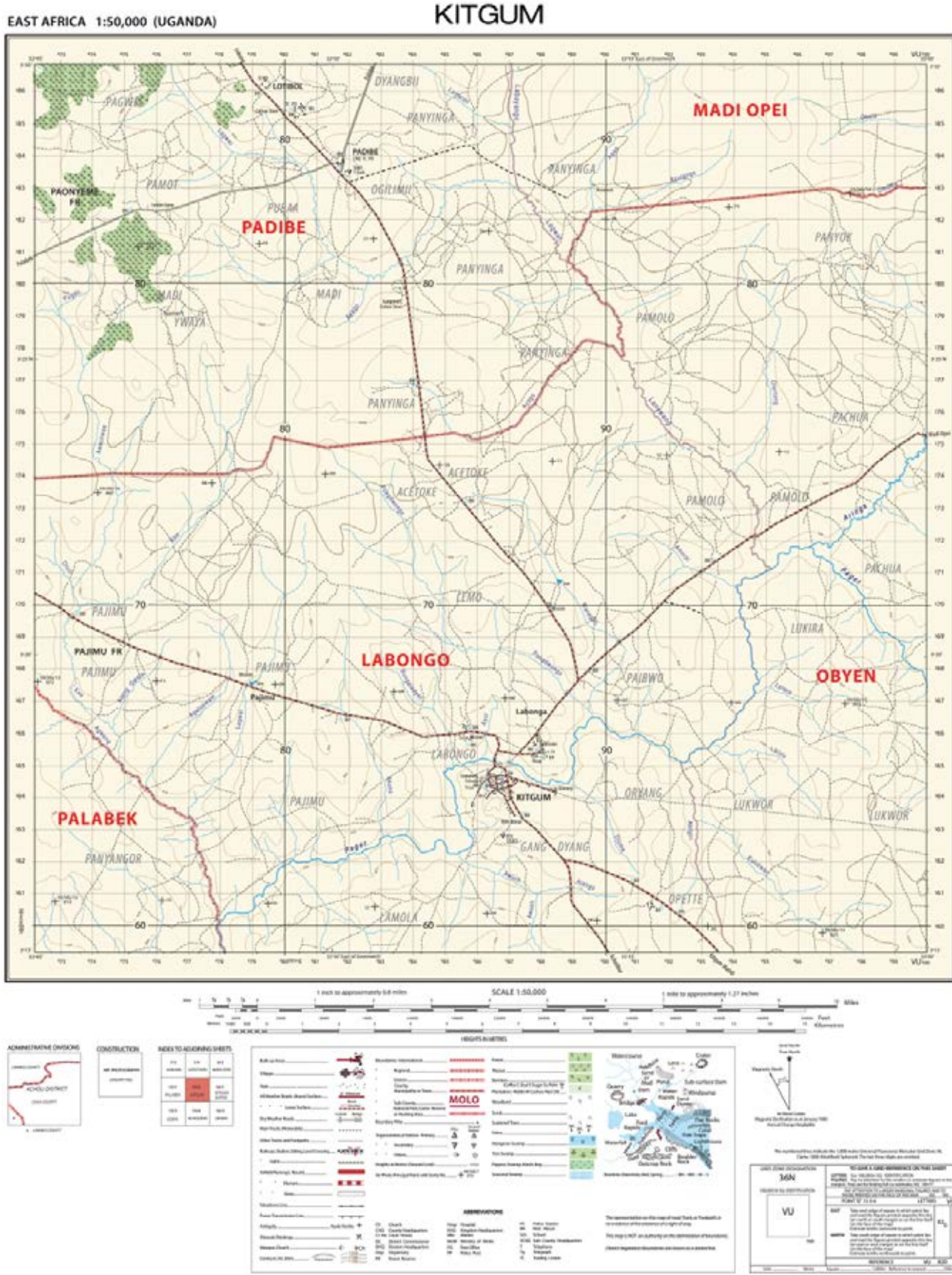
### **7.7. Identify, develop management plans and support the management of critical biodiversity landscapes**

Critical biodiversity landscapes such as the forest reserves, game reserves and communal hunting grounds provide an opportunity for creating a strong livelihood and economic basis for the people of Acholi Sub-region. In addition to the already gazetted game reserves and forest reservation, communal hunting grounds and the Elephant Corridor are potential biodiversity areas of critical importance. However, the current circumstances within which land issues are being discussed provide less room for dialogue and consensus building. Targeted investments in these selected areas which enable communities and local governments to negotiate potential benefit sharing arrangements and clarification of attendant rights would provide a basis for more effective management regimes for these areas.

## **7.8. Support sustained inter-institutional dialogue on land and biodiversity management**

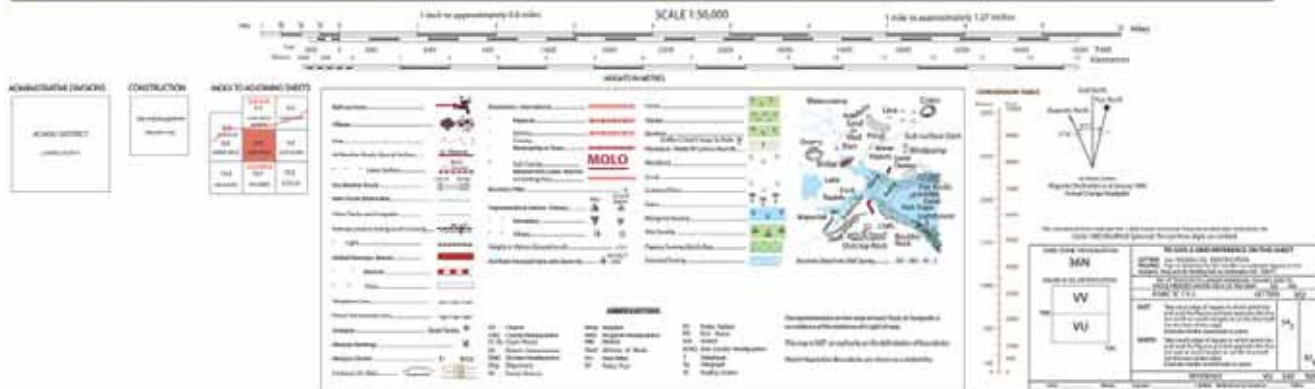
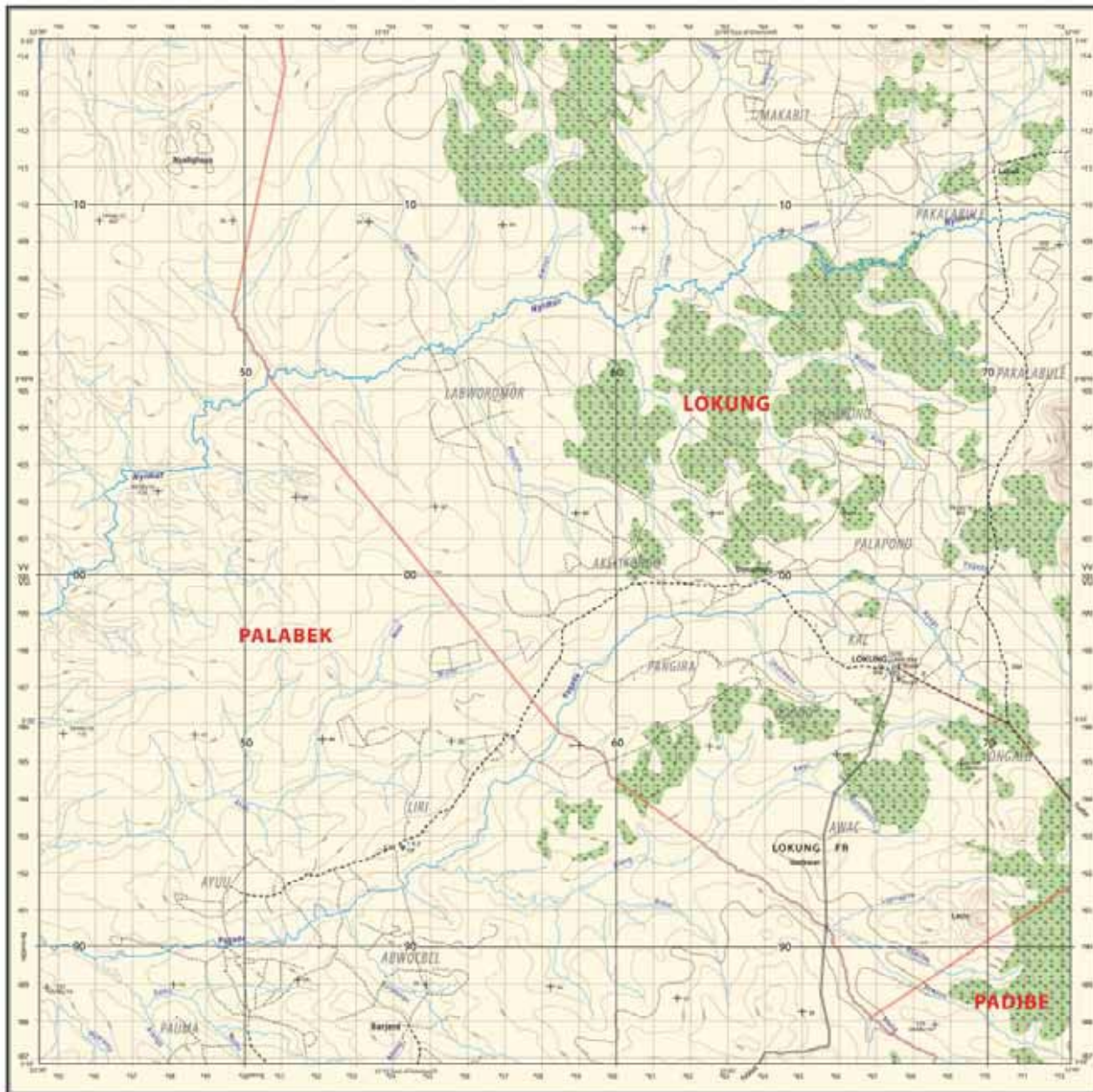
It is important that any interventions to address issues of property rights in land and biodiversity management be made with a view to responding to very dynamic changes taking place at the local level. The current discourse on land clearly shows that the responsible institutions do not provide the framework that is needed to confront the emerging challenges. There is a strong case for managing the political dimensions of this discourse. Consequently, there is need to invest in convening a regular forum that brings together the Acholi Members of Parliament, the local government leaders, the traditional leaders, the key central government agencies and other key players in civil society to continuously engage in a dialogue on how outstanding and emerging issues can be addressed. The democratic dialogue and collegiality that is created through such a forum can be a strong basis for agreeing on key areas of biodiversity conservation and an equitable property rights regime.

# Appendix



EAST AFRICA 1:50,000 (UGANDA)

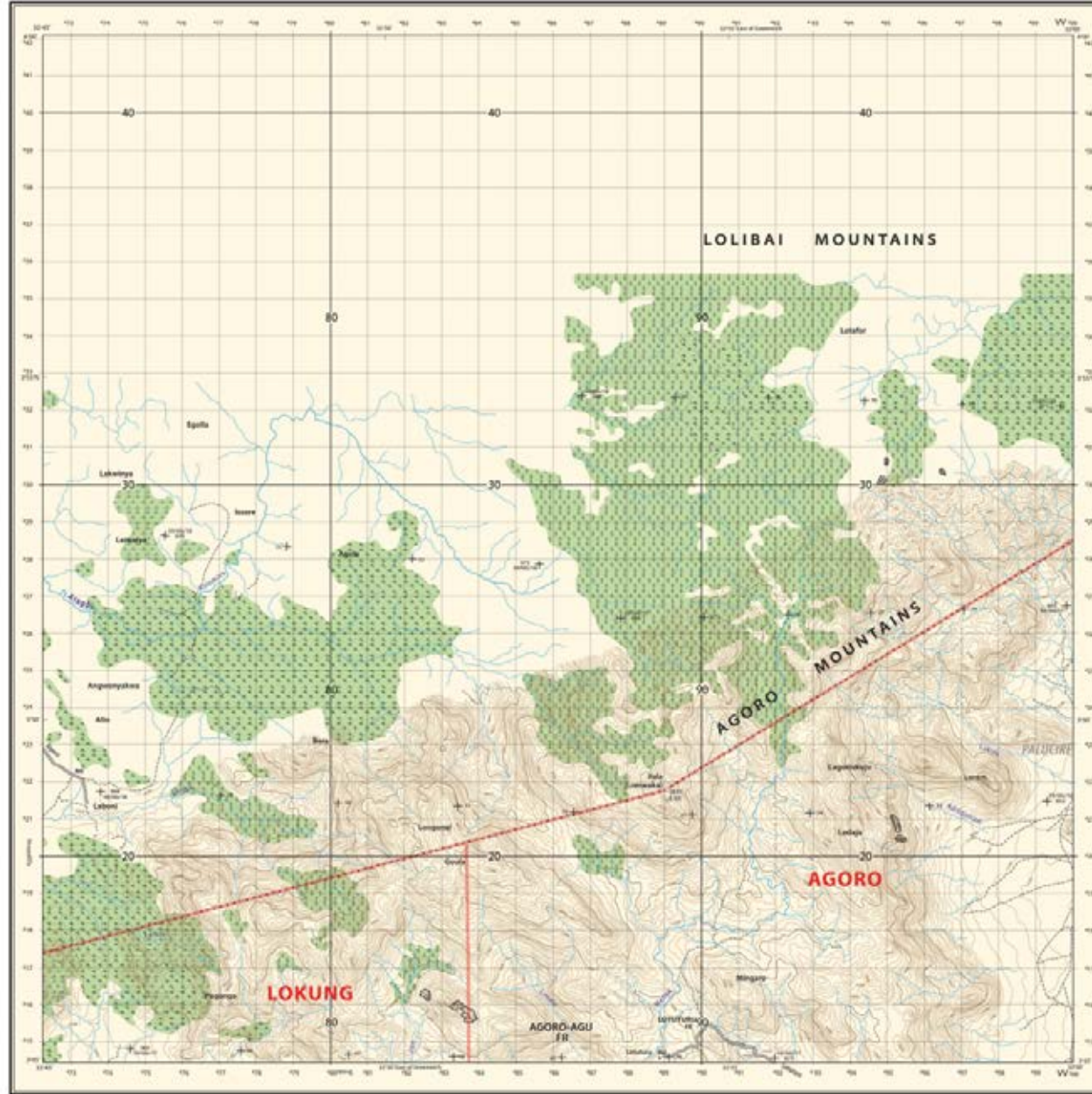
# LOKUNG





EAST AFRICA 1:50,000 (UGANDA)  
WITH PART OF THE SUDAN

# LOMWAKA



1 inch to approximately 1.6 miles  
SCALE 1:50,000  
1 mile to approximately 1.27 inches

<p><b>ADMINISTRATIVE DIVISIONS</b></p> <p>REPUBLIC OF UGANDA</p> <p>MOLO</p>	<p><b>CONTOUR LINES</b></p> <p>1000 FT</p> <p>500 FT</p>	<p><b>NEEDS TO ACCOMMODATE</b></p> <p>AGORO</p> <p>LOKUNG</p>	<p><b>LEGEND</b></p> <p>AGORO MOUNTAINS</p> <p>LOLIBAI MOUNTAINS</p> <p>AGORO</p> <p>LOKUNG</p> <p>AGORO-AGU</p>	<p><b>ABBREVIATIONS</b></p> <p>AG</p> <p>AG</p> <p>AG</p> <p>AG</p> <p>AG</p>	<p><b>INDEX</b></p> <p>30N</p> <p>W</p>
--	--	---	--	---	---

EAST AFRICA 1:50,000 (UGANDA)

# PATIKO



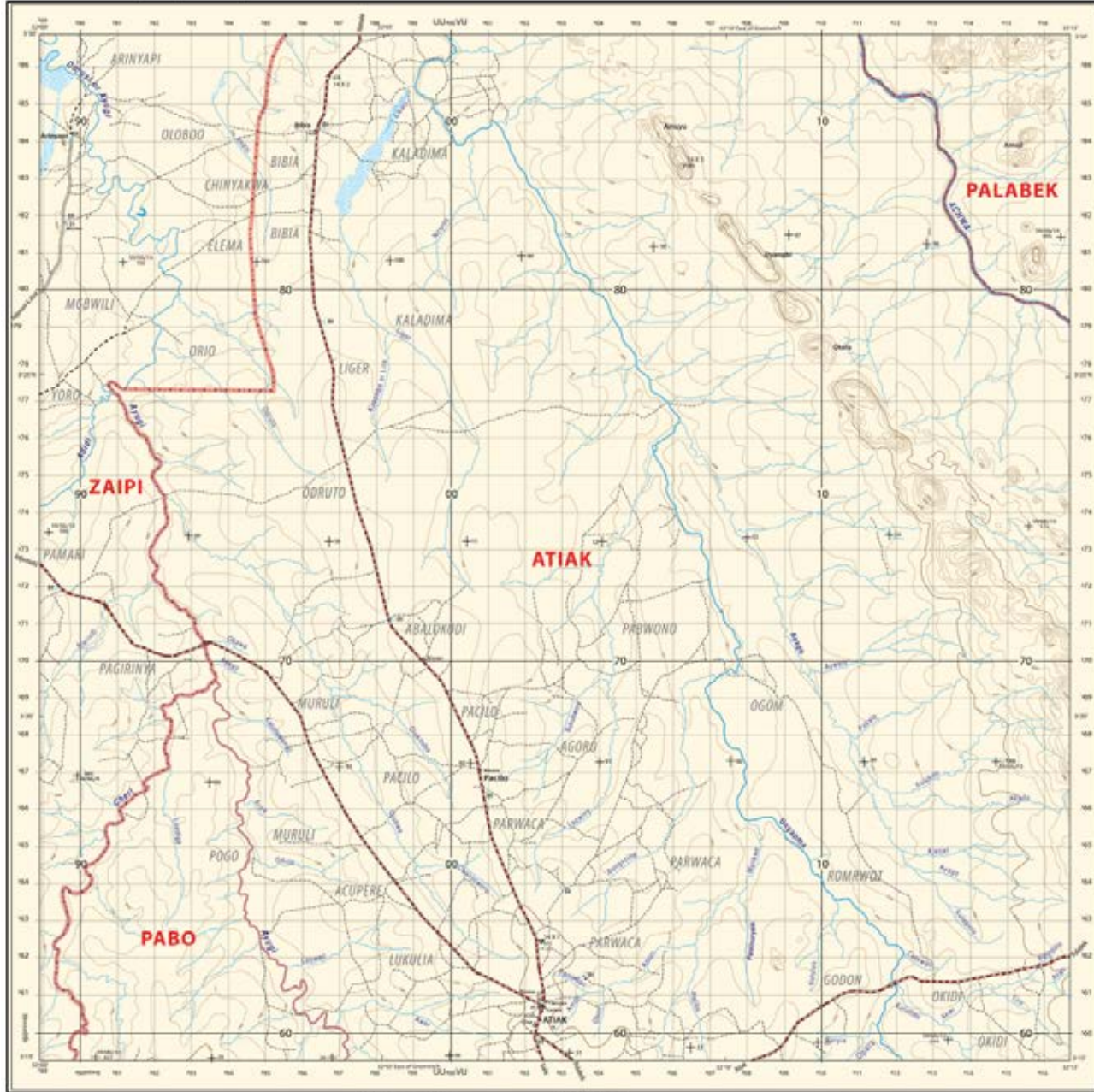
<p><b>ADMINISTRATIVE DIVISIONS</b></p> <p>ACADEMIC DISTRICT</p>	<p><b>CONSTRUCTION</b></p> <p>ROADS</p>	<p><b>HEIGHTS AND DEPTHS</b></p> <p>HEIGHTS</p>	<p><b>MOLO</b></p> <p>MOLO</p>	<p><b>HYDROGRAPHY</b></p> <p>RIVERS</p>	<p><b>VEGETATION</b></p> <p>WOODLAND</p>	<p><b>OTHER FEATURES</b></p> <p>SETTLEMENTS</p>	<p><b>ADDITIONAL INFORMATION</b></p> <p>PROJECTION</p>
---	---	---	--------------------------------	---	--	---	--

# ADILANG



EAST AFRICA 1:50,000 (UGANDA)

# ATIAK



**INDEX TO ADJOINING SHEETS**

MOLO	MOLO	MOLO	MOLO
MOLO	MOLO	MOLO	MOLO
MOLO	MOLO	MOLO	MOLO
MOLO	MOLO	MOLO	MOLO

**SYMBOLS**

...	...	...	...
...	...	...	...
...	...	...	...
...	...	...	...

**ADJOINING SHEETS**

...	...	...	...
...	...	...	...
...	...	...	...
...	...	...	...

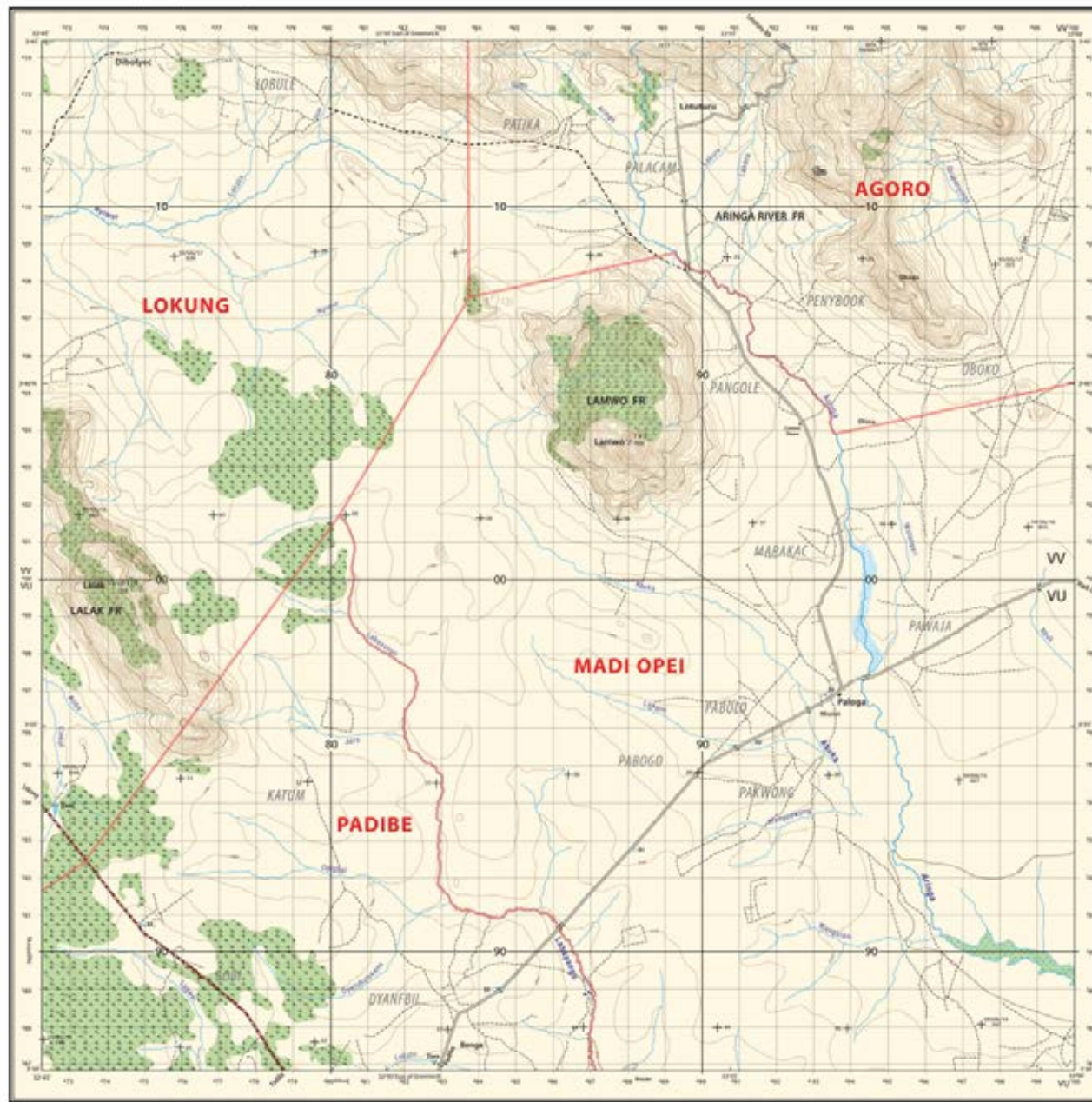
**MOLO**

**30N**

**LU VU**

EAST AFRICA 1:50,000 (UGANDA)

### LOTUTURU



**LEGEND**

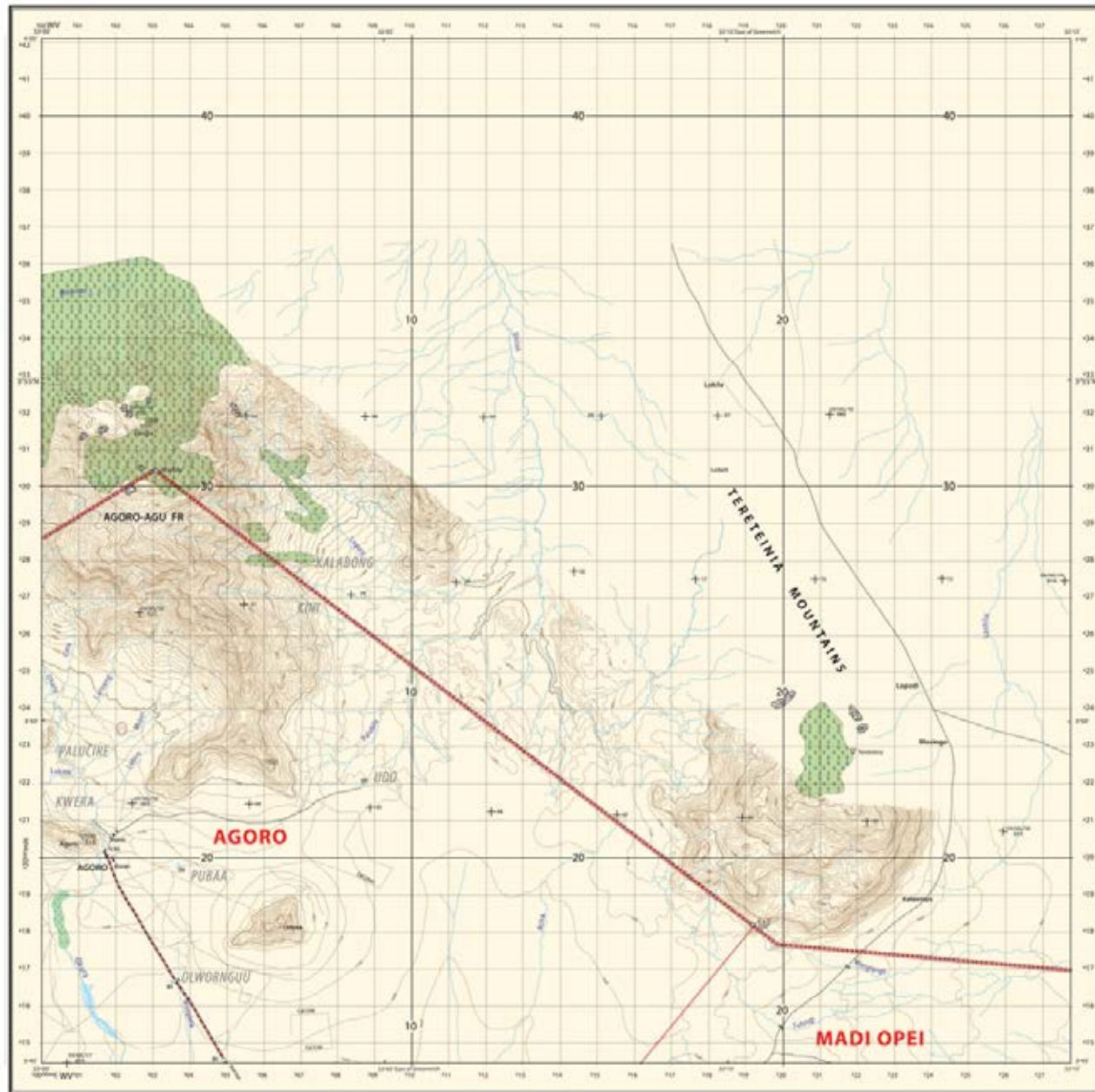
<b>ADMINISTRATIVE DIVISIONS</b>	<b>CONSTRUCTION</b>	<b>INDEX TO ADJOINING SHEETS</b>	<b>MOLO</b>	<b>ABBREVIATIONS</b>	<b>CONTOUR TABLE</b>

**ABBREVIATIONS**

**CONTOUR TABLE**

EAST AFRICA 1:50,000 (UGANDA)  
WEST PART OF THE REPUBLIC OF THE UGANDA

# AGORO



1 inch to approximately 3.8 miles SCALE 1:50,000 1 inch to approximately 1.27 miles

<p><b>ADMINISTRATIVE DIVISIONS</b></p> <p>Country of Uganda</p> <p>Province</p> <p>District</p> <p>Sub-District</p>	<p><b>CONSTRUCTION</b></p> <p>Construction</p> <p>Construction</p>	<p><b>KEY TO COLORING SHEETS</b></p> <p>Coloring Sheet</p> <p>Coloring Sheet</p>	<p><b>HEIGHTS IN METERS</b></p> <p>Height</p> <p>Height</p>	<p><b>WATERWAYS</b></p> <p>Waterway</p> <p>Waterway</p>	<p><b>ADMINISTRATIVE TABLE</b></p> <p>Administrative Table</p>
---	--	--	---	---	--

**ABBREVIATIONS**

Abbreviations

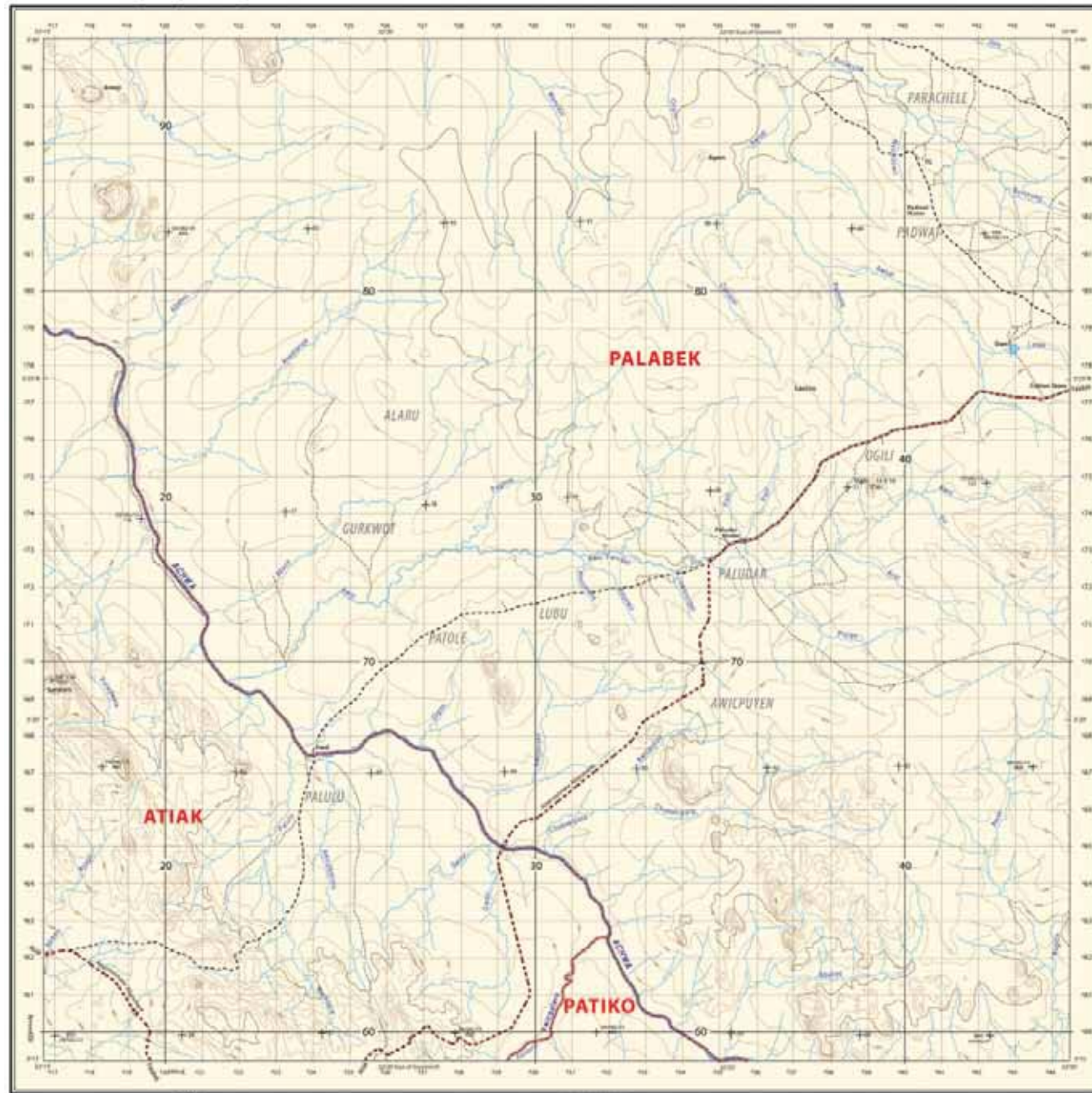
The responsibility for the accuracy of the map is the responsibility of the user.

This map is not to be used for navigation.

© 2010 National Geographic Society

EAST AFRICA 1:50,000 (UGANDA)

# PALUDAR



1 inch is approximately 1.6 miles      SCALE 1:50,000      1 mile is approximately 1.6 kilometers

**PLANNING INFORMATION**

**PROPOSED DESIGN**

**CONSTRUCTION**

**ROAD TO RICHMOND HEIGHTS**

**MOLO**

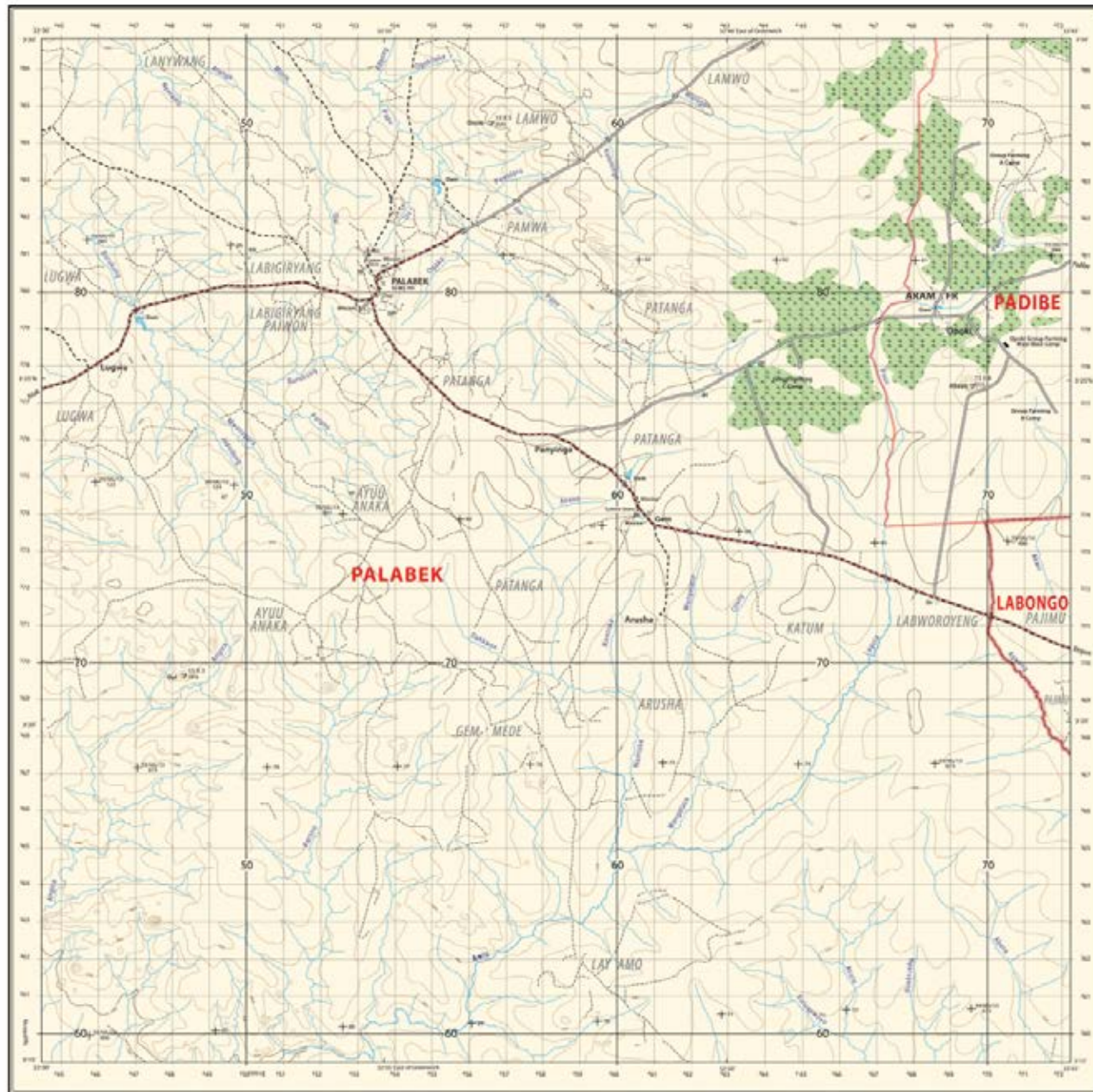
**ASSUMPTIONS**

**30V**

**VU**

EAST AFRICA 1:50,000 (UGANDA)

# PALABEK



**ADMINISTRATIVE DIVISIONS**

ACRES	DISTRICT
-------	----------

**CONSTRUCTION**

AS PAVED	UNPAVED
----------	---------

**INDEX TO ADJOINING SHEETS**

Sheet No.	Scale	Area
-----------	-------	------

**MOLO**

MOLO	MOLO
------	------

**LEGEND**

Symbol	Description	Symbol	Description
--------	-------------	--------	-------------

**ABBREVIATIONS**

Abbreviation	Full Name
--------------	-----------

**INDEX TO ADJOINING SHEETS**

Sheet No.	Scale	Area
-----------	-------	------

**30N**

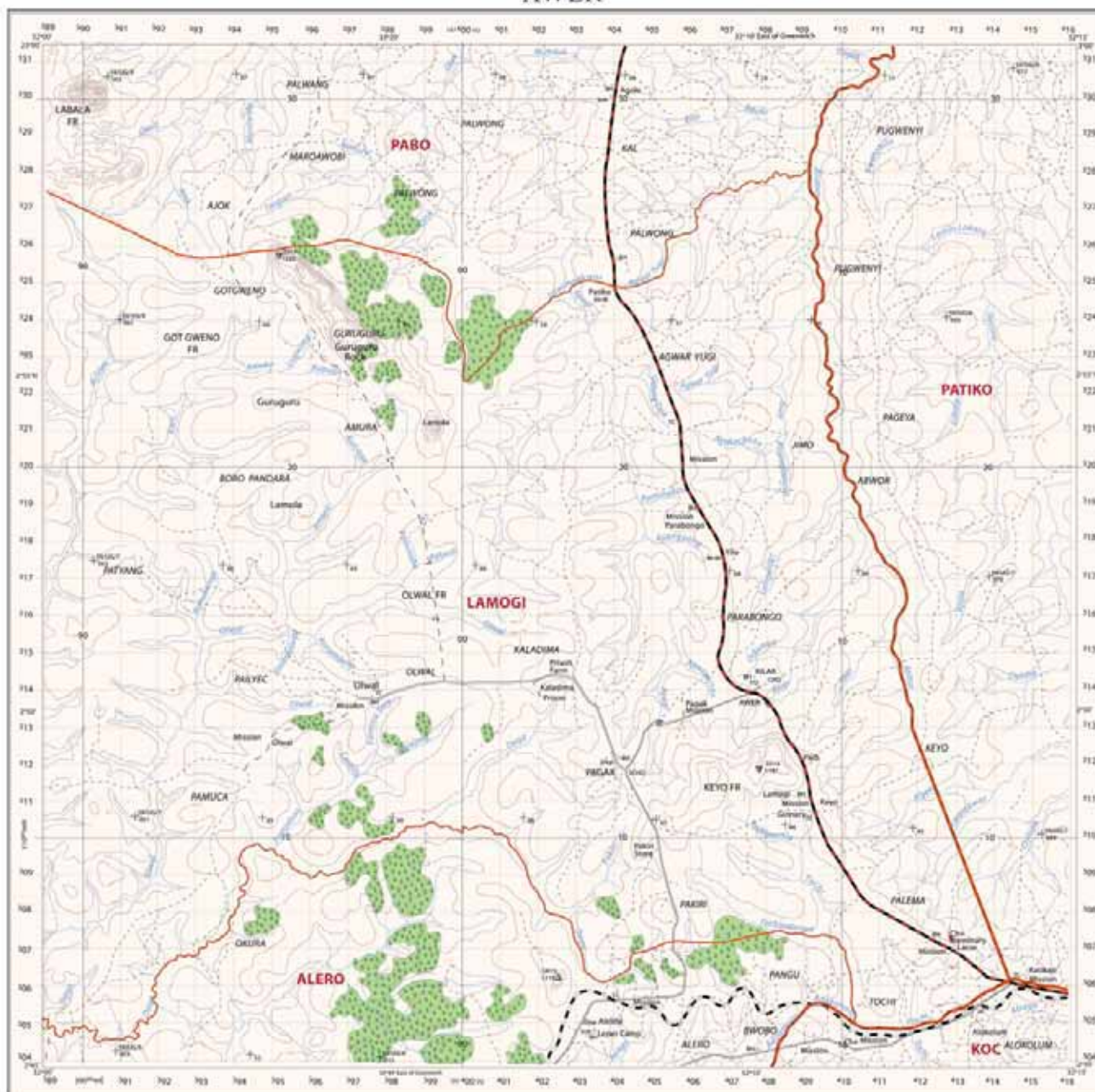
30N	30N
-----	-----

**WU**

WU	WU
----	----



# AWER



**ADMINISTRATIVE DIVISIONS**

WOLLEJITTA	14° 15' N	35° 15' E
AGARTTA	14° 15' N	35° 15' E
AGARTTA	14° 15' N	35° 15' E
AGARTTA	14° 15' N	35° 15' E

**INDEX TO ADJOINING SHEETS**

14° 15' N	35° 15' E	35° 15' E
14° 15' N	35° 15' E	35° 15' E
14° 15' N	35° 15' E	35° 15' E

**HEIGHTS IN METRES**

1000-1200	1200-1400	1400-1600	1600-1800	1800-2000	2000+
-----------	-----------	-----------	-----------	-----------	-------

**MOLO**

**ABBREVIATIONS**

Ch	Church	St	State
Co	Consulate	Stn	Station
Co	Consulate	Stn	Station
Co	Consulate	Stn	Station

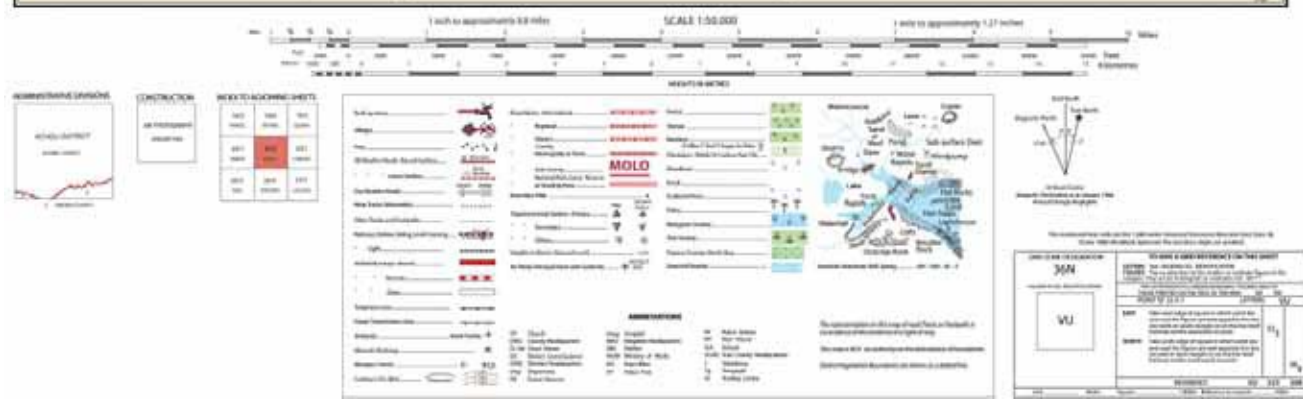
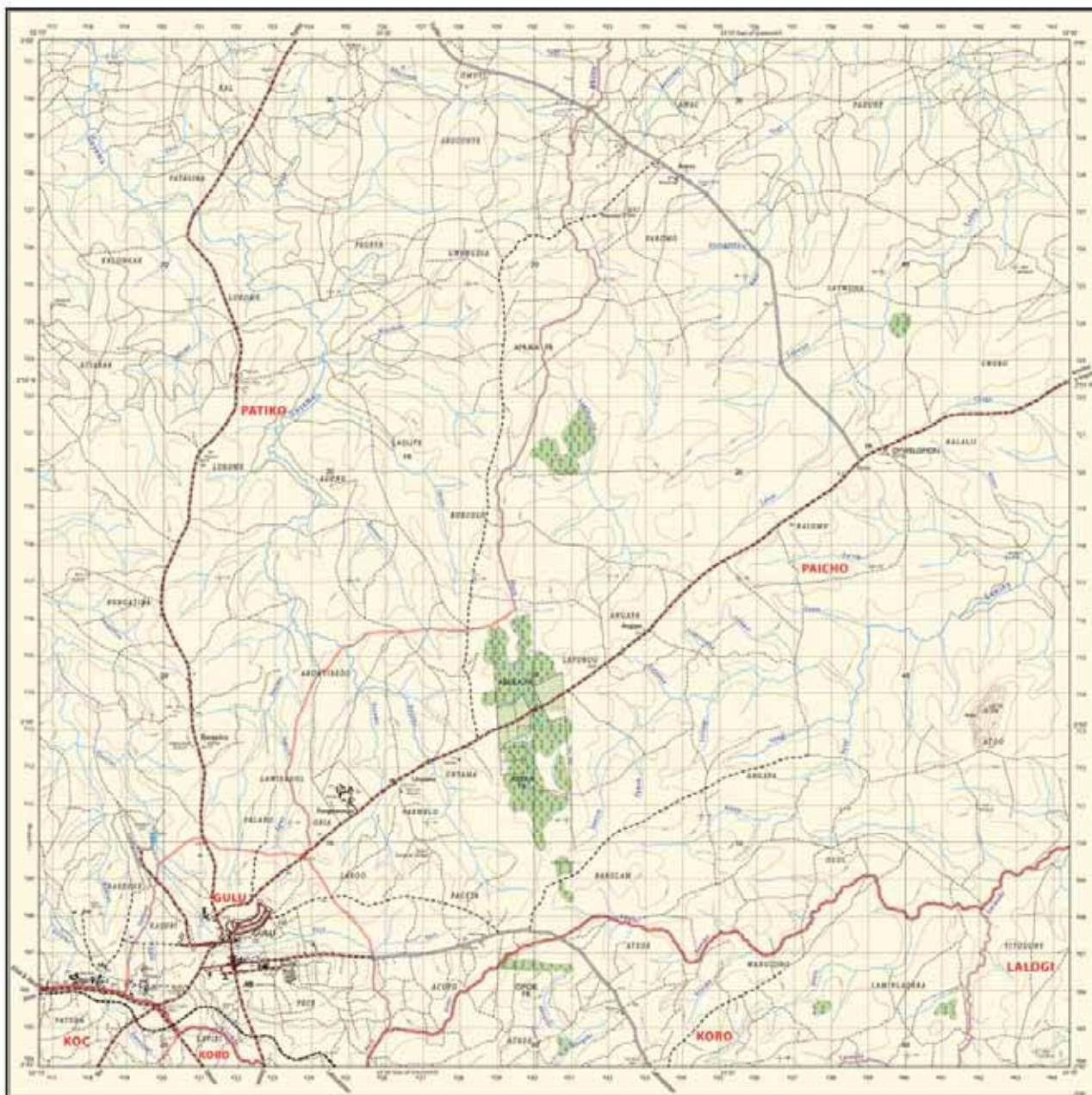
**GENERAL NOTES**

1. This map is a reproduction of the original map of the Awer region, Ethiopia, at a scale of 1:50,000. It is based on the data provided by the Ministry of Lands, Urban Planning and Construction of Ethiopia.

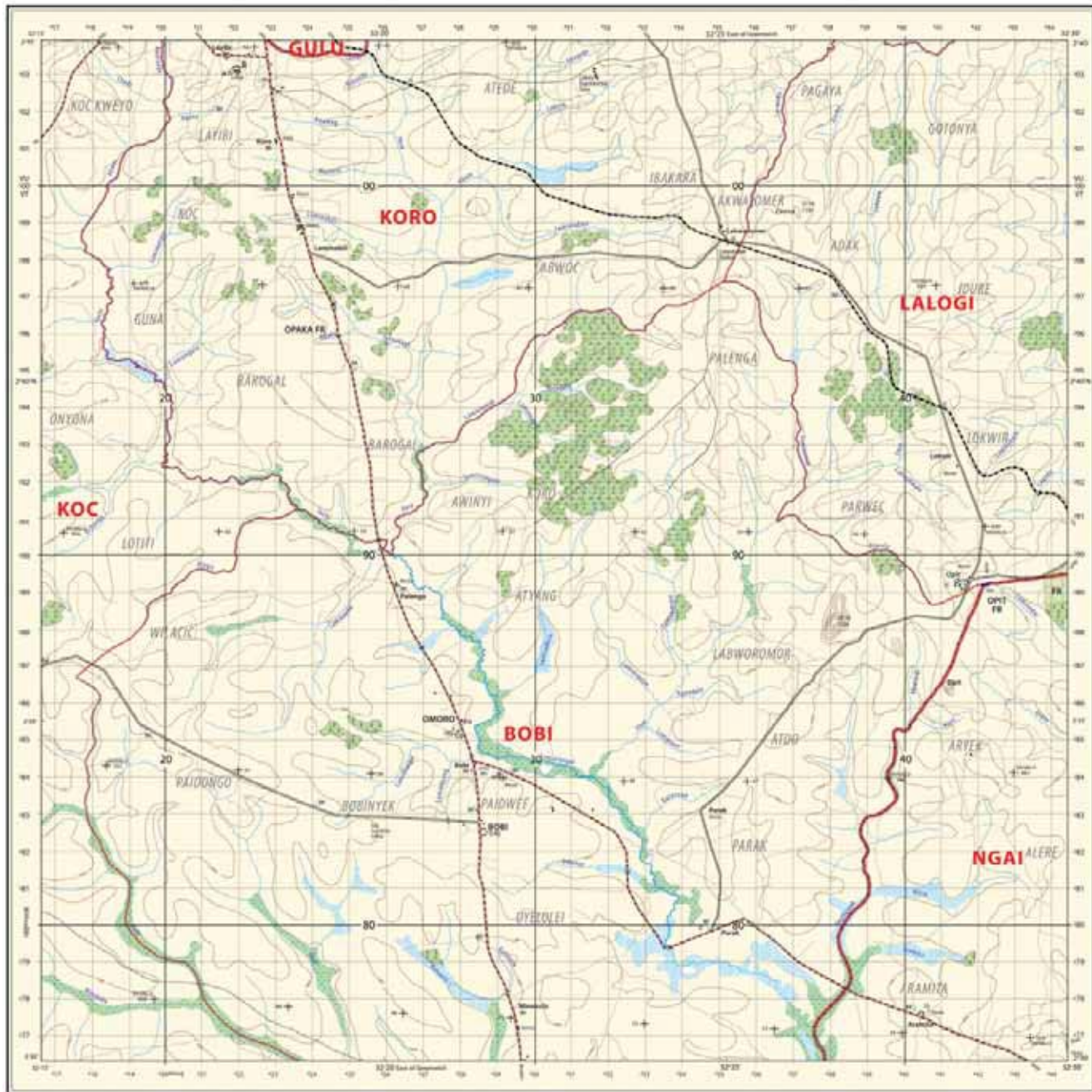
2. The map is a reproduction of the original map of the Awer region, Ethiopia, at a scale of 1:50,000. It is based on the data provided by the Ministry of Lands, Urban Planning and Construction of Ethiopia.

EAST AFRICA 1:50,000 (UGANDA)

# GULU



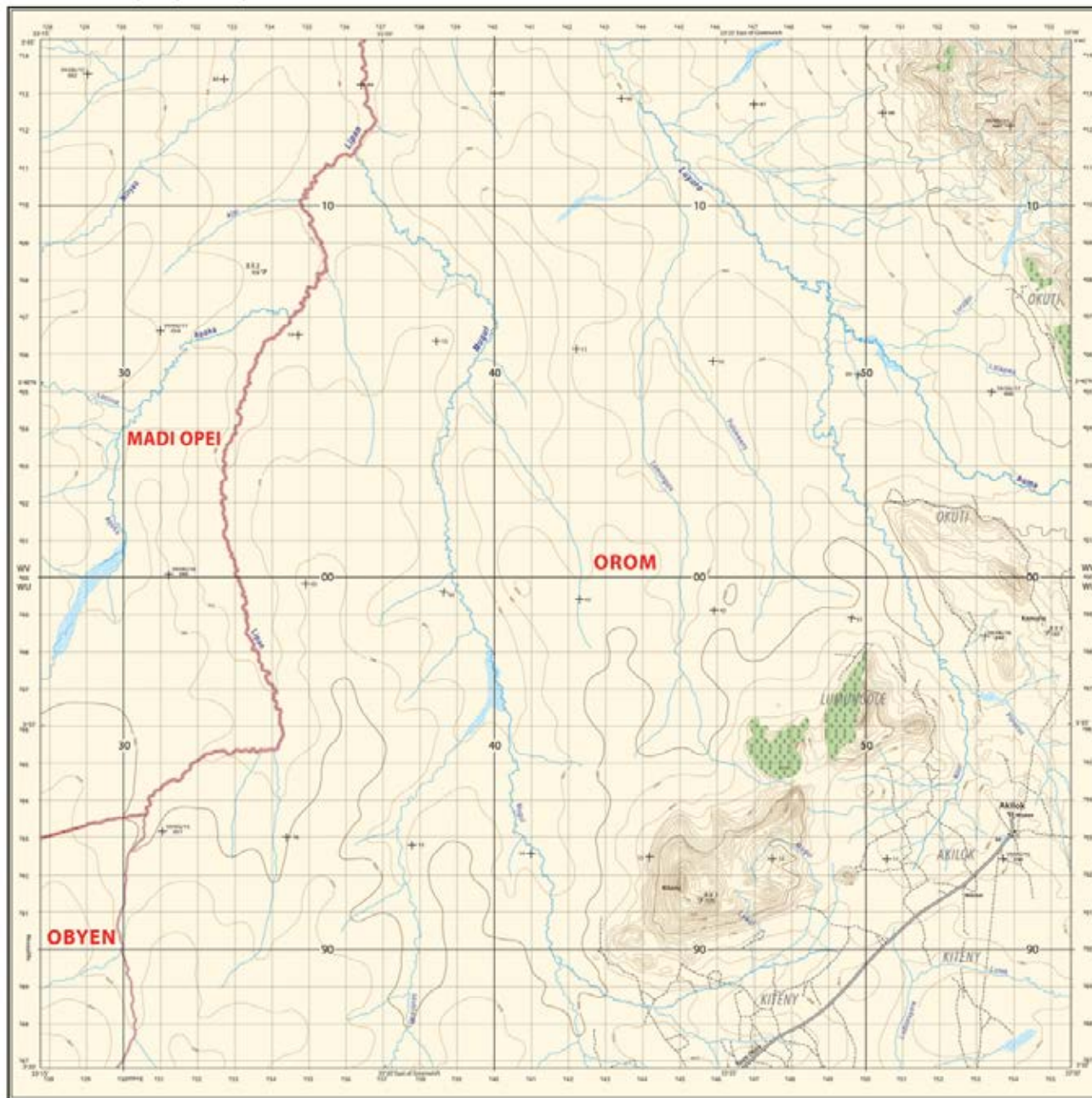
# OMORO



ADMINISTRATIVE DIVISIONS	CONTOUR LINES	NEW MASSINGAL SHEETS	HYDROGRAPHIC	ROADS	RAILWAYS	POWER LINES	TELEPHONE LINES	POSTAL LINES	ADDITIONAL
<ul style="list-style-type: none"> <li>Regional Boundary</li> <li>Provincial Boundary</li> <li>Woreda Boundary</li> <li>Kebele Boundary</li> </ul>	<ul style="list-style-type: none"> <li>5m</li> <li>10m</li> <li>20m</li> <li>30m</li> <li>40m</li> <li>50m</li> <li>60m</li> <li>70m</li> <li>80m</li> <li>90m</li> <li>100m</li> <li>120m</li> <li>150m</li> <li>200m</li> <li>250m</li> <li>300m</li> <li>400m</li> <li>500m</li> <li>600m</li> <li>700m</li> <li>800m</li> <li>900m</li> <li>1000m</li> </ul>	<ul style="list-style-type: none"> <li>1:50,000</li> <li>1:75,000</li> <li>1:100,000</li> <li>1:150,000</li> <li>1:200,000</li> <li>1:250,000</li> <li>1:300,000</li> <li>1:400,000</li> <li>1:500,000</li> <li>1:600,000</li> <li>1:750,000</li> <li>1:1,000,000</li> <li>1:1,500,000</li> <li>1:2,000,000</li> <li>1:3,000,000</li> <li>1:4,000,000</li> <li>1:5,000,000</li> <li>1:6,000,000</li> <li>1:7,500,000</li> <li>1:10,000,000</li> <li>1:15,000,000</li> <li>1:20,000,000</li> <li>1:25,000,000</li> <li>1:30,000,000</li> <li>1:40,000,000</li> <li>1:50,000,000</li> <li>1:60,000,000</li> <li>1:75,000,000</li> <li>1:100,000,000</li> <li>1:150,000,000</li> <li>1:200,000,000</li> <li>1:300,000,000</li> <li>1:400,000,000</li> <li>1:500,000,000</li> <li>1:600,000,000</li> <li>1:750,000,000</li> <li>1:1,000,000,000</li> </ul>	<ul style="list-style-type: none"> <li>International Boundary</li> <li>National Boundary</li> <li>Provincial Boundary</li> <li>Woreda Boundary</li> <li>Kebele Boundary</li> <li>Watercourse</li> <li>Canal</li> <li>Drainage</li> <li>Swamp</li> <li>Lake</li> <li>Reservoir</li> <li>Dam</li> <li>Well</li> <li>Spring</li> <li>Waterfall</li> <li>Iceberg</li> <li>Salt Lake</li> <li>Shaded Area</li> <li>Rocky Area</li> <li>Grassland</li> <li>Forest</li> <li>Barren Land</li> <li>Urban Area</li> <li>Road</li> <li>Railway</li> <li>Power Line</li> <li>Telephone Line</li> <li>Postal Line</li> <li>Other</li> </ul>	<ul style="list-style-type: none"> <li>1st Class</li> <li>2nd Class</li> <li>3rd Class</li> <li>4th Class</li> <li>5th Class</li> <li>6th Class</li> <li>7th Class</li> <li>8th Class</li> <li>9th Class</li> <li>10th Class</li> <li>11th Class</li> <li>12th Class</li> <li>13th Class</li> <li>14th Class</li> <li>15th Class</li> <li>16th Class</li> <li>17th Class</li> <li>18th Class</li> <li>19th Class</li> <li>20th Class</li> <li>21st Class</li> <li>22nd Class</li> <li>23rd Class</li> <li>24th Class</li> <li>25th Class</li> <li>26th Class</li> <li>27th Class</li> <li>28th Class</li> <li>29th Class</li> <li>30th Class</li> <li>31st Class</li> <li>32nd Class</li> <li>33rd Class</li> <li>34th Class</li> <li>35th Class</li> <li>36th Class</li> <li>37th Class</li> <li>38th Class</li> <li>39th Class</li> <li>40th Class</li> <li>41st Class</li> <li>42nd Class</li> <li>43rd Class</li> <li>44th Class</li> <li>45th Class</li> <li>46th Class</li> <li>47th Class</li> <li>48th Class</li> <li>49th Class</li> <li>50th Class</li> <li>51st Class</li> <li>52nd Class</li> <li>53rd Class</li> <li>54th Class</li> <li>55th Class</li> <li>56th Class</li> <li>57th Class</li> <li>58th Class</li> <li>59th Class</li> <li>60th Class</li> <li>61st Class</li> <li>62nd Class</li> <li>63rd Class</li> <li>64th Class</li> <li>65th Class</li> <li>66th Class</li> <li>67th Class</li> <li>68th Class</li> <li>69th Class</li> <li>70th Class</li> <li>71st Class</li> <li>72nd Class</li> <li>73rd Class</li> <li>74th Class</li> <li>75th Class</li> <li>76th Class</li> <li>77th Class</li> <li>78th Class</li> <li>79th Class</li> <li>80th Class</li> <li>81st Class</li> <li>82nd Class</li> <li>83rd Class</li> <li>84th Class</li> <li>85th Class</li> <li>86th Class</li> <li>87th Class</li> <li>88th Class</li> <li>89th Class</li> <li>90th Class</li> <li>91st Class</li> <li>92nd Class</li> <li>93rd Class</li> <li>94th Class</li> <li>95th Class</li> <li>96th Class</li> <li>97th Class</li> <li>98th Class</li> <li>99th Class</li> <li>100th Class</li> </ul>	<ul style="list-style-type: none"> <li>1st Class</li> <li>2nd Class</li> <li>3rd Class</li> <li>4th Class</li> <li>5th Class</li> <li>6th Class</li> <li>7th Class</li> <li>8th Class</li> <li>9th Class</li> <li>10th Class</li> <li>11th Class</li> <li>12th Class</li> <li>13th Class</li> <li>14th Class</li> <li>15th Class</li> <li>16th Class</li> <li>17th Class</li> <li>18th Class</li> <li>19th Class</li> <li>20th Class</li> <li>21st Class</li> <li>22nd Class</li> <li>23rd Class</li> <li>24th Class</li> <li>25th Class</li> <li>26th Class</li> <li>27th Class</li> <li>28th Class</li> <li>29th Class</li> <li>30th Class</li> <li>31st Class</li> <li>32nd Class</li> <li>33rd Class</li> <li>34th Class</li> <li>35th Class</li> <li>36th Class</li> <li>37th Class</li> <li>38th Class</li> <li>39th Class</li> <li>40th Class</li> <li>41st Class</li> <li>42nd Class</li> <li>43rd Class</li> <li>44th Class</li> <li>45th Class</li> <li>46th Class</li> <li>47th Class</li> <li>48th Class</li> <li>49th Class</li> <li>50th Class</li> <li>51st Class</li> <li>52nd Class</li> <li>53rd Class</li> <li>54th Class</li> <li>55th Class</li> <li>56th Class</li> <li>57th Class</li> <li>58th Class</li> <li>59th Class</li> <li>60th Class</li> <li>61st Class</li> <li>62nd Class</li> <li>63rd Class</li> <li>64th Class</li> <li>65th Class</li> <li>66th Class</li> <li>67th Class</li> <li>68th Class</li> <li>69th Class</li> <li>70th Class</li> <li>71st Class</li> <li>72nd Class</li> <li>73rd Class</li> <li>74th Class</li> <li>75th Class</li> <li>76th Class</li> <li>77th Class</li> <li>78th Class</li> <li>79th Class</li> <li>80th Class</li> <li>81st Class</li> <li>82nd Class</li> <li>83rd Class</li> <li>84th Class</li> <li>85th Class</li> <li>86th Class</li> <li>87th Class</li> <li>88th Class</li> <li>89th Class</li> <li>90th Class</li> <li>91st Class</li> <li>92nd Class</li> <li>93rd Class</li> <li>94th Class</li> <li>95th Class</li> <li>96th Class</li> <li>97th Class</li> <li>98th Class</li> <li>99th Class</li> <li>100th Class</li> </ul>	<ul style="list-style-type: none"> <li>1st Class</li> <li>2nd Class</li> <li>3rd Class</li> <li>4th Class</li> <li>5th Class</li> <li>6th Class</li> <li>7th Class</li> <li>8th Class</li> <li>9th Class</li> <li>10th Class</li> <li>11th Class</li> <li>12th Class</li> <li>13th Class</li> <li>14th Class</li> <li>15th Class</li> <li>16th Class</li> <li>17th Class</li> <li>18th Class</li> <li>19th Class</li> <li>20th Class</li> <li>21st Class</li> <li>22nd Class</li> <li>23rd Class</li> <li>24th Class</li> <li>25th Class</li> <li>26th Class</li> <li>27th Class</li> <li>28th Class</li> <li>29th Class</li> <li>30th Class</li> <li>31st Class</li> <li>32nd Class</li> <li>33rd Class</li> <li>34th Class</li> <li>35th Class</li> <li>36th Class</li> <li>37th Class</li> <li>38th Class</li> <li>39th Class</li> <li>40th Class</li> <li>41st Class</li> <li>42nd Class</li> <li>43rd Class</li> <li>44th Class</li> <li>45th Class</li> <li>46th Class</li> <li>47th Class</li> <li>48th Class</li> <li>49th Class</li> <li>50th Class</li> <li>51st Class</li> <li>52nd Class</li> <li>53rd Class</li> <li>54th Class</li> <li>55th Class</li> <li>56th Class</li> <li>57th Class</li> <li>58th Class</li> <li>59th Class</li> <li>60th Class</li> <li>61st Class</li> <li>62nd Class</li> <li>63rd Class</li> <li>64th Class</li> <li>65th Class</li> <li>66th Class</li> <li>67th Class</li> <li>68th Class</li> <li>69th Class</li> <li>70th Class</li> <li>71st Class</li> <li>72nd Class</li> <li>73rd Class</li> <li>74th Class</li> <li>75th Class</li> <li>76th Class</li> <li>77th Class</li> <li>78th Class</li> <li>79th Class</li> <li>80th Class</li> <li>81st Class</li> <li>82nd Class</li> <li>83rd Class</li> <li>84th Class</li> <li>85th Class</li> <li>86th Class</li> <li>87th Class</li> <li>88th Class</li> <li>89th Class</li> <li>90th Class</li> <li>91st Class</li> <li>92nd Class</li> <li>93rd Class</li> <li>94th Class</li> <li>95th Class</li> <li>96th Class</li> <li>97th Class</li> <li>98th Class</li> <li>99th Class</li> <li>100th Class</li> </ul>	<ul style="list-style-type: none"> <li>1st Class</li> <li>2nd Class</li> <li>3rd Class</li> <li>4th Class</li> <li>5th Class</li> <li>6th Class</li> <li>7th Class</li> <li>8th Class</li> <li>9th Class</li> <li>10th Class</li> <li>11th Class</li> <li>12th Class</li> <li>13th Class</li> <li>14th Class</li> <li>15th Class</li> <li>16th Class</li> <li>17th Class</li> <li>18th Class</li> <li>19th Class</li> <li>20th Class</li> <li>21st Class</li> <li>22nd Class</li> <li>23rd Class</li> <li>24th Class</li> <li>25th Class</li> <li>26th Class</li> <li>27th Class</li> <li>28th Class</li> <li>29th Class</li> <li>30th Class</li> <li>31st Class</li> <li>32nd Class</li> <li>33rd Class</li> <li>34th Class</li> <li>35th Class</li> <li>36th Class</li> <li>37th Class</li> <li>38th Class</li> <li>39th Class</li> <li>40th Class</li> <li>41st Class</li> <li>42nd Class</li> <li>43rd Class</li> <li>44th Class</li> <li>45th Class</li> <li>46th Class</li> <li>47th Class</li> <li>48th Class</li> <li>49th Class</li> <li>50th Class</li> <li>51st Class</li> <li>52nd Class</li> <li>53rd Class</li> <li>54th Class</li> <li>55th Class</li> <li>56th Class</li> <li>57th Class</li> <li>58th Class</li> <li>59th Class</li> <li>60th Class</li> <li>61st Class</li> <li>62nd Class</li> <li>63rd Class</li> <li>64th Class</li> <li>65th Class</li> <li>66th Class</li> <li>67th Class</li> <li>68th Class</li> <li>69th Class</li> <li>70th Class</li> <li>71st Class</li> <li>72nd Class</li> <li>73rd Class</li> <li>74th Class</li> <li>75th Class</li> <li>76th Class</li> <li>77th Class</li> <li>78th Class</li> <li>79th Class</li> <li>80th Class</li> <li>81st Class</li> <li>82nd Class</li> <li>83rd Class</li> <li>84th Class</li> <li>85th Class</li> <li>86th Class</li> <li>87th Class</li> <li>88th Class</li> <li>89th Class</li> <li>90th Class</li> <li>91st Class</li> <li>92nd Class</li> <li>93rd Class</li> <li>94th Class</li> <li>95th Class</li> <li>96th Class</li> <li>97th Class</li> <li>98th Class</li> <li>99th Class</li> <li>100th Class</li> </ul>		

EAST AFRICA 1:50,000 (UGANDA)

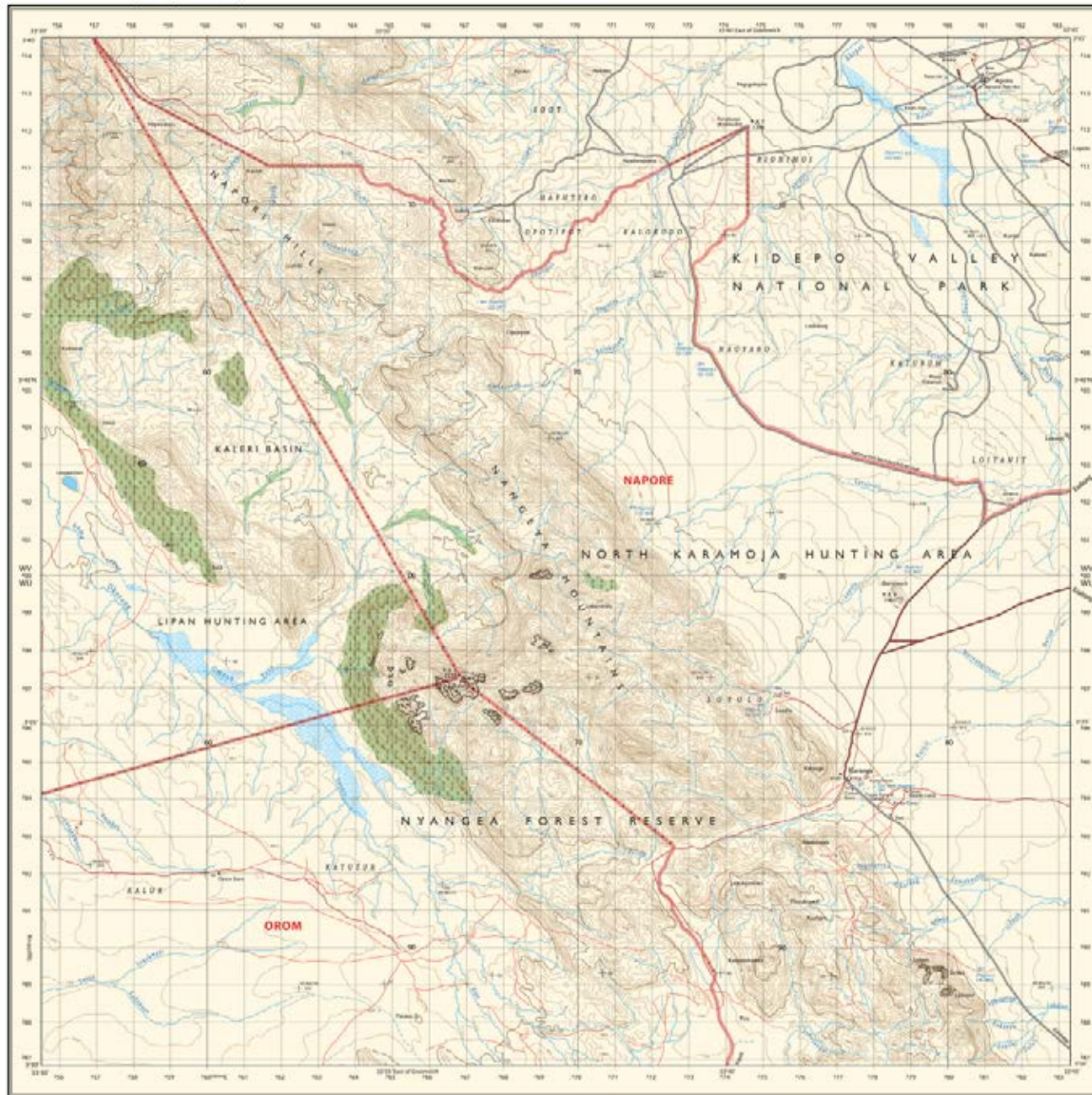
# AKILOK



ADMINISTRATIVE DIVISIONS	CONSTRUCTION	INDEX TO ADJOINING SHEETS	MOLO	ABBREVIATIONS
<p>AKILOK DISTRICT</p> <p>AKILOK</p>	<p>RAILWAY</p> <p>ROAD</p> <p>TRAIL</p>	<p>AKILOK</p> <p>AKILOK</p> <p>AKILOK</p>	<p>MOLO</p> <p>MOLO</p> <p>MOLO</p>	<p>AKILOK</p> <p>AKILOK</p> <p>AKILOK</p>

EAST AFRICA 1:50,000 (UGANDA)

# APOKA



<p><b>ADMINISTRATIVE DIVISIONS</b></p> <p>Sub-county boundary</p> <p>County boundary</p>	<p><b>CONTOUR LINES</b></p> <p>Contour interval: 100 feet</p>	<p><b>DEEP FLOODING SHEETS</b></p> <p>Sheet 36N</p> <p>Sheet 36W</p> <p>Sheet 37N</p> <p>Sheet 37W</p>	<p><b>SYMBOLS</b></p> <p>Settlements: Village, Hamlet, Town, City</p> <p>Religious buildings: Church, Mosque, Synagogue, etc.</p> <p>Public buildings: Government office, School, etc.</p> <p>Other buildings: Warehouse, etc.</p> <p>Water features: Well, Spring, etc.</p> <p>Vegetation: Forest, etc.</p> <p>MOLO (Machete Only Land) symbols</p>	<p><b>HEIGHTS IN METERS</b></p> <p>Spot heights: 1000, 1500, 2000, 2500, 3000, 3500, 4000, 4500, 5000, 5500, 6000, 6500, 7000, 7500, 8000, 8500, 9000, 9500, 10000</p>	<p><b>WATER FEATURES</b></p> <p>Water course: River, Stream, Canal, etc.</p> <p>Lake: Lake, Reservoir, etc.</p> <p>Swamp: Swamp, Marsh, etc.</p> <p>Waterfall: Waterfall, etc.</p> <p>Other: Dam, etc.</p>	<p><b>CONVERSION TABLE</b></p> <p>Feet to Meters</p> <p>Meters to Feet</p>	<p><b>INDEX</b></p> <p>36N</p> <p>36W</p> <p>37N</p> <p>37W</p>
--	---	--	--	--	--	--	---

## Selected References

- Republic of Uganda (2006). Gender Monitoring Baseline Survey for the Land Sector Strategic Plan in 20 Districts. Land Tenure Project, Ministry of Water, Lands and Environment.
- Rugadya, Margaret, et al (2006). A review of Literature on Post-Conflict Land Policy and Administration Issues, During Return and Resettlement of IDPS: International Experience and Lessons from Uganda. The World Bank. (Unpublished)
- Stites, et al, (2006) *Movement on the Margins: Livelihoods and Security in Kitgum District, Northern Uganda*. Feinstein International Centre, Boston
- Republic of Uganda, 2007. National Peace, Recovery and Development Plan for Northern Uganda (PRDP), 2006-2009. The Programme was launched on October 15, 2007.
- Nampindo, Simon, et al, (2005). The Impact of Conflict in Northern Uganda on the Environment and Natural Resources Management. United States Agency for International Development (USAID)/Wildlife Conservation Society. Kampala.
- Kanyehimba, G. W., A Constitutional History of Uganda;??Details
- Ofscansky, Thomas, 1996. *Uganda: Tarnished Pearl of Africa*. WestviewPress, Boulder and Oxford.
- Girling, F.K., 1960. *The Acholi of Uganda*. Her Majesty's Stationery Office. London.
- Atkinson, Ronald, The Evolution of Ethnicity among the Acholi of Uganda: The Precolonial Phase.????
- Wild, J.V. (1954). *Early Travellers in Acholi*. Thomas Nelson & Sons Ltd, Edinburg.
- Bass, James David., (1930). British Colonial Policy in Uganda University of Virginia PhD Thesis Published in 1975 by University Microfilms International, Michigan and London.
- Langlands, B.W, 1967. *The Sleeping Sickness in Uganda 1900-1920: A Study in Historical Geography*. Makerere University College. Kampala.
- Hodges, A.D.P., "Report on Sleeping Sickness in Uganda from January 1906 to 30 June 1906" in Report of the Royal Society Sleeping Sickness Commission, Vol. 9, No. 23, 1909.
- Adimola, A.B., (1954). "The Lamogi rebellion 1911-1912," in Uganda Journal, 1954. pp.170-173.
- Obol-Owit, L.E.C., (1967). The changing pattern of settlement in East Acholi. Occasional Paper No.7. Department of Geography, Makerere University. Kampala.
- Government of Uganda, (1952). Working Plan for Acholi A.L.G Reserve (Gulu Plantation), Acholi District. Uganda Forest Department, Kampala.
- Government of Uganda, (1962). Working Plan for the Acholi Bush Fuel Reserves. Uganda Forest Department, Kampala;
- Willcock, Colin (1964). *The Enormous Zoo: A Profile of the Uganda National Parks*. Longmans. London.

The Trustees of the Uganda National Parks (1954). Uganda National Parks: Handbook, 1954. Kampala.

Tindigarukayo-Kashangire, Justice, (1996). Wildlife Surveys Coordination: Final Report, March 15, 1996 (Unpublished).

Langlands, B.W, (1971). The Population Geography of Acholi District. Occasional Paper No. 30. Makerere University.

Tumushabe, Godber, 2004. The Politics of Investment and Land Acquisition in Uganda: The Case Study of Pian Upe Game Reserve. ACODE Policy Briefing Paper Series, No. 7, 2004. ACODE. Kampala.

## Publications in these Series

**Tumushabe, G.W., Bainomugisha, A., and Muhwezi, W., (2000).** Towards Strategic Engagement: Government NGO Relations and the Quest for NGO Law Reform in Uganda. ACODE Policy Research Series, No. 1, 2000. Kampala.

**Kameri-Mbote, P., (2000).** The Operation Environment and Constraints for NGOs in Kenya: Strategies for Good Policy and Practice. ACODE Policy Research Series, No. 2, 2000. Kampala.

**Tumushabe, G. W., (2001).** The Precautionary Principle, Biotechnology and Environmental Litigation: Complexities in Litigating New and Emerging Environmental problems. ACODE Policy Research Series, No.3, 2001. Kampala.

**Tumushabe, G. W., Mwebaza, R., and Naluwairo, R., (2001).** Sustainably Utilizing our National Heritage: Legal Implications of the proposed Degazettement of Butamira Forest Reserve. ACODE Policy Research Series, No.4, 2001. Kampala.

**Tumushabe, G. W., and Bainomugisha, A., et al: (2003).** Sustainable Development Beyond Rio + 10- Consolidating Environmental Democracy in Uganda Through Access to Justice, Information and Participation. ACODE Policy Research Series, No. 5, 2003. Kampala.

**Mugenyi, O., and Naluwairo, R., (2003).** Uganda's Access to the European Union Agricultural Market: Challenges and Opportunities. ACODE Policy Research Series, No. 6, 2003. Kampala.

**Mugenyi, O., and Nuwamanya, D., (2003).** Democratizing EPA Negotiations: Challenges for Enhancing the Role of Non State Actors. ACODE Policy Research Series, No.7, 2003. Kampala.

**Kameri-Mbote, P., (2004).** Towards a Liability and Redress System under the Cartagena Protocol on Biosafety: A Review of the Kenya National Legal System. ACODE Policy Research Series, No. 8, 2004. Kampala.

**Kabudi, P.J., (2004).** Liability and Redress for Damage Caused by the Transboundary Movement of Living Modified Organisms (LMOs) under the Cartagena Protocol on Biosafety: A Review of Tanzania Legal System. ACODE Policy Research Series, No. 9, 2004. Kampala.

**Tumushabe, G. W., and Bainomugisha, A., (2004).** Constitutional Reforms and Environmental Legislative Representation in Uganda: A Case Study of Butamira Forest Reserves in Uganda. ACODE Policy Research Series, No. 10, 2004. Kampala.

**Musiime, E., Kaizire, B., and Muwanga, M., (2005).** Organic Agriculture in Uganda: The Need for A Coherent Policy Framework. ACODE Policy Research Series, No.11, 2005. Kampala.

**Tumushabe, G.W., (2005).** The Theoretical and Legal Foundations of Community- Based Property Rights in East Africa. ACODE Policy Research Series, No. 12, 2005. Kampala.

**Bainomugisha, A., and Mushemeza, D., (2006).** Deepening Democracy and Enhancing Sus-



tainable Livelihoods in Uganda: An Independent Review of the Performance of Special Interest Groups in Parliament. ACODE Policy Research Series, No. 13, 2006. Kampala.

**Mugenyi, O., and Zeija, F., (2006).** The East African Customs Union Protocol: An Audit of the Stakeholders' Participation in the Negotiation Process. ACODE Policy Research Series, No.14, 2006. Kampala.

**Naluwairo, R., (2006).** From Concept to Action: The Protection and Promotion of Farmers' Rights in East Africa. ACODE Policy Research Series, No.15, 2006. Kampala.

**Bainomugisha, A., (2006).** Political Parties, Political Change and Environmental Governance in Uganda: A Review of Political Parties Manifestos. ACODE Policy Research Series, No.16, 2006.

**Tumushabe, G. W., and Musiime, E., (2006).** Living on the Margins of Life: The Plight of the Batwa Communities of South Western Uganda. ACODE Policy Research Series, No.17, 2006. Kampala.

**Naluwairo, R., and Tabaro, E., (2006).** Promoting Food Security and Sustainable Agriculture through Facilitated Access to Plant Genetic Resources for Food and Agriculture: Understanding the Multilateral System of Access and Benefit Sharing. ACODE Policy Research Series, No.18, 2006. Kampala.

**Bainomugisha, A., and Mushemeza, E. D., (2006).** Monitoring Legislative Representation: Environmental Issues in the 7th Parliament of Uganda. ACODE Policy Research Series, No. 19, 2006. Kampala.

**Bainomugisha, A., Kivengere, H., and Tusasirwe, B., (2006).** Escaping the Oil Curse and Making Poverty History: A Review of the Oil and Gas Policy and Legal Framework for Uganda. ACODE Policy Research Series, No. 20, 2006. Kampala.

**Keizire, B. B., and Mugenyi, O., (2006).** Mainstreaming Environment and Natural Resources Issues in selected Government Sectors: Status, Considerations and Recommendations. ACODE Policy Research Series, No. 21, 2006. Kampala.

**Keizire, B. B., and Muhwezi, W. W., (2006).** The Paradox of Poverty amidst Plenty in the Fish Product Chain in Uganda: The Case of Lake George. ACODE Policy Research Series, No. 22, 2006. Kampala.

**Bainomugisha, A., Okello, J., and Ngoya, J., B., (2007).** The Tragedy of Natural Resources Dependent Pastoral Communities: A Case of Teso-Karamoja Border Land Conflict between Katakwi and Moroto Districts. ACODE Policy Research Series, No. 23, 2007. Kampala.

**Nkabahona, A., Kandole, A., and Banura, C., (2007).** Land Scarcity, Ethnic Marginalisation and Conflict in Uganda: The Case of Kasese District. ACODE Policy Research Series, No. 24, 2007. Kampala.

**Kivengere, H., Kandole, A., (2007).** Land, Ethnicity and Politics in Kibaale District. ACODE Policy Research Series, No. 25, 2007. Kampala.

Selected References

**Muhumuza, F., Kutegeka, S., and Wolimbwa, A., (2007).** Wealth Distribution, Poverty and Timber Governance in Uganda: A Case Study of Budongo Forest Reserve. ACODE Policy Research Series, No. 26, 2007. Kampala.

**Tumushabe, G. W., (2009).** The Anatomy of Public Administration Expenditure in Uganda: The Cost of the Executive and its Implications for Poverty Eradication and Governance. ACODE Policy Research Series, No. 27, 2009. Kampala

**Tumushabe, G., W., and Gariyo, Z., (2009).** Ugandan Taxpayers' Burden: The Financial and Governance Costs of a Bloated Legislature. ACODE Policy Research Series, No. 28, 2009. Kampala.

— |

| —

— |

| —

**Godber W. Tumushabe** is the Executive Director and policy analyst at ACODE and has published extensively on a number of public policy topics ranging from natural resources policy to governance, and science and technology policy. He holds a Juridical Science Master (JSM) degree from Stanford Law School and a Masters Degree in Law (LLM) from Makerere University. He has previously worked with the African Centre for Technology Studies (ACTS) in Kenya where he directed Africa-wide projects on environmental governance. He is co-editor with Prof. H.W.O. Okoth-Ogendo of **Governing the Environment: Political Change and Natural Resources Management in Eastern and Southern Africa (1999)**. Tumushabe is currently pursuing further studies in the Juridical Science Doctor (JSD) Degree programme at Stanford Law School, Stanford University.

**Arthur Bainomugisha** is the Director of Research and Manager, Peace and Democracy Programme at ACODE. He is also a lecturer in the Peace and Conflict Studies Programme, Makerere University. Bainomugisha was also as a visiting lecturer at Mbarara University of Science and Technology (MUST), in the Faculty of Development Studies where he taught the module of peace studies. Before joining ACODE, he worked as a Civil Society Fellow with the International Peace Academy (IPA), now the International Peace Institute (IPI) a New York based public policy think tank. He has carried out several researches and contributed articles in a number of publications on peace, security and environmental governance. Notable among his publications include: **"The Roles of Civil Society in Peace Building in the Great Lakes Region"**, **"Constitutional Reforms and Environmental Legislative Representation in Uganda"**, **"The Torturous Peace Process in Northern Uganda"** among others. Bainomugisha holds a Masters degree in Peace Studies from University of Bradford (UK) and a Bachelors degree in Mass Communication from Makerere University, Uganda. He is currently completing a Doctoral degree in Peace Studies at the University of Bradford, United Kingdom.

**Onesmus Mugenyi** is Public Policy Analyst with ACODE. He has undertaken policy research and analysis and published in a number of areas. He has extensive knowledge on national and international environmental policy and legal processes, adequate knowledge on the national development frameworks and rural poverty reduction strategies. Mugenyi holds a Master of Laws Degree from Makerere University, Kampala and a Post Graduate Diploma in Legal Practice from Law Development Centre. He has taught Business Law at Makerere University Business School for the last 10 years, he is an advocate and the current Deputy Executive Director of the Advocates Coalition for Development and Environment.



**Advocates Coalition for Development and Environment (ACODE)**

Plot 96, Kanjokya street, Kamwokya

P. O. Box 29836, Kampala

**Tel:** +256-041-530798

**Fax:** +256-041-534056

**Email:** [acode@acode-u.org](mailto:acode@acode-u.org)

**Web:** [www.acode-u.org](http://www.acode-u.org)