



A PROCEEDINGS REPORT OF A JOINT STAKEHOLDER TRAINING TO EMPOWER SELECTED STAKEHOLDERS TO DEFEND LAND RIGHTS AMIDST COMPULSORY LAND ACQUISITION



Participants including the L.C. V vice chairperson of Amuru district, the chairperson of the Amuru District land board in addition to other members of the land board, Amuru Acholi cultural chiefs, community members and AFIEGO after the workshop.

13- 14/ February/2018

Madiba Conference Centre, Amuru District

Contents

1	Introduction & background.....	3
2	Proceedings	4
2.1	Welcoming remarks by Chief Justin Binyi Ocitti, Pagak Cultural chief	4
2.2	Remarks from the Amuru District Vice Chairperson	5
2.3	Update by the District Land Board	5
2.4	Understanding principles of compulsory land acquisition.....	6
2.5	Review of the survey report for 10,000 hectares of land in Amuru.....	7
2.7	Status of land acquisition from Amuru community	8
2.8	Key questions raised during the meeting	8
3	Conclusion and way forward	9
4	Attendance list	10

1 Introduction & background

Between February 13 and 14 2018, Africa Institute for Energy Governance (AFIEGO), in partnership with the Acholi cultural chiefs of Pagak, Toro and Pamuga (PATOPA) of Amuru district, organised a two-day workshop to empower communities to secure their land and property rights amidst compulsory acquisition of 10,000 hectares of land by government.

The Government of Uganda began on processes of acquiring land in Amuru district ten years ago. The community protested against the land acquisition as government claimed that the land it wanted to acquire is public land while the community maintains that it is customary land.

In 2017, government fast-tracked the process of the land acquisition and undertook surveys of the land and other activities with the view of completing the land acquisition process. Despite the fact that government was moving fast to enable it to acquire the communities' land, the communities whose land was set to be acquired had limited knowledge on their land and property rights amidst compulsory land acquisitions.

This made them vulnerable to exploitation and would lead to violation of their rights to prompt, fair and adequate compensation as provided for under Article 26 of the 1995 Uganda Constitution.

Moreover, the district land board, which is mandated by law to compile compensation rates of crops and buildings of a non-permanent nature, had limited ability to update the rates, and for the past four years, they had not been updated.

Without adequate, prompt and fair compensation, the displaced affected communities would be pushed to resettle into protected areas such as Murchison Falls National Park (MFNP) as they looked for alternative livelihoods. This would lead to degradation of sensitive ecosystems. In addition, it would compromise their capacity to produce food and be resilient to climate change.

The main objective of the multi-stakeholder training workshop was therefore to build the capacity of the Amuru District Land Board and local communities on their roles and rights in compulsory land acquisitions as provided for by the legal framework on land in Uganda.

The specific objectives included:

- (i) To build communities knowledge on land acquisition, resettlement and rehabilitation processes with the view of protecting community rights.
- (ii) To train the district land board on their role and mandate in compulsory land acquisition and resettlement.
- (iii) To discuss international best practices on land acquisition and involuntary resettlement.
- (iv) To make recommendations and use them to engage government on the integration of gender considerations in compensation and resettlement policies and practices.

Over 23 participants including Acholi cultural chiefs from Amuru district, members of the Amuru District Land Board, lands officers, relevant committee members from the Amuru district council,

local communities, CSO representatives and religious leaders took part in the meeting. A total of 19 men and four (4) women participated in the meeting.

The meeting took place at Madiba Conference Centre in Lamogi sub-county, Amuru district.

2 Proceedings

2.1 Welcoming remarks by Chief Justin Binyi Ocitti, Pagak Cultural chief



Chief Justin Binyi Ocitti, the Pagak community cultural chief, gave the welcoming remarks. He told the participants at the workshop that the meeting was aimed at finding lasting solutions to the land challenges including that of government seeking to acquire the Amuru communities' 10,000 hectares of land without compensating the project-affected people.

Chief Ocitti giving opening remarks. He noted that non-compensation of project-affected persons would push communities into Nwoya and other neighbouring districts, increasing pressure on Murchison Falls National Park (MFNP).

Chief Ocitti pointed out that government wanted to do the above because it claimed the land it wanted to acquire is public land yet the land is customary.

Chief Ocitti noted that because of the long-running battles with government over the land acquisition and compensation –the battles have lasted over ten years- communities were constrained from meeting their livelihood needs of food, water and others.

Chief Ocitti noted that if government was allowed to continue disrespecting the communities' land rights and if government was allowed to acquire the 10,000 hectares without compensating communities, the affected communities would be pushed into Nwoya and other neighbouring districts, which would increase pressure on protected areas such as Murchison Falls National Park (MFNP).

Chief Ocitti, who thanked AFIEGO for the legal and other support rendered to enable the workshop, then highlighted some of the activities to take place in the workshop. They included empowering communities to defend their land rights during the acquisition of over 10,000 hectares of land by government.

Others included enabling the participants to review the land survey report in addition to the draft deed of settlement that the PATOPA chiefs were seeking to enter into with government to enable

compensation of the communities. He noted that this would give participants an opportunity to make input into the survey report and the draft deed of settlement for inclusive decision making.

He concluded by calling on the participants be free and to make contributions in the meeting.

2.2 Remarks from the Amuru District Vice Chairperson



Mr John Bosco Atanga, the Vice Chairperson of Amuru District Council who represented the District Chairperson, commended the cultural leaders from the three chiefdoms of Pagak, Toro and Pemuga (PATOPA) for working together to find solutions to the over a decade-old land wrangle between communities and government.

Mr John Bosco Atanga, the Amuru district Vice Chairperson, who represented the District Chairperson. He called on PATOPA to make input into the Land Policy being formulated by the district to safeguard the livelihood rights of food, water and a clean and safe environment for women, youth, the disabled and other marginalised groups.

He questioned the intentions of government's planned acquisition of land in the area for which a survey was conducted but as a council, they have not yet seen the report. He requested that the lands officer, who was part of the team undertaking the survey, gives an update later.

Mr Atanga further informed participants that Amuru district is in the process of formulating a Land Policy and requested PATOPA to provide input to ensure that the policy takes into consideration the interests of the communities including women, the elderly, orphans and other members of society to safeguard their livelihoods including food, water and others.

He concluded by committing that the district council will ensure that the interests of the communities come first during the planned land acquisition.

2.3 Update by the District Land Board



Mr Grace Okumu, the chairperson of Amuru District Land Board, took participants through the land conflict that resulted into the court case that was brought by the community against the land board for issuing a lease to Madhvani Co Ltd of 10,000 hectares of land.

Mr Grace Okumu, the chairperson of Amuru District land board, who called on government, the cultural chiefs and civil society to work together to prevent the land acquisition from hurting the livelihoods of the project-affected people.

He said the efforts by Madhvani Co. Ltd to acquire the land started in 2008. He was a member of the land board then. He noted that the land board received an application from Madhvani Co. Ltd for a leasehold of 10,000 hectares of land in Amuru district.

Mr Okumu informed participants that the application was discussed and the board decided to give a lease to Madhvani on the basis that the land he requested for was government/public land. However, he said the communities contested the giveaway noting that the land was customary. This resulted into the court case.

He said court case was later decided in favour of the land board. However, the communities, led by their chiefs, appealed the ruling.

Mr Okumu called on civil society and cultural leaders to work together for the good of the community and ensure that the land acquisition does not destabilise the livelihoods of the affected people.

2.4 Understanding principles of compulsory land acquisition



AFIEGO's Mr Dickens Kamugisha (standing) who strengthened stakeholders' understanding of compulsory land acquisitions and highlighted the roles communities and district land boards must play to protect the land rights of communities.

Mr Dickens Kamugisha updated the meeting on principles that guide compulsory land acquisitions in Uganda. He opened his presentation by noting that Article 26 of the 1995 Uganda Constitution guides compulsory land acquisitions by government. He said that while government is empowered under the article to undertake compulsory acquisition of land for public

use, public safety, public morality, public health and in the interest of defence, government is required to pay prompt, fair and adequate compensation to the affected persons prior to the land acquisition. He noted that communities should hold government to the provisions of the article.

Mr Kamugsiha also outlined some of the roles of the district land boards as being the following. He noted that these roles were outlined in the 1998 Land Act for Uganda. The roles are:

- (i) Holding and allocating land in the district which is not owned by any person or authority;
- (ii) Facilitating the registration and transfer of interests in land;
- (iii) Taking over the role and exercise the powers of the lessor in the case of a lease granted by a former controlling authority;
- (iv) Compiling and maintaining a list of rates of compensation payable in respect of crops, buildings of a nonpermanent nature and any other thing that may be prescribed;

- (v) Reviewing every year the list of rates of compensation referred in respect of crops, buildings of a nonpermanent nature.

Furthermore, he said that the compensation rates of land and permanent buildings are compiled by the Chief Government valuer (CGV) in consultation with the communities. He noted that these rates must reflect the prevailing open market value for that area.

Mr Kamugisha noted that to ensure fair, adequate and prompt compensation, a Resettlement Action Plan (RAP) must be prepared by government in consultation with affected communities and the RAP must contain details of who should be compensated, how they should be compensated (either cash compensation or physical resettlement), and the timeframe for the compensation.

He noted that updated rates must be used during the compensation.

He concluded his presentation by informing participants that for any compulsory land acquisition, communities are entitled to a disturbance allowance of 30%, if the displacement occurs within six months and 15%, if it occurs after six months.

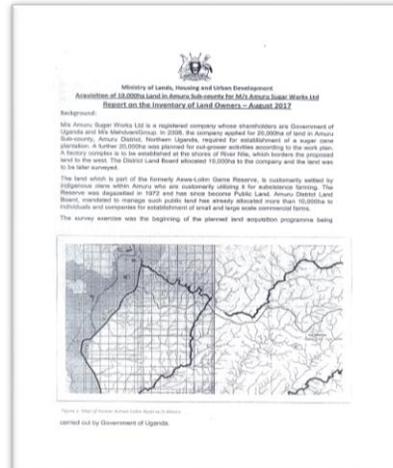
2.5 Review of the survey report for 10,000 hectares of land in Amuru

Before undertaking the compulsory land acquisition, government, through the Ministry of Lands, had undertaken a survey of the land it intends to acquire. A survey report was produced. Mr Kamugisha took the participants through the report.

Mr Kamugisha noted that a number of observations were made in the report including the following:

- There were numerous ownership claims over land with different persons claiming ownership of the same plots; Mr Kamugisha said this could breed conflict during compensation.
- The survey also recognised challenges in regards to lack of documentation over ownership of the land with land owners lacking land titles.
- Mr Kamugisha further informed participants that the survey report made a number of recommendations including the need to formulate a verification committee to ascertain the true occupants of the land.
- To address grievances that would arise from the compulsory land acquisition, the survey report also recommended for the setting up of an office to handle grievances.

Mr Kamugisha noted that in the face of the above challenges, communities need to understand any documents they are given to sign before appending their signatures to them to avoid putting themselves in a compromising position that would hinder negotiations with government to protect their land rights.



A snapshot of the survey report

2.6 Status of land acquisition from Amuru community



Ms Susan Mildred Aber (standing), the senior land officer for Amuru district, who tasked the community to be proactive to protect their land rights.

Ms Susan Mildred Aber, the senior lands officer of Amuru, started her presentation by asking the communities how they want to benefit from their land regardless of the kind of tenure system used for acquisition. There is contention between government and the communities as to whether the land to be acquired is public or communal land.

This contention resulted in a case being brought against government.

She informed participants that government, with the help of the district land board, undertook the survey to ascertain the availability of the 10,000 hectares of land. She noted that government was interested in determining the number of people on the 10,000 hectares of land and their interests. However, the survey was met with resistance from some members of the community.

Ms Aber noted that once the survey report was agreed on, the district land board would compile compensation rates for buildings of non-permanent nature and crops.

She concluded by saying that as the district, they are willing to work with the community to ensure that their land interests are adequately met. She called on all the parties concerned to finalise with the deed of settlement and ensure it is filed in court as consent judgment. She noted that this was the only way the human rights of communities would be protected during the land acquisition.

2.7 Key questions raised during the meeting

During the workshop, participants were given the opportunity to ask questions. They asked the following:

Mr Patrick Ayella, a farmer from Pemuga village, wanted to know if it is possible for communities to get certificates of customary ownership for their land in order to have legal documentation.

Mr Kamugisha informed the participants that the Land Act provides for registration of customary land. Section 4 of the 1998 Land Act permits any person, family or community holding land under customary tenure to apply and acquire a certificate of customary ownership for his or her land. He took the participants through the process of registering customary land and said that the area land committees, recorders and the district land board have a role to play in registration of land and issuance of certificates of customary ownership. He noted that once the community accesses customary land certificates, they will have conclusive evidence of ownership of that particular piece of land. This would reduce on land grabbing as well, he noted.

Chief Justin Binyi Ocitti, the Pagak cultural chief, asked if it's possible for them to continue with the negotiations with government without the applicants who filed the aforementioned court case against government.

Mr Kamugisha informed the participants that at the moment, the cultural chiefs who are drafting the deed of settlement and negotiating the process are like strangers since they do not appear in any of the court documents. He advised them to first consult the applicants to find out if they are still interested in pursuing the case and if they lost the interest, the interested parties should apply to court to be party to the case to help with the negotiations.

Mr Denis Otwono, the chairperson of PATOPA foundation, asked if the draft deed of settlement could be based on to make decisions before being registered.

Ms Aber informed the participants that currently, the deed of settlement is just a document from the cultural chiefs and cannot be based on to make any decision unless it is completed and filed in court as a consent judgment. She advised the community to urgently complete it and ensure it is filed to enable its adoption by both parties, which is the community and government.

3 Conclusion and way forward

The following conclusions and proposals were made:

- (i) AFIEGO should work with the communities to ensure that the draft deed of settlement is completed and filed in court as a consent judgment for the land acquisition.
- (ii) AFIEGO should organise more sensitisation meetings with communities to enable them to understand their land rights and processes of acquiring certificates of customary ownership as a means to have documentation and legal ownership of their land.
- (iii) The Amuru District Land Board should work with AFIEGO to petition the Ministry of Lands to urgently avail the documents for customary certificates to enable effective registration of customary land holdings.

(iv)The Amuru District Land Board should consult communities before coming up with approved compensation rates.

4 Attendance list

No.	Name	Gender	Institution	Position	Telephone
1.	Atanga John Bosco	M	Amuru district	Vice Chairperson, L.C. V, Amuru District	
2.	Okumu Grace	M	Amuru District Land Board	Chairman Amuru District Land Board	0784616825
3.	Kitara Obong	M	Amuru District Land Board	Sec. Amuru District Land Board	0777175685
4.	Aber Susan Mildred	F	Amuru District Land Board	Senior Lands Officer	0772900419
5.	Apio Catherine Ogwa	F	Amuru District	L.C. V Women Councillor	078541977
6.	Florence Okwera	F	Amuru District Land Board	Member, Amuru District Land Board	0772605406
7.	Ochan Sabinio	M	Amuru District Land Board	Member, Amuru District Land Board	0772605313
8.	Atwon Denis Opio	M	PATOPA Foundation	Chairperson PATOPA foundation	0772606651
9.	Ayella Partrick	M	Dialogue Uganda	Project officer	0777328021
10.	Okiya Santo	M	PATOPA Foundation	Executive Member, PATOPA	0772871140
11.	Obwolo Kosima	M	PATOPA Foundation	Member, PATOPA	0772312826
12.	Olongo Micheal	M	PATOPA Foundation	Member, PATOPA	078684565
13.	Lukunya. Jarry	M	PATOPA Foundation	Member, PATOPA	077020958

14.	Oloya Martin	M	PATOPA Foundation	Member, PATOPA	0777487028
15.	Okech Alphise	M	PATOPA Foundation	Member, PATOPA	0776497563
16.	Akera Martin	M	PATOPA Foundation	Secretary, PATOPA	0772856615
17.	Obose Obinga	M	Karkal Kwaro Pague		
18.	Nama Bob Martin	M	PATOPA Foundation	Executive Member, PATOPA	0773323023
19.	Dickens Kamugisha	M	AFIEGO	Chief Executive Officer	0782407085
20.	Samuel Okulony	M	AFIEGO	Programmes and Research Coordinator	0779760145
21.	Namara Doreen	F	AFIEGO	Legal Assistant	0772010268
22.	Justin Ocitti	M	PATOPA Foundation	Chief and member of PATOPA	0775383771
23.	Otto John	M	PATOPA Foundation	Member, PATOPA	0783596433