


**ASSESSING THE ROLE OF CLAN LEADERS IN MITIGATING LAND CONFLICTS
IN AMURIA DISTRICT**

A Case Study : Acowa Sub-county

**A Dissertation Submitted to the Institute of Ethics and
Development Studies, in Partial Fulfillment of the
Requirements for the Award of Bachelor's Degree in
(Democracy and Development Studies) of
Uganda Martyrs University**



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Dedication

I dedicate this work to my Uncle and Aunt Dr. and Mrs. Aruo, Husband Julius, Tata Kwapi, Tata Frances, Itekok-Isuguro clan, Irarak-Ikariwok clan and friends

Acknowledgement

I would like to give special thanks to my supervisor Mr. Kyaligonza Taddeo for his tireless support and technical guidance in the course of producing this dissertation.

I also appreciate the respondents who actively and unreservedly provided me with all the information that I needed during the course of data collection.

LIST OF ACRONYMS

LC	Local Council
LEMU	Land and Equity Movement Uganda
SAS	Senior Administrative Secretary
IUCN	International Union for the Conservation of Nature
CGIAR	Consultative Group on International Agricultural Research
LRA	Lord's Resistance Army
HURIFO	Human Rights Focus
UCLC	Uganda Clan Leaders Charter
ARLPI	Acholi Religious Leaders Peace Initiative
ACDO	Assistant Community Development Officer
ULA	Uganda Land Alliance
S/C	Sub-county
ICU	Iteso Cultural Union
CSO	Civil Society Organization
NGO	Non-Governmental Organization

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ABSTRACT

Clan leaders are a group of elders selected from different clans to head. In Acowa Sub-county clan leaders have been involved in mitigating land conflict and as a result a number of land cases have been resolved successfully. However, though the Clan leaders have successfully mitigated a number of land cases, not much has been documented about them. It is upon this background that the researcher is assessing the role of clan leaders in mitigating land conflicts in Acowa Sub-county.

In assessing the role of clan leaders in mitigating land conflicts, the researcher had four specific objective objectives; to find out the different methods used by clan leaders in land conflict mitigation, to understand the process the clan leaders go through during land conflict mitigation, to explore the challenges and to identify ways that can enable clan leaders better respond to land conflicts. The researcher applied both qualitative and quantitative approaches to assess. The qualitative approach enabled the researcher present data numerically and qualitative approach enabled the researcher understand the value and interests. Data was collected through interviewing 53 respondents these respondents were got through purposive and random sampling. Self-completion questionnaires, observations and focus groups were used for collecting data.

The time scope for data analyzed was between 2008 and 2015. The overall results revealed that the clan leaders used arbitration, adjudication, mediation and negotiation during land conflict mitigation. These methods were applied during mitigations at clan, village, parish and Sub-county levels. However, the methods that scored highest in usage that brought mitigation of land conflicts were; mediation with 56.6% and Adjudication with 24.5%. Others were; Arbitration with 11.3% and Negotiation with 7.5%. The researcher also found out that the process of mediation started within the clans. At clan level the aggrieved party reported the matter to the clan head (Clan leader), the clan leader would later summon the two aggrieved to get details from each which he later shares with other clan leaders.

The researcher found out that the clan leaders did not move on smooth road, they faced some challenges for example; little knowledge on mediation, lack of funds to facilitate meetings, political interference, negative attitude by some community members on mediation and high expectations by communities during land conflict mitigation. To better the work of clan leaders, the following were the recommendations; clear land demarcation by family heads to ease the work of clan leaders, regular clan meetings and stakeholder involvement, identification of caretakers and training of clan leaders on mediation.

CHAPTER ONE

GENERAL INTRODUCTION

1.0 Introduction

This research is about "Assesing the role of clan leaders in mitigating land conflict in Amuria District, Acowa Sub-county. The areas of focus were; the different methods used by clan leaders in land conflict mitigation, the processes the clan leaders go through in land conflict mitigation, the challenges affecting the work of clan leaders and ways that can enable clan leaders respond to land conflicts better in Acowa Sub-county.

In line with this study topic, this chapter discusses background to the study, statement of the problem, general and specific objectives. It further discusses the questions, scope of the study, justification, and significance of the study, the conceptual framework and definition of key terms.

The dissertation also contains chapter two which entails thematic review of literature; chapter three entail methodology that guided the research. Chapter four contains the data presentation, analysis and discussions, while chapter five has summery of key findings, conclusion and recommendations generated by the study.

1.1 Background to the study

This study is about assessing the role of clan leaders in mitigating land conflict in Acowa Sub-county. The study was prompted by the shared success stories about the involvement of clan leaders in mitigating land conflicts in the Sub-county of Acowa which were not documented.

World over mitigation of land conflicts by various institutions through mediations, negotiations and other peaceful ways have been seen as important ways of promoting

peaceful co-existence. In Indonesia According to Responsive and inclusive Business-Asia, the domestic elites as well as foreign investors had taken advantage of the ignorance of the local communities on land issues. Development opportunities had often been missed by the poor indigenous peoples. As a way of supporting the local communities and companies, FREE, PRIOR AND INFORMED CONSENT (FPIC) established the basis on which equitable agreements between local communities and companies had to be developed in ways that ensure that the legal or customary rights of local rights-holders and indigenous peoples ensured that they negotiated on a fair basis to ensure that the local communities and companies gain real benefits from proposed developments on their lands.

In Myanmar and Cambodia land grabs were the most frequently reported to the country's National Human Rights Commission, as a result the national government had to recognized land conflict as one of the country's paramount obstacle to peaceful development. The governments created new land and investment related laws and policies to help both the investors and the indigenous communities.

In Indonesia a cooperative and an oil palm plantation company offered a partnership with villagers of Karang-Mendapo to develop an oil palm plantation. In 2001 the villagers handed over their land to cooperative for developing the plantation, according to the scheme, land was to be returned after four years. Conflict arose because the land was not handed back to villagers at the agreed time. In 2011 the conflict escalated when the police shot at the occupying villagers. The local government attempted to mediate without success. Later on with the agreement of the community, the company contacted an NGO to help mediate. After six month, mediation brought the parties to an agreement in which the community manages the plantation on condition that they sell the oil palm fruit to the company (RECOFT, March (2014)). The role of the mediator

is not to determine who is telling the truth, but to encourage the parties to be honest with each other. To maintain their credibility, mediators do not impose their personal opinions on outcomes, they try to bridge power imbalances by educating vulnerable parties and protecting against unfair tactics.

According to Focus on Land in Africa, the February 2011 conflict in the village of Karbaye between the farmers and the herders, brought on board the following resolutions; creation of formal agreements backed by customary or government authorities, and stronger role for traditional authorities to coordinate livestock movement and to protect livestock corridors from expanding cultivation.

According to Uyang, Nwagbara and Undelikwo in the department of sociology, University of Calabar (2013), in Nigeria Conflicts are inevitable in any society but the problem is the management. Conflict management and peace-building mechanisms such as regular meetings and dialogue between neighboring communities should be encouraged by community and renowned political leaders to avert communal land conflict. Cultural dimension of land should be considered by any group saddled with the responsibility of mediating between communities in conflict over parcels of land.

According to Landesa Rural Development Institute (2013), 65 percent of all Africans rely on some form of agriculture for their livelihoods, and their rights to land are generally insecure, land disputes can destabilize families, communities and entire nations. In such situations, improved land governance, including fair and timely resolution of land conflicts, is essential for sustainable development.

Africa's informal justice sector is populated by institutions that often retain social legitimacy needed to resolve land conflicts. Almost every African country has such traditional institutions. Supporting them, building their capacity, encouraging inclusion of women and minorities, and in many

cases linking them to the formal justice system can dramatically improve access to justice in rural areas and thereby reduce the likelihood that disputes will erupt into violence.

The 2011 struggle for Abyei territory between Sudan and South Sudan has been like a "civil war of interlocking civil wars" Peace Direct (2015) said the war led to grave human rights violations, crimes against humanity and severe humanitarian crises. As of 2015 over 3 million civilians were internally displaced and half a million living in refugee camps. In attempt to resolve this border conflict between Sudan and South Sudan United States Presidential envoy worked together for Abyei Borders Commission (ABC). However other attempts failed for example the disagreements over African-Union sponsored peace talks; many political parties boycotted the 2015 elections.

In 2009, the conflict between Uganda and Kenya over Migingo Island ensued. According to Wikipedia (March 2009), on 13th March 2009, several government ministers including the foreign affairs ministers from Kenya Moses Wetangula and from Uganda Sam Kutesa met in Kampala and reached an agreement that the fishermen from both countries be allowed to continue conducting business as usual until the boundary was determined by experts. They also agreed that Uganda withdraw the forty eight policemen it had deployed on Migingo.

In 2015, the conflict between Uganda and Democratic Republic of Congo for the Vurra border land ensued. The Vurra border conflict started on June 8th 2015 when a group of youth from Ocho clan in DRC claimed the land belongs to their ancestral fathers and occupied it. Later on, a solution was sought and the two governments sat to resolve the conflict by allocating 21million shillings to help demarcate the contentious Vurra border.

Uganda as a country has not been spared to this effect; there have been intra and intertribal, clans and families conflicts which in most cases have been associated to struggle for land, for example struggle for land between Locals of Apaa Parish in Amuru District and the Uganda Wildlife Authority in 2015. In this case though a solution has not been found but according to Agnes E. Nantaba (2015), "handling Amuru issues is a very simple issue. If we decide to go by the law, let's get to the law books. There are provisions in the law that establish what or who owns that land. Establish ownership, if it's UWA then they must produce evidence or if it's owned by the Amuru community, then they should be involved in deciding what should be done with their land. If there are any interested parties trying to acquire that land, there are lawful procedures to follow, but the most important issue is to promote the role of dialogue. Use people centered land governance so that if there are any investment intentions that call for displacement, there must be an agreed collective position that is discussed by all the stakeholders".

According to Uganda Land Alliance (2015) a glimpse of hope came to Bunyoro after the coming up of Justice Centre Uganda (JCU) under Justice and Law Order Sector (JLOS) to offer free legal services to the financially disadvantaged who want their land back that has been claimed for oil without compensation.

1.3 Statement of the Problem

The desire of clan leaders is to see to it that they promote peace in clans, between clans and the region as a whole. In Teso Sub-region clan leaders' institutions have been seen as important places in mitigating land related conflicts. The community of Acowa Sub-county has tried it out and their results are impressive. The clan leaders' approach to conflict resolution has brought forth a desire for other communities to learn from them. Though impressive, very little has been

written about the way they conduct their business (the methods used, the processes they undergo in land conflict mitigation, the factors affecting their proper functioning and mechanisms that could enable better functioning in conflict mitigation). This therefore prompted the researcher to study the methods, processes, factors affecting and recommendation for proper documentation.

1.4 General Objectives

To assess the role of clan leaders in mitigating land conflicts in Acowa Sub County, Amuria district.

1.5 Specific objectives

- i. To find out the different methods used by clan leaders in land conflict mitigation.
- ii. To understand the process the clan leaders go through during land conflict mitigation in Acowa Sub-county.
- iii. To explore the challenges affecting the work of clan leaders in mitigating land conflicts in Acowa Sub County.
- iv. To identify ways that can enable clan leaders respond to land conflicts better in Acowa Sub County.

1.6 Research questions

- i. What are the different methods clan leaders use while mitigating land conflicts in Acowa Sub-county?
- ii. What are the processes clan leaders go through in land conflict mitigation in Acowa Sub-county?
- iii. What are the challenges faced by clan leaders during land conflict mitigation in Acowa Sub County?

- iv. What are the ways that can enable clan leaders respond to land conflicts better in Acowa Sub County?

1.7 Scope of the study

1.7.1 Time Scope

The study covered a period of 7 years, from 2008 to 2015, to enable the researcher come up with reliable significant findings and conclusion. This period was significant because it was when involvement of different institutions, organizations and other bodies were pronounced in land conflict mitigation.

1.7.2 Geographical scope

The study was done in Acowa Sub County in Amuria District, targeting the people living in Acowa Sub County. The researcher concentrated in Acowa Sub-county because it is where the work of clan leaders was more pronounced, this statement was given by the prime minister of Iteso Cultural Union during a radio talk at Kyoga Veritas radio on 24th November 2015

1.7.3 Content Scope

The study was limited to assessing the role of clan leaders in mitigating land conflicts with specific focus on people of Acowa sub County. Finding out the different methods used, the processes, the challenges and mechanism that could enable better functioning.

1.8 Significance of the study

Very little, if at all has been written about the role of clan leaders in mitigating land conflicts. This study was intended to bring on board more clan leaders to participate in mitigating land conflict and to document the success stories at community level.

The study has provided relevant information to sub-county and district leaders and the civil society organizations. The findings are also baseline information for NGOs who would like to support the clan leaders in promoting land conflict mitigation.

This information will be important to policy makers in streamlining policies that deal with involvement of clan leaders.

For the clan leaders it is a source of encouragement to do more and better, and for the academia it was a foundation for further research.

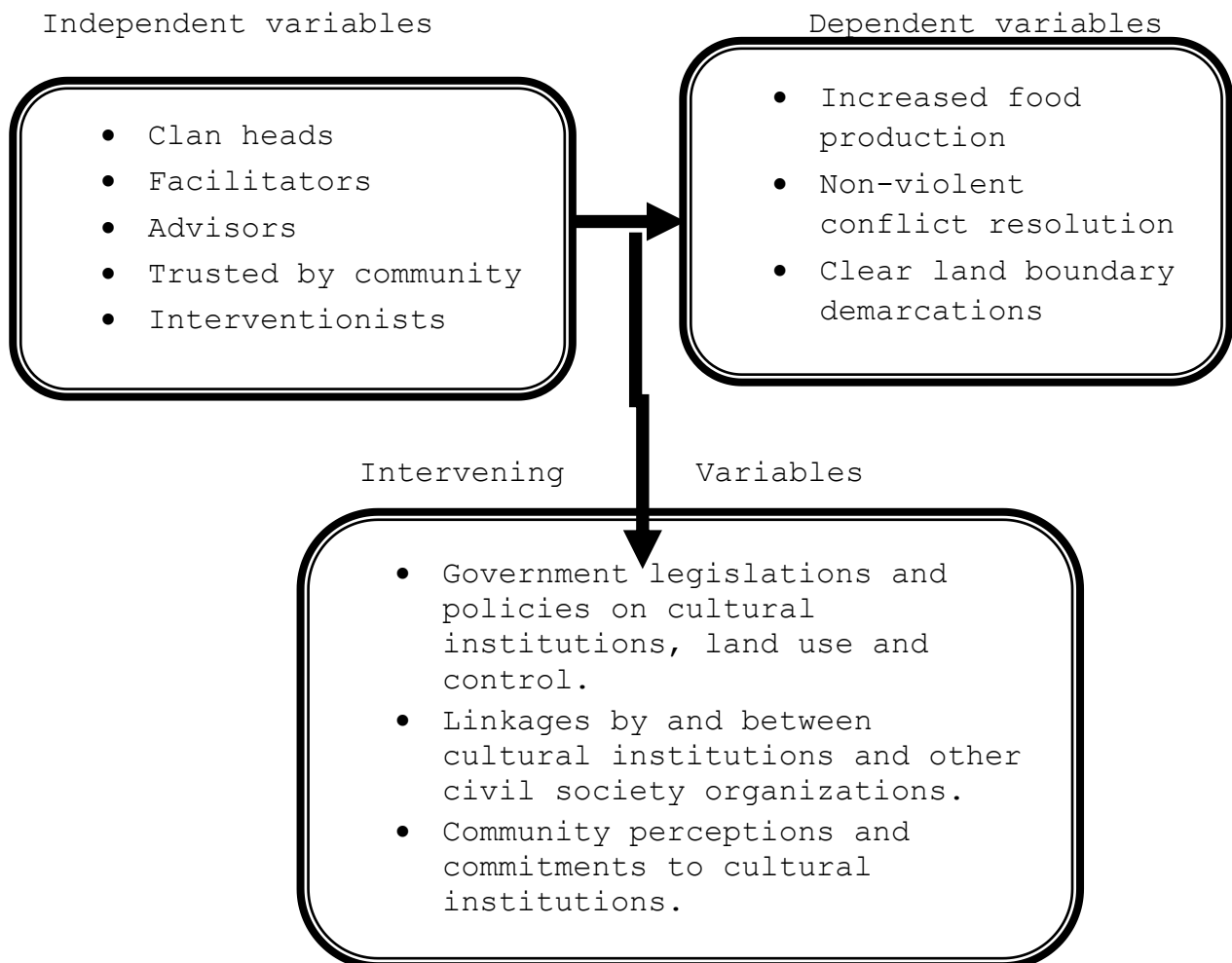
1.9 Justification of the study

The 1995 Constitution of Uganda mandated the Uganda Land Committee to manage ownership and allocation of public land. The district land boards in liaison with area land committees facilitated the registration and transfer of interest of land within the district. The 1998 new land law was passed and land conflicts related to customary land were to be managed by the clans through clan structures headed by clan leaders.

After authorization of clan heads to handle customary land conflicts, a number of successes have been registered. However, very little has been written about the role of clan leaders in mitigating land conflicts. It is to this effect that the researcher was motivated to assess the role of clan leaders in mitigating land conflicts and document best practices and come up with recommendations for other stake holders to consider for future interventions.

Conceptual Framework

Operational clan leaders' mitigation system for peaceful co-existence



Source: Apio Ann, 2016

From the conceptual framework above, the diagram shows that the independent variables cause the dependent variables and the intervening variables influence the relationship between independent and dependent variables. Clan leaders as clan heads have been given the authority to handle conflicts and especially land conflicts, if conflicts are well resolved the communities will become productive and in the end increased food production will be realized. The clan leaders are also chosen according to the experience in handling cases, their

availability and trust. If the clan leaders show commitment and act in accordance with interests of the community, then there will be non-violent conflict resolution, clear land demarcations and reduced deaths.

The outcome may however be affected by government legislation and policies, linkages between cultural institutions and civil Society Organizations and community perception to support cultural Institutions.

1.10 Definition of key terms and concepts.

Land: Land is primary input and factor of production which is not consumed, but without which no production is possible. Land includes all physical elements in wealth of a nation bestowed by nature such as climate, environment, fields, forest, minerals, mountains, lakes, streams, seas and animals.

Land Conflicts: Wehrmann (2005). A land conflict can be defined as a social fact in which at least two parties are involved, the roots of which are different interest over the land; the right to use the land, to manage the land, to generate an income from it, to exclude others from it, to transfer land and right to compensation for it.

Land conflict mitigation: Reduction of land conflicts or to make land conflicts less hostile.

Clan leaders: Clan leaders are clan heads; the roles of clan leaders vary from one region to another, one region of the country to another.

Customary land: This is land owned by a particular group of people (family, clan, tribe, community), that is used and managed under regulations agreed upon by the group. The use of the land is usually overseen by elders, clan heads or other assigned committees to ensure the rights of the entire group are being honored.

Conflict: Conflict is a felt struggle between two or more interdependent individuals over perceived incompatible differences in beliefs, values, and goals, or over differences in desires for esteem, control, and connectedness.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction.

This chapter reviews literature relevant to the methods used, processes, challenge and recommendations for clan leaders. The review is presented according to the themes drawn from the research objectives.

2.1 Methods used to mitigate land conflict

The Oxford English dictionary defines methods as systematic process of achieving certain ends with accuracy and efficiency.

Methods used to mitigate land conflicts are the systematic processes used to reduce land conflicts.

2.1.1 Negotiation

This is a method by which people settle differences. It is a process by which agreement is reached while avoiding argument and dispute. In any disagreement, individuals understandably aim to achieve the best possible outcome for their position. However the principle of fairness and maintaining a relationship is key. Zondi (2011) says Africa's growth has placed great demands for negotiation. According to the author, proponents of human rights recognize that negotiation and reconciliation are critical to the attainment of lasting peace, political stability and a just society governed by the rule of law. Three general strategies have been identified that the parties may take toward dealing with their conflict; win-lose, lose-lose, and win-win.

Ajayi & Buhari (2014) Peace is negotiated; it is channeled through elders, compound heads and Chiefs. Negotiation

involves harmonizing the interest of parties, in this there is emphasis on recuperation and reinsertion.

Example; Israeli& Palestine middle east negotiations (2013-2014); The announcement that talks would include all final status issues is a rebuff to those who have argued that issues such as the future of Jerusalem and the right of Palestinian refugees to return to their pre-1948 homeland are too complex to be addressed and should be deferred to a future round of negotiations. The gaps between the two sides on these issues are wide, but they are essential components of a comprehensive agreement.

Tony Blair, the representative of the Middle East quartet, comprising the US, European Union, United Nations and Russia, welcomed the announcement of a renewed peace process as a "hugely significant breakthrough".

Earlier in the morning, the delegations met with US president Barack Obama and Vice-president Joe Biden in the White House. A senior White House official said Obama wanted to hear directly from the negotiators and "underscore for them his commitment and appreciation".

The official said the president was "impressed with the outlook and the atmosphere" when he met the negotiators, but told them he was "under no illusions" about the difficulties ahead.

Obama's personal involvement is a significant reinforcement of US engagement, and will add to already considerable international pressure on both sides.

The negotiation teams also met alone, without any US officials present.

Kerry added that both parties had agreed that the negotiations would remain secret and only he was authorised to comment publicly on their progress.

Palestinian and Israeli negotiations aimed at reviving the moribund Middle East peace process come amid warnings this could be the last chance to reach an agreement to end the historic conflict.

2.1.2 Mediation

This is a structured process whereby two or more parties to a dispute attempt by themselves on a voluntary basis to reach an agreement on the settlement of their dispute with the assistance of a mediator. According to URI & ARLPI (2012) in Acholi land, tradition leaders disqualify themselves from mediating land disputes if they have personal interest or if one party is related to them. In mediation, both parties have equal rights to be heard. Ajayi & Buhari (2014) Mediators usually endeavour that peace and harmony reign. In mediation there is no victor, it is win-win. LRC (2010) in mediation, parties to the dispute select a neutral and independent third party to assist them to reach mutual acceptable negotiated agreement. The third party should not at any stage of mediation process make a proposal to the parties to resolve the dispute. One of the mediated success stories by Uganda Land Alliance (2015). Teddy Atudi had not heard good time since 2009 when her neighbor Lokiru Apalimagor attempted to grab land measuring about 2 acres located in Acholi-inn, Rupa Sub-county, Moroto District. He claimed that he had bought the land from her late husband. Teddy said that the land had been given to her by the family of her late husband in the presence of his and her relatives. Lokiru had forged a purchase agreement to claim the ownership. Several mediation meetings were held in the presence of ULA and Area Land Committee at the end of it all the land conflict was successfully resolved.

In 2014, there was a border land conflict between Israel and Palestine over the Gaza strip, that wasn't the first conflict realized in Gaza strip. Several similar conflicts in the same area had occurred and the effects of those conflicts cannot go unmentioned. Hisham B. Sharabi (2011) in his memorial lecture said the conflict had done graver damage to the human principles at the heart of both Judaism and Islam, God's love had been replaced with murderous indifferences and ethical voices were less audible. On conflict resolution, though Fatah and Hamas signed a reconciliation agreement in May 2011, it was not implemented until 2014. Under the same deal, according to Thomson Reuters Foundation (2014), a U.S backed unity government was formed in June 2014 and elections were to be held within six months unfortunately Israel rejected any government that included Hamas. Among other attempts, The Gaza strip conflict between Palestinians and Israelis has seen the involvement of UN Security Council, United States under Obama administration and UN Anti-Settlement Resolution tried to resolve the conflict.

In the same year 2014, land conflicts between Russia and Ukraine for the Crimean Peninsula scaled up, later on as a result of the conflict, consequences followed according to Havlik and Astrov (2014) who said the conflict threatened to damage the frail economic recovery of Europe. The Western bans imposed on Russia for example; bans on borrowing by the leading Russia banks and companies, as well as restrictions on the export of military and dual-use goods and oil had been retaliated with a ban on agro-food imports and travel to the West. In this conflict Ukraine had been the main victim. In Donbass, which used to account for 16% of Ukraine's GDP and a quarter of its exports had been affected and industrial production had come to a standstill. On handling the conflict, PRC (2015), said that the U.S president Barack Obama and German Chancellor Angela Merkel made considerable efforts to downplay any disagreements they had over how to address the

Ukrainian crisis. Decisions were made by German, 29% Germans said sanctions on Russia should be decreased. 38% of Germans said their country should use military force to protect NATO ally if attacked by Russia. However German and U.S supported sending assistance to Ukraine. Later on Russia and Ukraine also saw the involvement of the high courts, the state Duma (lower house of parliament) and the United Nation General Assembly come in to help end the conflict.

In 2015, the struggle for Indo-Bangladesh enclaves arose between India and Bangladesh. According to IPCS (2014), the international boundary between India and Bangladesh was drawn hurriedly when the British left India. As a result thousands of people were left in a number of unsettled enclaves as citizens of one country but living in territories surrounded by that of the other. As a result, people in 111 Indian enclaves have been living in these pockets without any rights as lawful citizens of either country. In answering the challenge, the India's Parliamentary Committee on External Affairs (SCEA) proposed to the Lok Sabha that the inhabitants living in Bangladeshi enclaves in India should be granted Indian citizenship under Section 7 of the Indian Citizenship Act 1955. As a result of the proposal, not only would some Indian citizens return to the mainland from the previously held enclaves, but a number of currently Bangladeshi nationals would be given Indian citizenship after the area is ceded to India.

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2.1.3 Adjudication

Adjudication involves bringing all disputant in the conflict to a meeting usually in the chambers or compound of family heads. Sackey (2010) Adjudicators are people regarded as the

custodians of traditional wisdom, knowledge, cultural norms and values which they bring to bear on the delivery of justice in the community. The advantages of the composition of the panel are that they may be aware of the origin and underlying causes of the dispute because they are part of the community, monetary considerations are not so important and the courts are located within the community so parties do not need to incur costs.

An example is in the Daily monitor of 14th February 2017. As cases of land wrangles dominate Soroti High Court, the Iteso Cultural Leader (ICU), His Highness Papa Emorimor Augustine Osuban has directed Soroti Chief Magistrate, Ruth Nabassa to refer back such cases to be settled by the clan leaders.

Osuban argued that the matters related to land should be adjudicated within the clans and that the clan leaders must learn to express the truth because if they continue peddling lies, then they are bound to destroy the trust and system in place.

Osuban who was speaking before the Soroti Chief Magistrate, Ruth Nabassa at Paxland Hotel located in Nakatunya suburb-Soroti Municipality on Tuesday during the official launch of Iteso Clans Directory, stated that they have all the lawful provisions of governing Iteso including their land.

"All the lawful provision of governing Iteso and their land is provided for in our Iteso Cultural Directory but those flouting it are doing so in their own capacities" Osuban said.

In his plea with the judicial system, Osuban assured that in Teso, Iteso have customary land system tenure that an NGO called Land and Equity Movement Uganda (LEMU) has intervened to assist them produce a clan directory of which they would wish the judiciary in Soroti to solidly handle land issues in liaison with clan leaders.

He attributed the increasing land wrangles in Teso to the growing population of Iteso estimated to be now standing at 3 million people with over 1200 clans according to figures disclosed during the census.

Mzee Joseph Okadapao, Constitution and legal affair in Iteso Cultural Union alleged that in most cases the courts have messed up land cases by issuing false documents to the complainants and that it's a right time their cry is heard by the magistrates operating in Teso to stop the practice.

However, Soroti Chief Magistrate, Ruth Nabassa denied the allegations stating that in their judicial approach on land matters, they visit the locus to assess the land dispute before reaching the final judgment.

"We have regulations of how people obtain letters of administration, but also you clans leaders have failed to mediate cases of land where widows land have been grabbed by some clan members and is where the judiciary comes in to give the right ruling" Nabassa said, adding that the launch of Iteso Clans Directory is a landmark to total cooperation in adjudication of land cases in the region because the courts would now be conducting enough consultation with clans heads.

2.1.4 Arbitration

This is a resolution technique in which a third party reviews the evidence in the case and imposes a decision that is legally binding for both sides and enforceable. Sackey(2010) Arbitrators are usually substantially trained in legal matters and their decision may be or may not be binding. There are two Institutional types of arbitration i.e. the Adhoc arbitration and the Institutional Arbitration. Adhoc Arbitration is where the rules and procedures of arbitration are decided by the parties when a dispute arises. The role of an arbitrator is to arbitrate and come out with a decision. He is required to

listen to both parties study evidence and documents if any and also cross examines their witnesses in order to come out with a decision.

2.1.5 Reconciliation

This is the end product of adjudication. It is the most significant aspect of conflict resolution. Indexed African Journal (2014) says the reconciliation function is practiced by an authority figure that mediates between conflicting parties but is empowered to make binding judgment. The purpose is not to render a judgment in law but to reconcile the conflicting parties.

Examples of reconciliation on land according to Model for land Tenure security (2010) Pabbo - Parubanga Parish; An individual living in Parubanga Parish volunteered to donate a plot of land to five farmer groups that made up the MAPKP Marketing Association. An agreement had been previously signed by the land owner and some family members as the offerer and SPRING implementing partner Kica Ber Support for War Victims Organization as the offeree. The sub-county officials witnessed the transfer. There was ambiguity in the agreement signed, because specifications such as time frame, location of the land, term and conditions of the offer were not spelled out. Additionally, while brothers had been consulted, the spouses were left out of the agreement. The decision for Kica Ber to receive the land offered instead of the farmer group was problematic, because it was unclear. For example, the agreement stated that Kica Ber was receiving the land as a tenant without any form of consideration, and that the offer was on a permanent basis. It presumed Kica Ber was assuming responsibility for land ownership, because its farmer groups are not independent legal entities. However, this had not been explained in detail to the farmer groups and had confused the meaning of the terms "land lord" and "tenant." Because of the ambiguity in the signed agreement, CRR together with SPRING

met with Kica Ber to explain the gaps in the signed agreement and the need to meet the family members of the land owner, including the spouse, to ascertain whether they consented to the offer of their land and also neighbors and elders to confirm the ownership and boundary of the land. During the discussion with the relatives and neighbors, the SPRING/CRR team also discovered that although the family members consented to the offer of their land, a neighbor complained because his land was encroached upon by more than five meters. The trespassing occurred with the knowledge of local authorities, Kica Ber and the farmer group, but nothing was done to address it. This issue surfaced during the consultations to determine the signatories to the land agreement. The person complaining about the trespassing had been called as a neighbor and witness to the land owner to sign and raised the issue. After the discussion with the farmer groups, land owner, local authorities and Kica Ber, a consensus was reached and the boundary of the donated land was adjusted to exclude the land of the grieved person. The previously grieved neighbor was impressed with the process and stated that "I am now satisfied with the demarcation and am willing to offer a portion of my land in the future in case further extension is needed." In further consultations, CRR adjusted Kica Ber's offeree status so that it was specified that Kica Ber received the land in trust for the farmer groups, but not as the body to whom the land was donated as in their first agreement.

Attiak - Pacilo Parish; A person donated land for the farmer groups to construct their warehouse in Pacilo Parish. An agreement was signed between this individual who donated the land and Kica Ber as the receiving body. However, there were important terms missing in the document such as location, duration of the offer and lack of consent from the family members. Also included was the term "tenant" meaning the offeree and "landlord" meaning owner, yet at the same time the

agreement stated that the land has been offered on a permanent basis. After identifying these gaps, it was determined that a new agreement that addressed these gaps needed to be prepared. CRR engaged Kica Ber, the farmer groups, and land owner in preparation to draft a formal land offer agreement and the LCII to witness the process. In the process of discussing a formal agreement, two relatives to the person who donated the land requested themselves to sign as the land owner. Each of them claimed to be the rightful person to offer their ancestral land to the groups. It was further discovered during the discussion that the said land was part of the land that was already gazetted for communal use as a market with the consent of the father of the current land owner. This land was being claimed as sub-county property, because they felt it was their duty to hold communal land. There was no document evidencing the donation to the sub-county, but the elders testified to this donation. For the purpose of having the right offer, CRR and SPRING advised all of those claiming land ownership, as well as the sub-county to discuss the ownership. The farmer groups, the person who had offered the land and his family, the clan brothers who were claiming ownership and elders met to agree on the true ownership. They all agreed during the meeting that the land belonged to the person who had originally given the land to the farmer groups. Thereafter, he and his family together with the clan members offered the entire acreage that was given by his deceased father back to the sub-county. They formalized the transfer of ownership to the sub-county by signing an agreement.

In 2013, LEMU began working with the community of Bar Kitwe, consisting of 17 villages located east of Lira in Amolatar District, to protect its communal grazing land. In the early stages of agreeing and defining the boundaries of their common lands, the community found itself in serious conflict with one of their own, a man named "Olet". Olet had expanded his fields

into the communal land, reducing the area available to the community for cattle grazing and collection of firewood, water, building materials, wild fruits, and herbs. Olet's encroachment directly threatened the livelihoods of a number of villagers, including elders. The community and LEMU agreed that the community needed to resolve this dispute before moving forward with the community land protection process.

Many years before, Olet had been exiled from his native community after repeatedly encroaching upon land belonging to others, including an elderly widow. Banished from his community, Olet came to Kitwe by way of his paternal uncle, who gave him a piece of land on which to cultivate and settle. He was a welcome member of the community, winning a seat on the Village Local Council committee and assisting in enacting community-wide rules barring individuals from selling or encroaching on communal grazing lands. But in 2010, Olet began to cut down shrubs and construct buildings for his two wives within the clearly marked and agreed-upon boundaries of the community grazing land. When rebuked by community members and elders, he agreed to return to his legitimate home site in Kitwe, provided he could have time to conduct much needed repairs on his dwellings, which had fallen into disrepair. The community assented, but rather than perform his obligation, Olet continued to farm and build in the community land.

Responding to a LEMU radio public service announcement in 2011, the Amolatar District Environment Officer contacted LEMU and referred the Kitwe case. LEMU visited Kitwe in April 2013. Through interviews with clan leaders and local government officials, LEMU gathered information concerning the history of the community land and the ongoing dispute. During a community meeting to introduce LEMU, Olet threatened the community and demanded compensation of 50 million Ugandan shillings for his

efforts to "clear the bush." Community leaders responded by demanding that he should leave the land immediately.

As is typical in many land grabbing cases, Olet attempted to intimidate community members with violence and on several occasions also threatened LEMU staff with witchcraft and violence. He even went so far as to attempt to frame Kitwe villagers for burning his home. On May 14, 2013, Olet sought legal aid from another local NGO, misrepresenting LEMU as causing his vulnerable situation. The organization filed a suit against LEMU for criminal trespass on Olet's behalf, but after LEMU explained the situation, the NGO dropped the suit.

LEMU continued to work in Kitwe at the request of the community, assisting all 17 stakeholder villages to map and agree on the boundaries of the communal grazing land. But due to increasing hostility between Olet and the community, LEMU withdrew from Kitwe, fearing for the safety of its staff. LEMU's withdrawal emboldened Olet, who claimed victory over what he claimed was illegitimate NGO influence. Olet's behavior now increased from land grabbing to theft; stealing farm implements and animals from his neighbors who, seeking to use the community land, found themselves "trespassing" on Olet's "private" land. Tensions mounted until one day in June 2014, when Kitwe community members informed LEMU that the community was preparing to lynch Olet. The community had become impatient with the dispute resolution system and demanded action. Concerned for Olet's safety and the stability of Kitwe, LEMU returned to the community to assist and monitor a community hearing to resolve this longstanding dispute.

Recognizing the urgency and potential for violence, LEMU appealed to the Resident District Commissioner (RDC), District Lands Officer, District Environment Officer (DEO), and District Police Commander (DPC), to intervene swiftly and effectively. LEMU notified and gathered local government and

police officials to Kitwe for the emergency meeting. At the meeting, the community— now with the backing of the RDC, DPC, and DEO—issued Olet an ultimatum of two weeks to remove himself and his buildings from the communal grazing land. He was ordered to stop cultivating the encroached lands, return any stolen tools and animals, and to never encroach again. Should he be found cultivating communal lands again, he would be arrested and imprisoned according to the Provisions in Section 92 of Uganda's 1998 *Land Act*.

This strategy seemed to have the desired effect in the short term. Previously, Olet had disregarded the community's warnings and LEMU's efforts to mediate the dispute because he knew that an NGO has no legal mandate to evict encroachers. *"Yes, let's go to court, where I know the issue can take even more than 100 years before being resolved. By then, all of you will be dead,"* Olet had declared.^[6] By bringing a team of District leaders and officials, LEMU changed the game. Olet realized these authorities were acting within their mandates, and that he had to leave. He even signed a resolution written by the RDC stating that he would leave his encroachment in two weeks' time. The people of Kitwe were now fighting Olet's illegal power with legitimate power.

Three weeks after being ordered to leave the communal lands, however, Olet remained defiant. He claimed that the judgment did not give him enough time to remove himself and his two wives from the land and sought the help of a lawyer, claiming wrongful eviction by the community. In July 2014, leaders from Kitwe returned to the RDC and LEMU, reporting that instead of leaving the land as promised, Olet had begun to cultivate an even larger section of the grazing land. After the involvement of many actors, the dispute is still not resolved and the community's land rights remain vulnerable.

2.2 Processes in land conflict mitigation

2.2.1 Process

Oxford dictionary defines process as a series of steps and decisions involved in the way is completed. Kwaku & Morena (2009) Conflict resolution can be processed through Scoping, Bruce and Holt (2011). Scoping is the process by which conflict mitigation actors should seek to identify and understand in a preliminary fashion, the potential and existing conflicts in a given context. The process must be field-based and inclusive. The assessment is undertaken, assessment should be carried out involving the systematic gathering and analysis of data on causes of conflicts, the nature and frequency of disputes, interests and roles of different stakeholders, and identification of the potential responses (institutional and substantive) for managing tensions and preventing violent conflict. After assessment then proposing response options are undertaken. Conflict mitigation actors may then identify concrete options in policy, law and practice for managing and resolving conflicts, propose them to governments and other actors, and promote their implementation. Specific substantive and procedural responses are required. Having identified appropriate responses, conflict mitigation actors should examine the roles they can themselves most usefully play what they can do directly.

URI & ARLPI (2000) says in Acholi Sub-region, after receiving the appeal, time and date are set for hearing of the case, summon is given to both parties in conflict as well as any witnesses who are required to testify. A hearing takes place where parties in conflict and witnesses give their testimonies which are recorded. Parties are given opportunities to cross examine each other and the witnesses. A site visitation is conducted to the disputed area. Five (5) members who compose the clan leaders committee then independently make their

judgment in the absence of the conflicting parties. The parties are then called where the final judgment is made known based on the majority view of members. If the parties are not satisfied and wish to appeal against the judgment, they go to the Chief magistrate to pick forms.

2.3 Challenges faced by institutions in mitigating land conflicts

United Nation (2012), displacement often results in land being abandoned and occupied by others. However, unraveling the history of secondary occupation may require the use of satellite information; the acceptance of alternative forms of evidence, including oral testimony; third-party dispute resolution support; information and legal aid programmes.

IRIN (2012), Delay in the passing of draft into law. The Uganda Land Alliance's Communication said the Uganda National Land Policy was drafted to deliver a framework guiding land registry to support the registration of land rights under customary tenure unfortunately it took long to be passed into law. People lost lives for example in the villages of Lokwang, Apar and Pabbo but without a law supporting the customary land rights, it is difficult to help.

IRIN (2012), Politicians support allocation of land to investors. The allocation of land in parts of Northern Uganda to investors exacerbated residents' fear of land grabbing. Though the clan leaders tried to help, not much impact was felt.

Dr. Bruce & Holt (2011), acute land scarcity, insecurity and long standing grievances between groups tend to trigger events which intensify competition for land. Instead of the government coming in to support, they end up clashing with institutions in charge.

2.4 Better ways to respond to land conflicts

Dr. Bruce & Holt (2011), actors should be aware of the inter-related effects of policies, laws and measures recommended. Appropriate responses need to be coordinated and carried out simultaneously.

Respect for local and traditional values and customs should be integrated to the formulation of response options insofar as they respect individual human rights.

Pantuliano (2009), engagements need to be broader, based on understanding the wider dynamics of land related conflict, people need to be educated on the new land policies, and they need to understand the land they live in order to minimize on conflicts.

Alden (2009), Monitoring and documentation of abuses can help in awareness raising or legal aid programmers', it can help to build the capacity of local and international organizations to analyze and address land issues. Therefore information needs to be collected which will inform advocacy plan in order to reduce on land conflict by the clan leaders and other stakeholders involved.

According to UN-HABITAT (2012) Legal reforms to protect women land and property rights, the leaders should promote information and awareness campaigns, legal aid, monitoring and addressing disinheritance and joint registration of land

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction.

This chapter presents the methodology of the study with reference to the study design, choice and description of the study population, sampling procedure, data collection tools and methods such as questionnaire; document reviews, interviews and focus group discussions; data analysis and processing and other ethical considerations while conducting research.

3.2 Research Design.

The study followed a case study design with major focus on the main variables of the study. A case study is a form of qualitative descriptive research that is used to look at individuals, small groups of participants or a group as a whole. The researcher used a qualitative approach to help in the exploration of the role of clan leaders in mitigating land conflicts in the study area as experienced by the respondents.

3.3 Area of the study

The study is carried out in Acowa Sub County, Amuria District. Acowa is located about 19 kilometers away from Amuria town council and occupies the eastern part of Amuria District. Acowa Sub County is bordered by Lokopo Sub County of Napak District from the North, Usuk Sub County of Katakwi District from the east, Asamuk Sub County from the South and Akoromit Sub County from the west in Amuria District. Amuria is located 39 kilometers north of Soroti District, along Soroti-Abim road. Acowa is inhabited by Iteso who are preoccupied by agricultural activities including crop husbandry and animal rearing and small scale fishing.

3.4 Study population

Singh (2007) defines Study Population as a group of individuals from which samples are taken for measurement. In this study, the population of study were; the Local Government technical staff, elected leaders, members of the Civil Society Organizations and the Community members (parents)

The Local Government technical staff consisted of Senior Administrative Secretary, Assistant Community Development Officer and Parish Chiefs. The local government technical staffs were selected to be part of the study population because; they are key stakeholders and direct implementers.

The elected leaders consisted of; LC III Chairperson, LC V councilor, LCIII councilors LCI and LCII Chairpersons. The elected leaders were selected because, they make policy, allocate resources for administration and management of land related concerns

The CSOs were represented by; NGO staff, Clan Leaders and religious Leaders. Awareness raising, lobbying and advocacy and resource mobilization and mitigation of land conflict roles are undertaken by Civil Society Organizations, hence the rationale for making them part of the study population.

On the other hand, community members or parents were represented by women, men, PWDs and youth to balance the representation. They are the users of land and the most affected by land related conflicts

3.5 Sample size and Sampling techniques.

3.5.1 Sample size

The total of fifty three (53) respondents constituted the sample size. These included of four categories of people

namely; the Local Government technical staff (4), the elected leaders (9), the civil society (16) and the Community members/parents (24).

The Local Government staff were constituted by; one Senior Assistant Secretary, one Assistant Community Development Officer and two Parish Chiefs.

The elected leaders consisted of; one District LCV Councilor, one L C III chairperson, two LCIII Parish Councilors, two LCII Chairpersons and three LC I Chairpersons.

Three Religious leaders, four NGO staff and Nine Clan Leaders represented the Civil Society organizations.

The community members or parents were represented by the twenty four respondents in the study. The sample size is summarized in the table below;

Table 1: Summary of the Study Sample (study respondents)

Categories	Sample size by Sex		Total s
	Male	Female	
Local Government Technical staff			
Senior Assistant Secretary	1		1
Assistant Community Development Officers	1		1
Parish Chiefs	1	1	2
Sub-total	3	1	4
Elected Leaders			
District LCV Councilors	1		1
LCIII Chairperson	1		1
Parish Councilors (LCIII)	1	1	2
LCII Chairpersons	2		2
LC I Chairpersons	3		3
Sub-total	8	1	9
Civil Society Organizations			
Religious leaders	2	1	3
NGO staff	1	3	4
Clan Leaders	6	3	9
Sub-total	9	7	16
Community members (Parents)			

Community members (Parents)	10	14	24
Sub-total	10	14	24
GRAND TOTAL	30	23	53

3.5.1 Sampling techniques

The researcher employed a number of sampling techniques to get the 53 respondents from the target population.

3.5.2 Purposive sampling

Purposive sampling is a non-probability sampling method that is characterized by a deliberate effort to gain representative samples by including groups or typical area in sampling.

The researcher used this technique to select respondents who are key informants. This comprised of the local government leaders, elected leaders, civil society organizations and religious leaders. This was because purposive random sampling techniques could not possible leave out people with vital information about the topic.

3.5.2 Stratified random sampling

The researcher used this technique to select the clan leaders and the community members (parents). Stratified random sampling is a method of sampling that involves the division of a population into smaller group known as strata. In stratified random sampling the strata are formed based on member shared attribute or characteristic. The researcher used the method because the clan leaders had an upper hand in conflict resolution and the parents were more affected when it comes to issues of land.

3.6 Data Collection Methods

The researcher used interview guide for the focus group discussions and questionnaires for the local government

officials, elected leaders, civil society and religious leaders.

3.6.1 Questionnaires

The researcher developed detailed open and close ended questionnaire covering all the themes of the study and administered among the purposefully target respondents (local government officials, elected leaders, civil society and religious leaders). This is because of its convenience in gathering information from respondents. It gave chance to the respondents to think and express their feelings about the topic.

3.6.2 Focus Group Discussion

The researcher separated the groups into three (Clan leaders, male parent, and female parents) and interviewed each group. This is because not all the respondents could read and write and yet they had vital information to share.

3.7 Data Analysis.

Data was analyzed manually by the researcher using both primary and secondary data. The researcher identified main ideas from the categories, interpreted, verified and came up with clear conclusion and recommendations.

3.7.1 Primary data

Primarily information was generated through use of questionnaires for key informants and interviews for clan leaders, male and female parents. Primary data means data collected directly from the respondents. The purpose of this was to get first-hand information which could easily act as a reference point.

3.7.2 Secondary data

Reports from developmental partners working with clan leaders in the area were used, reports from Sub County officials and documentation by other writers like internet resource, books and magazines to provide additional information. The purpose of secondary data was to help in comparison i.e. (what was and what is).

3.9 Ethical considerations

Clearance of study was sought from the relevant authorities to enable the researcher carry out the research study in the Sub County.

A letter of introduction was obtained by the researcher from the University to show how genuine the study was. The respondents were assured of utmost confidentiality of whatever information they gave.

CHAPTER FOUR

DATA PRESENTATION AND DISCUSSION

4.1 Introduction

The purpose of this study was to assess the role of clan leaders in mitigating land conflicts in Amuria District, a case of Acowa Sub-county. Fifty three (53) respondents were selected from the Sub-county.

The researcher considered this number of respondents to be large enough for the study. The researcher used both quantitative and qualitative methods to analyze the data from the field findings. This chapter serves to explain the details of the findings of the study. It includes the distribution of the respondents according to sex, age, education, marital status and their response in relation to the research questions.

4.2 Distribution of respondents

Below the respondents have been distributed by sex. This portrays how research considered the gender aspects, giving that gender mainstreaming is a key issue that needed to be reflected in the research because it is consideration part of development and particular in this study it would give a better representation of all the views from different sexes.

Table 2: Sex respondents

NO.	Respondents' sex	Frequency	Percentage (%)
1	Females	23	43.3
2	Males	30	56.6
	Total	53	99.9

Source: Field findings 2016

Table one above shows sex distribution of respondents portraying how gender aspect was taken care of in the research. The number of males was higher than that of females. The participation of females was equally good, reflecting on how clan leaders had played a role in land conflict mitigation.

Table 3: Age of respondents

No.	Age range of respondents	Frequency	Percentage (%)
1	16-25	6	11.3
2	26-35	10	18.8
3	36-45	30	56.6
4	46 and above	7	13.2
	Total	53	99.9%

Source: Field findings 2016

In table 2 above, 6(11.3%) respondents fell in the age category of 16-25 who gave their views on clan leaders' role in mitigation of land conflicts. 10(18.8%) fell in the age category of 26-35, who also participated in the research, 30(56.6%) fell in the age category of 36-45 and 7(13.2%) fell in the age category of 46. In relation the age brackets above, during the interviews on 29th June 2016, the age brackets of 26-35 and 36-45 felt the importance of clan leaders in mitigating land conflicts as majority of them had suffered land related conflicts as heads of families or people with larger families. They were an age brackets that was keen on involving clan leaders in land conflict mitigation as expressed by one of the respondents during focus group discussion with women on the 29th June 2016.

"I am 40 years old; I have lived in Acowa for 20 years and seen how land conflicts have gone from bad to worse.

Most of us here have been directly or indirectly caught up in a conflict. When we are here we are here for lasting solutions. Our only hope can be clan leaders who will fight for our rights.

In relation to Ajayi & Buhari (2014) Peace is negotiated; it is channeled through elders, compound heads and Chiefs. Negotiation involves harmonizing the interest of parties, in this there is emphasis on recuperation and reinsertion.

Table 4: Marital status of respondents

No.	Marital status of respondents	Frequency	Percentage (%)
1	Single	1	2
2	Married	38	72
3	Divorced	5	9
4	Widowed	9	17
	Total	53	100%

Source: Field findings 2016

Table 3 above shows the marital status of the respondents who participated in the research. 1(2%) of the respondent was single. 38(72%) of the respondents were married, constituting the highest number. 5(9%) of the respondents were divorced (4 women and 1 man) and 9(17%) were widowed (3 men and 6 women).

A mother of one who was counted as single did not disappoint during the focus group discussion. She actively participated in sharing what she knew about successful involvement of clan leaders. During the Focus group discussion with the women group, she shared;

"I know that clan leaders have played a big role in land conflict mitigation. The work of clan leaders is to mediate; though I have seen some actually arbitrate. I have participated in several clan meetings and what I

have seen is two conflicting parties ending up in reconciliation. Imagine sharing their issues and the clan leaders are there to listen then give their view about the matter. Clan leaders should be given more knowledge in handling land conflicts.”

The biggest number in the group was married people. The number was big because the respondents said that families existed because of land and everyday families were looking for solutions to help end land wrangled. They believed that if clan leaders were motivated to do their work, being custodians of the land, they would be able to do their work better.

Divorced and widowed were among the respondents. Out of the 14 widows and divorced, at least 07 of their land conflict had either been handled by clan leaders or were in the committee waiting for action. A leader from one of the youth group during the discussion with male FGD said

“Though the cases of land conflict are still high, the clan leaders are trying to help, we all see. Why are the courts of law referring cases back to the grass-root, it is because they know that the best people to handle these cases are the clan leaders.”

Table 5: Level of education of the respondents

No	Education level of respondents	Frequency	Percentage
1	Primary level	28	52.8
2	Secondary level	15	28.3
3	Tertiary level	6	11.3
	Others	4	7.5
	Total	53	99.9

Source: Field findings 2016

According to the table four above, a majority of the respondents who were 28 (52.8%) in number had at least attained primary level education, 15 (28.3%) had attained secondary, and

6(11.3%) had reached tertiary level, others were 4(7.5%) who were degree holders.

The various levels of education had their unique representation of clan leaders' involvement in land conflict mitigation. None of them disappointed because it was experiential sharing.

4.3 Methods used by clan leaders in land conflict mitigation

In relation to the objectives of the study, the researcher found out that there were a number of methods used during mitigation of land conflict in Acowa Sub-county. Below are the reflections of the finding.

Table 6: Methods of land conflict mitigation in Acowa S/C

No	Conflict mitigation methods	Frequency of responses	Percentage
1	Arbitration	6	11.3%
2	Adjudication	13	24.5%
3	Mediation	30	56.6%
4	Negotiation	4	7.5%

Source: Primary data 2016

The table above shows the different methods of land conflict shared by the respondents. During the sharing 6(11.3%) of the respondents said that one of the methods used in Acowa was Arbitration (use of courts), though to them it had scaled down because the land cases were being referred back to clan leaders to handle. During focus group discussion with women, one woman said

"My case was referred back to the clan to mediate, by the court judge in Soroti. I wasted a lot of money following up this case with hope that I will get justice, but justice was not in Soroti but in my village

with my clan leaders.” (FGD with women on the 29th June 2016)

Unlike courts of law, according to Ajayi & Buhari (2014) Mediators usually endeavour that peace and harmony reign. In mediation there is no victor, it is win-win.

Of the respondents 13(24.5%) shared about Adjudication as one of the methods of land conflict mitigation. According to the SAS; (Questionnaire as per 28th June 2016)

“Adjudication goes hand in hand with mediation, clan leaders are often entangled in a web of choosing between adjudication and mediation especially for land cases where the wrong person can easily be identified”.

Similarly Gertrude Sackey (2010) says Adjudicators are people regarded as the custodians of traditional wisdom, knowledge, cultural norms and values which they bring to bear on the delivery of justice in the community. And in my analysis in Acowa Sub-county, the clan leaders are the custodians of wisdom, knowledge and cultural norms in Acowa Sub-county who are in between Adjudication and mediation.

Mediation scored highest with 30(56.6). The majority of the respondents said that in Acowa clan leaders resolving land conflicts used mediation.

About negotiation, 4 (7.5%). During the interview with the clan leaders, one clan leader said;

“On issues of land, what do you negotiate? If someone has encroached your piece of land, the only solution is to ask him to leave the land and not, to negotiate”. (Interview held on 29th June 2016)

4.4 The processes of land conflict mitigation in Acowa Sub-county

Findings from this research indicate that the clan leaders underwent different processes when mitigating land conflict

depending on the magnitude of the conflict at hand. Below is the table showing the different responses.

Table 7: Showing processes of mediation

No	Processes	Frequency	Percentage
1	Mediation at clan level	25	47.1
2	Mediation at Village level	15	28.3
3	Mediation at Parish level	08	15.0
4	Mediation at Sub-county level	05	9.4

Source: Primary data 2016

The findings in the research indicated that 25(47.1%) of the respondents had attended mediation process at clan level and knew more about it, 15(28.3%) respondents had attended mediation at village level and knew about its process, 08(15.0%) respondents had participated in mediation at Parish level and 05(9.4%) respondents had participated in mediation at Sub-county level.

According to the process of mediation as shared, mediation underwent different stages i.e. first with the clan, then at the village with ICU members, then to the Parish level with ICU parish committee and last to the ICU Sub-county committee. (Respondent in the women focus group on 29th June 2016) said

"at village level, the two aggrieved parties report the matter (conflict) to clan leaders who summon the two parties to agree if the matter should be settled by the clan leaders or not. If the two parties agree, the clan leaders call for a clan meeting for a suggested date to listen to the conflict. The two parties present their problems beginning with one who approached the clan leader for mediation. After hearing from two parties and witnesses giving their views, a garden or plot under conflict is visited and resolutions taken from there, basing on what the people have seen."

In relation to Acholi land in Northern Uganda according to URI & ARLPI (2000) after receiving the appeal, time and date are set for hearing of the case, summon is given to both parties in conflict as well as any witnesses who are required to testify. A hearing takes place where parties in conflict and witnesses give their testimonies which are recorded. Parties are given opportunities to cross examine each other and the witnesses. A site visitation is conducted to the disputed area. Five (5) members who compose the clan leaders committee then independently make their judgment in the absence of the conflicting parties.

Another female respondent said "Some of us do not trust the clan leaders who come with us from the same clan because we know their behaviors and disappointments have made us feel that only clan leaders from the Parish and Sub-county can handle our grievances."

4.5 Challenges affecting the work of clan leaders in mitigating land conflicts

This research found out that despite the success of clan leaders in mitigating land conflicts, they had also undergone a number of challenges as shown below.

Table 8: Challenges faced by clan leaders

No	Challenges	Frequency	Percentage
1	Lack of knowledge on how to mediate	24	45.2%
2	Lack of funds to facilitate meetings	6	11.3%
3	Political interference	11	20.7%
4	Negative attitude by community members on mediation	5	9.4%

5	High expectations from community members	7	13.2%
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Source: Field findings 2016

The table above shows respondents' views on the challenges the clan leaders faced during land conflict mitigation. According to the respondents; 24(45.2%) shared on lack of knowledge on how to mediate, 6(11.3%) shared on lack of funds to facilitate meetings, 11(20.7%) on political interference, 5(9.4%) on negative attitude by community on mediation and 7(13.2%) on high expectation from community members.

Lack of knowledge on how to mediate was sighted highest during the ranking with 45.2%. The respondents said that though the clan leaders were eager and willing to mitigate land conflicts through mediation, knowledge on mediation was a problem. The LCIII Chairperson in his questionnaire wrote;(questionnaire of 28th June 2016)

"The clan leaders have a desire to work but their challenge is little knowledge on mediation. Most of them mix mediation and arbitration."

He added in his communication that it was important for the government and the Non-Governmental organizations to come and support clan leaders especially through trainings.

Lack of funds to facilitate meetings was also sighted among the challenges with percentage of 11.3%. According to the findings, respondents said that clans were wide spread across districts due to immigration especially after the cattle rusting and the LRA raids. Land cases from different places were brought to the clan leaders; some of them needed moving from one village to another or one district to another and yet transport and mobilization facilitation was not provided for. The area district woman councilor said;

"Clan leaders have tried to originate request for financial support from the Sub-county and district

offices, however, they have failed and gone back to their clans who have not also helped them, instead they keep giving them the problems to resolve”

Political interference was another challenge shared with a percentage of 20.7%. Politicians interfered with clan leaders' work especially at the time they were seeking favour for the 2016 elections. Instead of supporting the clan leaders, they looked for loopholes which they manipulated by advising the wrong people to go to courts of law to seek for solutions instead of clan leaders. One man said during the focus group of men (FGD on 29th June 2016)

“Politicians confuse people and the weaklings also run to politicians for support instead of running to right sources. Imagine you have been defeated before the clan and still feel you will get support outside. People vying for posts should stop bringing confusion between the clan leaders and the community.”

According to IRIN (2012), Politicians support allocation of land to investors. The allocation of land in parts of Northern Uganda to investors exacerbated residents' fear of land grabbing. Though the clan leaders tried to help, not much impact was felt.

Dr. Bruce & Holt (2011), acute land scarcity, insecurity and long standing grievances between groups tend to trigger events which intensify competition for land. Instead of the government coming in to support, they end up clashing with institutions in charge.

Negative attitude by community members on mediation was another response; to a few respondents (9.4%) mediation was not the right thing especially when the conflict was turning violent. To them how could you talk about mediation when it was issues to do with land. Land conflicts were better resolved at courts of law rather than with clan leaders. During the

discussion with clan leaders they said that there were some people who did not believe in them because some of them did not have a good reputation as leaders.

High expectations from community members, 13.2% of the respondents shared about high expectation. According to the respondents, some members of the community did not look at land conflict mitigation by clan leaders as way out. To them once something went wrong and the mediation was not successful, they felt that the clan leaders were letting them down.

“As a clan leader, the community gives you pressure, I have seen this in my village. They do not want to see you fail; they want a problem resolved that very time of the meeting. When you fail to help resolve the matter you hear stories everywhere which sometimes discourage”

4.6 Better ways to respond to land conflicts

The research found out that the clan leaders would respond better to land conflict if they applied the following suggestions.

Table 9: Better ways of responses to land conflicts

No	Better ways	Frequency	Percentage
1	Clear demarcation of land boundaries by family heads	22	41.5
2	Regular clan meetings	08	15.0
3	Stake-holders involvement	06	11.3
4	Identification of family care taker	03	5.6
5	Training of clan leaders on mediation	14	26.4

Source: Field findings 2016

The study found out various ways that clan leaders could apply to better respond to land conflicts 22(41.5%) of the respondents said that clear demarcation of land boundaries by family heads could help improve on the work of clan leaders, 08(15.0%) Of the respondents said regular clan meetings could help, 06(11.3%) said stakeholders involvement, 03(5.6%) said identification of family care taker and 14(26.4%) said training of clan leaders on mediation.

Clear demarcation of land boundaries by family heads was the highest recommendation with 41.5%. During the focus group with clan leaders on... one clan leader said

"We cannot do work on our own. We need to work as a team especially fathers, fathers should learn to demarcate land when they are still strong because this will simplify work".

Training of clan leaders was another suggestion by the respondents with a percentage of 26.4%. During an interview with the clan leaders, they suggested that training on mediation would help them mediate better. Some of them were just using natural knowledge for mediation though they were not sure if they were mediating or arbitrating.

Other views by respondents were; regular clan meetings, stakeholders' involvement and identification of family caretakers.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATION

5.1 Introduction

In this chapter the researcher presents the summary of the findings, conclusion and recommendations and suggestions for further research. The research assessed the role of clan leaders in mitigating land conflict in Amuria district, taking a case of Acowa Sub-county.

5.2 Summary of findings

The summary of findings is captured in relation to the themes. The themes are; Methods used to mitigate land conflict, Processes in land conflict mitigation, Challenges faced by institutions in mitigating land conflicts, Better ways to respond to land conflicts

5.2.1 Methods used to mitigate land conflicts

The findings of the research showed that the methods used to mitigate land conflict in Acowa Sub-county included court, Arbitration, mediation and Negotiation. All these had an aim of mitigating land conflicts.

5.2.2 Processes in land conflict mitigation

The findings of this research revealed that for the clan leaders to successfully mitigate land, they stated with mediations at clan level, when they failed the mediation was then pushed to village Iteso Cultural Union (ICU) Committee, when the village level failed they were pushed to ICU Committee at Parish then last to the Sub-county of ICU committee. Each of this committee was composed of seven Committee members who worked together with neighbours and community to see to it that land dispute is settled.

5.2.3 Challenges faced by Clan leaders in mitigating land conflicts

The findings of this research discovered that among the challenges faced by clan leaders were; lack of knowledge on how to mediate, lack of funds to facilitate meetings, political interference, negative attitude by community members on mediation, high expectations from community members. These affected the work of clan leaders on mitigating land conflicts.

5.2.4 Better ways to respond to land conflicts

According to the findings of the research, in order to improve the work of clan leaders, the following were the recommendations; clear demarcation of land boundaries by family heads, regular clan meetings, stake-holders involvement, and identification of family care taker and training of clan leaders on mediation

5.3 Conclusion

From the findings of the research, I conclude that the clan leaders play a big role in mitigating conflicts in Acowa Sub-county and their choice of hierarchical processes promotes ownership and everybody participation.

5.4.1 Recommendations to the community

The community of Acowa Sub-county should promote and support the clan leaders to fully participate in land related conflict mitigation.

The community should discern some of the negative influences especially by the political leaders who want to divide the people for their personal benefit.

5.4.2 Recommendations to the CSOs and NGOs

All CSOs and NGOs working in Acowa Sub-county should strengthen and support clan leaders in order to reduce on land conflicts

CSOs and NGOs should take deliberate effort to document and disseminate the success stories of clan leaders who have mitigated land conflicts without the involvement of Courts of law.

5.4.3 Recommendations to the government

The government should translate the land policies into the local languages so that each person can access and read. This will help reduce issues of land disputes.

REFERENCES

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APPENDICES

Appendix 1: In-depth Interview Guide (Questionnaire) for Local Government Leaders

Introduction

Good morning/afternoon/evening/Sir/Madam

Dear respondent(s), my name is Apio Ann. I am a student of Uganda Martyrs University, undertaking a study on "**ASSESSING THE ROLE OF CLAN LEADERS IN MITIGATING LAND CONFLICTS IN AMURIA DISTRICT: A Case Study of; Acowa Sub-county**". The study is part of an academic fulfillment of the School of Arts and Social Sciences, Institute of Ethics and Development Studies in Partial Fulfillment of the Requirement for the award of a Bachelor of Arts Degree in Democracy and Development Studies of Uganda Martyrs University, Nkozi.

The study aims to find out the different methods used by clan leaders in land conflict mitigation, understand the process the clan leaders go through during land conflict mitigation and explore the challenges affecting the work of clan leaders in mitigating land conflicts in Acowa Sub County. The study also aims at identifying ways that can enable clan leaders respond to land conflicts better in Acowa Sub-county.

My humble request for you is to participate in this research by answering a few questions about the above topic. Your response will be kept with at-most confidentiality.

Section A: Back ground information

Name.....

Age of the respondent.....

Sex: Male

Female

Educational level..... Occupation:

Section B: Different methods used by clan leaders in land conflict mitigation.

Are there Clan leaders in this Sub-county? Yes.. or No.....

Do they mitigate land conflicts? Yes or No.....

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Which methods do they use in mitigating (resolving) land conflicts.....
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Section C: The processes Clan Leaders go through during land conflict mitigation.

Are there some processes Clan Leaders go through in the mitigation of land conflicts in this Sub-county?

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Please kindly share those processes Clan Leaders go through in mitigating land conflicts in this Sub-county
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Section D: The challenges affecting the work of Clan Leaders in mitigating land conflicts.

Are there some challenges faced by Clan Leaders in mitigating land conflicts.....

Please share those challenges faced by Clan leaders in Conflict Mitigation (Resolution) in this Sub-county

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Section E: Ways that can enable Clan Leaders respond to land conflicts better.

What should Clan Leaders do in order to respond or address land conflicts better in Acowa Sub-county. Kindly share them

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If there is anything relating to this study and you have not mentioned, please share them in order to enrich this research.

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Thank you very much for your time. God bless you abundantly

Appendix 2: Interview guide for Focus Group Discussions with the community members

Introduction.

Good morning/afternoon/evening/ Ladies and Gentlemen

Dear respondent(s), my name is Apio Ann. I am a student of Uganda Martyrs University, undertaking a study on **"ASSESSING THE ROLE OF CLAN LEADERS IN MITIGATING LAND CONFLICTS IN AMURIA DISTRICT: A Case Study of; Acowa Sub-county"**. The study is part of an academic fulfillment of the School of Arts and Social Sciences, Institute of Ethics and Development Studies in Partial Fulfilment of the Requirement for the award of a Bachelor of Arts Degree in Democracy and Development Studies of Uganda Martyrs University, Nkozi.

The study aims to find out the different methods used by clan leaders in land conflict mitigation, understand the process the clan leaders go through during land conflict mitigation and explore the challenges affecting the work of clan leaders in mitigating land conflicts in Acowa Sub County. The study also aims at identifying ways that can enable clan leaders respond to land conflicts better in Acowa Sub-county.

My humble request for you is to participate in this research by answering a few questions about the topic above. Your response will be kept with at-most confidentiality

Section A: Back ground information

Village		Parish	
Number of respondents		Interview date	
Sex of respondents	NUMBER OF a) Male..... b) Female.....	Age bracket	10-20, 21-30, 31-50, 51-70, 70+.....

Section B: Different methods used by clan leaders in land conflict mitigation.

Are there Clan leaders in this Sub-county? Yes..... or No.....

Do they mitigate land conflicts? Yes..... or No.....

.....
Which methods do they use in mitigating (resolving) land conflicts.....
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Section C: The processes Clan Leaders go through during land conflict mitigation.

Are there some processes Clan Leaders go through in the mitigation of land conflicts in this Sub-county? Yes...No.....

Please kindly share those processes Clan Leaders go through in mitigating land conflicts in this Sub-county
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Section D: The challenges affecting the work of Clan Leaders in mitigating land conflicts.

Are there some challenges faced by Clan Leaders in mitigating land conflicts.....

Please share those challenges faced by Clan leaders in Conflict Mitigation (Resolution) in this Sub-county

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Section E: Ways that can enable Clan Leaders respond to land conflicts better.

What should Clan Leaders do in order to respond or address land conflicts better in Acowa Sub-county. Kindly share them

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If there is anything relating to this study and you have not mentioned, please share them in order to enrich this research.

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Thank you very much for your time. God bless you abundantly