

LAND CONFLICT REFERRALS

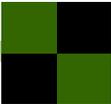
Numerous land conflict mitigation structures exist within communities giving many options to those who find themselves embattled in conflict over land. Whether it is grassroot leaders or the High Court, each structure has a unique and important role to play. However given the sheer number of options available to community members, many people are unaware about which structure to approach to best meet their needs. Additionally, these structures must be aware of their limitations as well as the roles of other land conflict mitigation structures so that they can make referrals to best meet the needs of the individuals/community in conflict.

Benefits of Referrals:

- Reduces number of backlogged court cases.
- Can help promote reconciliation among conflicting parties.
- Promotes transparency and respect for the unique roles each structure plays in resolving land matters.
- Ensures the most appropriate action is taken given nature of the conflict.

Informal Dispute Mechanisms:

Each community has its own set of active grassroot leaders who are widely respected by its members and have the knowledge to mediate land disputes before they enter the court system. When selecting who to approach, institutions and leaders such as traditional & religious leaders, elders, and peace committees, and family members may be consulted or approached to give advice or resolve the land disputes among the conflicting parties. Their roles include mediating and promoting dialogue between the parties in conflict and fostering reconciliation between people in conflict. Cultural leaders play a key role and should be consulted to help identify and clarify land boundaries and mediate over the case. If parties are not satisfied with the outcome or the leaders fail to adequately resolve the conflict, the case should then be referred to the LCII court.



Adjudication:

If individuals choose the formal court system to adjudicate as the way forward, they must first go to the LCII courts which hears fresh cases of land conflict. If a case has not yet been heard by informal land dispute mechanisms or the court is backlogged, the LCII should refer the case back to Rwodi and other local leaders to undertake the process of dialogue and mediation. If the conflicting parties have failed to resolve the issue informally or prefer a legal resolution, grassroot leaders should be called upon to testify during court proceedings.

Cases at the level of the LCII courts which fail to satisfy those in conflict may be appealed at the level of the Sub-county courts. From the level of the Sub-County court the parties are allowed to appeal to the chief magistrate and if still not satisfied, to the High Court.

Police:

The police are called upon to restore order where a land dispute involves criminal activity or violence. The police may also give testimony if the parties were involved in a criminal case as a result of land conflict. The police, do not however, have a mandate to resolve a land conflict. However, they may refer the case to the land conflict mitigation structure they feel is most appropriate.

Area Land Committee and the District Land Board:

The ALC and the DLB do not carryout mediation but can be called upon on an individual basis to help in mediation if mutually decided upon by the conflicting parties. The ALC & DLB does not handle land conflicts but can be called upon to give testimonies during procedures such as the LCII court, Sub-County Court, and mediation especially when a claim has been made of the existence of a land title or customary certificate.

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A GUIDE TO LAND CONFLICT REFERRALS



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WHERE DO YOU GO WHEN LAND CONFLICT OCCURS?

POLICE

The police are called upon to restore order where a land dispute involves criminal activity or violence. The police, do not however, have a mandate to resolve a land conflict. However, they should, refer conflicting parties to either grassroots leaders for mediation or the LCII Courts.

HIGH COURT

While the High Court can try new cases over land, they usually only handle appeal cases. If the High Court feels that other structures are better fit to deal with the conflict, they may refer the case to the appropriate structure.

CHIEF MAGISTRATE COURT

This court is an appellate court and does not handle new cases over land. Instead cases are handled by the LCII Courts, then the SCC, and if not satisfied with outcome, they may appeal to the Chief Magistrate Court. If the conflicting parties are still not satisfied with the outcome, they may appeal to the High Court.

SUB-COUNTY COURT COMMITTEE (SCC)

The SCC is an appellant court and as such does not hear new land conflict cases. If the case is new, they will refer it to be handled by the LCII Courts. Alternatively, if no attempt has been made to resolve the case through the use of grassroots leaders, they may refer the case directly to them. If the conflicting parties are not satisfied with the outcome, they may appeal to the Chief Magistrate Court.

LOCAL COUNCIL (LC) II COURTS

LCII Courts are the first court to hear fresh cases over land. If they feel that grassroots leaders may be able to handle the case, they may first refer the conflicting parties to such leaders. If the conflicting parties are not satisfied with the outcome, they may appeal to the Sub-County Court Committee. If cases are criminal in nature, they will also involve the police in the matter.

INFORMAL JUSTICE MECHANISMS

Grassroot leaders such as Rwodi, elders, religious leaders, peace committees, etc, can offer advise and mediation to conflicting parties which is less expensive than using the courts and promotes reconciliation. While an agreement can be signed, mediation is not legally binding. If parties are not satisfied with mediation or prefer to employ the courts, grassroots leaders will then refer the case to the LCII Courts. If cases are criminal in nature, they will also involve the police in the matter.

CONFLICTING PARTIES

When individuals/groups experience land conflict, they should first approach grassroots leaders to help resolve the matter.

DISTRICT LAND BOARD (DLB)

Located within each district throughout Uganda, the District Land Boards are responsible for the administration of public land and do not resolve land conflicts. They are also mandated to receive applications for the registration of both customary and freehold land within the

AREA LAND COMMITTEE (ALC)

The ALC is a voluntary body that assists the District Land Board by referring applications for a "Certificate of Customary Land Ownership." It is not mandated to resolve land conflicts.

