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**Land Governance Institutions and Land Conflict Management in
Lira District, Lango Sub-Region, Uganda**



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Land Governance Institutions and Land Conflict Management in Lira District, Lango Sub-Region, Uganda

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Abstract

Purpose: This study aimed to assess the effectiveness of selected land governance institutions in the management of land conflicts in Lango sub-region.

Methods and materials: Both correlation and descriptive designs were used and a sample size of 200 was targeted, and sampled using purposive and simple random sampling techniques from whom, questionnaires was administered among members of Land Tribunals, local council courts, and opinion leaders. The response rate of 86% was achieved from which data was analysed.

Findings: The study reveals that the correlation between Land Tribunals and land conflicts ($r = .120$; $p\text{-value} > .05$) is positive and weak; between Local Council Courts and land conflict ($r = .224$; $p\text{-value} < .05$) is positive and weak; and between Ad-hoc Mediators and land conflict ($r = .518$; $p\text{-value} > .05$) is positive and strong. Further, the results of multiple regression reveal that Land Tribunals (Beta = .143; $p\text{-value} > .05$) is low in land conflict management; Local Council Courts (Beta = .085; $p\text{-value} > .05$) is low in land conflict management; and that Ad-hoc Mediators (Beta = .479; $p\text{-value} > .05$) is relatively high in land conflict management.

Conclusion: It was concluded that Land Tribunals are the least effective in managing land conflicts but Local Council Courts are least effective in managing land conflicts; and that Ad-hoc Mediation is more effective in managing land conflicts in the study area.

Recommendations: From the study, it is encouraged that government considers re-enforcing the role of Land Tribunals with the view of making them more effective in land conflicts management; A study on factors leading to rampant land conflicts is proposed.

Keywords: *Land governance, land conflicts, ad-hoc mediation, conflict resolution, Institutions*

1. Introduction

Land conflicts are common in virtually all societies. Chiweshe (2021) notes that conflict over access to, use of and control over land are as old as humankind and frequently occur everywhere at the inter-personal level between siblings or neighbours; at the intra-societal level between different ethnic groups or between the state and local population; and at the inter-societal level between different states. Violent land conflicts around the world have occurred over land issue. In around 15,000BC, the Fertile Crescent in Babylon was reportedly a center of conflicts between the nobles and land owners from which the former would forcefully try to grab from the latter (Bruce & Boudreaux, 2013); and in about 30 AD, the tax authorities would forcefully take ownership of land from those who could not pay taxes to the emperor, hence escalating land conflicts. Lahr et al (2016) contend that about 10,000 years ago in Eastern Africa, a resource rich, and fertile lagoon known as Nataruk which sits about 30 kilometres West of Lake Turkana, Kenya was the setting for humanity's earliest known violent conflict which resulted to brutal killing of over two dozen prehistoric men, women and children.

In Uganda, it is believed that land conflicts has scanty documentary evidence but that around 1527, evidence of land conflicts were recorded in the present-day Masaka district where chiefs conflicted over chunks of land donated by the Kabaka (Mwesigye & Matsumoto, 2016). In Northern Uganda, land conflicts also has limited documentation although Rugadya et al (2009) wrote that land conflicts were common among tribes and over boundaries before the colonialization of this society in 1894. Of recent, land conflicts in Northern Uganda are mostly occurring on land that was left behind upon displacement, which on return has a dispute prevalence rate of 65%; mainly occurring on inherited land accounting for 71% and land given as a gift at 17% (Rugadya et al, 2009). In Lango (mid-north) sub-region, there was always a tendency of conflicting parties to migrate or part-ways in an event of an outbreak of conflicts of land (Rugadya et al, 2009). But Otim et al (2014) contend that most conflicts over land in Lira district are between households, families, clans or tribes, over boundaries, the need or desire for more land, ownership and inheritance issues, rights to access land, and rights for passage or transit.

Land governance thus, encompasses statutory, customary and religious institutions, as well as informal institutions and includes state structures such as land agencies, courts, and ministries responsible for land (Palmer; Fricska; Wehrmann; Munro; Torhonen & Arial, 2019). It also includes informal land developers and traditional bodies. It covers the legal and policy framework for land, as well as traditional practices governing land transactions, inheritance and dispute resolution. In short, it includes all relevant institutions from the state, civil society and private sectors. In Brazil, Paulino (2014) states that land governance institutions were preferred for the mitigation of rampant land conflicts that had rocked the Northern Belt of lower Amazon forests. There was seemingly widespread land conflict which was increasingly taking place almost everywhere in Brazil, often involving economically most powerful people groups, including government officials and politicians.

This proliferation of land conflicts is equally because much of African formal institutions for land administration were often superimposed on traditional structures without clear delineation of responsibilities and competencies, implying that they tended to lack both outreach and social legitimacy (Briston, 2015). This has led to a situation where, instead of complementing each other, “traditional” and “modern” systems compete, giving those who are affected by conflicts an opportunity to resort to “institutional shopping”, or pursue conflicts in parallel through a variety of channels (Alban, 2020). For instance, while some litigants and legal practitioners perceive LCII courts, at the parish level, as the court of first instance in land conflicts, others recognize the LCI courts at the village level. The reason for this discrepancy and confusion relates to the amendments and enactments in the laws.

1.1 Theoretical imperatives

This study was guided by the Social Conflict Theory which, according to (Hayes, 2022), is a Marxist-based and argues that individuals and groups or social classes within society interact on the basis of conflict rather than consensus (Palmer, et al, 2019). A basic premise of conflict theory is that individuals and groups within society will work to try to maximize their own wealth and power (Esteban; Mayoral & Ray, 2012). Ayelazuno (2019) states that the escalating land conflicts across the globe necessitated the establishment of land governance institutions. The UN Habitat (2017) defines land governance as “the rules, processes and structures through which decisions are made regarding access to and the use and transfer of land, the manner in which those decisions are implemented and the way conflicting interests in land are managed”. As analyzed by Chigbu; Paradza & Mwesigye (2019), this definition highlights the dimensions of institutions; quality of decision-making and translation into action; and managing the conflict interests, entailing consideration of the equity dimensions of land policies, land interventions, and the institutional arrangements for land governance.

Argumentation theory is the interdisciplinary process of showing how conclusions can be supported or undermined by premises through logical reasoning (Walton & Zhang, 2016). The theory is organized based on the major components of an argument such as claim, reason, evidence, counter-claim, and rebuttal, and includes various forms of dialogue such as deliberation and negotiation which are concerned with collaborative decision-making procedures. According to Sprigs (2012), argumentative theories of governance assumes that a neutral force should show commitment to understand and identify arguments, and the goals of the participants in the different types of dialogue; identify the premises from which conclusions can be derived; establish the “burden of proof” or determine who made the initial claim and is thus responsible for providing evidence as to why his/her position merits acceptance; and that the responder to provide counterexamples if possible, to identify any fallacies, and to show why a valid conclusion cannot be derived from the reasons provided by his/her argument.

Argumentative theories of governance can be highly criticized for the escalation in conflicts basing on the fact that further disagreement might be eminent in the processes of “bearing the burden of proof” and or, providing counter evidence to meet the ‘rational’

decisions of the constitutive force. Jory (2016) opines that the theory can also be manipulated by the current and rampant cases of corruption and abuse of office where most of the office-bearers boldly solicit for bribes from their potential clients. Although argumentative theory encompasses eristic dialog or a branch of social debate in which victory over an opponent is the primary goal, Nakayi (2013) believes that the theory is relevant in providing the means by which people can express and rationally resolve or at least manage disagreements and conflicts in society. Similarly, the study considered the conflict theories which assume that all societies have structural power and resource inequalities that lead to groups having conflicting interests (De Juan, 2017). Another important assumption of conflict theory is that human relationships and social structures all experience inequalities of power. In this way, some individuals and groups inherently develop more power than others. Conflict theories assume that all societies have structural power and resource inequalities that lead to groups having conflicting interests (Deininger & Castagnini, 2016).

1.2 The concept of land conflicts and land governance

Conflict arises when two or more groups believe their interests are incompatible (UNEP, 2012). In a similar view, Deininger & Castagnini (2016) concur that a “conflict is the perception of differences of interests among people.” Similarly, Torre *et al* (2014) called a conflict an opposition marked by an engagement or a commitment between two or several parties in relation to local material objects (Torre *et al*, 2014). Tjosvold, Wan & Tang (2016) agrees with UNEP’s (2012) but disagrees with Torre *et al* (2014) definitions when they proposed that defining conflict as incompatible actions is a much stronger foundation than defining conflict as opposing interests, because conflicts also can occur when people have common goals in that conflict actors may disagree about the best means to achieve their common goals.

According to UNEP (2012) a conflict is not in itself a negative phenomenon given that non-violent conflict can be an essential component of social change and development, and is a necessary component of social change and development, and is a necessary component of human interaction. It is only a negative phenomenon when it escalates into violence (UNEP, 2012). This is in tandem with Mayer’s (2010) contention that a conflict is something that is natural, something that is inevitable, even needed, and normal. Coleman, Deutsch, & Marcus (2014) in agreement with UNEP (2012) and Mayer (2010), maintain that a conflict is a component of interpersonal interactions; it is neither inevitable nor intrinsically bad, but it is commonplace (Schellenberg, 2016). For that reason and in further concurrence, Torre *et al* (2014) observed that we do not consider it necessary to eliminate conflicts nor even try and solve them at all costs, for they are the expression of the voiced opposition of parties that consider themselves injured.

On why conflicts breakout, Shah (2013) wrote that a conflict occurs as a result of the difference between the rate of change within the moral norms and human desires, expectations, dissatisfaction and needs of the community. Bringing this further home, and in agreement, Balestri (2015) wrote that land conflicts can emerge from unequal distribution of access and control of land and land-related resources, lack of appropriate policies, weak and

corrupted institutions and the mismatch between traditional and current uses of land. Torre et al (2014), in concurrence with Balestri (2015) observed that land conflicts are the results of the dissatisfaction of one part of the population with actions undertaken or planned by their neighbours, by private institutions or by public authorities. In fact, according to Douglas & Walton (2016), land and conflict are often inextricably linked. Bjola & Kornprobst (2010) attest to the same link when he points out that where there is conflict, land and natural resources issues are often found among the root causes or as major contributing factors.

Land is very much a sovereign issue as all levels of government – national, territorial/provincial, and particularly local – are involved in preventing and resolving land conflict and are sometimes involved in land-related human-rights violations (UN Habitat, 2017). Torre et al (2014) agrees that the government’s role in conflict resolution in terms of authority, duties and functions is to create a sense of security in society by making policies that guide conflict resolution measures if they occur. It is in this context that land governance comes about when Palmer et al (2019) earlier contended that, land governance is fundamentally about power and the political economy of land. Palmer et al (2019) posited that land governance encompasses statutory, customary and religious institutions, as well as informal institutions. It includes state structures such as land agencies, courts, and ministries and municipalities responsible for land. It also includes informal land developers and traditional bodies. It covers the legal and policy framework for land, as well as traditional practices governing land transactions, inheritance and dispute resolution. In short, it includes all relevant institutions from the state, civil society and private sectors.

Later, in concurrence, UN Habitat (2017) defined land governance as: “the rules, processes and structures through which decisions are made regarding access to and the use and transfer of land, the manner in which those decisions are implemented and the way conflicting interests in land are managed ” (UN Habitat, 2017). UN Habitat (2017) later substantiated this definition that it highlights three important dimensions: (1) institutions, (2) quality of decision-making and translation into action; and (3) managing conflict interests, entailing consideration of the equity dimensions of land policies, land interventions, and the institutional arrangements for land governance (UN Habitat et al, 2017).

1.3 Problem Statement

Despite the attempts by the Government of Uganda to reduce land conflicts through the formal court systems, land related conflicts have remained the most prevalent type of dispute occurring with and among communities in Uganda, both in the rural and urban areas (Obaikol & Ogwapit, 2017). For instance, UBOS Report (2016) found that in Uganda, land wrangles are common with 6.7% of households reporting having had a land dispute. Similarly, Musumba (2015) gives a precise magnitude of the problem, indicating that 33% to 50% of landholders in Uganda were affected by land conflicts, and in Northern Uganda, Burke & Egaru (2011) contend that land conflicts had become a serious issue in the post-conflict times. To manage these spiral cases of land conflicts, Government of Uganda established different land governance institutions such as the National Local Council Courts; the Land Tribunals; the Sub-county Local Council Courts; and Ad-hoc mediators. But a caseload

records show that the total number of reported land conflicts is on the rise but the total number of “resolved” cases is decreasing and stood at 83% in 2015 (Obaikol & Ogwapit, 2017), bringing into question the effectiveness of land governance institutions. A report from the Lands Investigation Desk of the Uganda Police Force (2017) indicates that Lira district had 371 cases of reported land conflicts, while Mityana and Gombe had a total of 849, and 1,093 cases, respectively in 2016; and after Musumba’s (2015) study which indicate a high prevalence of land conflicts in Lira district, this study therefore sought to fill the gap by finding what the situation is now in terms of the effectiveness of land governance institutions in managing land conflicts in Lira district.

1.4 Purpose of the Study

This study aimed to examine the effectiveness of selected land governance institutions in the management of land conflicts in Lango sub-region. Specifically, the study sought to: (i) To examine the effectiveness of Land Tribunals in land conflicts management; (ii) To investigate the role of Local Council Courts in land conflicts management; (iii) To analyse the impact of Ad-hoc Mediators in land conflicts management.

2. Methodology

This research used correlation and descriptive study designs. The reason for using correlation design was because it probes the extent to which two or more variables relate to one another. In this study the correlation design investigated the extent to which land governance institutions are effective in land conflict management. Descriptive research involved describing such things as values, attitudes and characteristics (Mugenda & Mugenda, 2013). The study was basically a case study of Lira District. This was because it was not feasible to carry out the investigation in the entire country for reason of time and resource constraints. Quantitative as well as qualitative research approaches were used in the study. Quantitative methods obtained numerical data while qualitative methods generated descriptive data explaining facts revealed by quantitative data.

2.1 Study population

The study population is composed of persons who served as land tribunals between 2016 and 2021 in Lira district, members of the local council courts, and opinion leaders who include religious leaders, elders, members of Parish Development Committee, and Secretaries of Environment Affairs of villages. The choice of this population is informed by the fact that they are the epicentre of land institutions and land conflicts management.

2.2 Target population

The study population included officials from each of the nine sub-county land tribunals; members of local council courts that included court clerks and court members from the nine sub-counties in Lira district; and 18 members from each of the nine sub-counties in Lira district that included religious leaders, elders, members of Parish Development Committee, and secretary for environment in villages. This target population was expected to provide the much needed information on the study variables. The sample size was 200

respondents, determined using Krejcie and Morgan's Table (Krejcie & Morgan, 1970). The target respondents included both males and females from the said population. The said target respondents were selected purposively to pick on respondents judged to be knowledgeable and experienced in issues of land management. Lira District was chosen for the study through the non-probability sampling techniques of convenience and judgmental sampling. The target respondents are indicated in table 1 herein below.

2.3 Data Collection Instrument

The researcher obtained and reviewed reports, periodicals and scholarly books from libraries and e-resource centres on land governance institutions and land conflicts management. It also involved reviewing existing data or literature on the research problem. The lists of such sources are put in the references to this proposal. Also, a designed Questionnaire was administered to the target respondents to obtain quantitative data. The research instrument was used to obtain relevant information on the effectiveness of the land governance institutions in mitigating land conflicts. A copy of the questionnaire is contained in the appendices herein. The questionnaire was based on a five-point Likert scale as follows: 1) Strongly Disagree, 2) Disagree, 3) Not sure, 4) Agree and 5) strongly agree. Questionnaires was used because it is free from interviewers' bias and because respondents have adequate time to give well thought out answers. Further, interviews were conducted with different key stakeholders in land conflict management such the Senior Assistant Secretary, Police, and some religious leaders between March 13th and 25th 2022. It was used to carry out interviews with the local inhabitants of the selected parishes to elicit their opinions about the effectiveness of the land management institutions in the resolution of land conflicts. Community members of the selected parishes were interviewed during this study. A copy of the Structured Interview Guide is attached. And, focus group discussions, were used to obtain research data from victims of land conflicts, and persons who participated in land conflict management in Lira district. The venue was county headquarters of Erute South Constituency in Amach sub-county headquarters; and Erute North Constituency at Ogur sub-county headquarters between March 13th and 25th 2022. The tool's popularity is linked to the rise in the active experimentation with focus groups in the academic social sciences during the 1980s (Morgan, 2012). The technique emerged as a qualitative data collection approach and a bridging strategy for scientific research and local knowledge (Cornwall & Jewkes, 2015). The researcher organized two FGD, with one group consisting of 11 members' all-women category; and another group consisted of 11 members of an all-men category.

2.4 Validity and Reliability

Content validity was taken care of by making the sample of the study representative of the universe. Validity of this study was attained through supervision from the research supervisor who advised the researcher on the necessary adjustments or corrections to make before the proposal is approved. Reliability was attained through standardizing the conditions under which measurement took place. Also, by pilot-testing the questionnaire. Reliability was further be tested and ensured by carrying out reliability tests using Cronbach Alpha. Cronbach's alpha determined the internal consistency or average correlation of items in a

survey instrument to gauge its reliability. Where the scale showed poor reliability, the individual items within the scale were re-examined and modified or completely changed as needed.

Table 1: Showing the Reliability Statistics

Variable List	Cronbach's Alpha	No of Items
Land conflicts	.773	5
Land governance institutions	.765	20
Overall	0.769	25

Source: Field data, 2022

2.5 Data Processing, Analysis and Presentation

Both Qualitative and quantitative data were analysed. Before the analysis collected data were edited to remedy errors of commission and omissions, if any. Errors identified were rectified there and then. This was done to ensure that the data are accurate and consistent with other facts gathered. Quantitative data were thematically tabulated and coded to summarize the data into a limited number of categories per objective. The researcher then classified the data by arranging them into groups or classes on the basis of the common characteristics and tabulated them for easy analysis. Statistical Package for Social Scientists (SPSS) computer package was used to analyse Quantitative data collected objective by objective. The process of analysis involved loading the excel file with all the data, importing the data into SPSS and subsequently giving an SPSS command to run a factor analysis to establish the extent to which land governance institutions are effective in mitigating land conflicts in Lira District.

3. Data Presentation, Analysis and Discussions

3.1 Response Rate

Out of a total of 200 questionnaires that were expected to be returned, only 172 were returned which translate to 86% response rate because the researcher was able to make persistent follow-ups of prospective respondents during data collection. Talison (2013) concurs that the response rate of between 50% and 70% is ideal for analysis and reporting in a study, a response rate of between 71% and 90% is best for analysis and reporting but scores above 90% is excellent for analysis and reporting.

3.2 Background data

The researcher examined the different background characteristics of the respondents.

Table 1: The Demographic characteristics of respondents

Variable List	Categories	Frequency	Percent
Sex	Male	113	65.7
	Female	59	34.3
	Total	172	100
Age group	18-30	26	15.1
	31-50	32	18.6
	Above 50	114	66.3
	Total	172	100
Education qualification	Never Attended Formal education	0	0
	Primary Education	103	59.9
	O'level or Post Primary	47	27.3
	A'level, Cert, Dip, Degree, etc.	22	12.8
	Total	172	100

Source: Field data, 2022

From table 1 above, 65.7% were male while 34.3% were female. These statistics suggest that the study constituted mostly men than women. This is because of the patriarchal gender norms and practices that disproportionately exclude women and make land governance institutions and structures to be male dominated. 66.3% were mature adults of above 50 years, and 15.1% were youthful. This implies that land governance institutions in the study area were composed of matured and experienced persons in society. From these statistics, it can be observed that the study constituted mostly the mature adults. This can also be attributed to patriarchy, where male elders dominate both formal and informal decision making structures. On education qualification, the findings reveal that the study respondents were relatively literate which implies that they could provide the desired information for this study. Categorically, 59.9% of respondents indicated that they attended only primary education, 27.3% attended secondary education, and 12.8% attended higher secondary, had certificates, diploma, bachelor's degree, and master degrees, among other qualifications. This implies that

the level of education among this study respondent was relatively low. This is probably explained by the fact that majorly persons from both the Local Council administration that comprised of the secretary for environmental affairs of villages who could not have attended higher education.

3.3 Descriptive, Correlations and Regression Statistics

The researcher used mean and standard deviations to explain the prevalence of land conflicts and the appropriateness of land governance institutions in dealing with land conflicts. In particular, the researcher used mean to describe the extent to which respondents' views on any given claim on land conflicts and land governance institutions clustered among respondents. This was important in identifying the convergence of views and a probable guide to strengthening the land governance institutions. In this study, (mean < 2.500) indicates low scores, mean scores ranging from 2.500 but not exceeding 3.500 indicate moderate scores, mean scores above 3.500 indicate high scores, and the mean scores above 3.500 indicate very high scores. On the other hand, low standard deviations indicated consistency of views while high standard deviations indicated inconsistency of views on any given claims raised by the researcher on land conflicts and land governance institutions.

3.4 The prevalence of land conflicts in Lira district

The study considered constructs such as being involved in land conflicts with a neighbour, witnessing land boundary conflicts between neighbours, witnessing deliberate land grabbing from the poor by the rich, witnessing compulsory acquisition of land from locals by a government entity, and being involved in a land inheritance dispute with my relatives. The results of this finding is indicated in the below.

Table 2: The prevalence of land conflicts in Lira District

Variable List	Mean	Std.
1. In the last one (1) year I was involved in a land boundary dispute with my neighbour.	3.709	1.030
2. In the last one year I witnessed land boundary conflicts between neighbours.	3.593	1.169
3. In the last one (1) year I have experienced deliberate land grabbing from the poor by the rich within my parish.	3.587	1.293
4. In the last one (1) year I have witnessed compulsory acquisition of land from locals by a government entity.	3.512	1.073
5. In the last one (1) year I was involve in a land inheritance dispute with my relatives.	3.215	1.287
Average	3.523	1.170

The findings indicate that in the last one year, most of the respondents were involved in a land boundary dispute with a neighbour (mean = 3.709; std. = 1.030). Besides getting involved in land boundary conflicts with a neighbour, respondents were witnessed land boundary conflicts with a neighbour (mean = 3.593; std. = 1.169), and experienced land grabbing from the poor by the rich in their parish (mean = 3.587; std. = 1.293). The statistics imply that there is high prevalence of land conflicts in Lira. This can be attributed to rapid urbanization which has in turn increased land pressure and land value which are known drivers of land conflicts. From the lowest extreme, the land conflicts among the relatives on grounds of inheritance was prevalent (mean = 3.215; std. = 1.287) but not as prevalent as with neighbours. The relative prevalence of land conflicts among relatives can be attributed to the fact that a number of relatives inherit land from ancestors from which they divide. It is such Sub-county that make many relatives to conflict. However, a comparison of the standard deviation, all of which were above 1.00 suggests that respondents highly differed in their views on the prevalence of land grabbing in their area. The high difference in opinions on land grabbing suggests that respondents' views on prevalence of land grabbing seem to be based mostly on perceptions.

3.5 The Effectiveness of Land Tribunals in Land Conflict Management

The study considered results from documentary review, questionnaires, Focused Group Discussion and Key Informant Interview to examine the effectiveness of Land Tribunals in land conflict management in Lira district. The results are presented below.

3.5.1 Land Tribunals and Land Conflicts Management

The study examined the effectiveness of Land Tribunals in land conflict management by looking at study constructs such as the prevention of land conflicts from emerging, resolution of land conflicts, de-escalation of land conflicts, and containment of land conflicts in Lira district. The findings are as presented below:-

Table 2: Views on the Effectiveness of Land Tribunals

Variable List	Mean	Std.
1. Land Tribunals in this district are effective in preventing land conflicts from emerging	3.907	0.919
2. Land Tribunals in this district are effective in resolving land conflicts	3.744	1.045
3. Land Tribunals in this district are effective in ensuring that resolved land conflicts don't re-emerge.	3.721	0.993
4. Land Tribunals in this district are effective in de-escalating land conflicts.	3.645	1.188

5. Land Tribunals in this district are effective in containing land conflicts escalating.	3.390	1.259
Average	3.681	1.081

Source: Field data, 2022

Concerning land Tribunals, most of the respondents pointed to their effectiveness in preventing land conflicts from emerging (mean = 3.907; std. = .919). Besides preventing land conflicts from emerging, respondents also pointed to resolving land conflicts (mean = 3.744; std. = 1.045). From the lowest extreme respondents pointed to containing land conflicts from escalating (mean = 3.390; std. = 1.259). The foregoing finding agrees with Alban et al (2020) who observed that by advocating for the registration of customary rights over land in a formal register, district land Tribunals prevent land conflicts by making rights over and ownership of the land to be recognized by others and stop them from making competing claims over the land. The finding equally validates the finding by Ali et al (2019) who observed that there is international recognition that issuance of legal land rights documents such as land titles enhances land security. The statistics suggest that land Tribunals have been effective in preventing land conflicts from emerging but less effective in containing land conflicts from escalating. This can be attributed to the fact that land Tribunals normally directly intervene in resolving conflicts which have broken out. They settle such cases and advocate for the registration of, with boundary mark stones; which keep land grabbers or land boundary claimants away, hence preventing land conflicts. However, according to one respondent, the public is often frustrated by District Land Tribunals when she observed as follows:

“... I made a decision and took steps to register my land with the District Land Tribunal, in my bid to secure my land from land grabbers but one year down I have not got anything, they usually take too long to be fully constituted into full quorum before a case can be handled” (FGD Respondent, 22/3/2022).

The foregoing qualitative finding of this study is therefore in tandem with a finding by the World Bank (2019) that land conflict prevention role of land hearing by District Land Tribunals is often undermined by the weak and non-functional nature of the Tribunals, as evidenced by poor records with incomplete information at the Land Offices in most districts in Lango and Acholi regions. Musumba (2015) contends that all appeals to decisions made by the District Land Tribunals and by sub-county Land Tribunals have to go to other higher authorities. Appeals to decisions made by a District Land Tribunal must be lodged at the High Court (Mwesigye & Matsumoto, 2016). While at least one of the members of the Land Tribunals on the sub-county level must be a woman, no such provision is included for the membership of the District Land Tribunals (Rugudya, 2009). According to Tracaire (2017), by November 2001, the District Land Tribunals were finally established in Uganda to offer speedy settlement of land conflicts across the country. With the delay in establishing the Land Tribunals, many people who did not have a case pending at a Local Council Court or Magistrate’s Court have had to go directly to the High Court, which is overwhelmed by the

number of cases filed before it. An amendment on the jurisdiction of Local Council Courts and the Magistrates' Courts was thus adopted in June 2001, allowing these courts to finalize the cases that were still pending before them on 2 July 2000.

Omiat (2011) states that Land tribunals may also advise the parties to use such mediation or may refer the parties to an independent mediator, appointed by the Tribunal, but agreed to by the two parties; and that the tribunals may accept evidence that would not ordinarily be admissible in the normal courts of law. Much as District Land Tribunals are very important in guaranteeing land rights and preventing land conflicts they seem invisible to the public. This is evidenced by an observation by one respondent as follows:

"... I have never heard about the District Land Tribunals in this community. They have never come to our community to handle any land issue. I don't know if our district or district has one. If it has then it is not doing its work well. I have also never seen them play any roles in addressing land conflicts that are very many in our communities" (Respondent, 23/3/2022).

This finding of this study validates Trocaire (2017) finding that District Land Tribunals delay in processing land transaction. This finding also echoes an observation by Government of Uganda (2013) that statutory land institutions such as the District Land Tribunals have faced difficulties in innovating comprehensive, legitimate, accessible and cost-effective frameworks to address the root causes, and structural causes of land conflict and conflicts. The qualitative finding equally concurs with Kobusingye; Leeuwen, & Dijk (2016), who held that people have lost trust in such institutions as the District Land Tribunals as they fail to ascertain or even protect people's registerable land rights. To Trocaire (2017) District Land Tribunals unable to protect security of tenure and prevent competing land claims because they have limited knowledge and skills to deliver on their mandates. This gives room for conflicts to emerge. However, this study was unable to dispute or validate this observation on knowledge and skills of District Land Tribunals as the study did not cover that. The qualitative finding as well agrees with Kobusingye, Leeuwen, & Dijk (2016) who earlier observed that District Land Tribunals lacked well-planned community sensitization on themes which are relevant to providing solutions to land rights challenges faced by locals.

The study findings offer proof to one of assumptions of argumentative theories of governance from which Sprigs (2012) states that that a neutral force should show commitment to understand and identify arguments, and the goals of the participants in the different types of dialogue; identify the premises from which conclusions can be derived; establish the "burden of proof" or determine who made the initial claim and is thus responsible for providing evidence as to why his/her position merits acceptance; and that the responder to provide counterexamples if possible, to identify any fallacies, and to show why a valid conclusion cannot be derived from the reasons provided by his/her argument.

3.5.2 The Effectiveness of Local Council Courts in Land Conflicts Management

Both the documentary reviews, questionnaires, Key Informant Interviews, and Focused Group Discussion were conducted to analyse the effectiveness of sub-county Local

Council Courts in management of land conflicts in Lira district. The findings are presented below:-

Local Council Courts and Land Conflicts Management

Constructs such as resolution of land conflicts, de-escalation of land conflicts, containment of land conflicts, and the prevention of land conflicts in Lira district were considered in the period covering 2016 and 2021. The Local Council Court is a system created to complement the formal courts with more informal courts; they are designated in every village, parish and sub-county to function as courts. Among other issues, these courts deal with customary law disputes relating to customary marriages, such as the marital status of women and the identification of customary heirs. They might also be called upon to decide on family property upon divorce. Below are the findings:

Table 3: The Effectiveness of Local Council Courts

Variable List	Mean	Std.
1. Local Council Courts in this district are effective in ensuring that resolved land conflicts do not re-emerge	4.291	0.809
2. Local Council Courts in this district are effective in resolving land conflicts	3.919	0.707
3. Local Council Courts in this district are effective in de-escalating land conflicts	3.727	0.952
4. Local Council Courts in this district are effective in containing land conflicts from escalating	3.297	0.956
5. Local Council Courts in this district are effective in preventing land conflicts from emerging	3.169	0.998
Average	3.680	0.884

Source: Field data, 2022

Concerning Local Council Courts, most of the respondents pointed to ensuring that land conflicts do not re-emerge (mean = 4291; std. = .809). Besides preventing land conflicts from emerging, Local Council Courts appear effective in resolving land conflicts (mean = 3919; std. = .707), and de-escalating land conflicts (mean = 3.727; std. = .952). From the lowest extreme, Local Council Courts appear less effective in preventing land conflicts from emerging (mean = 3.729; std. = .998). The success of Local Council Courts in handling land conflicts agrees with Government of Uganda (2006) and Kohlhagen's (2019) which states that Uganda's Local Council Courts have unlimited jurisdiction to deal with conflicts in respect of land held under customary tenure. Land conflicts are officially within the jurisdiction of local courts. The statistics suggest that Local Council Courts are effective in stopping land conflicts

from re-emerging but less effective in sopping new land conflicts. While the mean scores do not show significant difference in the effectiveness of Local Council Courts in handling land conflicts, standard deviations suggest that Local Council Courts seem effective in resolving land conflicts.

The effectiveness of Local Council Courts in resolving land conflicts can be attributed to the fact that Local Council Courts are more accessible to locals, they use procedures that are friendlier to locals; they deliver substantive and popular justice to resolve land conflicts. This makes their work to be much appreciated. The law mandates them to resolve conflicts around customary land which is the predominant land tenure system in the area. Since Local Council Courts are within the community itself they intervene early when a conflict tries to re-emerge and therefore are seen by community members to be effective in preventing land conflicts from re-emerging. The presence of Local Council Courts in handling land conflict matters is in line with some respondents:

“...Local Council Courts don’t delay like courts when a conflict is referred to them. Most of the conflicts they handle are related to land. They use the local language and you don’t need to hire a lawyer to represent you when you are before them... ” (Respondent, 14/3/2022).

The finding concurs with the holding in the conceptual framework that Local Council Courts contain, de-escalate, resolve and prevent the re-emergence of land conflicts within their jurisdictions. In further concurrence, one respondent observed as follows during the field study:

“... We prefer Local Council Courts compared to the formal courts because court members are part of us, they usually know very well the land in dispute and always decide the cases fairly.... ” (Respondent, 17/3/2022).

The same view agrees with Akin and Katono (2011) who assert that the public trust Local Council Courts and the police more than they do the main stream courts. The same view is consistent with Nakayi (2013) who observed that Local Council Courts are close to people and can resolve local conflicts faster at affordable costs. The aspect of time and cost in resolving land conflicts and Local Council Courts is in agreement with (Jjemba, 2019) and Burke’s and Omiat’s (2011) who contend that Local Council Courts are effective and less costly. The fact that Local Council Courts allow members of that community to hear its proceedings puts pressure on them to decide the cases fairly.

“...Even where Local Council Courts want to be bias because they are given bribes they are always intimidated by the presence of members of the community who know much about the land, hence they always decide cases fairly... ” (Respondent, 15/3/2022).

From the excerpt above, it emerges that Local Council Courts are liked by communities, and probably utilized frequently (Obaikol, 2014) because of their trust compared to main stream courts. This is in concurrence with the finding of this study that a majority of conflicts are referred to the Local Council Courts. However Local Council Courts

appear less effective in handling land conflicts because of their lack of independence. A specific case in northern Uganda by Jjemba (2019) showed that Local Council Courts operate in an unstable environment characterized by highly imperfect and chaotic functioning, which affects their ability to dispense justice that meets the minimum human rights standards.

“...A majority of local council court members are men. The few women who are there are there just for formality. As such, whenever a dispute is between a man and a woman Local Council Courts discriminate against a woman and they make her lose even where she is on the right side of the case ... ”
(Respondent, 15/3/2022).

This excerpt further supports Khadiagala (2013) who examined Local Council Courts in Kabale and found them to be discriminatory and that women seem to prefer ‘the rule of law’ by magistrates’ courts to ‘the rule of persons’ by local councils. In conclusion, the study findings on the effectiveness of local council courts appear to have provided proof to the conflict theories which assume that all societies have structural power Sub-county and resource inequalities that lead to groups having conflicting interests (De Juan, 2017). The study findings also provided credibility to the assumption of conflict theory that human relationships and social structures all experience inequalities of power. In this way, some individuals and groups inherently develop more power than the Parish than others. Conflict theories assume that all societies have structural power Sub-county and resource inequalities that lead to groups having conflicting interests (Deininger & Castagnini, 2016)

3.5.3 The Effectiveness of Ad-hoc Mediators in Land Conflict Management

Under this study objective, the researcher considered the documentary reviews, questionnaires, Key Informant Interviews, and Focused Group Discussion in the process of analysing the effectiveness of Ad-hoc Mediators in the management of land conflicts in Lira district. Under this objective, the study considered constructs such as resolution of land conflicts, de-escalation of land conflicts, containment of land conflicts, and the prevention of land conflicts in Lira district in the period covering 2016 and 2021. Below are the findings:-

Table 5: The Effectiveness of Ad-hoc Mediators

Variable List	Mean	Std.
1. Ad-hoc mediators are effective in preventing land conflicts from re-emerging	4.419	0.972
2. Ad-hoc mediators are effective in containing land conflicts from escalating	4.355	1.206
3. Ad-hoc mediators are effective in de-escalating land conflicts	4.215	1.243
4. Ad-hoc mediators are effective in ensuring that resolved land conflicts don't re-emerge.	3.936	1.288

5. Ad-hoc mediators are effective in resolving land conflicts.	3.773	1.443
Average	4.140	1.231

Source: Field data, 2022

In as far as ad-hoc mediators are concerned in handling land conflicts, most of the respondents pointed to preventing land conflicts from re-emerging (mean = 4.419; std. = .972). Besides the effectiveness of ad-hoc mediators in solving land conflicts, they appear effective in containing land conflicts from escalating (mean = 4.355; std. = 1.206). From the lowest extreme, respondents indicated that ad-hoc mediators are less effective in resolving land conflicts (mean = 4.215; std. = 1.443). These statistics suggest that ad-hoc mediators appear effective in containing land conflicts from re-emerging. A comparison of standard deviations confirms this claim. This was further corroborated in the qualitative find of this study where one respondent observed as follows:

“...Ad-hoc mediation is provided for by law. That is why it is common for Magistrate and High Courts in Uganda to refer cases that are before them for arbitration before they allow a trial to commence. Much emphasis is put on mediation personalities such as Area Land Committees, community paralegals, religious leaders, and some politicians in the area” (Respondent, 15/3/2022).

This outcome concurs with Obaikol (2014) who observed that mediators are provided for under section 89 of the Land Act on ad-hoc basis. The same finding of this study is in agreement with Akin and Katono (2011) who held that mediation has taken root in a variety of jurisdictions across Africa, from paralegal training programs for village mediators in Malawi and Kenya, to Mozambique’s Arbitration, Mediation, and Conciliation Act. Even though he did not mention Uganda specifically. This is in tandem with the qualitative finding of this study where a respondent observed as follows:

“... Within our community we have many community paralegals that were trained by NGOs. They mediate in conflicts between community members. In some cases they are successful in resolving conflicts but in a number of cases they are not successful. One challenge the paralegals face is that some disputants don’t submit before and some of them are not skilled enough to mediate a complicated conflict”, (Respondent, 14/3/2022).

This outcome further agrees with Obaikol (2014) who observed that courts of law now apply mediation for most cases before going into formal hearing. However, the finding of this study rebuts Obaikol (2014) study which reported 26% effectiveness with mediation in a 2012 national study by the Justice, Law and Order Sector (JLOS). The differences in the finding of the two studies could be a result of a 10 years’ time difference between the two studies, and also because of the fact that whereas in or around 2012 mediation was mandatory for every matter that was filed in court from 2019 mediation became optional rather than mandatory. The finding of this study therefore disproves LEMU and ASB (2010) observation that the gravity and significance of mediators’ daily work in mediating land conflicts in Uganda can

in no way be overstated (LEMU & ASB, 2010). The said finding of this study also disagrees with Obaikol (2014) study which found that most successfully mediated cases were family and land related matters since this study found that interventions by ad-hoc mediators normally escalate land conflicts than resolve, or contain or de-escalate them.

According to Kakoza (2017) opined that mediation may be defined as a voluntary, non-binding and private dispute resolution process in which a neutral person helps the parties reach a negotiated settlement. The neutral person who helps parties find a solution to their dispute is called a ‘mediator’. Mediation creates a dialogue and environment for listening, for diffusing of tension, and understanding of perspectives. It can bring together antagonists and create conditions for negotiation and agreement (Balestri, 2015). The main elements of mediation are that it is voluntary where the conflicting parties to the dispute must agree to try mediation, although there may be strongly encouraged to do so in some circumstances (Ali et al, 2014). Mediation may also be non-binding because it is voluntary, and the process and the outcome do not bind the parties to a settlement. A party is free to walk out of mediation at any time (Coudree, 2019). A mediator has no authority to make a binding determination, so if the parties cannot agree, there will be no settlement and the case will proceed to another form of dispute resolution. However, if settlement is reached, the agreed terms will form part of an enforceable contract (De Juan, 2017).

Mediation is non-prejudicial, meaning that anything said or revealed in the process cannot be used later in another forum (Cornwell & Jewkes, 2015). The facts revealed are confidential to the parties and to the mediator and cannot be revealed to others at any time (Lahr, 2016). The terms of a settlement may remain confidential or not, as agreed by the parties. The role of the mediator is key to the success of any mediation, and it is essential that the mediator is acceptable to and trusted by both parties (Marcus, 2014). Therefore, the mediator must be a truly neutral person having no association with either of the parties or any interest in the outcome. Mediation aims to achieve a “win-win” outcome (Kohlhagen, 2019). It is only successful if both parties are happy with the outcome and abide by the agreement. Mediation often fails if one or both parties is unwilling to participate and contribute to reaching agreement; one of the parties’ acts in bad faith; and if one of the parties exits the mediation process or takes the dispute to court (Tjemba, 2019). According to Chigbu, Paradza & Mwesigye, (2019), team of respected personalities are always considered or preferred in handling mediation so as to achieve its purpose in resolving land disputes. It taps into the current law and practices on mediation and balances its operation.

Elsewhere in Lango sub-region, land conflict broke out in Otuke district and by 2015, conflicts mediation was considered to create a sustainable community support network to address land conflicts and NGOs, Safer world and partners established a voluntary community-led mediation committee made up of 30 men and women from Olilim sub-county in which the contested ‘Barima’ is located Chigbu, Paradza & Mwesigye, (2019). The mediation team consisted of different ages, including police and security representatives. Safer world and partners trained committee members on approaches and skills to resolve conflicts, land rights including women’s rights to land and other properties, and conflict analysis during resolution processes. Therefore, working within the community, members of the mediation

committee have honed their mediation skills over the years to resolve disputes and prevent disagreements escalating into conflict. Impressively, the committee recorded important details of all the cases that were brought to them. “Record keeping was very important. The mediation team has a book in which they’ve been documenting cases since 2015. In 2015, 102 cases were registered, only two went to court; in 2016, 92 were successfully mediated, none went to court; in 2017, 56 have been registered six are pending, none have gone to court which scored a significant success in the reduction of land conflicts” (Chigbu; Paradza & Mwesigye, 2019).

The qualitative finding of this study hereinabove concurs with ARD (2008) which observed that mediators often lack the skills and knowledge to resolve conflicts consistent with the law, yet institutional support is limited to non-existent. The said finding of this study validates an observation by Akin and Katono (2011) that one of the challenges facing mediators is that they operate in a litigation mind-set. They add that letters written to invite Respondents for mediation sessions were often structured and worded like accusatory Notices of Intention to Sue sent by advocate on behalf their clients. It is this lack of knowledge pointed out by Akin and Katono (2011) and ARD (2008) that could explain the finding of this study that interventions by mediators always have the effect of escalating conflicts instead of de-escalating or resolving them. The said qualitative finding of this study therefore means that Government of Uganda (1998) enacted in section 89 (5) of the Land Act that “the mediator of a customary land dispute shall be guided by the principles of natural justice, general principles of mediation, and the desirability of assisting the parties to reconcile their differences” is not being followed, hence their negative role in managing land conflicts reported here in this study. Thus, Nathan’s (2019) observation that the strategic principles of mediation must be deployed by a mediator to ensure a workable peace settlement that is acceptable to all the parties has currency. Thus, Akin and Katono (2011) cannot be more right when they observed that adversarial mind-set of community paralegals who mediate land conflicts in post-conflict Northern Uganda tended to visibly undermine the problem-solving spirit of mediation (Akin & Katono, 2011).

Upon, re-examination of the statistics describing the land governance institutions: land Tribunals (mean = 3.907; std. = .919), Local Council Courts (mean = 4.291; std. = .809), and ad-hoc mediators (mean = 4.419; std. = .972). From the mean scores, the statistics suggest that ad-hoc is more effective in managing land conflicts. The study findings offer proof to the argumentation theory which is the interdisciplinary process of showing how conclusions can be supported or undermined by premises through logical reasoning (Walton & Zhang, 2016). The theory is organized based on the major components of an argument such as claim, reason, evidence, counter-claim, and rebuttal, and includes various forms of dialogue such as deliberation and negotiation which are concerned with collaborative decision-making procedures. A successful mediation is often long-lasting because both parties were empowered by the process and they themselves contributed to and reached agreement. It is "win-win" and avoids one of the parties 'losing' the dispute.

3.5 Pearson Correlations

We used correlation to establish the relationship between land governance institutions and land conflicts. The correlation coefficient, which ranges from Zero to one, measures the strength of the relationship. The more the correlation coefficient approaches zero, the weaker the relationship between the variables. On the other hand, the more the correlation coefficient approaches 1.00, the stronger the relationship between the variables.

Table 6: Pearson Correlations

Variable List; N = 172		Land Board	L.C. Courts	Ad-hoc Mediators	Land conflict
Land Board	Pearson Correlation	1			
	Sig. (2-tailed)				
Local Council Court	Pearson Correlation	.239 (**)	1		
	Sig. (2-tailed)	.002			
Ad-hoc Mediators	Pearson Correlation	.133	.015	1	
	Sig. (2-tailed)	.082	.845		
Land conflict	Pearson Correlation	.120	.224 (**)	.518	1
	Sig. (2-tailed)	.116	.003	.297	

** Correlation is significant at the 0.01 level (2-tailed).

The correlation between land board and land conflict ($r = .120$; $p\text{-value} > .05$) is positive and weak. Above all the probability level of significance indicates that the correlation is not statistically significant. The statistics imply that a variation in land Board practices is associated with a weak but significant variation in land conflicts. This can be attributed to the fact that although land Tribunals is land governance their main role in the governance of land is hearing of land ownership rather than resolution. The finding of this study validates Trocaire (2017) finding that District Land Tribunals delay in processing land transaction. Though it contributes to prevention of the outbreak of land conflicts and in containment of the same, the finding reveals that the contribution of Land Board is more unconsciously than deliberate. Much as District Land Tribunals are very important in guaranteeing land rights and preventing

land conflicts, they seem invisible to the public. This is evidenced by an observation by one respondent as follows:

“... I have never heard about the District Land Board in this community. They have never come to our community to handle any land issue. I don't know if our district or district has one. If it has then it is not doing its work well. I have also never seen them play any roles in addressing land conflicts that are very many in our communities” (Respondent, 23/3/2022).

The correlation between Local Council Courts and land conflict is positive and weak ($r = .224$; p -value $< .05$). The probability level of significance indicates that the correlation is statistically significant. The statistics provide some evidence that Local Council Courts are weak at resolving land conflicts in the area. The significance of the correlation is because the work of Local Council Courts in preventing land conflicts is deliberate, they are more accessible to disputants and they use procedures of resolving land conflicts that are not only understandable but also more acceptable to the disputants, and as such more conflicts are resolved by them. However, they are considered weak in resolving land conflicts are normally less fair when they adjudicate land conflicts and are considered inferior to courts of Judicature where their decisions are normally challenged. The same view agrees with Akin and Katono (2011) who assert that the public trust Local Council Courts and the police more than they do the main stream courts. The finding concurs with the holding in the conceptual framework that Local Council Courts contain, de-escalate, resolve and prevent the re-emergence of land conflicts within their jurisdictions. In further concurrence, one respondent observed as follows during the field study:

“... We prefer Local Council Courts compared to the formal courts because court members are part of us, they usually know very well the land in dispute and always decide the cases fairly....” (Respondent, 17/3/2022).

The correlation between Ad-hoc mediators and land conflict ($r = .518$, $p < .05$) is strong and positive, implying that there is a positive and statistically significant relationship between ad-hoc mediators and land conflicts management. The statistics suggest that a variation in Ad-hoc mediation practices in land matters is associated with a positive variation in land conflicts. This can be attributed to the fact the decisions of ad-hoc mediators result into gentleman's agreements that are binding to the disputants. The same finding of this study is in agreement with Akin and Katono (2011) who held that mediation has taken root in a variety of jurisdictions across Africa, from paralegal training programs for village mediators in Malawi and Kenya, to Mozambique's Arbitration, Mediation, and Conciliation Act. The finding of the study that ad-hoc mediators are more effective in resolving land conflicts was further corroborated in the qualitative find of this study where one respondent observed as follows:

“...Ad-hoc mediation is provided for by law. That is why it is common for Magistrate and High Courts in Uganda to refer cases that are before them for arbitration before they allow a trial to commence” (Respondent, 15/3/2022).

Therefore, the mediator must be a truly neutral person having no association with either of the parties or any interest in the outcome. Mediation aims to achieve a “win-win” outcome (Kohlhagen, 2019). It is only successful if both parties are happy with the outcome and abide by the agreement. Mediation often fails if one or both parties is unwilling to participate and contribute to reaching agreement; one of the parties’ acts in bad faith; and if one of the parties exits the mediation process or takes the dispute to court (Tjemba, 2019).

3.6 Regression Analysis

While correlation shows the relationship between variables, it does not show the contribution of each predictor variable in the dependent variable. The regression coefficients predict the amount of variation in land conflicts due to land governance institutions. The researcher used multiple regressions to measure the contribution of each of the land governance institutions in addressing the problem of land conflicts in the area. Multiple regressions use the Beta coefficients to determine the amount of change in the dependent variable due to each independent variable. Table 9 shows the contribution of each of the land governance institutions in addressing the land conflict problem.

Table 6: Multiple Regression Analysis

Variable List	Unstandardized Coefficients		Standardized Coefficient	T	Sig.
	B	Std. Error	Beta		
(Constant)	0.947	0.650		1.458	0.147
Land Board	0.179	0.098	0.143	1.834	0.068
Local Council Court	0.136	0.134	0.085	1.015	0.312
Ad-hoc Mediators	0.196	0.090	0.479	1.440	0.152
R	0.341				
R Square	0.236				
Adjusted R Square	0.095				
Std. Error of the Estimate	0.741				

A: Predictors: (Constant), Ad-hoc Mediators, Local Council Court, Land Board

b: Dependent Variable: Land conflict

From the Beta coefficients, Land Tribunals (Beta = .143; p-value >.05) posted a positive coefficient which seems to suggest that land board reduce land conflicts in the area. This is because hearing of land ownership by the land Tribunals do keep potential land grabbers and/or disputants away, hence reducing the likelihood of land conflicts whenever they register land. Local Council Courts (Beta = .085; p-value >.05) posted a positive coefficient, although it seems to indicate relatively a weak relationship with land conflicts management in the area. Assuming that Local Council Courts practices in resolving land conflicts and land conflicts were measured in comparable units, a unit-change in Local Council Courts practices are likely to explain about .085 of the level of land conflicts management in the area. This is because in practical terms, every intervention of a local council court may either contain, de-escalates or resolves a land conflict, hence the said Beta coefficients.

From the Beta coefficients, the influence of ad-hoc mediators (Beta = .479; p-value >.05) on land conflicts management in the area. Assuming ad-hoc mediations on land matters and land conflicts were measured in comparable units, a unit-change in ad-hoc mediations on land matters would explain .479 points in land conflicts management in the area. This implies that a unit increase in the use of Ad-hoc Mediators results into an increase in a proportionate success in land conflicts management. The positive coefficient appears to suggest that ad-hoc mediations seem to be having measureable successes in land conflicts management in the area because ad-hoc mediators are always persons of high integrity such as retired civil servants, prominent businessmen, or respected elders within society who are well recognized and respected, so their interventions are seen by either one or both parties to the conflict as being very neutral in land conflicts management. As such, they contain or de-escalate or resolve land conflicts.

The findings appear to suggest that land governance institutions (R Square = .236; p-value <.05) account for .236 variations in land conflicts management in the area. From the statistics, although Ad-hoc Mediators contributes .479 points to land conflicts management in Lira district, it is evident that land governance institutions account for a low level in resolving land conflicts. This is possibly due to the fact that all the land governance institutions or structures are very active on the ground.

4. Conclusion

Land Tribunals had a coefficient of .143 though important, they are less effective in managing land conflicts in the study area. Also, Local Council Courts has a Beta coefficient of 0.085; so they are least effective in managing land conflicts in the study area. Ad-hoc Mediators generated a Beta coefficient of 0.479 thus they are comparatively more effective in the management of land conflicts in Lira.

5. Recommendations

The study found that land Tribunals help in managing land conflicts by resolving the conflicts, especially by way of speedy and efficient deliberations. Also, Government regularly trains local council court members in conflict management, including both adjudicatory and

mediation skills. They should also be trained in gender sensitivity. And, there should be a public campaign advocating for community appreciation of mediation as an alternative dispute resolution mechanism.

REFERENCES

- Ahumuza, E. (2014). *The handbook of conflict resolution. Theory and practice*. San Francisco: John Wiley & Sons.
- Akena, W and Ssemakula, E.G. (2020). *Land Management and Governance in Local Government. ACODE Policy Briefing Paper Series No. 56, 2020*.
- Akin, J. and Katono, I. (2011). *Examining the A-D-R-tistry of Land Dispute Mediators in Northern Uganda*. Mukono: Uganda Christian University.
- Alban Singirankabo, U.; Willem Ertsen, M. (2020). Relations between Land Tenure Security and Agricultural Productivity: Exploring the Effect of Land Hearing. *Land* 2020, 9, 138.
- Ali, D.A.; Deininger, K.; Goldstein, M. Environmental and gender impacts of land tenure regularization in Africa: Pilot evidence from Rwanda. *J. Dev. Econ.* 2014, 110, 262–275.
- ARD (2008). *Land Dispute Management in Rwanda: Final Report*. Kigali: USAID Rwanda.
- Atkinson, W (2017). *Developing a Land Conflict Monitoring and Mapping Tool for the Acholi Sub-region of Northern Uganda*.
- Atwood, D.A. 1990. "Land Hearing in Africa: The Impact on Agricultural Production." *World Development* 18 (5): 659-71.
- Ayelazuno, J. A. (2019). Land governance for extractivism and capitalist farming in Africa: An overview. *Land Use Policy*, 81, 843-851.
- Balestri, S. (2015). *Land Conflicts and the Role of Institutions*. Milano: Catholic University of the Sacred Heart.
- Bjola, C., & Kornprobst, M. (2010). Introduction: The argumentative deontology of global governance. In *arguing global governance* (pp. 21-36). Routledge.
- Brisson, K.J. 2015. *Imagining a Nation in Kwanga Village Courts, East Sepik Province, Papua New Guinea. Anthropological Quarterly* 74-85.
- Bruce, J. and Boudreaux, J. (2019) *Land Tenure and Resource Rights*. The Cloudburst Group. Accessed on 30th March 2022.
- Burke R & Egaro, S.F. (2011). *Where there is no Government. Enforcing Property Rights in Common Law Africa*. New York: Oxford University Press.
- CEPIL (2016) *In Dire Straits? The State of the Judiciary Report 2016*. Kampala: CEPIL.

- Chigbu, U. E., Paradza, G., & Mwesigye, S. P. (2019). The land research capa District of Africa: New research centre concept for catalysing improved land governance. In *World Bank Conference on Land and Poverty, March* (pp. 24-29).
- Chiweshe, M. K. (2021). Urban land governance and corruption in Africa. In *Land Issues for Urban Governance in Sub-Saharan Africa* (pp. 225-236). Springer, Cham.
- Choudree, R.B.G. (2019). Traditions of Conflict Resolution in South Africa. *African Journal of Conflict Resolution* 1(1): 9-27.
- Cornwall K & Jewkes M (2015). Village Courts and the Police Cooperation and Conflict in Modernizing India. *Police Practice and Research* 8(5): 445-459.
- De Juan, A. (2017). “Traditional” Resolution of Land Conflicts: The Survival of Precolonial Dispute Settlement in Burundi. *Comparative Political Studies* 2017, Vol. 50(13) 1835-1865.
- Deininger, K., & Castagnini, R. (2016). Incidence and Impact of land conflict in Uganda. *Journal of Economic Behaviour & Organization*, 60(1), 321-345.
- Douglas N & Walton D (2016). *Argument Evaluation and Evidence*. Cham: Springer/Environmental Law Institute (ELI)/United Nations Environmental Programme (UNEP): Land and Post-Conflict Peacebuilding. Policy Brief 3. 2013.
- Esteban, J., Mayoral, L., & Ray, D. (2012). Ethnic District and conflict: Theory and facts. *Science*, 336(6083), 858-865.
- Firmin-Sellers, K. (2020). “Custom, Capitalism and the State: The Origins of Insecure Land Tenure in West Africa.” *Journal of Institutional and Theoretical Economics* 156: 513–530.
- Government of Uganda. (2013). *National Land Policy* (1st Ed.). Kampala: GoU.
- Hayes, A. (2022). Conflict Theory Definition, Founder, and Examples. Investopedia.
- Hopwood, J. and Atkinson, R.R. (2015) *Developing a Land Conflict Monitoring and Mapping Tool for the Acholi Sub-region of Northern Uganda*.
- Hunt, D. 2005. ‘Some outstanding issues in the Debate on External Promotion of land Privatisation.’ *Development Policy Review* 23(2): 173-191.
- Jjemba, F. (2019). Piloting of Systematic Adjudication, Demarcation and Hearing for Delivery of Land Administration Services in Uganda. Expert Group Meeting on Secure Land Tenure: New legal frameworks and tools. UN-Girigi in Nairobi, Kenya.
- Jory, C. I (2016). "Negotiation and deliberation: grasping the difference". *Argumentation*. 30 (2): 145–165 [146].
- Kagwanji, P. (2009). Ethni-District, land and conflict in Africa: The cases of Kenya, Uganda, Tanzania and Rwanda. Nairobi, Africa Policy Institute Working Paper Series.

- Kakooza, A. C (2017). Land Dispute Settlement in Uganda: Exploring the Efficacy of the Mediation Option. *The Uganda Living Law Journal*, Vol. 5,
- Kalabamu, F. T. (2019). Land tenure reforms and persistence of land conflicts in Sub-Saharan Africa—the case of Botswana. *Land Use Policy*, 81, 337-345.
- Khadiagala, L.S. (2013). The Failure of Popular Justice in Uganda: Local Councils and Women’s Property Rights’. *Development and Change* 32(1): 55-76.
- Klaus, K. F. (2015). *Claiming land: Institutions, narratives, and political violence in Kenya* (Doctoral dissertation, The University of Wisconsin-Madison).
- Kobusingye, D. N., Leeuwen, M. V., & Dijk, H. V. (2016). Where do I report my land dispute? The impacts of institutional proliferation on land governance in Post conflict Northern Uganda. *The Journal of Legal Pluralism and Unofficial Law*, 48(2), 238-255.
- Kohlhagen, D. (2019). *Burundi: The judiciary in the rural area*. Bujumbura: RCN Justice & Democratic.
- Lahr, M.,M. (2016) Genetic and fossil evidence of modern human origins. In: P. Mitchel & P. Lane (Eds.). *Oxford Handbook of African Archaeology*. Oxford: Oxford University Press.
- Land and Equity Movement in Uganda (LEMU) and Arbeiter Samariter Bund (ASB) 2010. “Unable to Return: Profiles of Internally Displaced Persons Seeking Defence of their Customary Land Rights” (working paper).
- Marcus, P.E. (2014). “Inequality and Social Conflict over Land in Africa.” *Journal of Agrarian Change* 3: 269–314.
- Mayer, B (2010). *The dynamics of conflict resolution: A practitioner’s guide*. San Francisco: Josey-Bass.
- Morgan, D. L. (2012). *Focus group as qualitative research*. Newbury Park, CA: Sage Publications Inc.
- Mugambwa, J.T. (2013) *Principles of Land Law in Uganda*. Fountain Series in Law and Business Studies, Kampala, Uganda, Fountain Publishers.
- Musumba Y.D. (2015). *Refugees and displaced persons in Burundi: Defuse the land bomb*. Nairobi: International Crisis Group.
- Mwesigye, F., & Matsumoto, T. (2016). The effect of population pressure and internal migration on land conflicts: Implications for agricultural productivity in Uganda. *World Development*, 79, 25-39.
- Nakayi, R. (2013). *The Role of Local Council Courts and Traditional Institutions in Resolving Land Conflicts in Post-Conflict Northern Uganda*. Kampala: Makerere University.
- Nathan, L. (2019). “When Push Comes to Shove: The Failure of International Mediation in African Civil Wars.” *Track Two* 8, no. 2.

Obaikol E. (2014). Land Tenure and Economic Activities in Uganda: a Literature Review. *DIIS Working Paper 2012*: 13.

Obaikol E. and Ogwapit, J.F. (2017). *Dispute Resolution: The Land Governance Assessment Framework Technical Report*. Kampala: LANDnet Uganda.

Omiat P. (2011). 'Land Reform: The Ugandan Experience'. Land use and Villagisation Workshop. Kigali, 20-21 September 2011.

Otim J.; Kevane, M. and L.C. Gray (2014). "A Woman's Field Is Made at Night: Gendered Land Rights and Norms in Burkina Faso." *Feminist Economics* 5 (3): 1-26.

Palau, Raquel; Mochales; Moens, & Marie-Francine (2019). *Arguing on the Toulmin Model: New Essays in Argument Analysis and Evaluation*. Proceedings of the 12th International Conference on Artificial Intelligence and Law. ICAIL '09. New York, NY, USA: Association for Computing Machinery: 98–107.

Palmer, D., Friccka, S., Wehrmann, B., Augustinus, C., Munro, P.M., Torhonen, M.P., and Arial, A. (2019). *ToParishes Improved Land Governance*. Rome: FAO.

Paulino, E. T. (2014). The agricultural, environmental and socio-political repercussions of Brazil's land governance system. *Land use policy*, 36, 134-144.

Platteau J.P. (2010). *Institutions, Social Norms, and Economic Development* Fundamentals of Development Economics, vol. 1. Reading, U.K.: Harwood Academic.

Richmond, O. P. (2010). A genealogy of peace and conflict theory. In *Palgrave advances in peacebuilding* (pp. 14-38). Palgrave Macmillan, London.

Rugadya, M.A. (2009). *Escalating Land Conflicts in Uganda. A Review of Evidence from Recent Studies and Surveys*. The International Republican Institute, The Round Table Foundation.

Schellenberg, M. K. (2016). "Land Tenure Reform in East Africa: Good, Bad or Unimportant?" *Journal of African Economies* 3 (1): 1-28.

Shah, S. (2013). Conflict in Society: Definition, Causes, Types and other Details. Accessed 3 June 2022.

Sprigs, John (2012). *GSN—The Goal Structuring Notation: A Structured Approach to Presenting Arguments*. London; New York: Springer-Verlag.

Talison, R. (1995). *What is participatory research?* *Social Science and Medicine*, 14, 1667–1676.

The Land Act, Cap 227. Government of Uganda, 1998.

Tjosvold, D.; Wan, P.; & Tang, M. L. (2016). *Trust and managing conflict: Partners in developing organizations*. In P. Elgoibar, M. Euwema, & L. Munduate (Eds.), *Building trust and conflict management in organizations*. The Netherlands: Springer Verlag.

Torre, F; Jho, M; & Mill, F. (2014). Resource Conflict, Resource Management and Post-Conflict Peace. Uppsala: Uppsala University.

Trocaire (2017) Report on the Assessment of the Capa district and Practices of the Government Land Hearing System in Acholi sub-region: Submitted to Joint Acholi Sub-region Leaders' Forum (JASLF) and Trocaire. Kampala: Trocaire.

UBOS (2008) *Uganda National Household Survey, 2005/2006*. Kampala: UBOS.

UN Habitat (2018). Land and Conflict: Lessons from the field on conflict sensitive land governance and peacebuilding. Report 2. Nairobi: UN Habitat.

UN Habitat (2017). Conceptual Framework for the Development of Global Land Indicators. GLII Working Paper No. 2. Nairobi: UN Habitat.

Urmilla, B. (2020). Land-related conflicts in Sub-Saharan Africa. ACCORD. Accessed on 30th March 2022.

Van der Waal, C.S. 2014. Formal and Informal Dispute Resolution in the Limpopo Province, South Africa. *Anthropology Southern Africa* 27(3&4): 111-121.

Walton, D & Zhang, N (2016). "The Epistemology of Scientific Evidence". *Artificial Intelligence and Law. Social Science Research Network*. 21(2): 1.

World Bank. (2020). *Uganda Post-Conflict Land Policy and Administration Options: The Case of Northern Uganda*. Kampala: World Bank.