

Land grabbing a challenge to law enforcement

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By Jacob K. Lupai

June 30, 2012 - Land grabbing can be seen as a crime but it may not be an issue to those who are involved in this criminal offence. Nonetheless, it is an issue to those whose land has been violently grabbed in utter disrespect of the law. In brief land grabbing may be defined as the illegal occupation of land that belongs to others. For example, in Juba legal owners of residential plots have been deprived intentionally of the right to their plots by land grabbers who are so primitive and without shame that they even threaten to use violence to retain the plots illegally. If there are people who are violating the Transitional Constitution of South Sudan, 2011, it is the land grabbers.

Like any other crime committed, land grabbing should be seen as a heinous crime. However, like a thief who does not believe they are stealing, the insensitive land grabbers and their blindfold sympathizers do not for a minute believe land grabbing is a crime. They instead see it as a right that people should be proud of as in the culture of cattle rustling when somebody thinks they have the right to own others cattle. This is, nevertheless, not only compromising the rule of law but unfortunately puts those who are law abiding at the disadvantage. Anyway like the mighty Roman Empire that rose and fell, land grabbing and the sympathy for it will one day be history.

Profile of land grabbers

Land grabbers are people who usually know what they are doing with land that does not belong to them. They are mostly people from outside the area. In most cases land grabbers are people in uniform in organized forces. This may be detected from their use of hostile language when the land grabbers threaten land owners with violence using words such as I will shoot and kill you. However, when land grabbers are in plain clothes they may have sympathy from people in uniform. Land grabbers are mostly illiterate or semi-literate as their low level of education does not help them to conceptualise what nationalism entails in promoting prosperity for all. They are people with short term plan of self-aggrandisement. Land grabbers can be extremely dangerous as they are very crude in responding to issues that tax the intellect. This can be deduced from their low level of respect for anything systematic. So arguing with a land grabber is pointless. Also, land grabbers may be highly literate, taking advantage of the absence of a robust system.

Land grabbers and the law

No one is above the law as is always being asserted by the president of Republic of South Sudan. However, land grabbers behave as though they are above the law. Clearly Article 28(1) of the Transitional Constitution of the Republic of South Sudan, 2011 stipulates that "Every person shall have the right to acquire or own property as regulated by law". Like any other person a land grabber has the right to own property but they prefer to usurp other people's rights to own property. Instead of owning property as regulated by law, land grabbers use unconstitutional means to own property to the disadvantage of law abiding persons.

Land grabbing needs a political will to address the problem because land grabbers seem to have come to the conclusion that they are above the law. A veterinary officer was beaten up by land grabbers until the vet was hospitalized. Land grabbers probably bribe their way to occupy others property illegally. However, this does not bode well for a new country such as South Sudan which should have been seen as founded on the rule of law for peaceful co-existence of its people.

Enforcement of the law

When the law is broken penalties may follow depending on governance. As highlighted above land grabbers are criminals and so are law breakers who deprive others of their constitutional right to own property. As expected good governance does not condone land grabbing but the bad one allows it to flourish unabated. However, courts of law sometimes do their utmost to address the problem. For example, when a land grabber is convicted of an illegal occupation of someone's property, the land grabber can be ordered to vacate the property. The court order may seem to be the end of the story of the specific land that has been grabbed. Nevertheless, the greatest challenge is enforcement of the court order. When the court decrees that a piece of land was the property of the lawful owner, the land grabber therefore is to vacate the land, and to demolish any structure and improvements erected thereon. When the land grabber fails, as is often the case, to execute the court decree, the court orders for a forceful execution of the decree.

The forceful execution of the court decree is the challenge to law enforcement agencies. Some land grabbers deliberately arm themselves when expecting a forceful execution of court decree. Clearly the implication is that those armed land grabbers think they are above the law contrary to what the president always asserts. Sometimes when a forceful execution of court decree is in progress such as in demolition of illegal structures, youth in support of land grabbers hurl pieces of

masonry at the demolition machinery and the driver with law enforcement agents appearing to be powerless to contain the wild behavior of the youth. The behavior of the youth is nothing but clearly an obstruction of justice. Now where on earth is the obstruction of justice condoned? Apparently, the youth are not simply obstructing justice behind the scene but right in front of the eyes of law enforcement agents.

Conclusion

Land grabbers are criminals and should be treated as such with contempt. Obstruction of justice seen as disturbing the peace is in itself an offence punishable by law. So when marauding youth take upon themselves to institute land grabbing through violence the youth are invading the rights of other people. This is unconstitutional and therefore unlawful as land grabbing is.

In conclusion, to address the criminal behavior of marauding youth during a demolition of illegal structures of land grabbers in a residential area, the law enforcement agents must have a police van adapted to house arrested obstructionists of justice.

Every time a youth hurls a missile at demolition crew, the youth should be arrested forthwith and bundled into the waiting police van. This will act as a deterrent against unruly behavior in the course of executing a court order. The arrested youth should either be charged with public order offence depending on the gravity of their criminal behavior or be released for good behavior when under arrest.

The author can be reached at jklupai@googlemail.com