

Land grabbing may soon be of the past

Friday 8 February 2013

By Jacob K. Lupai

February 8, 2013 - Recently land grabbing in and around Juba has hit news headlines. The Citizen newspaper of Friday, January 25, 2013 – Vol.7. Issue No. 356 had as a lead news headline ‘Interior Ministry Orders Arrest of Land Grabbers and Associates in Juba’. The same newspaper of Friday, February 1, 2013 – Vol.7. Issue No. 363 also had as a lead story ‘Police Fired in Air to Scare Land Grabbers in Tongpiny’ on the front page.

The order to arrest land grabbers and associates in and around Juba must have been a far reaching relief to the many victims of land grabbing. The national government had been dead silent about land grabbing in and around Juba and the state government of Central Equatoria was neither helpful. The awakening of the national government to the menace of land grabbing is something that is highly commendable.

The awakening of the national government clearly shows that land grabbing may soon be a thing of the past. However, persistent action against land grabbing is most needed with adequate resources provided to law enforcing agencies. One problem is poorly handled eviction of land grabbers.

Genesis of land grabbing

South Sudan fought two wars of liberation. The first war was between 1955 and 1972 and the second between 1983 and 2005. When the first war ended with peace realized land grabbing was unheard of. However when the second war ended and peace was once again realized land grabbing appeared with unprecedented shock to landowners and indigenous people. Some of those who were in the frontline during the second war of liberation assumed it was their God-given right to help themselves to any piece of land their eyes could see regardless of who owned the land.

The situation turned ugly to landowners who were either threatened or intimidated with the unfortunate ones either beaten up or shot. This was done in broad day light by people who would be very proud to call themselves liberators. However, true liberators do not in any way harm those they have liberated. Only pseudo liberators do and there are many of them masquerading as true liberators. It is not difficult to see the genesis of land grabbing in and around Juba. It is lack of nationalism replaced by greed.

Land grabbing and the rule of law

The Transitional Constitution of the Republic of South Sudan, 2011 is very clear about the right to own property. Article 28 (1, 2) in part stipulates that every person shall have the right to acquire or own property as regulated by law and no private property may be expropriated save by law in the public interest. The transitional constitution is also clear about landownership. Article 171 (6a) says private land shall include registered land held by any person under leasehold tenure in accordance with the law. However, in defiance of the constitution and law, land grabbers do not spare private registered land either.

It can be seen that land grabbing is unconstitutional and unlawful. Land grabbers therefore deserve to face the rule of law. However, probably due to the lack of clearly spelt out policy on land grabbing, grabbers have often escaped being apprehended and punished. Nevertheless, the courts of law have been doing their best in reverting grabbed land or property to their legitimate owners. The problem, however, has been the execution of court orders. Quite often court orders have not been executed as expected to the satisfaction of landowners.

Land grabbers defy court orders by either chasing away law enforcing personnel or simply do not respond at all to any court order. The dead silence of the national and state governments seemed to have encouraged land grabbers to be defiant with impunity.

Government intervention

Government intervention is badly needed to address the serious security problem of land grabbing in order to make it a thing of the past. Land grabbing has been a thorn in the flesh of landowners and a security risk to the nation. It has also been poisoning community relations, polarizing individuals and communities thereby making national unity less achievable.

Land grabbers are insensitive people who do not care about what their actions do to the security and unity of the country. It was probably on this basis that the Deputy Minister of Interior, Lt General Salva Mathok Gengdit, as quoted by the Citizen newspaper of January 25, 2013, issued an order to the police to arrest land grabbers in Juba with immediate effect. That was one of the most expected government intervention in land grabbing issues. One can only applaud loudly the Deputy Minister of Interior for this courageous and farsighted move.

The Deputy Minister was very decisive and this is what is needed in building this young nation to realize peace and prosperity for all. Traumatized landowners and the public at large must be very happy to hear and learn that the Ministry of Interior is asking organized forces/authorities to order their personnel not to be involved in illegal practice of land grabbing. Hopefully the Ministry of Interior has a monitoring unit to verify that indeed illegal practice of land grabbing is under control.

The way forward

The Ministry of Interior has already set the way forward. What can be added is that the illegal use of firearms to intimidate and terrorise innocent law abiding civilians out of their land or property should be addressed forthwith. Some personnel from organized forces keep firearms and are ready to produce or display them in a menacing manner to frighten landowners. This suggests indiscipline and disobedient personnel of organized forces should be severely punished as a deterrent to others not to attempt to use firearms to intimidate people.

It is difficult to understand why and how the personnel of organized forces should be keeping firearms in their houses, in what is supposed to be peace time, with the sole aim of being bossy and to frighten people. Firearms are supposed to be for the protection of people but not to intimidate the very people to be protected.

The Ministry of Interior should have done a good job if it can declare it a criminal offence for any personnel of organized forces to display firearms with the intention of intimidating people. Soldiers must be obedient or else they are not the soldiers to promote harmony and peace in the society.

Conclusion

The order by the Deputy Minister of Interior, Lt General Salva Mathok Gengdit, will go a long way to address the problem of land grabbing in and around Juba. People want to see such bold decisions being taken for good governance in the country. The Deputy Minister of Interior has set a precedent that should encourage others in the system to contribute positively to nation building. There is a yearning for good governance that is sensitive and responsive to the aspirations of the people.

It must be acknowledged that the Deputy Minister of Interior stands out as somebody who cares about this young nation living in harmony and in peace with itself. Nobody can afford to build this nation on land grabbing perpetuated through tribal lines. People must rise above tribal lines by upholding the rule of law. Land grabbers are law breakers and rebellious against the transitional constitution that guarantees people's right to own land and property. By illegally grabbing somebody's land, the land grabber is committing a criminal offence that should be punished under the law as a deterrent. Institutional weakness of law enforcing agencies should also be addressed to tackle effectively land grabbing.

The Deputy Minister of Interior should liaise with his counterpart in the Ministry of Defense and SPLA Affairs, and also with the state government for effective coordination in tackling land grabbing in and around Juba. Most dangerous land grabbers are people in uniform keeping firearms to protect their illegal activities. It is this component of land grabbers that is posing the real security risk in and around Juba. This becomes very serious when land grabbing takes tribal lines. However, it is a delight that the national government has become acutely aware of the menace of land grabbing and the resultant effect on the unity of people and the country.

In conclusion, it is in the best interest of security, peace and unity of this young nation that land grabbing should be brought to a speedy end by all means so that it is a thing of the past.

The author can be reached at jklupai@googlemail.com