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Can **Rural Karimojong** succeed in protecting their **communal land** when the main causes of tenure insecurity are **powerful external forces?**

DCA actalliance

Land and Equity Movement in Uganda (LEMU)

We promote and defend our customary land, our heritage, our pride, our identity

1. Background

In 2016, LEMU received a grant from Dan Church Aid to work in Moroto, Nakapiripirit, Napak and Amudat districts. The work was intended to improve the understanding of land rights and governance of land under customary tenure in Karamoja. It also sought to understand the causes of tenure insecurity of land in Karamoja. The project sought to make the provisions of the customary and state land laws known to the communities. This information dissemination was undertaken in order for communities to choose the best means and strategy to effectively protect their land.

LEMU carried out wide ranging research, which led to the documentation of the customary rules which govern grazing land. In 2018, LEMU disseminated these documented rules for managing communal grazing land. From these dissemination meetings, LEMU learnt of current causes of tenure insecurity and other issues that need to be shared and solutions agreed. The purpose of this policy brief is therefore to share with all stakeholders these perceived causes of tenure insecurity, along with the issues and lessons learnt from LEMU's meetings while disseminating the rules for communal grazing land.

The rules were disseminated to 1758 people (451 women; 1,307 men) composed of elders and women, district councillors and government land administrators from twenty one sub counties of the four districts. During these meetings, LEMU sought the views of each community on the causes of tenure insecurity and measures for better protection of grazing land.

2. Causes of tenure insecurity

The table below shows the predominant causes of tenure insecurity as reported by communities from 21 sub counties in Napak, Nakapiripirit, Amudat and Moroto. Many of these are external and outside the control of the communities.

Land conflicts in families	Illegal land sales	Lack of District Land Board	Conflict with UWA	Settlement/ encroachment on communal land	No compensation / forceful government acquisition	Undocumented land transactions	Reduced respect for elders role in land management
21/21	10/21	7/21	6/21	4/21	4/21	4/21	3/21

The remainder of this section considers some of the most reported of these causes in more detail.

Land conflict in families - Although most land is community owned (and the project is concentrating on grazing land), in all of the 21 sub counties community members reported conflict over family land. This is of particular concern since family land is also where women's land rights are recognized. Loss of land rights through distress land sales and land grabbing seem more pronounced. Although this is not currently the focus of the project, the learning is that the rights and the management of family land seems very similar to that of Lango and Teso where LEMU has documented rights and management of such land. This learning can be tailored to benefit the Karamoja project.

Family land is being sold for various reasons namely:

- Distress sales by mainly women who sell land to get school fees;
- Widows land is grabbed and sold (Ngoleriet);
- Some spouses (men) sell land without the required legal spousal consent and in the process assault women (Lokopo) (although many women said men cannot sell family land without their consent.)

Illegal land sales - Land sales by vulnerable people (for example youths and sometimes elders) who are sometimes tricked to sign documents were reported to be very common. There were claims that there are middle men who buy land for others when the elders have not consented to the sale (Lorengecora). The land sold is then titled without following the procedure prescribed in the Land Act. For example, it was reported in Kakomongole and Karita that surveys are done at night. In some cases, Area Land Committee members have reportedly signed documents without knowing they are land sales (Moruita).

Land conflicts with Uganda Wildlife Authority (UWA) - Six sub counties out of 21 reported that there is conflict with UWA. The community in Ngolereit Sub County reported that there is conflict with Uganda wildlife authority over Kobebe grazing area boundaries. The communities allege that 200 houses were burnt in Nabwal in 2017. In Moruita, the original boundary was said to have been extended beyond what was originally known. In Iriiri, it was reported that all the grazing areas have been taken over by UWA and as a result the community has nowhere to graze.

Settlement/encroachment on communal land - In some sub counties, communal lands were now being used for resettlement and agriculture. Settling on grazing land and carrying on agriculture means a reduction in grazing spaces and escalation of conflict between the herders and settlers. The settlements are not agreed amongst the members. This therefore is in breach of the principles of common property. The impact of loss of grazing land is that some communities have no communal grazing land and depend on neighboring communities or merely tie their animals with ropes.

No compensation / forceful government acquisition - IIn Kautakou parish in Ngolereit Sub County, it was reported that government surveyed land with the military involved in the survey process. In Moruita and Lorengedwat government is said to have acquired some land for the construction of the tarmac road to Nakapiripirit and Namalu for a prison but without meeting the legal requirements for compulsory acquisition.

3. Other issues of concern

LEMU's work in the region identified three further areas that require consideration in order to reduce tenure insecurity:

a. ***Traditional land governance systems:*** The traditional governance system in Karamoja is very complex and very different from those of the neighboring districts, making the use of the Land Act in protecting customary land very difficult. Clans and lineages, which in the neighboring districts form land management bodies, are not the basis of traditional governance; the generation set system is what informs the decision making forums called Akiriket. An Akiriket is held by a generation set in a particular area and all the generation set present have the right to participate even if they do not come from the area or of the clan. Coupled with constant migration this makes it very difficult to constitute a permanent body to govern land.

b. ***No community consensus on the best strategy to protect land*** – Some communities found the risk in protecting land under the state, with the names of the management committee only 3 to 9, to be too risky. They therefore preferred to take other actions such as planting boundary trees, drawing of sketch maps and writing down the names of the owners, to protect their land under the customary land system. Others feared that the threat of compulsory acquisition necessitates them to acquire titles.

Given that the sources of insecurity of

tenure are powerful and mostly external, the project recognizes that, over time, the traditional ways of protecting land will be defeated by these forces, and there is therefore need to act now but in ways that will not undermine customary tenure as a system.

c. ***Lack of District Land Board –*** The District Land Board has not been functional in Nakapiripirit district since 2016. None of the districts have district Registrars who are responsible for the formation of Communal Land Associations. This will affect any project's intention to facilitate communities to protect their land by forming Communal Land Associations (CLA)s . These communities may have to lobby for service from the Zonal Office in Moroto currently under construction by the Ministry of Lands, Housing and Urban Development.

4. Recommendations

1) ***Neither the state nor traditional way of protecting land is without risk.*** There is need for an in depth education on the risks, especially future risks, posed by both traditional and state strategies of protecting land to be given to communities before the start of actions to protect land, and that strategies to minimize the risks within the communities be discussed and agreed. It is further recommended that the traditional way of protecting land be the start for grazing land protection since, even for protection of land under the Land Act, the communities still need to identify and elect traditional land managers, understand the laws and risks, plant boundary trees, list the names of the land owners, agree their rules and draw sketch maps before forming communal land associations;

2) ***Work with Ngakiriketa rather than clans to protect land -*** BBecause the clan is not the basis for managing land in Karamoja, the project will get details of Ngakiriketa and the leaders of the Ngakiriketa. For meetings for communal land association, the project will work with the akiriket elders at the sub counties since their numbers are fewer. This also makes it possible to understand the grazing movements during the wet and dry seasons, making it possible to draw sketch maps of the grazing land. For family land that is managed by the family heads, including women and clans, the project will continue with the documentation of clans and discuss the possibility of introducing Principles, Practices, Rights and Responsibilities (PPRR) from Teso for discussion and adoption in Karamoja;

3) ***Expand work to family land rights and management*** – The project learnt that the practice in Karamoja for family land management, rights and issues are similar to Teso and Lango customary tenure systems. The project will work with other NGOs, donors and other stakeholders to focus on family land and share the documented Principles, Practices, Rights and Responsibilities (PPRR) for family land from Teso for adoption and use to improve management and protection of land rights for better security of family land rights, especially for women and children. Once the rules and responsibilities on family land are agreed, sensitization of these can help to minimize the land grabbing reported to be happening;

4) ***Conflict mediation should be led by the elders -*** In all meetings, a call was made, especially by women for conflict over land to be left to the elders and to involve women. The recommendation is therefore for the project to carry out research to find out who are involved in mediation/ hearing of the many land disputes and to recommend that these conflicts are first handled by the elders. With the rules for

grazing land now documented, this can be the basis of the mediation. If the PPRR are also shared and adopted these can be useful for family land disputes as well;

5) ***Campaign against land sales*** – LEMU agreed with different stakeholders' a campaign slogan **"Karamoja is our land; don't sell it; use it for production"** and aired this on four radios in Karamoja. Given the multitude of these problems in all the 21 sub counties, it is recommended that all stakeholders promoting land rights should join in and promote the campaign for land owners to rent their land and not sell it as a means of securing their source of livelihood. The rural communities should also be encouraged to document all land transactions in order to reduce potential land conflicts resulting from oral land transactions and to provide better evidence of what happened;

6) ***Information to be shared on the law of Compulsory acquisition*** - The project will inform the communities of the law on compulsory acquisition and involve the rural communities in the debate for proposed amendment of the law on compulsory acquisition. This should give them legal knowledge to better understand the process of compulsory acquisition and defend their land rights if they are threatened by compulsory acquisition;

7) ***Engage with issues arising from UWA/ NFA/mining companies*** - Research has shown that, out of the total land area of 27,700 square kilometres, that is the total land area for Karamoja, as of August 2010, 876.92 square kilometres (24.8% of Karamoja) is covered by Exclusive Mineral Exploration Licenses and Location Licenses. A further 20 square kilometres is covered by the only mining lease in the whole of Karamoja, given to Tororo Cement Ltd for limestone mining in Moroto District. A further 11,300 Square Kilometers (40.8% of land in Karamoja) is taken by the Central Government for national park, wildlife reserves, Controlled hunting areas and community wildlife area. Forest reserves take 322,210 Hectares (11.6%) of land in Karamoja. The land already lost by the communities is therefore 77.4%, leaving for the Karimojong only about 22.6% of the land. Because of this, there is urgent need to improve on understanding of the facts all the land already lost to the central government and mining and to provide facts for community education and where errors have been made or where there is misunderstanding, the project to call for correction. As recommended by LEMU last year (2017), the benefits that accrue to mining and National Forestry Authority (NFA) should be shared, not only with the districts but also with those households who lost land in the past. The project should therefore research into the laws governing UWA, NFA and mining to assess opportunities for sharing benefits and access to the land and engage in discussions with the key stakeholders;

8) ***Call for the pastoralists to settle*** - It has been the policy of many governments for the Karimojong to settle and change their livelihoods from nomadic pastoralism to agriculture. The communities have informed the project of the conflict and the risks to loss of communal land that is used for grazing resulting from settlement. Policy makers and development actors need to be informed of the effect of the resettlement of the pastoralists;

9) ***Recruit District Registrars*** - It is recommended that, rather than each district recruiting a district registrar, the four district councils recruit and pay for only one district registrar to work to cover all the four districts of the project. In the alternative, since the Ministry of

Lands, Housing and Urban Development is constructing a Ministry Zonal office in Moroto and likely to post a registrar, stakeholders should lobby the Ministry of Lands, to allow the Registrars in the Zonal office to support the districts with formation and registration of Communal Land Associations.

10) ***Carry out research on what titles are issued in Karamoja*** - As in the previous year, since most of the grazing land bought by individuals is likely to be titled, the recommendation that research is done on what titles have been issued in Karamoja remains valid for the future.

5. Conclusion

From the issues above, it is evident that most of the causes of tenure insecurity are external and by powerful people. It is also evident that the communities live their lives as if nothing has changed and are not collectively aware of the external causes of tenure insecurity since they do not have a unifying traditional apex body. There is therefore a problem - while the causes of insecurity are external and in many ways beyond the reach of the communities, the law and development actors expect the communities to use the law to secure their land. Given that the traditional governance system is very complex, very mobile and flexible and covers large areas, and given the difficulty in getting information from the institutions mentioned to be the causes of tenure insecurity, it is highly unlikely that the communities can take steps to protect their land at the speed with which they are losing or likely to lose land.

This policy brief recommends that the NGOs, donors, faith-based institutions, district councilors, Members of Parliament, and other development actors need to agree the issues and solutions and collectively engage the external powers that are causing tenure insecurity while simultaneously engaging the communities to take steps to protect their land, the best ways they can. Without this goodwill and dual action on the part of the stakeholders, any protection of grazing and family land in Karamoja will have inherent risks. Many of these risks are currently not evident and easy to see by the communities, and because of this they will lose their land, if not directly as explained above, in future through the inherent more hidden risks, especially as it is in the Land Act. We all have a duty to do the right thing for the communal land owners in Karamoja. We call on all stakeholders to act in the interests of rural Karimojong land owners.

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