

**Pathways to Resilience in the Karamoja Cluster**  
*A regional conference on recent research and policy options*

21-23 May 2019, Moroto, Karamoja, Uganda

**WORKING PAPER**

**APPRECIATIVE INQUIRY TO TRADITIONAL LAND ADMINISTRATION IN KARAMOJA,  
UGANDA: AN OPPORTUNITY FOR TRANSFORMATIVE LAND CONFLICT  
MANAGEMENT**

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## ACRONYMS

FGD	Focused Group Discussion
SDGs	Sustainable Development Goals
ADR	Alternative Dispute Resolution mechanism
KII	Key Informant Interview
MoLHUD	Ministry of Land Housing Urban planning and Development
CLAs	Communal Land Associations
CCOs	Communal Customary Ownerships

ULC	Uganda Land Commission
NEMA	National Environmental Management Authority
UWA	Uganda Wildlife Authority
MAAIF	Ministry of Agricultural Animal Industry and Fisheries
OPM	Office of the Prime Minister
ALCs	Area Land Committees
LC1	Local Council 1 Chairperson (at Village level)
LC2	Local Council 2 Chairperson (at Parish level)
LC3	Local Council 3 Chairperson (at Sub County level)
LC5	Local Council 5 Chairperson (At District Level)
RDC	Resident District Commissioner
SAS	Senior Assistant Secretary
DLB	District Land Board
DoL	Department of Land
JLOS	Justice Law and Order Sector
LABF	Legal Aid Basket Fund
GOU	Government of Uganda
COPACSO	Coalition of Pastoralist Civil Society Organizations
RUCODET	Rupa Community Development Trust
UIA	Uganda Investment Authority
CEDAW	The Convention On the Elimination of All Forms of Discrimination Against Women

## 1.0 ABSTRACT

This paper examines changing land dynamics in Karamoja-Uganda. The methodologies used were, Literature Review, Focused Group Discussions, Key Informant Interviews, and Observations.

The findings are: 95% of Karimojong land is under the Customary Land Tenure System administered traditionally. Historically land was inherited gift from ancestors held in trust for future generations, owned and transferred through the male lineage. Well married women had family land and her male children became heirs. Land was a communal asset identified according tribes, Clans, Sub-Clans and Family heads with natural features as mark stones and foreigners were not admitted. Previous Conflicts in Karamoja protected land automatically.

The current money economy has infiltrated into land with investors gaining interests in Karimojong virgin-land. The impoverished indulge to land sale against traditional land management. Graze-lands grabbed and Poverty thus inevitable, huge land-chunks (76.9%) claimed for conservations/mining, common evictions, economically/politically powerful individuals amassing wealth from land sales and impoverished soon left landless. These have caused outbreak of land conflicts. Judiciary attempt to manage these conflicts is futile since Customary land tenure security seems not well legislated, inferior and undocumented, exploiting the poor who cannot afford a lawyer, hence Huge case backlog of Customary land cases.

In this paper, we recommend for Karimojong Alternative Traditional Land Dispute Resolution Mechanism that caters for the needs of all and especially the vulnerable. This is a progressive process commencing with meetings right from family level called *Ekeno*, clan level also called *Ekeno*, village level called *Etem or Ekito*, Community level *Ekokuwa* and the supreme Elder's council Called *Akiriket*. In principle, this approach is highly consultative, evidence based, participatory, Gradual and aimed at creating reconciliation among the affected parties.

## 1.1 INTRODUCTION:

This research paper will constitute of background information to the land problem, the historic discourage, Traditional justice system and principles of justice, key gaps and land dispute resolutions and key policy recommendations in Uganda and Karamoja in particular. The aim is to explore Karimojong Alternative Traditional Land Dispute Resolution Mechanism that caters for the needs of all and especially the vulnerable. The objectives are to appreciate the traditional justice system and conflict resolution mechanism in order to inform the formal justice system for land administration in Karamoja and to Recommend key policy issues in relation to customary land management in Uganda and Particularly in Karamoja. This is consistent with the constitution of the Republic of Uganda Article 237, sub-section 1 that clearly stipulates that land in Uganda belongs to the citizens of Uganda and shall vest in them in accordance with the land tenure systems provided for in the Constitution.

### 1.1.1 Background:

The traditional land management in Karamoja took place outside the legal framework of the British and later Post-colonial government. Karimojong society faced profound changes in its autonomy and access to land. The first changes occurred during British colonialization that adversely affected access of the Karimojong to land when half of the pastureland was lost due to the establishment of national borders. Since 1921, Migration outside of the Karamoja region was prohibited by colonial administration and entry into Karamoja was by special permission. Pastoralism was forbidden in the protected areas until 2002 some land was freed for Karimojong use. Pastoralism in Karamoja progressed without the legal framework of colonial and post-colonial administrations (Kanute, 2009). The failure of colonial policies in Karamoja was admitted by the British administration and the Karimojong were left to their traditional lifestyles. Two types of traditional land tenure systems prevailed in Karamoja: Individual and communal. This land tenure system had flexible borders which changed according to actual needs. The registration rates of customary land remain low due to illiteracy, low awareness and a complicated registration process. Land therefore, is already the next trigger for widespread violence in many communities in Karamoja. It is estimated that **50%** of landowners are affected by land conflicts, **70%** of case backlog are land related (MoLHUD 2013).

We can dare assert that the land tenure system in Uganda can be diagnosed to be suffering a chronic cancer with Karimojong land suffering from multisystem failure. Thus something must be done to ensure that the Sustainable Development Goal (SDG) number 15 is addressed in Karamoja.

### 1.1.2 Methodology Used

The key approaches used were Literature Review, Focused Group Discussions, Key Informant Interviews, and Observations. The following set of data were collected to inform the paper: Primary Data from Key informant interviews and Experience Sharing. Secondary Data included Literature Review, qualitative information analysis.

## 2.0 RESULTS AND KEY FINDINGS

### 2.1 SYSTEMATIC HISTORY OF CUSTOMARY LAND TENURE SYSTEM IN UGANDA SPECIFICALLY KARAMOJA

#### 2.1.1 Pre-colonial era: -

Before Uganda became a British Protectorate in 1894, all land was held under customary tenure system just like many parts of Africa. In Africa, customary land tenure system generally guaranteed access to land through kinship membership where land belonged to the vast family of whom many are dead, few are living, and countless members are still unborn (Owaraga. 2012). Traditional land rights were governed through oral customary rules and norms which were passed on from generation to the next. There was no individual ownership of land; typical of Karamoja situation until recently.

It is observed that the land administration in Karamoja suffers the tragedy of the commons, where land security is not guaranteed and many Karimojong don't see meaning in registered land.

#### 2.1.2 Colonial Era:

The British formalized customary tenure system in Uganda for large scale agriculture and industrialization where other three new forms of land tenure systems were introduced, namely *Leasehold*, *Freehold* and *Mailo Tenure*. Elsewhere in Uganda, all land was declared '*crown land*'—vested in the Queen of England as holder of the radical title and gave out freehold estates to individuals and corporations. According to the *Crown Lands Ordinance of 1903* provided that indigenous Ugandans had a right to occupy any land outside the Buganda Kingdom and urban areas. There was then *the Registration of Land Titles Ordinance of 1908* which did not affect the land administration in Karamoja at all.

It is clear that addition of other forms of land tenure systems weakened the traditional land administration in Karamoja. This has persisted through post colonialism to date, giving the Karimojong uncertainty in legitimate land administration.

#### 2.1.3 Post-Colonial Era and Pre-Constitutional Era

*Land Reform Decree of 1975* that President Idi Amin Dada issued nationalized land in Uganda. Land was administered by the Uganda Land Commission (ULC) and access to land was only by leases. In short, the Decree abolished all forms of land tenure systems that previously existed. Virtually, all the citizens of Uganda were technically rendered landless and their land rights suffocated. The situation in Karamoja was different whereby the traditional system of land management prevailed since they did not understand changes in land administration.

#### 2.1.4 1995 Constitutional Era and 1998 Land Act

The 1995 and 1998 land legislations Repealed 1975 land reforms. These made radical changes in state land by restoring the four historic land tenure systems—leasehold, freehold, mailo and customary. The customary land tenure system became recognized under statutory law of the republic of Uganda not well legislated hence outbreaks of customary land conflicts. Judiciary attempt to manage these conflicts is futile since Customary land tenure security seems inferior, oral, leading to exploitation of the poor by the rich and powerful who can afford a lawyer. This results into huge case backlog of Customary land cases in Uganda. This has eventually affected the Karimojong livelihoods, where investors have confused the Karimojong the more. There are now rampant ethnic clashes along the administrative borders than before.

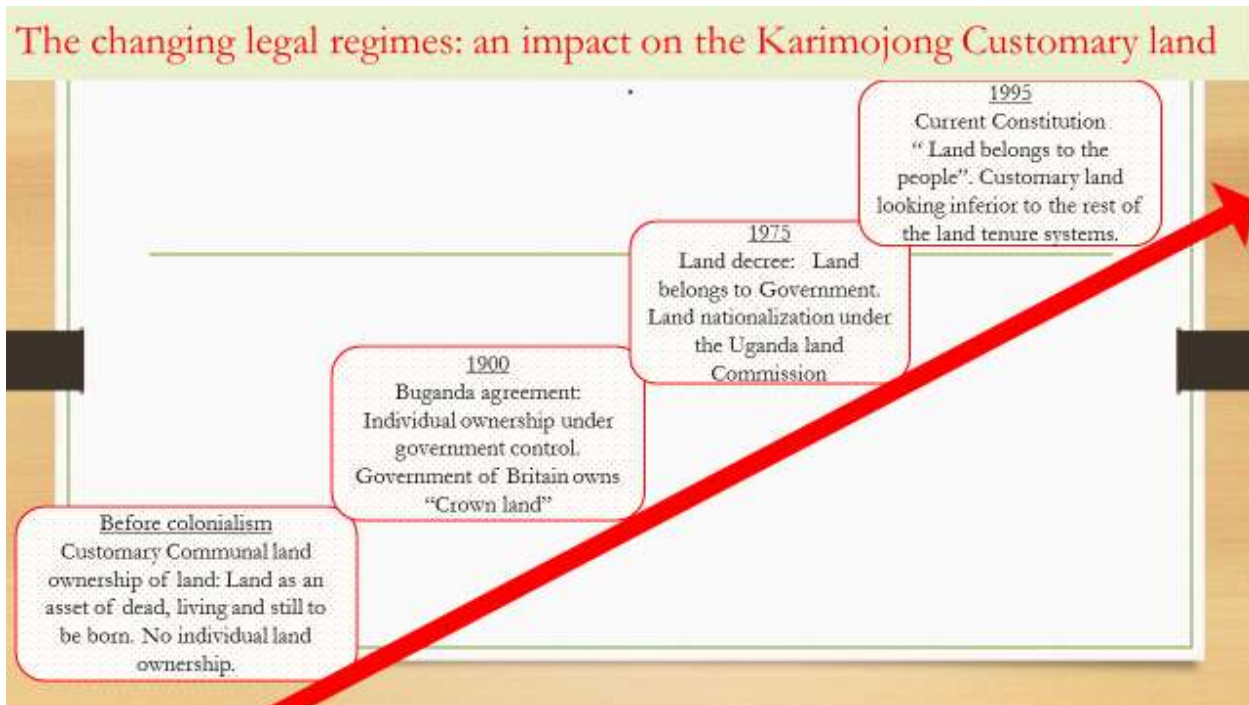


Figure-0-1:History of land Tenure in Uganda

We can assert that in Uganda land has been and is the central source of political control and exercise of power since different political regimes used and are using land as a political bait to regulate public behavior and pitch dominance: The Colonial Era saw the British introducing new land tenure systems that suited their political interests on Large estates for primary production of raw materials for their industries. Land Reform Decree (1975) gave President Idi Amin Dada central powers to control land and the people. The current government reinstated all the land tenure systems but the tone of land for development, compulsory land acquisition, Natural resource exploitation, Conservations and Uganda as a planning area sees the Karamoja facing threats, frailty and confusion under land legislation.

## 2.2 APPRECIATING TRADITIONAL JUSTICE SYSTEM AND PRINCIPLES IN KARAMOJA

### 2.2.1 Traditional Justice System in Karamoja

Karimojong traditional justice system has for long remained geriatric. The search for collective harmony is the center. Rehabilitation is at the core of justice and Reconciliation is the ultimate goal. The positive aspects of traditional justice system are the manner in which over years they have succeeded in ensuring collective social harmony in Karimojong communities. However, there were also excesses such as: tit for tat, levying heavy fines, spiritualization of issues, the use of witchcraft to call for "natural justice" through *Etwo*, *Mumma*, *Akitus akine*, *angola*, *akiyala ngalup*, *Akilama* and use of *mob disciplinary action* to the culprit.

It is important to note this Karimojong justice system is highly organized and consultative in nature beginning from *Ekeno* to *Akiriket*. Household (*ekeno*) is the first point of reference where good and bad, right and wrong are defined during socialization. Parents want their children to adhere to the social norms. In The Family (*Ekal*), the all relatives of the greater extended family play a vital role in protecting their people, culture and identity because that defines them. Karimojong are organized in villages that have a common court area (*Ekitoe/Etem*) in which all the villagers subscribe to social cohesion for common identity of their area. The sub clans, clans, divisions and territorial sections occupied by determinable

ethnic groups with common relations are organized in community courts- *Ekokwa*. “*Ekokuwa*”, is the court of first instance and it acts as tribunal trial court where elders and community members investigate the facts around the matter (*aripirip*). The youth are sent to the scene of crime. If the case involves theft of livestock, the experts are sent to track the footmarks (*Akiger*), the suspect in is called *ekasecan*. Anyone in *ekokuwa* is allowed to produce witnesses-*Ngisudae* and evidence-*Ekisibit*. The accused cannot leave the community before the case is concluded, the suspect is assigned a custodian. If a suspect runs from a community of crime, spies are dispatched to locate the suspect, the age mates are sent to apprehend the suspect who administer canes of lashes of specified tree species such as *Ekaliyo*, *Etopojo*, *Elakas*, *Emus* among others but *ekaliyo* is most preferred. The case is normally concluded at *Ekokwa* and no appeals. Most land matters including minor land cases are concluded at *Ekokwa*. Other justice structures such as *Ekeno*, *Ekal*, *Etem* and *Ekitoe* only produce evidence to be used at *Ekokwa* and other superior issues affecting the greater portion of the community are referred to the *Akiriket* for collective decision and divine intervention (Pazzaglia Augusto.1982).

*Akiriket* is a sacred place only attended by the initiated male members of the community. This is where most functions take place; initiation, offering sacrifices, thanksgiving rites, prayers for the divine intervention, reconciliations, settlements of homesteads, movement of livestock, etc. This is a deliberative political institution where decision making is undertaken by the elders. All public actions are debated and consensus reached. Only major issues affecting the community are discussed including land administration. Words of senior elders are considered to be wisdom and divine. The elders are channels of communication with God-*Akuj*. The prayers constitute the most significant discourse on public policy making and conflict resolution, where bad is cursed and good is upheld. *Akiriket* acts as the supreme court of justice presided by the council of elders. The other Social stratifications were done on the basis of generations (*nganyameta*) and age sets (*Ngasapanisia*). Age sets are joined through initiation which qualifies one to become a member of the shrine (*Akiriket*). Seniority in *akiriket* depends on when one was initiated. Power and authority was in the hands of senior elders who exercised their authority by making collected decisions which were implemented by the juniors (*Ngikaracuna*). Power is exercised horizontally through the same generation and vertically through different generation sets (Novelli Bruno.1988).

## 2.2.2 Karimojong Traditional approaches to land conflict resolution Mechanisms

**2.2.2.1 Violent Approaches are:** Extension of boundaries, chasing away bad neighbours, Fighting and violent protest, Poisoning and killing of the victim’s relatives or livestock, Asubanot- calling for natural Justice: Mumma -Taking oath before experts-Amudat, Etwo-Using the gourd to solve Cases-Karenga, Akitus Akine-Killing a goat, spitting on it with herbs and burning it to ashes, Akiyela ngalup - Throwing soil to one another, Akilama-Curses, Angola-Using traditional items to end the violence

**2.2.2.2Peaceful Approaches are: Meetings:** Arbitration, mediation, Negotiation, Reconciliation through *Ekeno*-Family meeting, *Etem*-Village meeting, *Ekitoe*-Inter-village meetings, *Ekokuwa*-Community court, *Akiriket*-Council of Elders. **Boundary Demarcations through:** Planting Trees, marking of boundaries, Sharing of disputed land. **Allocation/Donation of new Land**, by in-laws, Good willed persons/Friends, new land from communal land and Migration/relocation to relatives. **Gestures of peaceful conflict resolution:** *Akimala*-shaking of hands/greetings, *Akilot ngakan*-washing of hands as a sign of total reconciliation, *Akitoolim*- sprinkling with water/or *Ngikujit*-chyme, *Akimuj Kaapei*-eating together in one container.



### 2.2.3 The Model of Karimojong Land Conflict Resolution mechanism

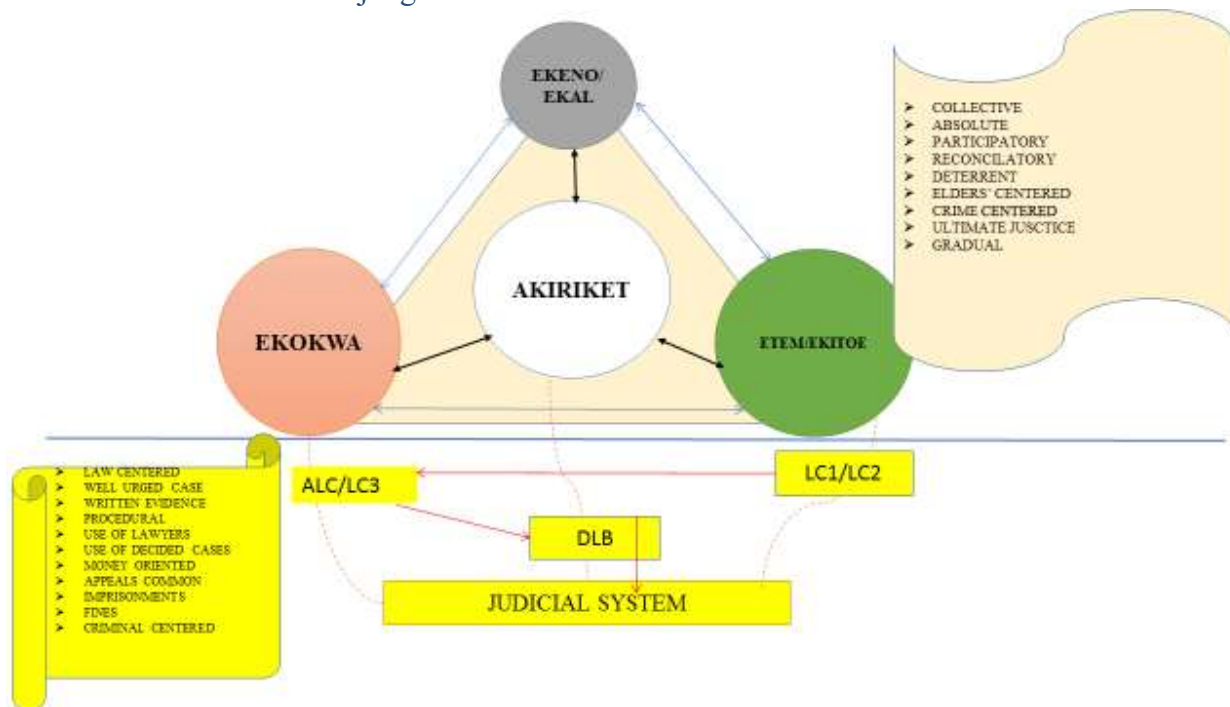


Figure-0-2: The Model for land conflict Management in Karamoja

In Administration of justice in Karamoja, there is a combination formal Justice Law and traditional justice systems. The inadequate functioning of the formal justice system has led to the emergence of traditional justice system to fill the apparent void. Nevertheless, the Justice needs of the people of Karamoja are not fully served by both the formal and traditional justice systems.



## 2.2.4 Comparison Between Karimojong Justice System and Formal Justice System

Table 1: Comparing Principles underlying the Karimojong Justice system and the Formal Justice System

### COMPARISON OF THE KARIMOJONG JUSTICE SYSTEM AND FORMAL JUSTICE SYSTEM IN UGANDA

SIMILARITIES	
<ul style="list-style-type: none"> <li>Administration of justice is the ultimate aim of both justice systems</li> <li>All aim at deterrence</li> <li>Fair hearing is given to all</li> <li>Evidence and witnesses are involved in both justice systems</li> <li>The use of experts that is to say elders in Karimojong and lawyers and judges in the formal system</li> </ul>	
DIFFERENCES	
KARIMOJONG JUSTICE SYSTEM	FORMAL JUSTICE SYSTEM
Geriatric: The inviolability elders' wisdom. The elders are considered to have sacred and spiritual authority. The decision is final.	Use of legal experts: Lawyers and Judges. There is use of the legal documents and decided cases to assist in the adjudication of cases. Appeals common.
Aims at punishing the crime other than the criminal. Heavy fines are rigorous. The person is to be reformed hence deterrent in nature.	Aims at punishing the criminal other than the crime. The culprit is always fined or imprisoned.
Reconciliation is the ultimate goal of the justice system. The approach is win-win situation.	The ultimate goal is the correctness of the argument by the legal experts. The approach is win-loss situation
Communitarian with collective decision making. Looking out for each other for the good of all. Everyone is a beneficiary of a social system that seeks for collective survival of all and especially the weaker ones. Anyone even passersby provide judgment of the Case at hand. Highly consultative. Vertical and horizontal in nature.	Individualistic. Looks at the individual interest even at the cost of the whole community. Only Legal experts make final judgement of the case. The consultative is purely vertical in nature. From lower courts to the higher courts of law.
Gradual and decisive. It starts with individual, Friend, Family, Clan, Tribe and Community. No appeal.	The decision is not final in nature. Appeal are common. The conflicting parties continue fighting.
There is no legal fee involved. No bribes are involved. Easy and affordable to all.	Fee oriented. The use of fee makes the system costly and easily bribed.
Male dominated justice system. Council of elders Akiriket that seems supreme rarely involve females.	Involves both males and females depending on the profession.

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## 3.0 DISCUSSIONS AND CONCLUSIONS

### THE LAMENTATION OF A KARIMOJONG ELDER

“Karamoja grazing land is diminishing. I have trekked Karamoja. From the west the Acholi community has claimed part of the land; from the southwestern side of Abim the Lango community has done a similar job; in the southern part the Teso communities are claiming our land and from the East the Turkana are pushing us out while the Toposa and Kidepo are squeezing us from the North. Internally Uganda Wildlife Authority (UWA), National Forestry Authority (NFA) and our own children are selling our land to foreign investors for their own benefits. When we request to move into Lango, Teso and Acholi areas in search of water and pasture for our animals, communities and their leaders claim we are out to grab land or steal their animals. Where shall we go then? The cow does not have boundaries and so do I. I look for nothing else but pasture and water. My cow is my wealth, my culture and my life and I follow my animals to where they lead me” (Elder Lopeikume Lowari, Kotido District).

### 3.1 Key gaps in the land Administration and Land Dispute Resolution in Karamoja

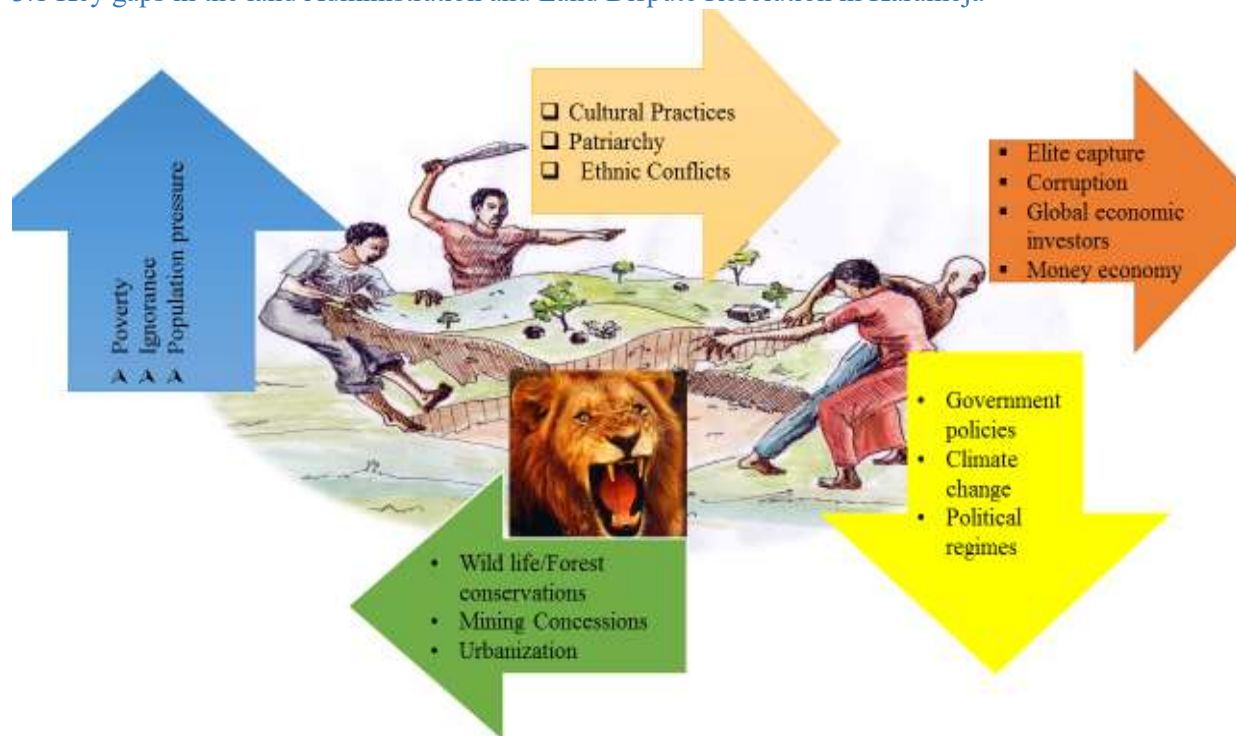


Figure -0-1: Key Gaps in Customary land administration in Karamoja

**3.1.1 Deficit in Land Administration:** The Land administration has malfunctions leading to land disputes and conflicts. There are a lot of modifications to the customary land laws. There is evident lapse with regard to boundaries, land ownership and its transmission, occupation, trespass, fraudulent transactions and succession wrangles. This results into a legal lacuna. Government and people are Competing and conflicting with agencies such as NFA, NEMA, UWA, MAAIF, OPM in many parts of Karamoja.

**3.1.2 Existence of two land dispute resolution systems:** The customary judicial system and state administration. Although the latter recognizes the former, there are unresolved contradictions and antagonism between the two. The traditional and formal systems compete, giving those who are affected by conflicts an opportunity to manipulate overlapping normative orders through ‘legal institution fora shopping’. The Government of Uganda (GOU) is increasingly promoting the global-western sense of land ownership – it is promoting individualization of land against the customary (Owaraga. 2012).

**3.1.3 The Use of Ethnicity to manage land:** It is apparent that ethnicity has been used as a cover for the conflicts on land. According to the Karimojong notion, land has neither ethnic nor political boundaries particularly where there is societal heterogeneity. It is important to note that Ethnic grievances have given way to land conflict of previously co-existing tribes due to economic and political reasons. The case in point is Napak- Katakwi Districts land conflict.

**3.1.4 Resource capture by powerful Elites:** the effect of shifting resource distribution in the favor of the powerful is subjecting the remaining population to land scarcity. This has caused large migration of poorer and weaker groups into ecologically fragile regions or even becoming apparently landless. The case in point is the marble problem in Rupa sub county, Moroto District.

**3.1.5 Transhumance lifestyle of the Karimojong:** This is impacting negatively on the land administration in Karamoja. The customary tenure systems permit traditional pastoralism where formal restricted common grazing lands have become individualized private property. There is emergence of natural resource sharing conflicts, a few cases cited are: Jie-Ethur, the Dodoth-Turkana, the Bokora - Iteso. Similarly, there are cases in



Figure 2 Pastoralist Transhumance

other parts of Uganda where this form of lifestyle has led to landlessness: the case in point is the *Balalo* of western Uganda.

**3.1.6 Corruption and Ignorance of the Law infiltrating the customary land sector:** Corruption and illegitimate demand for money both in land administration and dispute resolution is at the extreme. These slow the justice delivery process. Besides, most Karimojong communities are ignorant of the legal system that handles land matters and do not appreciate the formal court system, they even fear to be witnesses hence making formal land dispute resolution even more complex.

**3.1.7 Rapid population growth coupled with relative peace:** This is the major driver for conflicts across generations or ethnic groups. It is evident that the population grows but the land does not. The relative peace is attracting many land grabbers to Karamoja in the names of investments has made the situation even more futile. The struggle for the formally abandoned areas is increasing the land conflicts in Karamoja.

**3.1.8 Globalized investor demands for land:** There are limited legal provisions for communities to lease land directly to investors. This is due to contradictory policies, coercing subdivision of already-titled lands, permitting major encroachments on community lands. Mostly the economically and politically powerful individuals are at the upper side leaving the poor vulnerable to the terrorizations of landlessness. A case in point is GOU, through Uganda Investment Authority (UIA), prioritizing its interest in extracting minerals from under Karamoja land which has generated conflict between UIA and communities in Karamoja. To make matters worse, the purpose for which UIA acquired the land is seemingly for the benefit of others non-Karimojong. (Owaraga. 2012).

**3.1.9: The conflicting livelihood options over Karimojong customary land:** There are other ethnic groups in Uganda like the Basongora in Kasese who have been pushed out of their land by Bakonzo agriculturalists. Encounters between pastoralists and agriculturalists have been conflictual and in some cases violent interfaces involving heavy loss of lives and property have been registered. Examples include clashes in Ntungamo and Nyabushozi. In Karamoja communities in and around conservation areas like Ngiporein of Dodoth west struggle to reclaim grazing areas of Lolelia, Kacheri and Morungole. In Kabarole violent conflicts have been reported between pastoralists and farmers (Owaraga, 2015).

**3.1.10: Human-wildlife and conservation conflicts:** There is increasing demand for game parks and reserves in Karamoja. It is estimated that Game parks and Game Reserves take 40.5% of the land, Forest Reserves and mountain ranges take 11.6% of the land, Mining Area takes 24.8% of the land and only 23.1% of Land is left for the locals in Karamoja. Land alienation of the Karimojong forces them, together with their large herds of livestock, to survive on less land and on lower quality land, making the situation disheartening for the local Karimojong people, leaving them with no option but to rise and fight hopelessly for land justice (Owaraga.2012).

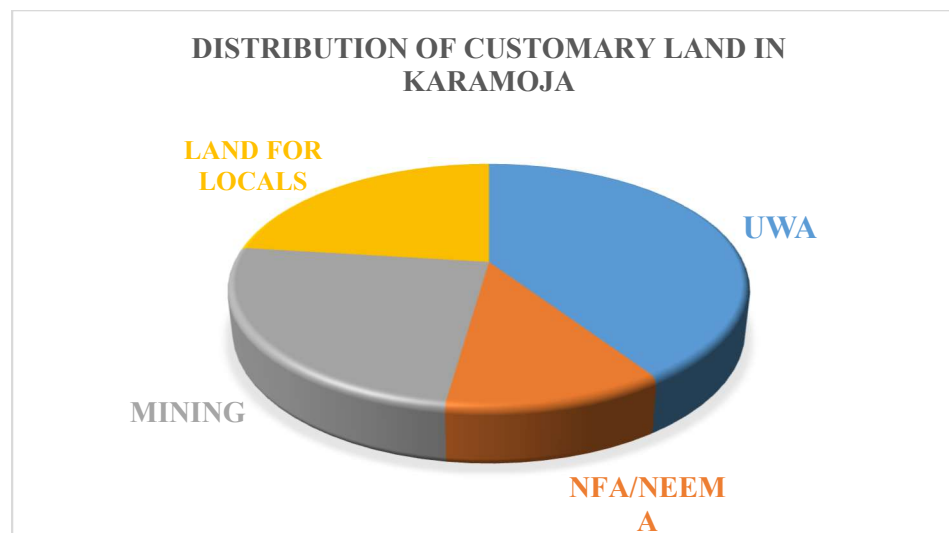
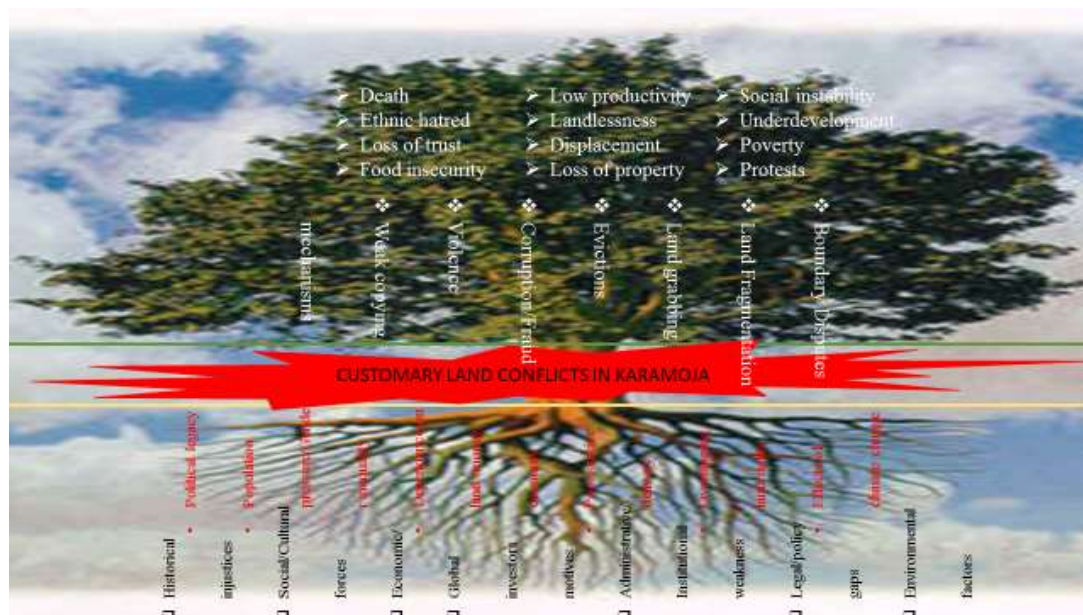


Figure -0-3 Statistic of Customary Land Distribution in Karamoja





3.3  
Problem tree  
Analysis of  
the land  
problem in  
Karamoja

Figure -0-4: Problem Tree Analysis of Customary land issues in Karamoja

## 3.2 KEY RECOMMENDATIONS

**3.2.1 Strengthening the development of Customary Land Trusts.** In Karamoja when considering the Communal Customary Ownership (CCO) of land there is need to put clear customary land management structure. This can lead to registration, surveying and titling of communal land. A lot is to be learnt from the successes registered by Rupa Community Development Trust (RUCODET)

**3.2.2 There is need to support proactively pastoralism as the economic back born of Karamoja:** The UIA should promote investments related to animal production and value addition in animals. It is believed that “Cattle Factory” formerly established in 1958 in Karamoja was moved to Soroti after independence be reinstated to boost the Karimojong livestock economy (Owaraga, 2012). Other avenues to exploit are pasture development, preservation and exportation. This is practiced in Africa communities notably the Barona, Guji and Gabra Oromo communities in Ethiopia and Semi-Arid areas of Botswana. This can be an opportunity to boost the pasture export and reduction in the transhumance lifestyle in some communities in Karamoja hence reducing land related conflicts (Department of Lands (DoL). 2009). This is supported by international conventions on civil, political, economic, social and cultural Rights (1966).

**3.2.3 Protecting and Strengthening Gender responsive land rights:** It should be observed that women in Karamoja own land just as men do. Women own family land when they get married and the land is named after them: *Aman Atoto ka Lokwang*, *Aman aikwalena*, *Emuria akwaKoriyang* and these pieces of land are rarely or never even sold, it remains a customary asset for all generations. In the legal frame work of 1998 land act, under the formation of Communal Customary Ownership it is provided that a third of whom must be women. Uganda Is a Party to The Convention On the Elimination of All Forms of Discrimination Against Women (CEDAW). This is practiced in other parts of the world and a case in point is Latin America where pastoralist communities are more integrated in the cash economy than with collective land ownership and shared roles and responsibilities among men and women; in that Women spend more time at markets and take on greater decision-making and management as men migrate to designated rangelands to care for livestock (Valdivia, et al. 2013).

**3.2.4 Legal Recognition of Customary Land Tenure with the same weight as other land tenures:** There should be Right based Advocacy on policy shift to ensure that Customary rights including those held in common shall have equal force and effect in law with freehold or leasehold and mailo rights in Ugandan legal legislations. This is in line with “The international convention on economic, social and cultural /rights (1966)”. The following countries that have complied with this and have constitutional legal provisions to that effect are North America, Colombia, Nicaragua, South Sudan, Ecuador, Krygzstan, and Ukarain among others (Liz Alden Wily. 2018).

**3.2.5 Strengthening the Customary land rights of Communities living within Natural Resources (Forests, Minerals, Mountains, Petroleum, wild life conservation.** We recommend that communities within natural resource rich areas are given due recognition of resource ownership and good percentage (at least 50%) of the royalties that accrue from such resources this is to enhance sustainable use of resources for resilience building among such communities. There are states in which such policies have worked to the advantage of the host communities: Ghana forestry commission (Art267), China property law (2007 Art 58), Laos’s land law (2003 Art 3)., Mali’s Agricultural land law (2017 Art 11-12) (Liz Alden Wily. 2018). Unlike Uganda where in principles and policy, the royalties are only about 3% for the families and 7% for the communities in which the natural resource is located but in reality not much is practiced.

**3.2.6 Building Strong Linkages between the informal and formal court justice system to handle land conflicts in Karamoja.** The conflict between legitimacy of customary tenure systems and legality of state institutions can only be resolved through the participation and involvement of multiple actors: There is need to strengthen the functions of the informal/traditional court system in Uganda and Karamoja in particular. In Uganda, the land Act allows the traditional methods of solving land disputes to continue to be used in cases where land is owned under customary tenure. Such methods include the use of family and clan elders or neutral third person (mediator) (*JLOS*). We Recommend for a hybrid approach of admitting customary norms but also requiring adherence to constitutional rights and laws, and the creation of community based organs to become the handmaids of the formal justice system for cultural appropriateness to support legal structures. Therefore, the Karimojong justice system can be used as **Amicus Curie** “Friend of Court” to assist a court by offering information, expertise or insight that has a bearing on the issues of land in the case.

### 3.3 POLICY OPTIONS FOR LAND ADMINISTRATION IN KARAMOJA

Table 2 Proposed policy options for land Administration in Karamoja

POLICY OPTIONS FOR LAND ADMINISTRATION IN KARAMOJA		
Policy Option	Strengths	Weaknesses
Promote literacy on Customary land rights	<ul style="list-style-type: none"> <li>➤ Reduces fraud and corruption</li> <li>➤ Increase awareness on customary land rights</li> <li>➤ Community Informed decisions on</li> </ul>	<ul style="list-style-type: none"> <li>❖ Diverse cultural institutions in Karamoja</li> </ul>

	land	
Advocacy on Customary land titling	<ul style="list-style-type: none"> <li>➤ Enhance land tenure security</li> <li>➤ Land used as collateral</li> <li>➤ Value for land increased</li> <li>➤ Good land documentation</li> </ul>	<ul style="list-style-type: none"> <li>❖ Exposure to money economy</li> <li>❖ Expensive to the poor people</li> <li>❖ Elite capture</li> </ul>
Review of Customary land legislations	<ul style="list-style-type: none"> <li>➤ Customary land tenure strengthened</li> <li>➤ Security of customary land tenure enhanced</li> </ul>	<ul style="list-style-type: none"> <li>❖ Expensive legal processes</li> <li>❖ Time consuming processes</li> <li>❖ Laws can be negatively influenced</li> </ul>
Improve Customary land administration and governance	<ul style="list-style-type: none"> <li>➤ Reduction in land disputes</li> <li>➤ Reduced backlog of land cases</li> <li>➤ Improved service delivery</li> </ul>	<ul style="list-style-type: none"> <li>❖ Corruption scandals</li> <li>❖ Expensive to maintain</li> </ul>
Strengthen Alternative Land Dispute Resolution mechanisms in Karamoja (ADR)	<ul style="list-style-type: none"> <li>➤ Appropriate for rural communities</li> <li>➤ Easy and cheap to handle</li> <li>➤ Most Relevant for Customary land dispute management</li> <li>➤ Sustains relationships hence sustainable</li> </ul>	<ul style="list-style-type: none"> <li>❖ Lacks documented evidence</li> <li>❖ Time consuming</li> <li>❖ Gender blind (male centered)</li> <li>❖ Less information available on ADR</li> </ul>
Strengthen pastoralism as viable economic activity in Karamoja	<ul style="list-style-type: none"> <li>➤ Improved livelihoods in Karamoja</li> <li>➤ Pastoral representation enhanced at national level</li> <li>➤ Contributes to the economy of Karamoja and the country at large</li> <li>➤ Pastoralism is environmentally friendly for resilience building due to livestock mobility.</li> <li>➤ Improved service delivery</li> </ul>	<ul style="list-style-type: none"> <li>❖ Land degradation</li> <li>❖ Compromised alternative livelihoods options</li> </ul>

#### 4.0 GENERAL CONCLUSION

The planning laws in the African continent have their deep roots in the colonial laws that have hardly managed to address the land problems. There has been some political embarrassment in post-colonial states that citizens waited long for laws to acknowledge that their lands were already owned, and continue to be owned the western style. The legal provision between state and customary is diminishing. The customary landholders are demanding that national statutes embeds and protects norms and rights once deemed the preserve of customary tenure. However Most of these policies lack a firm understanding of traditional sociological and ecological lifestyle of the Karimojong. In the process, customary land tenure system is thus widely practiced with limited legal provisions. Changes also respond to several decades of globalizing human rights awareness for which customary land tenure security is finding its place as a human right. The legal paradigms in this transformation are imperfect both intended and unintended. In short, iteration—or reiteration—of socially collective property and its entrenchment in statutes—remains a work in progress or no progress. The fact that laws find customary other tenure systems get equal force and effect suggests that questions still arise as to why and how this should be done. In respects, the tensions are not much different from those that defined the philosophical debates of Plato and Aristotle, Locke and Hobbes, Mill and Marx, on the role of property in the State. Perhaps the most that can be hoped for is periodic rebalancing in property relations between the social and economic, the collective and the individual, governments and their citizens, subsistence and commercial demands, and that justice achieved more often than not.

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## 6.0 APPENDICES

### Fact sheet: Uganda

- **Size of Uganda:** 241,500 square kilometers, of which 194,000 is land. 146,675 square miles.
- **Population:** 41,856,813
- **HDI:** 0.484
- **Population below PPP \$1.25 a day:** 37.78
- **Annual population growth rate:** 3.2
- **Population below 18 years:** 56.7
- **Fertility rate:** 7.2
- **Population density:** approximately 174 per square kilometer (non-residential)
- **Urban population:** 16%
- **Dependence on land** in rural areas: 85%. Across, 80%
- **Land as asset endowment:** more than 60%
- **Average land holding:** 1.6 to 2.8 in south, 3.2 hectares in the North
- **Customary land holding:** 55%
- **Land conflicts rank highest:** 16 %
- **Most of the land conflicts are at community:** between neighbors (48%), family (29%), landlord-tenant (18%) and with Government (5%)
- **Productivity losses** due to land conflict: between 5% and 11%
- **Leading option of first instance** for resolution of land issues: LC I and IIs (57.7%), clan and community leaders 27.7%

## 7.0 ACKNOWLEDGMENT

We acknowledge all those whose materials we have used for this research paper. It is through their effects that we have the product of this documents. The works still remains in progress and any person that will need to enrich is highly welcome. In a special way we would like to acknowledge our families that gave us time to concentrate on this and our organizations that remained patient just in case this disrupted business as usual. We want in a special we to appreciate the strides taken by the government of Uganda to address the land problem in Karamoja, we remain indebted to all whose efforts cannot be explicitly acknowledged here. May God bless you all abundantly.