



PRIVATIZATION OF LAND AND ITS IMPACTS ON AGRO-PASTORAL LIVELIHOODS IN KARAMOJA, UGANDA

Case studies of Moroto and Nakapiripirit Districts

August 2024

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United States Agency for International Development (USAID) Contract Number: 617-15-000014
Karamoja Resilience Support Unit

www.karamojaresilience.org

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Suggested citation: Odhiambo, M. and Arasio, R. L. 2024. Privatization of Land and Its Impacts on Agro-pastoral Livelihoods in Karamoja, Uganda. Case studies of Moroto and Nakapiripirit Districts. Karamoja Resilience Support Unit, Feinstein International Center, Friedman School of Nutrition Science and Policy at Tufts University, Kampala.

Acknowledgements: the production of this report involved collaboration between Tufts University and the Rift Valley Institute (RVI).

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ACRONYMS AND ABBREVIATIONS

CCO	Certificate of Customary Ownership
CLA	Communal Land Association
CSO	Civil society organization
FGD	Focus group discussion
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GoU	Government of Uganda
KDF	Karamoja Development Forum
KDPG	Karamoja Development Partners Group
KII	Key informant interview
KRSU	Karamoja Resilience Support Unit
LEMU	Land and Equity Movement in Uganda
MZO	Ministry Zonal Office
NFA	National Forest Authority
NLP	National Land Policy
MADEFO	Matheniko Development Forum
MLHUD	Ministry of Lands, Housing and Urban Development
PMA	Plan for Modernization of Agriculture
RUCODET	Rupa Community Development Trust
UPDF	Uganda People's Defence Forces
UWA	Uganda Wildlife Authority

I. INTRODUCTION

This report presents the findings of a review of land issues in Karamoja, with a particular focus on trends in privatization of communal lands and its impacts on agro-pastoral livelihoods. The review was commissioned by the Karamoja Resilience Support Unit (KRSU), which is supported by the United States Agency for International Development (USAID) and the Embassy of Ireland, and implemented by Feinstein International Center, Friedman School of Nutrition Science and Policy at Tufts University. It was undertaken in June 2024, based on a case study of Rupa and Kawach areas of Moroto and Nakapiripirit Districts respectively.

KRSU commissioned the review as part of its technical and logistical support to Karamoja Development Partners Group (KDPG), a multidonor and UN agency platform that aims to strengthen the coordination of humanitarian and development assistance in Karamoja. The review will support KDPG in its engagement with the Government of Uganda (GoU) on policy and institutional reforms for land governance to support sustainable development in Karamoja. As a framework, KDPG offers an opportunity for high-level aid actors in Karamoja to work together and with the GoU to address land issues in Karamoja. This review will ensure that such engagement is informed by a clear appreciation of the complexity, dynamism, and sensitivity of land issues in Karamoja.

The starting point for the review is the report entitled “Policy and Legal Framework for Securing Communal Land Rights in Karamoja: Challenges, Opportunities and Entry Points for Interventions,”¹ which was published by the Department for International Development (DFID)-funded Building Resilience and Adaptation to Climate Extremes and Disasters (BRACED) program in 2018. That report reviewed issues and challenges affecting access to productive rangelands by agro-pastoral communities in Karamoja in the light of increased privatization of land rights. It found that the trend of increased private acquisition of communal land was posing serious threats to the security of livelihoods and undermining the capacity of communities to adapt to climate change. The present

review updates the findings and analysis of the 2018 report on the basis of consultations with communities and other key stakeholders.

The report is divided into five sections. This first section introduces the review, explains its purpose and objectives, and section 2 outlines the design and methods. Section 3 presents general findings, covering the background and context of Karamoja region with regards to land governance and management, highlighting the role of land in shaping livelihoods opportunities and prospects, the importance of communal land tenure for enabling the practice of agro-pastoralism, and adverse impacts of land privatization, particularly on communal land rights and the security of livelihoods. Section 4 presents the key findings drawn from the case studies and the conclusions and recommendations of the review are presented in section 5.

PURPOSE AND OBJECTIVES OF THE REVIEW

The purpose of the review was to enable KDPG to craft an informed and realistic strategy for engaging the GoU and other actors on land issues in Karamoja. To this end, the review aims to achieve four specific objectives, namely:

1. To review the status of land issues in Karamoja with a focus on challenges to customary land ownership and agro-pastoral livelihoods in the face of increased individualization of communal lands;
2. To establish the scale and speed of private land acquisition in selected areas of Karamoja;
3. To recommend strategies for protecting and securing communal land rights and associated pastoral and agro-pastoral livelihoods in Karamoja; and
4. To identify opportunities and entry points for KDPG to effectively engage with the GoU and other actors to secure communal land rights and livelihoods in Karamoja.

1 Mercy Corps, 2018, <http://www.braced.org/resources/i/Policy-and-legal-framework-for-securing-communal-land-rights-in-Karamoja>, accessed April 20, 2024.

2. REVIEW DESIGN AND METHODS

A combined methodology integrating desk review of relevant literature and policy documents, key informant interviews (KIIs), and focus group discussions (FGDs) was used to conduct the review. The methodology was co-designed and co-implemented by the consultant and the KRSU field team based in Moroto. Together, they developed key questions for the review, agreed on the categories of respondents to be engaged in the field through KIIs and FGDs, and identified the appropriate locations for case studies.

The 2018 report constituted the starting point for the review, as it had identified the critical challenges to the security of communal land tenure and related agro-pastoral livelihoods. Additional reviews were undertaken of published and grey literature produced since 2018 to establish the current state of play and emerging challenges as well as opportunities. Of particular importance in this regard were the reports developed in support of the ongoing review of the National Land Policy (NLP). These reports provide a clear assessment and analysis of the failure to realize the promise made in the NLP to secure customary land tenure and communal land rights. The zero draft of the new National Land Policy was also reviewed to establish how the government intends to address the shortcomings that undermined the implementation of the NLP 2013.

The review team comprising the consultant and KRSU staff² conducted KIIs with different actors in Moroto and Nakapiripirit Districts and Kampala, and FGDs with community representatives in the two case study locations of Rupa Subcounty in Moroto District and Kawach Subcounty in Nakapiripirit District (see Itinerary for Fieldwork, Annex 1). The two case study locations were purposively chosen to capture and demonstrate the different forms of land privatization as well as the varied impacts on different livelihood systems, by engaging communities on their experiences, both positive and negative, in interacting with land privatization. The locations where the review team held consultations were areas defined by clan ownership of land or administrative demarcation, where agro-pastoralism is the main livelihood, and

where communities have regular interactions with pastoralists from other areas, especially during the dry season.

Rupa Subcounty is predominantly a livestock-keeping area while Kawach Subcounty is predominantly agricultural but accommodates pastoralists from other areas during the dry season. These locations were reported to have a high prevalence of privatization activities. Given the focus on customary land, each location/subcounty was defined by a clan-based ownership of land; for instance, the Ngitopon clan predominantly occupies Rupa Subcounty. The review team designed an approach to the case studies that privileged participation of communities with a view to understanding local knowledge on the scale and speed of private land acquisition in the two case study locations. This was largely done using adapted participatory epidemiology (PE) methods. Table 1 shows the methods used and types of information collected.

The review team engaged with a total of 19 key informants (13 in Moroto, 2 in Nakapiripirit, and 4 in Kampala). The team conducted a total of nine focus group meetings (five in Moroto, four in Nakapiripirit), engaging up to 179 members of communities (97 women and 82 men, including youths) (see Annex 2 for the complete list of KIIs and FGDs).

The fieldwork collected mostly qualitative data. Efforts to collect quantitative data on land privatization trends in the two districts proved futile, as Lands Officers who initially promised to avail data from their records in the end failed to deliver.

2 Members of the KRSU team were Dr. Raphael Lotira Arasio, Judith Moru, and Vincent Lomuria. Brenda Loumo, KRSU Research Assistant, joined the team for the interviews in Nakapiripirit.

Table 1 Participatory methods and type of information collected.

Method	Type of information collected
Participatory mapping	Mapping out the different land uses on a clan’s land or a subcounty, especially those driven by outsiders. For example, for Rupa Subcounty, reference was made to land for Ngitopon clan. Land uses listed by communities were categorized into: community, ³ institutional (both government and church), ⁴ private investments, ⁵ and large government establishments such as wildlife and forest reserves. Each land use was represented on the map using a different color of bottle tops, after placing on the map the key landmarks or distinct features such as mountains, rivers, and roads. This also made it possible to understand the pros and cons of the different land uses from a community perspective. Participatory mapping also laid the ground for other participatory methods such as proportional piling (used to estimate the proportion of land that has gone to the different land uses).
Proportional piling	Established the current status of land ownership, by determining the proportion of land that has gone to different uses; and level of community access to and control over land under the different land uses.
Simple ranking	Identified and ranked the personalities with influence or involved in private land acquisition; to establish community perspectives on the major land issues and their outcomes and impacts
Timeline combined with proportional piling	Understanding trends in land use/acquisition in the past 20–30 years
Matrix scoring	Established the association between land uses and the different impacts or issues on private land acquisition
Semi-structured interviews	Conducted separately or in combination with the other participatory methods and involved key informants and focus groups. Where they were used separately, a checklist was used to guide the discussions. Where they were combined with the other participatory methods, it was to probe the outcomes; for instance, why the score assigned. The checklist sought to establish the following: <ul style="list-style-type: none"> • Pros and cons of the different land uses • Why communities lease/sell land to private investors • How communities respond to threats from the new land uses • How communities see their future with emerging land uses and related issues • Community’s view on existing communal land protection mechanisms and alternatives for community organizing • Drivers of land privatization • Impacts of land privatization • Roles of actors in land acquisition

3 Under control of communities, e.g., for settlements, farming, livestock grazing, shrines, forests.

4 Schools, health centers, markets, government offices, cattle crushes, churches, barracks.

5 Mining, large-scale commercial farms.

3. GENERAL FINDINGS AND TRENDS IN LAND OWNERSHIP

The Karamoja sub-region in northeastern Uganda is a semi-arid area occupied mainly by pastoralists and agro-pastoralist whose livelihoods, culture, and identity are closely tied to land. These communities traditionally hold and manage land communally through rules and institutions that are underpinned by norms and practices that enable productive use of the semi-arid landscape that is defined by climatic variability in time and space. The communal land tenure system and the institutions that manage it shape not just the way in which these communities manage land, but also how they manage their social, cultural, and political organization. This means that any developments that affect the way in which they access and use land have significant and far-reaching implications for their survival.

3.1 COMMUNAL LAND TENURE AND ITS IMPORTANCE FOR AGRO-PASTORALISM

In order to understand the importance of communal land tenure, one needs to appreciate on the one hand the nature of the arid and semi-arid landscape that is Karamoja, and on the other hand the place of livestock in the economic, sociocultural, and political organization of the Karimojong. It is this ecological and social context that explains the importance of communal land tenure, which has direct bearing on the communities' access to and productive use of rangelands and the resources therein to support their agro-pastoral livelihoods. A clear understanding of the interaction between communal land tenure and the economy, livelihoods, culture, and governance of communities in Karamoja is critical for appreciating the implications of rapid land tenure and land use change on their survival.

This clear understanding of the nature of communal land is often lacking among those working to protect communal land and communal land rights. The fact that communal land entails the balancing of individual and collective rights is often lost on those who see the entire landscape as being collectively owned. For instance, farmland and homesteads are not communally owned but are effectively the private property of the household. Understanding how the communal land tenure system works, and the different layers of rights and responsibilities that it bestows on individuals, households, clans, sub-clans, and communities is key to designing appropriate policy, legal, and institutional mechanisms for securing communal land. A lot of the challenges associated with Communal Land Associations (CLAs) and Certificates of Customary Ownership

(CCOs) can be traced to this problem of inadequate understanding of the nature of communal land.

Communal land tenure entails collective ownership and management of land by communities rather than by individuals or the State. It is underpinned by a delicate balance between the rights of households and individuals to use the land and appropriate the benefits of their labor and the obligation of the community collectively through its institutions of governance to control the allocation of land to different uses. Although user rights are recognized and protected, land and natural resources such as water sources, grazing lands, and forests are considered a common resource for all members of the community across generations. Through communal land tenure, communities are therefore able to collectively decide on usage of these resources and to ensure equitable access to all members, and that they are sustainably managed and preserved for future use.

The communal land tenure of the Karimojong has evolved over time in response to the objective needs of their livelihoods system. It enables and supports practices of land governance, management, and use that make it possible for the communities to make productive use of their arid and semi-arid landscape. Communal land tenure is governed by customary laws and practices that have been passed down from one generation to another for millennia. The laws and practices are mediated by the traditional institutions in which elders and clan leaders play key roles with regards to allocation of land rights, management of land use, and resolution of land-related disputes and conflicts. Through these institutions, communities are able to negotiate and enforce reciprocal arrangements that facilitate livestock movement across vast tracts of land to access pastures and water.

The seasonal movement of livestock is critical for the sustainable practice of pastoralism, which is the primary economic activity among communities in Karamoja. It enables the communities to access grazing and pasture on an ongoing basis in a landscape characterized by climatic variability across time and space. Communal land tenure makes possible the seasonal use of land, with communities moving their herds to different areas depending on the availability of water and pasture. Mobility is particularly important in enabling pastoralists to access water and pastures during the dry season, when pastoralists may have to

3. GENERAL FINDINGS AND TRENDS IN LAND OWNERSHIP

trek over long distances, even across national borders, to be able to keep their livestock alive.⁶

These communal arrangements so integral to the sustainable use of rangelands, and which constitute the foundation for agro-pastoral livelihoods, are often the first casualties of land privatization in arid and semi-arid lands. The 2018 Mercy Corps report identified land privatization as a major threat to the security of communal land tenure.⁷ Since then, the process of land privatization has gained pace in Karamoja, and the impacts on rangelands and livelihoods are beginning to

manifest. Communities report restricted access to land for production, with impacts on household food security and nutrition; increased out-migration of youth; and an increase in petty crime and insecurity. A recent report by KRSU has noted long-term declines in the availability of rangeland vegetation for livestock in the region.⁸

Communities categorize land tenure systems by reference to whether the land is under the control of the community or under the control of outsiders, who include government, churches, and investors. During a FGD held in Tangadel Village, Lobuneit Parish of

Table 2 Community categorization of land tenure and uses.

Communal land (<i>Ngalup Nayok kori na kipedori ngon adolokin</i>)	
<ul style="list-style-type: none"> • Settlement (<i>Ngireria</i>)⁹ • Farming • Grazing • Shrines • Indigenous forests 	
Land used by outsiders (<i>Ngalup na elemarito ngitunga lu alokinga</i>)	
Land for provision of social services	<ul style="list-style-type: none"> • Schools¹⁰ • Health centers¹¹ • Markets¹² • Cattle crushes¹³
Institutional land for both government and religious institutions (<i>Ngalup na alemalayaa arienglapukan ka ekelesia</i>)	<ul style="list-style-type: none"> • Government offices¹⁴ • Churches • Installations for security agencies (barracks for police and military)
Land for private investments (<i>Ngimuchurus lu angiboken</i>)	<ul style="list-style-type: none"> • Mining (marble, gold, clay) • Large-scale commercial farming (e.g., Naminam farm of Rupa Community Development Trust (RUCODET)) • Power generation (solar, wind)
Land for conservation (<i>Nayokotieng</i>)	<ul style="list-style-type: none"> • Wildlife reserves by Uganda Wildlife Authority (UWA)

Source: FGD, Tangadel Village, Rupa Subcounty.

6 On pastoralist mobility, including across national borders, see FAO, 2022 and FAO and IUCN, 2018.

7 Mercy Corps, 2018.

8 Egeru et al., 2023.

9 Some of the settlements include: Kadilakiemy, Lonyasan, Kochunoi, Lokemer-kapel, Pupu, Loowoi, Lokipetot, Tangadel, Nanyidik, Naput, Loolung, Lokitela-kapeth, Looyakoromae, Kidepo, Natopojo, Lolukten, Naturumrum, Kanakol, Lobongorwa, Namus, Naibach, Lokitela-angimor, Nalingoi, Kongatunyo, Kadapal-pua, Lokunoi.

10 Rupa Primary School (P.S.), Kadilakiemy P.S., Nanyidik P.S., Kidepo P.S., Kaloi P.S., Naput P.S., Loolung P.S.

11 Kidepo health center.

12 Lokitela-ekuwom.

13 Tangadel, Naminam.

14 Lokitela-ngole (earmarked for district headquarters), Nanyidik (earmarked for town council).

Rupa Subcounty, the community listed the main categories of land tenure and uses as shown in Table 2.

Communities have no problem availing portions of their land for social service provision as well as for construction of government and institutions, particularly because the government and churches consult them to access land for these developments, and the communities benefit directly from the developments.

They also appreciate the importance of wildlife conservation and the role of Uganda Wildlife Authority (UWA), in particular that UWA allows livestock to graze in the game reserves and has constructed access roads that have improved security, particularly in the dry season grazing areas. It appears, however, that there is lack of clarity about the status of areas reserved for wildlife protection, particularly with regards to land that was degazetted in 2002.¹⁵ Communities also claim that UWA is negotiating with mining companies to grant them concessions on land, which, as far as the communities are concerned, belongs to them and not to UWA. As one respondent at the FGD in Tangadel observed, “*The land is ours, and the wildlife is theirs.*”¹⁶

The communities complain about the association between UWA and Uganda People’s Defence Forces (UPDF), through which they have taken over Kobebe Dam, which the community claims to be their facility. Community members have to pay Ugandan shilling (UGX) 50,000 to 100,000, depending on

the size of the herd, to access the dam during the dry season. In addition, they claim that they are forced to donate bulls to UWA and UPDF. There is a clear need for UWA to engage communities to explain the interaction between wildlife conservation and other land uses, particularly grazing and farming.

3.2 DRIVERS OF LAND PRIVATIZATION IN KARAMOJA

Karamoja region has witnessed significant changes in land ownership patterns over the past two decades, with the pace of change increasingly markedly since 2011 when, following disarmament, the region experienced increased government presence accompanied by investments in infrastructure and other projects. Land privatization, driven by various factors including government policies, economic pressures, and external influences, is a key feature of the change in land ownership patterns.

Land privatization occurs all over Karamoja. Table 3 shows the key locations for land privatization and the nature of land uses driving the privatization.

The significance of the challenge that land privatization poses to lives and livelihoods in Karamoja is compounded by the fact that the communities’ share of the land in the region is already limited due to the large portions of land reserved as protected areas. It is estimated that 40.8% of the 27,700 square kilometers of the land of Karamoja is gazetted as wildlife

Table 3 Main types of land privatization in Karamoja region.

District	Locality and land use
Moroto	Rupa Subcounty – mining of marble, gold, and limestone Tapach Subcounty – mining of marble
Kaabong	Loyoro Subcounty – mining of gold
Amudat	Karita Subcounty – mining of gold
Napak	Large-scale commercial farming
Nakapiripirit	Namalu Subcounty – large-scale commercial farming
Abim	Alerek Subcounty – mining of gold

Source: compiled by the research team from KIIs and FGDs.

15 For more details on the degazettement, see Rugadya et al., 2010, particularly chapters 1 and 4.

16 FGD participant, Tongadel Village, Rupa Subcounty, Moroto, June 7, 2024.

conservation areas. An additional 11.6% of the land is managed by the National Forest Authority (NFA) as Central Forest Reserves.¹⁷

The onset of security in Karamoja engendered demands for land in Karamoja for uses other than agro-pastoralism. Where hitherto the only significant threat to communal land tenure had been State reservation of land for wildlife conservation and forests, there were now new additional threats in terms of investments (particularly in mining and commercial agriculture), settlement, and infrastructure development. Accompanying this unfolding scenario were new actors, key among them the elites (local and national) and private investors (both local and foreign). The elites largely acquire land for speculation purposes, getting it cheaply or for free from communities and then selling at market prices to investors. Local elites also act as brokers vis-à-vis external interests, taking advantage of the ignorance of communities, the laxity in regulations, and general corruption to appropriate land from communities and capture benefits that would accrue to communities from land transactions.

The three most significant factors that have driven land privatization in Karamoja are development policies of both the GoU and development partners; economic transformation evidenced by monetization of land relations and the emergence of a land market; and urbanization and infrastructure development. These three factors are interrelated in the way they play out, each feeding into the others.

When we had the gun, we were able to protect our land from speculators. Peace has brought problems.

Key Informant, Moroto, June 6, 2024

3.2.1 Policy and legal reforms for modernization

The GoU has since the 1990s pursued a deliberate policy of modernization that cuts across all sectors. In the land sector, this policy has engendered policy and legal reforms aimed at modernizing land tenure through formalization of land ownership. A key policy objective of the Land Act, 1998 was to facilitate

this formalization of land ownership through titling and registration of individuals as land owners, in order to strengthen security of tenure and promote agricultural investment within the context of the Plan for Modernization of Agriculture (PMA).¹⁸ Local and international nongovernmental organizations (NGOs) have also played their part in pushing the modernization agenda in Karamoja through programs and projects for, theoretically, improving land management and productivity. Whether by design or by default, such programs have ended up facilitating the transfer of land from communal to private ownership by encouraging individualization, titling, and registration of land rights. Moreover, communal land tenure is seen as constraint to the realization of the government's policy objective of abolishing nomadic pastoralism. Thus, the uptake of land and agricultural sector modernization policies in Karamoja has increased land grabbing by local and national elites, leading to the weakening of communal land rights.

Although commercial crop production is often promoted as “modern” and a better use of land than pastoralism, in arid and semi-arid environments of East Africa rainfed crop production is constrained by the high risk of rain failure, and irrigated crop production needs a reliable source of water. Whereas livestock herds can move to access grazing and water, fields of crops are static. Economic studies have not been conducted in Karamoja to compare the long-term economic returns of pastoralism versus commercial crop production, covering both normal and drought years. However, in countries where studies have been conducted, the limitations of commercial crop production in arid and semi-arid environments are clear.¹⁹

Furthermore, the economic returns on livestock production in Karamoja are substantial. In 2019 the economic value of livestock production in the region was estimated at United States dollars (US\$) 444 million, with the sub-region accounting for 39% of national cow milk value and 29% of national cattle offtake.²⁰ Thus, while the PMA might rightly position commercial crop systems as relevant to much of Uganda, proposing the widespread adoption of

17 Rugadya et. al., 2010.

18 GoU, 2000.

19 For example, see the comparison of the economics of pastoralism and irrigated sugar and cotton production in the Awash Valley of Ethiopia (Behnke and Kerven, 2013) and the benefit-cost, high risks, and negative environmental impacts of irrigated agriculture along the Lower Shebelle River in Ethiopia (Livestock, Crop and Rural Development Bureau, 2013)..

20 KRSU, 2020.

these systems in Karamoja is unwise in the absence of substantive and up-to-date economic analysis.

The promotion of commercial agriculture as a policy objective and at scale in Karamoja can also be questioned relative to Uganda's National Climate Change Policy, which reports higher national temperatures, increasing rainfall variability, and increasing frequency of droughts nationally.²¹ Whereas pastoralism is widely recognized as being highly adaptive to climate variation due to herd mobility and species structures (e.g., the use of camels), it remains unclear which drought resistance crop varieties are most suitable for Karamoja or if the economic returns from the commercial production of these crops outweigh those from mobile livestock production.

3.2.2 Economic changes and emergence of a land market

The policy and legal reforms on land governance and management coincided with the discovery in Karamoja of valuable minerals, such as gold and limestone, which attracted investors and speculators, leading to a surge in the acquisition by individuals and companies of what were hitherto held and managed as communal lands. These land acquisitions are negotiated in Entebbe without involvement of communities who are the owners and have historically used the same lands but do not have formal titles. Communities often only become aware that they have lost the right to the land when the “new owners” move in to fence off the land and evict them. Displacement of communities has become rampant in Karamoja, especially from lands that are deemed to have commercial value.

3.2.3 Urbanization and infrastructure development

The significant growth of urban centers and infrastructure witnessed in Karamoja over the past decade has also been a major driver of land privatization. These developments have the result of increasing the value of adjacent land, which becomes the target of private acquisition by investors and speculators. The review team noted the large number of fences and enclosures around Moroto and Nakapiripit and along the tarmac roads from Nakapiripit to Moroto and from Moroto to Soroti. It is difficult to imagine that all this fenced land was until just a few years ago held and

used communally for grazing and crop production. The processes by which the land has been converted from communal to private holdings raises serious questions about the implementation of policy and the rule of law.

Communal tenure, pastoralism, and mobility have been undermined by government policies since colonial times. Policy interventions to promote development and the management of the environment and natural resources in Karamoja have tended to be based on negative perceptions about the nature of communal land tenure, pastoralism, and mobility. The policies have thus sought to transform these practices in a bid to modernize the region and its people. Since these practices and the institutions that manage them are perceived to be backward, policy prescriptions applied to the region seek to impose new practices and institutions borrowed from different contexts, without engaging the communities or making any effort to build on their reality. It is this attitude of policy makers towards the communities in Karamoja and their way of life that explains the manner in which land privatization has evolved in the region.

3.3 DISCONNECTS BETWEEN POLICY AND PRACTICE

The fact that privatization poses such serious challenges to communal land tenure and causes such severe impacts on agro-pastoral livelihoods is effectively a function of the failure of policy. If the existing policy framework for land governance in Uganda was fully implemented, the security of communal land tenure would be upheld, or at a minimum the challenges posed to it by privatization would be effectively managed.

As the 2018 Mercy Corps study²² confirmed, Uganda has in place policies and laws that recognize customary law and can be invoked to secure communal land tenure and communal land rights. The combined effect of the Constitution of the Republic of Uganda, the decentralization policy, the National Land Policy, and the Land Act is to provide an enabling policy, legal, and institutional framework for securing communal land tenure. The Constitution recognizes customary tenure as one of the four land tenure systems in the country,²³ while the NLP 2013 stipulates that land rights of

21 Ministry of Water and Environment, 2015.

22 Mercy Corps, 2018.

23 Article 237(3). The other three land tenure systems are freehold, mailo, and leasehold.

pastoral communities will be guaranteed and protected by the State²⁴ and articulates strategies to that effect.

Additional opportunities that the study identified for securing communal land tenure and agro-pastoral livelihoods included improved land security and access due to increased investments in infrastructure; increased interest in Karamoja among development partners and investors; the presence of a strong and engaged civil society; and the existence of functional traditional leadership and structures at community level.

The study noted, however, that this enabling policy framework had not worked for the benefit of communal land rights because the policies were not effectively implemented. It identified factors that undermined implementation of the policies to include conflicting policy imperatives; failure to allocate sufficient resources for the operations of Communal Land Associations (CLAs), District Land Boards (DLBs), and Area Land Committees (ALCs); inadequate infrastructure for registration of Certificates of Customary Ownership (CCOs); traditional institutions not enabled to effectively play their roles; and inadequate capacity on the part of civil society to engage government and support communities to secure their land rights. These challenges have persisted even as the pace and reach of land privatization in Karamoja has increased, resulting in increased weakening of customary land rights and vulnerability of agro-pastoral livelihoods.

In the face of these challenges to communal land tenure, communities have endeavored to formalize and secure their collective rights through diverse methods within the existing legal framework. The most common approach used in the region is to register a CLA and apply for CCOs. According to the Report of the Impact Evaluation of the NLP 2013, a total of 558 CLAs have been registered in Karamoja by communities, clans, and sub-clans, while seven CCOs have been issued for Tepeth, Pokot, and Pian. The details of these efforts are not readily available, and the review team was not able to assess the overall effectiveness of these mechanisms and whether they are actually working. Moreover, that these efforts have been spearheaded entirely by non-State actors does not speak well to the commitment of government to implement the NLP.

A third approach to securing communal land tenure is through registration of a community trust. The most notable example of this is Rupa Community Development Trust (RUCODET), which was registered as a vehicle through which the community in Rupa Subcounty would protect their collective land rights and negotiate with investors seeking to access their land for purposes of mining. The main advantage communities get from formalizing their land rights is the opportunity to negotiate with investors for compensation in return for the investors making use of their land. However, as the community perspectives on RUCODET reported in the next section demonstrate, the formalization of communal land can itself be a source of further challenges to communal land use.

The appropriateness of existing forms of formalization in securing communal land tenure is also unclear. The high cost of survey and registration of land and the protracted process that it involves can be disincentives to communities. Moreover, the fact that CCOs are not visualized in the Uganda National Land Information System (UgNLIS), the absence of national registry for customary land, and the ease with which CCOs can be converted to freehold raises questions about their effectiveness in securing communal land tenure and protecting communal land rights.

3.4 REVIEW AND REVISION OF UGANDA NLP 2013—AN OPPORTUNITY FOR SECURING COMMUNAL LAND RIGHTS IN KARAMOJA?

The NLP has been implemented for 10 years and is currently being reviewed. The review follows an impact evaluation that was conducted in 2023 to assess achievements of the policy and identify performance gaps, challenges, and emerging issues.²⁵ The findings of the impact evaluation with respect to Karamoja confirm the gap between policy prescriptions and actual implementation.

The impact evaluation found that the policy objective of redressing the loss of customary rights by communities in Karamoja, which was spelt out as one of the key elements in addressing the land question in Uganda, “was the least attended to in implementation of the policy.”²⁶ Instead, the report noted that communities in Karamoja continue to lose

24 Para 60, p. 23.

25 MLHUD, 2023.

26 Ibid., 8.

their land rights without compensation in areas where minerals are discovered and extracted, and through the extension of conservation areas and development projects. Moreover, the evolution of customary land tenure that was envisaged under the NLP 2013 has “been negated and instead a replacement of the tenure is in progress through the issuance of freehold land titles and a failure to set up a customary land registry.”²⁷

These challenges are reiterated in the Issues Paper prepared to guide the process of review and revision of the NLP.²⁸ The Paper acknowledges that the systematic evolution of customary land tenure has been undermined by “the persistent perception of the tenure as inferior to others.”²⁹ It calls for measures in the policy to assert the primacy of customary land tenure as a constitutionally mandated tenure category, in order to secure the rights of those who hold land under the tenure system, including those in Karamoja.

A zero draft of the revised National Land Policy, published in July 2024, articulates policy statements that are of relevance to the communities in Karamoja³⁰ and for addressing the issues identified in this review (see Table 4). The draft proposes measures to strengthen customary land rights and specifically the land rights of pastoral communities. It pushes back

against the idea that nomadic pastoralism should be abolished, asserting that pastoralist mobility is a critical strategy for managing the low net productivity, risk, and unpredictability in the rangelands, allowing opportunistic use of strategic resources to support livelihoods.

These policy statements build on and improve what was stipulated in the NLP 2013. They aim to address the shortcomings that undermined the implementation of the policy to secure the rights of communities using land under customary tenure. If fully implemented, they would address the challenges posed by land privatization in Karamoja. For that to happen, it is imperative that development partners actively engage with the policy review and revision process, and even more importantly, that they support communities and land sector civil society organizations (CSOs) to effectively participate in and influence the process.

Once the revised NLP is published, there will be need to disseminate it and to build the capacity of communities to make demands on duty holders to deliver on it. The GoU will also need support to implement the policy. In this connection, the review team was disappointed to note that while there are at least 25 development partners working in Karamoja on issues that are directly affected by land governance³¹

Table 4 Policy statements of relevance to Karamoja.

Paragraph no.	Policy statement
88	Government shall protect the land rights of citizens of Uganda during mineral exploration and extraction.
125	The State shall recognize customary tenure in its own form to be at par (same level) with other tenure systems.
126	The State shall establish a land registry system for the registration of land rights under customary tenure.
167	Land rights of pastoral communities will be guaranteed and protected by the State.
180(II)	Government shall recognize and harmonize the traditional customary system with the formal statutory system in land administration.

Source: Draft, Revised National Land Policy, July 2024.

27 Ibid., 9.

28 MLHUD, 2024.

29 Ibid., 18.

30 MLHUD, 2024a.

31 These are development partners working on agriculture (six); disaster risk management (DRM) and climate change adaptation (four); conflict and peace building (five); environment and biodiversity (three); food security (three); and livelihoods diversification (four). KRSU, 2022.

and who therefore should be interested in the NLP review and revision process, only one development partner, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), has invested in supporting the process. The team hopes that more development partners will come on board, particularly to support the articulation of clear policy options and strategies for securing communal tenure, customary land rights generally, and land rights of pastoralists in particular.

4. CASE STUDIES: KEY FINDINGS

A critical component of this review was the case studies conducted in Rupa and Kawach Subcounties. Through the case studies, the review team interacted with communities to understand how the process of land privatization is playing out, the key issues emerging from it, and its impacts on the communities. The two areas were purposively chosen on the basis of their exposure to widespread land privatization. The communities in the two subcounties are Karimojong, but those in Rupa are predominantly pastoralists while those in Kawach are predominantly farmers. Thus, between the two areas, it was possible to assess how land privatization affects both pastoralism and crop production.

Rupa Subcounty is in Moroto District, while Kawach Subcounty is in Nakapiripirit District. Although the population in both subcounties are primarily agro-pastoralists, keeping cattle, goats, and sheep and also engaging in small-scale agriculture, producing sorghum, millet, and maize to supplement their diet and income, a combination of climatic conditions and land use changes has resulted in more farming in Kawach than in Rupa. The major land issues in Rupa revolve around mining, while the major land issues in Kawach revolve around commercial agriculture.

Based on the case studies conducted in the two subcounties, this section presents the findings of the review.

4.1 LAND PRIVATIZATION AND ITS IMPACTS IN KARAMOJA

The review sought the current priority land issues in Karamoja, with a focus on challenges to customary land ownership and agro-pastoral livelihoods in the face of increased land privatization. The overall finding of the review is that land privatization and its impacts on communal land tenure and the agro-pastoral livelihoods of the local population is by far the most pressing land issue in Karamoja. The extent of land privatization is evident in the widespread fencing of land across the region's landscape.

4.2 FACTORS THAT PREDISPOSE COMMUNITIES TO LAND PRIVATIZATION

There are a number of what may be referred as internal factors that predispose the land in Karamoja to privatization. Key among these is the weakening of traditional authority as a result of modernization and the emergence of formal frameworks of authority. This development has reduced the influence of traditional leaders who had the primary responsibility of protecting communal land rights and weakened the collective voice of the community and their capacity to organize and resist private land acquisitions.

The power and authority of political leaders, specifically Members of Parliament (MPs) and Local Councilors (LCs), are increasingly encroaching into roles that have traditionally been the preserve of elders, thereby undermining the effectiveness of traditional institutions. The political leaders speak on behalf of the community and act as their representatives with government and other external actors. Yet communities complain that political leaders do not act for the benefit of communities and instead use their positions and knowledge to advance their own interests. Asked why communities lease out land to investors when they keep complaining about the raw deals they get, participants in the FGD at Kaloi Village responded that it is the political leaders and government officials who persuade them to enter into these deals. *“They the ones who read the survey maps and know where the minerals are. As community members we cannot make a decision to lease land because we do not know what is underground,”* declared one participant.³² Communities also identified RUCODET and elders as key actors in land privatization.

Table 5 lists some of the other major factors that predispose the land in Karamoja to privatization.

But it is also the case that communities themselves dispose of land. The review team sought to understand the reasons why communities dispose of land (Table 6). The reasons were ranked by the participants in order of importance.

32 Participant at FGD Kaloi Village, Rupa, June 11, 2024.

Table 5 Major factors that predispose the land in Karamoja to privatization.

- Government shall protect the land rights of citizens of Uganda during mineral exploration and extraction.
- Pastoralists perception of land and its value purely on the basis of what is on the surface and not what lies beneath it.
- Inadequate support among political leaders for communal land.
- Poverty and high levels of illiteracy make it easy for communities to be tricked into inappropriate deals.
- Elites within communities appropriating land for speculation purposes.
- National elite have vested interests in acquiring land in Karamoja.
- CLAs and CCOs make it easy to sell land.
- Absence of a strong and engaged civil society advocacy for land rights in Karamoja.
- Communities fear to live near urban centers or around major investments.
- The high demand for land in Karamoja due to its potential for mining and commercial agriculture.
- The narrative among policy makers that land in Karamoja is vacant and unowned.
- High-level policy narratives that seek to abolish pastoralism.³³
- Insecurity displaces people from their ancestral land, and speculators take advantage.

Source: compiled by the research team from KIIs and FGDs.

Table 6 Why communities sell land to private individuals.

Reasons for selling	Rank
Hunger (<i>Akoro</i>)	1st
School fees (<i>Esukul angide</i>)	2nd
To perform rituals for the dead (<i>Ngitalio</i>)	3rd
Poverty (<i>Apalago</i>)	4th
Pay penalty for impregnating someone’s daughter (paid in form of land) (<i>Aurikin ikoku aitwan</i>)	5th
Repay group loan (<i>Eden asaduku</i>)	6th
Build a business premise or a living house (<i>Adukio</i>)	7th
Restocking (with livestock)	8th
Marriage (<i>Akiutaria</i>)	9th

Source: FGD, Kaloi Village, Rupa Subcounty.

The respondents asserted that while ordinarily people only sell surplus land to address the needs indicated above, in cases of distress sales, people may be compelled to sell land even when they have no surplus. There are also instances of what they termed “foolish sales,” e.g., those done to get money for buying alcohol, but these occur rarely and are considered the exception.

4.2 IMPACTS OF LAND PRIVATIZATION

While communities acknowledge that some benefit has accrued to them from land privatization, they generally feel that the positive impacts are outweighed by the negative impacts on their livelihoods. The positive impacts are reported mainly in areas like Rupa where privatization of land has brought investors in the mining

33 The President of Uganda has consistently advocated for “eradication of nomadism” as a pathway for modernization and development of Karamoja. See in this connection Museveni, 2023.

sector. Some of the mining companies commission artisanal miners to extract marble for them, thereby providing them with employment and income, but communities complain that the land allocated to the artisanal miners is small. Other benefits reported included compensation for land, but the community considers the compensation to be inadequate; the construction of a solar-powered borehole, which the community complained was already dysfunctional; the installation of a small valley tank, which they said was already heavily silted; and the provision of scholarships for university students, which were said to be benefitting only the children of a few.

On the other hand, the communities had a long list of grievances against the investors related particularly to their loss of access to strategic resources such as water points and dry season grazing areas. It appears that communities never really understood the full implications of the deals they entered into with the mining investors. In particular, it appears that the communities did not appreciate that they would lose control over the land once it was leased out to investors. A number of the negative impacts listed by the communities appear to be based on wrong expectations, and in the case of Rupa Subcounty derive from the fact that community members have little or no knowledge of the contents of the Memorandum of Understanding (MoU) negotiated between RUCODET and the mining companies (Table 7).³⁴

Land privatization adversely impacts agro-pastoral livelihoods regardless of whether the land is privatized for purposes of settlement, infrastructure development, establishment of industries, mining, or large-scale commercial agriculture. The enclosures and diverse land use systems introduced by land privatization have the effect of diminishing the rangelands and restricting livestock mobility that is critical to their sustainable management and use. Moreover, privatization of land tenure weakens communal tenure and undermines the functioning and effectiveness of traditional institutions that are responsible for negotiating intercommunal relations that facilitate livestock mobility across the rangelands and resolve disputes and conflicts within and between communities.

In Kawach Subcounty, communities report loss of land for grazing and farming, leading to erosion of livelihoods security that manifests in terms of food insecurity, poverty, and hopelessness; reduction in livestock population; community members becoming predominantly casual laborers and not primary producers; outmigration to urban centers; increased cattle raids; increased incidences of theft and robbery; distress sale of the land; and changing livestock-rearing practices. Indeed, communities in Kawach blame these problems on the emergence of the new land uses. Except for government and churches, which use their land to facilitate access to social services, communities do not consider the other land users to be beneficial

Table 7 Negative impacts of mining concessions.

- Cutting indigenous trees (some are fruit and medicinal trees) to burn for breaking stones
- Environmental degradation—using bulldozers to break stones; leaving mining pits unfilled
- Pollution of water sources
- Restriction of movement through and access to mining areas
- Human rights abuses by security guards
- Failure to fulfil promises made to the communities about benefits
- Shrinking of rangelands and loss of access to strategic resources and shrines³⁴
- Destruction of shrines
- Expanding the mining fields (beyond what was allocated) without consultation
- Harvesting other resources such as sand that are not part of the agreement

Source: FGDs, Rupa Subcounty.

³⁴ Traditional shrines, which are integral to the identity and way of life of the Karimojong, are often associated with specific natural features like trees, rocks, or rivers, and are a critical element in the attachment of the Karimojong to their ancestral land.

Table 8 Land issues and challenges associated with different land uses.

Issue/challenge	Scores by land use							
	Prison farm	UWA	Gov't	Church	Commercial farms	Family farms	Communal land	National Forest Authority (NFA)
1. Land grabbing	21	10	0	0	3	0	0	6
2. Displacement of locals (<i>Akijuk</i>)	28	0	3	1	6	2	0	0
3. Contributes to shrinking of grazing land	10	14	3	2	6	4	0	1
4. Contributes to shrinking of farmland	17	0	6	4	10	3	0	0
5. Restricts access to land	24	12	0	0	4	0	0	0
6. Contributes to food insecurity among locals	20	12	0	0	8	0	0	0
7. Reduces livestock mobility for grazing	19	4	5	0	10	2	0	0
8. Contributes to land/farm boundary-related conflicts	9	0	0	0	19	12	0	0
9. Improves availability and access to social services	0	0	27	13	0	0	0	0

Source: Matrix scoring of each issue/challenge using 40 counters with FGD in Lobur-a-Lobong Village, Kawach Subcounty.

to them. Table 8 presents a listing by the community in Lobur-a-Lobong Village of the land issues and challenges they associate with the land uses in the area.

Adverse impacts of land privatization on communities and their livelihoods are reported even where communities have exercised the option of formalizing communal tenure as has happened in Rupa through the registration of RUCODET and in Tepeth and Tapach through registration of CLAs and CCOs. While such formalization is said to improve the capacity of communities to negotiate with investors and get fair deals over their land, communities report many challenges in holding the leaders of these formations accountable. In most instances,

communities complain of elite capture, in which the leaders of the registered organizations assume full control over communal land, usurping the responsibilities of traditional leaders.

4.3 THE CHALLENGE OF MAKING FORMALIZATION WORK FOR COMMUNAL LANDS: THE CASE OF RUCODET

The experience of the community in Rupa with RUCODET is instructive about the challenges that come with formalization of communal lands. Communities in Rupa complain about lack of accountability from the Board of Directors of RUCODET. They decry the failure to call meetings

Table 9 downside of formalization of communal land.

- Benefit-sharing challenges when communal land is titled and leased to investors.
- Interclan and intercommunity conflicts over boundaries.
- Community elites buy titled land for speculation purposes.
- Lack of transparency and accountability on the part of leaders of CLAs and community trusts.
- Shrinking of grazing land and diminishing livestock numbers.
- Displacement of community members to make way for investors.
- Displaced community members settle on other people's land, sparking land-related conflicts.
- Restriction of communities' access to grazing areas and water points by mining companies.
- Closure of routes to markets, schools, health centers, and neighborhoods.

Source: compiled by research team from KIIs and FGDs.

and conduct elections, and complain about not being fully informed about details of deals that RUCODET enters into over their land. Even more worrying is the way that communities feel alienated from their land upon its being registered in the name of RUCODET. Communities report loss of access to land once it is registered in the name of RUCODET, and in fact they no longer consider land so registered to belong to them, insisting that such land is now "RUCODET land."

For their part, the Directors of RUCODET complain about the difficulty of managing community expectations regarding benefit sharing from deals made for mining concessions. They also complain that community members do not attend meetings when they are convened, unless the meetings are for distribution of money. When they opt to distribute money to the community, there are complaints by those who feel they have received less than their entitlement, even when the criteria for distribution is agreed in advance and explained to members. When they decide to invest the money to support social services provision (building schools and health centers, paying fees for students in schools and colleges), they are blamed for not covering everyone.

Although formalization of communal land provides a pathway for protecting the land in the face of privatization, there are significant challenges that need to be addressed through appropriate policy responses for this to work well and to the benefit of communities. A key feature of communal land tenure in Karamoja is that the extent of land owned and used by specific clans straddle administrative

boundaries, and even national borders. This mismatch between customary and administrative boundaries creates challenges in the process of formalization. The rigidity of formal boundaries does not sit well with the flexibility of customary boundaries.

This challenge is compounded by the fact that initiatives for protecting and securing communal land are not based on any land use planning. As a result, the protection of the land is not linked to the demands of their main livelihood systems. While communities' main interest in protecting communal land is to maintain access to strategic resources such as water points and dry season grazing areas that are critical to their survival, the major focus of initiatives to secure communal land is to enable communities to negotiate with investors. It is thus not surprising that when investors take over the land and fence it off, communities find that their access to strategic resources as well as traditional shrines is cut off, as has happened in Rupa.

Furthermore, the deals that are negotiated between communities and investors are not based on any sound economic analysis of the benefits that investors will get over time vis-à-vis what the communities lose when they surrender their rights to the land to investors. Such economic analysis should go beyond the narrow lens of the economic value of agro-pastoral production and should include underground resources. Communities are becoming increasingly aware of the value of the land in Karamoja and realizing that they are not getting fair deals in their negotiations with investors. As one key informant asserted, "*We used to say we cannot eat soil/stones but now we know we can.*"³⁵

Another critical intervention needed to make formalization of communal land tenure work for communities is to support the strengthening of technical and institutional capacity for managing interactions between communities and investors. CLAs and community trusts need to be institutionalized, with systems and procedures that ensure transparency and accountability to communities in their dealings. Leaders of these structures need to be supported to develop capacities and skills for financial management and for negotiations with investors. Communities also need to be supported with civic education to understand not just their rights but also their duties as members of these frameworks. It was evident to the review team that some of the misunderstanding between the Board of Directors of RUCODET and the community stem from poor communications as well as capacity deficits on both sides.

4.5 DATA ON LAND UNDER DIFFERENT TENURE SYSTEMS AND TRENDS IN LAND TENURE CHANGE OVER TIME

The review team was not able to access data on land under different tenure systems that would enable an assessment of trends in land tenure change over time. In key informant interviews held at the Ministry Zonal Office (MZO) in Moroto, the Head of Office confirmed that there is widespread privatization of communal land both by communities themselves to facilitate deals with investors and also, by individuals who are allocated portions of communal land. The MZO was not able to avail data on the trends of land registration in Karamoja to the team. It is plausible that the sensitivities surrounding privatization of communal land in Karamoja militate against agencies

like the MZO being forthcoming with data in their possession for fear of being implicated in any adverse analyses of such data.

As a result, the only data on land tenure systems in Karamoja that the review team was able to access is in the 2010 report by Rugadya et al.³⁶ Though dated and focused on reserved land, the report remains useful in understanding the pressure exerted on communal land by competing land uses, in this case conservation. According to the report, well over half of the land in Karamoja is gazetted for wildlife conservation and forests (see Table 10). This means that even before they started to confront the challenges of land privatization, communities had already lost control, access, and use of more than half of their land.

Communities' own perception of the competing land uses in Karamoja and how they relate to communal land ownership and tenure accords pretty much with the reality that most land in Karamoja is outside the control of communities. Through proportional piling, the review team sought to establish the current status of land use, ownership, and control by determining the proportion of land assigned to different uses; and level of community access to and control over land under the different land uses. Tables 11 and 12 present these results in Tangadel Village, Rupa Subcounty and Lopodot Village, Kawach Subcounty respectively.

In both locations, communities indicated that community land did not exist, although in Rupa this was explained by the fact that communal land has been registered in the name of RUCODET, which holds the land in trust for the communities. It is instructive, however, that the perception within the community is

Table 10 Gazetted land in Karamoja (wildlife and forests) as of 2010.

Category	Area	Percentage of Karamoja land
National park	1,436 sq. km.	5.2%
Wildlife reserves	5,269 sq. km.	19.0%
Community wildlife areas	4,595 sq. km.	16.0%
Forest reserves	322,210 ha.	11.6%
Total percentage of Karamoja land that is gazetted		51.8%

Adapted from Rugadya et al., 2010.

36 Rugadya et al., 2010.

Table 11 Community perception of land under different uses, Tangadel Village, Rupa.

Land use and control	Proportion
Community land	0%
RUCODET	19%
Institutional land (government and churches)	7%
Private investments	49% ³⁷
Conservation (wildlife and forests)	25%

Table 12 Community perception of land under different uses, Lopedot Village, Kawach.

Land use and control	Proportion
Prison farm	30
Pian Game Reserve (UWA)	33
Government institutions	4
Churches and church institutions	7
Large commercial farms	17
Family farms (subsistence)	9
Community land (for grazing, shrines, etc.)	0
NFA	N/A

Source: Proportional piling (using 100 counters) with FGD in Lopedot Village, Kawach Subcounty.

that the land so registered is no longer community land but rather RUCODET's. The community members in the FGD explained that they no longer consider the land to belong to the community because RUCODET negotiates deals on the land without consulting the community. In a KII with the review team, the chair of RUCODET refuted this claim, insisting that RUCODET convenes meetings to update community members on every aspect of negotiations they engage in. He suggested that community members who make such claims are the ones that do not attend meetings when they are convened.

As for Lopedot Village, community members at the FGD asserted that as a result of privatization of communal land by Uganda Prisons and other large-scale commercial farmers, there was no longer any community land for grazing or shrines.

As regards access by communities to land under the different uses, they reported full access to community and institutional land, limited and regulated access to land under conservation, and restricted to no access to land for private investments. The situation is similar in the two case study areas, with the community in Kawach reporting full access to family farms. However, they reported that they have no access to the prison farm. As for control, the community in Rupa Subcounty feels that they have lost all control to land, including community land, as this now controlled by RUCODET. The community in Kawach reported full control of family farms, very little control over commercial farms, and no control over the land held by prisons, the Game Reserve, or institutional land.

This sense of being disenfranchised with respect to control over their land seems to be pervasive across Karamoja.³⁸ The feeling of loss of control is exacerbated by lack of knowledge about when and whether mining

37 Of this, 20% is owned by private individuals while 80% is under private companies, especially those involved in mining.

38 This is evident from, among others, Odyek, 2016; Nakulembe et al., 2017, KDF, 2019; Rugadya, 2020.

4. CASE STUDIES: KEY FINDINGS

will ever stop. Communities fear that the longer mining continues, the less likely it is that they will ever regain control of their land. Participants in FGDs in Rupa County complained about the long duration of leases, wondering whether they are deliberately calculated to ensure communities never regain control of their land.

4.5 TRENDS IN LAND USE CHANGE OVER TIME

The review team sought to understand how communities perceive trends in land use change over time. The communities trace the trend in land use change across four stages, namely:

1. The period before, to 2000 (armed conflict)
2. The period between 2000 and 2009 (disarmament)
3. The period between 2010 and 2019 (period of relative peace)
4. The period since 2019 (return of conflict)

Over these periods, the communities report that their communal land holdings have progressively declined as the share of their land appropriated to other uses has increased. Tables 13 and 14 present the results of a combined timeline and proportional piling exercise conducted with FGD participants in Pupu Village, Rupa Subcounty and Moru Ajore Village, Kawach Subcounty respectively, to understand trends in land use change over time.

Table 13 Trends in land use change over time, Pupu Village.

Land use	Score			
	Armed conflict (2000 and before)	Disarmament (2000–2009)	Relative peace (2010–2019)	Return of conflict (2019–to date)
Communal land	92	87	47	13
Institutional land	8	13	22	23
Land under private investments	0	0	10	43
Land under UWA	0	0	21	21

Note: Data based on proportional piling with 100 stones per time period.
Source: FGD in Pupu Village, Rupa Subcounty.

Table 14 Trends in land use change over time, More-Ajore Village.

Land use	Score			
	Armed conflict (2000 and before)	Disarmament (2000–2009)	Relative peace (2010–2019)	Return of conflict (2019–to date)
Prison farm	7	7	24	26
UWA	13	14	33	28
Government institutions	5	5	7	13
Church institutions	4	4	9	10
Large-scale commercial farms	0	0	17	17
Individual family/subsistence farms	29	30	10	6
Communal land (for livestock grazing)	42	40	0	0

Note: Data based on proportional piling with 100 stones per time period.
Source: FGD in Moru-Ajore Village, Kawach Subcounty.

The FGD participants explained that during the period of armed conflict, there were no investment interests on land in Karamoja, and the government consulted with people whenever it needed land. They also noted that the presence of government and churches was limited in the region. Additionally, government and faith-based institutions were few. It is for this reason that some people in the region assert that the gun and the conflict protected communal land, as outsiders feared to come to Karamoja. Interestingly, the participants also reported that during this period, the factors that pushed communities to sell land were not common as *“communities had a lot of food from their gardens and had the livestock numbers that provided enough animal products.”*³⁹ With the onset of peace, the rush for land in Karamoja took off in earnest.

39 FGD participant, Pupu Village, Rupa Subcounty, June 10, 2024.

5. CONCLUSIONS AND RECOMMENDATIONS

This report reviews the status of land issues in Karamoja, particularly the advancement of land privatization. It examines the impacts of land privatization on local livelihoods and provides insights into the scale and speed of land privatization in selected areas of Karamoja.

The review has confirmed that land privatization and its impacts on community livelihoods is the most critical land issue in Karamoja at the moment. Neither traditional nor formal institutions are able to manage the scale and speed of land privatization. As a result, communities feel disenfranchised from the control of their land, resulting in an increased sense of hopelessness and vulnerability.

Although the existing policy, legal, and institutional framework for land governance is far from adequate for securing communal land rights, the review finds that the government has made no investments to support its implementation for the purposes of protecting communities in Karamoja against the impacts of land privatization. Instead the government has played an active role in enabling land privatization as part of its policy for modernization of the agricultural sector generally and Karamoja in particular. Government policy on agriculture as enunciated in PMA does not acknowledge pastoralism and its value, and given high level narratives against the practice, there is no policy incentive to secure and protect communal land tenure. It is thus not surprising that all the work done to establish frameworks envisaged in the NLP 2013 for securing communal land tenure such as CLAs and CCOs has been underwritten by development partners and implemented by CSOs. But given the absence of a customary land registry and the ease with which CCOs can be converted to freehold, these efforts have in some cases inadvertently promoted land privatization. However, the ongoing review and revision of the NLP provides a critical opportunity for addressing the shortfalls of the policy framework with respect to communal land.

In order to properly address the said shortfalls, it is important that communities and their institutions are effectively engaged and consulted on the best approach to securing and protecting their land. Such approaches would have to integrate traditional ideals and institutions. It is also important to strengthen community frameworks on land governance and

CSOs that work on land rights to more effectively advocate for land justice. These approaches clearly align with global imperatives of leaving no one behind and current donor commitments to the meaningful localization of development.

These challenges provide appropriate entry points for KDPG to engage with the GoU in support of communal land rights in Karamoja. To this end, the review team makes the following specific recommendations to KDPG:

1. As the KDPG, develop a common and coherent position on land tenure in Karamoja and ensure a committed engagement with and support to the ongoing review and revision of the NLP 2013.
2. Support integration of community perspectives in the review and revision of the NLP 2013. In this connection, work with implementing partners to develop a common approach for ensuring that community experiences and aspirations are presented to the Ministry of Lands, Housing and Urban Development (MLHUD) during the review process; and provide support to facilitate physical representation of community representatives in MLHUD consultations. Given that GIZ is already engaged, it should be supported to coordinate these efforts.
3. Once the revised NLP is published, support CSOs to disseminate it; and engage government on its full implementation. In addition, support widespread community-level understanding of the revised NLP through relevant mass media outlets, such as local radio stations.
4. Support land sector CSOs to effectively advocate for communal land rights.
5. Support and facilitate an impact evaluation of the CLAs/CCOs/trust model, especially from a community perspective, to gauge their effectiveness and identify and address weaknesses.
6. Support research into the nature of communal land tenure in Karamoja to inform the design of strategies for securing and protecting it.
7. Support capacity building for structures established to secure communal land rights, including CLAs and community trusts.
8. Integrate land rights support in all programs and projects for development of Karamoja.

9. To complement initiatives on communal land rights from the perspective of livelihoods, support comparative economic analysis of different land use options in the face of increasing climate variability, and with an initial focus on the economics of commercializing pastoralism vs. commercial crop production in Karamoja, making sure that such economic analysis considers underlying economic values of the communities in Karamoja.

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ANNEX I: ITINERARY FOR FIELDWORK

Date	Location	Activity
6/6/2024	Moroto	KIIs – Matheniko Development Forum (MADEFO); Karamoja Development Fund (KDF); Civil Peace Service (CPS), GIZ; CARITAS Land Office; Rukodet; Riamriam
7/6/2024	Moroto	AM: Community meeting – Rupa Subcounty, Ngitopon territorial section PM: KIIs, Moroto
8/6/2024	Weekend in Moroto	No interviews scheduled
9/6/2024		
10/6/2024	Moroto	AM: Community meeting – Rupa Subcounty, Ngitopon territorial section PM: KIIs, Moroto
11/6/2024	Moroto	AM: Community meeting – Rupa Subcounty, Ngitopon territorial section PM: KIIs, Moroto
12/6/2024	Moroto/Nakapiripirit	AM: Community meeting – Rupa Subcounty, Ngitopon territorial section PM: Travel to Nakapiripirit
13/6/2024	Nakapiripirit	AM: Community meetings – Namalu PM: KIIs, Nakapiripirit
14/6/2024	Nakapiripirit	AM: Community meetings – Namalu PM: KIIs, Nakapiripirit
15/6/2024	Nakapiripiri	Community meetings and KIIs – Namalu
16/6/2024	Nakapiripirit	No interviews scheduled
17/6/2024	Nakapiripirit	AM: Community meetings – Namalu PM: Travel to Moroto
18/6/2024	Moroto	AM: Community meetings – Moroto
19/6/2024	Moroto – Kampala	Travel to Kampala
20/6/2024	Kampala	Meetings – key informants
21/6/2024	Kampala	Meetings – key informants

ANNEX 2: KIIS AND FGDS

KEY INFORMANT INTERVIEWS

Moroto

- Dr. Raphael Lotira Arasio, *Senior Resilience Adviser*, KRSU
- Judith Moru, *Research Officer*, KRSU
- Vincent Lomuria, *Field Coordinator*, KRSU
- Logit Jeremiah, *Executive Director*, MADEFO
- Paul Aboi, *Head of Programmes*, MADEFO
- Michael Lomakol, *Programme Advisor*, Civil Peace Service, GIZ
- Tebanyang Emmanuel, *Policy Analyst*, KDF
- Judith Ngelecha, *Head of Office*, Regional Land Office, Moroto
- Olupot Godfrey, *Senior Lands Officer*
- Simon Peter Longoli, *Executive Director*, KDF
- Loguwe John Bosco, *Chairman*, RUCODET
- Teko Joseph, *RUCODET Board Member* for Ngitopon
- Stella Apolot, *Physical Planner*, Moroto District Local Government

Nakapiripirit

- Emmanuel Maraka, *Project Officer*, Land and Equity Movement in Uganda (LEMU)
- Celestino Ichumar, *Elder, Farmer, and Retired Teacher*

Kampala

- Naome Kabanda, *Commissioner for Land Administration*, MLHUD
- Prof. Anthony Egeru, *Manager – Training and Community Development*, Regional Universities Forum for Capacity Building in Agriculture (RUFORUM)
- Dr. Theresa Auma, *Executive Director*, LEMU
- Alex Ssebukalu, *Programme Officer*, LEMU

FOCUS GROUP DISCUSSIONS

Moroto

1. **CARITAS Land Desk, Diocesan Office, Moroto Catholic Diocese**
Irmgard Kurte, Land Desk Advisor
Kerisa Paska, Justice & Peace Coordinator
Lokoru Paul, Finance & Administration Office
Longole Faustino, Land Desk Coordinator
2. **Tangadel Village, Lobuneit Parish (Ngitopon Territorial Section), Rupa Subcounty**
Attendance: 12 people (5 women, 7 men)
3. **Pupu Village, Rupa Subcounty**
Attendance: 41 people (21 women, 20 men)
4. **Kaloi Village, Rupa Subcounty**
Attendance 24: (14 women, 10 men)
5. **Naturumrum Village, Rupa Subcounty**
Attendance: 15 people (12 women, 3 men)

Nakapiripirit

1. **Lopedot Village, Kawach Subcounty**
Attendance: 38 people (20 women, 18 men)
2. **Moru ajore Village, Kawach Subcounty**
Attendance: 12 people (5 women, 7 men)
3. **Naabore 'A' Village, Kawach Subcounty**
Attendance: 21 people (11 women, 10 men)
4. **Lobur-a-Lobong Village, Kaawach Subcounty**
Attendance: 21 people (11 women, 10 men)

