

PROTECTING CUSTOMARY LAND TENURE THROUGH PRINCIPLES, PRACTICES, RIGHTS AND RESPONSIBILITIES (PPRR) BOOKS

ILC'S DATABASE OF GOOD PRACTICES

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LEARN, SHARE AND BE INSPIRED!

Country: **Uganda** - Principal Organisation: **LEMU**

ABSTRACT

LEMU worked with 8 communities in north and east Uganda to draft their customary land laws into Principles, Practices, Rights and Responsibilities (PPRR) books. The PPRR books have assisted local communities to protect their long-held customs and traditions, including their customary land tenure systems. The books have been distributed to the judiciary in three districts, magistrates and members of the District

Coordination Committee under the Justice Law and Order Sector. The use of the books in courts as guides in customary land cases is in line with the Constitution's commitment to protect customary land rights. As a result of the formal documentation of the existing customary land laws, the communities' traditional and customary land tenure systems have been given recognition and respect.

ILC COMMITMENTS



**SECURE TENURE
RIGHTS**



**DIVERSE TENURE
SYSTEMS**



**INCLUSIVE
DECISION-MAKING**

COMPETENCIES

AREAS

**COMMUNITIES,
INDIGENOUS
& RELIGIOUS
INSTITUTIONS AND
RIGHTS**

SKILLS

**LAND POLICY AND
MULTI-STAKEHOLDER
DIALOGUE**

**ESTABLISHMENT AND
STRENGTHENING OF
LOCAL INSTITUTIONS**



BACKGROUND

In many rural communities in Uganda, particularly in the north and east, land governance is on a customary basis. This is recognised by the state as having equivalent status to freehold land, but the approach is very different. Customary tenure rules, rights and obligations are held orally, and governed by family and community leadership. This

can lead to challenges to customary tenure, where outsiders are not able to understand the principles, or where deliberate attempts are made to put customary tenure at odds with formalised tenures. This has included the spread of misinformation about the principles of customary tenure.

THE CHALLENGE

LEMU has so far worked with 8 communities in north and east Uganda to draft their land laws into Principles, Practices, Rights and Responsibilities (PPRR) books. These communities had historically seen high incidences of land grabbing and land disputes and sought assistance in finding ways to

protect their customs and traditions, as well as gaining recognition and greater legitimacy for their long held practices. Through formally documenting the existing laws and customs, the communities have been given an additional level of respect, including in the courts.



OVERCOMING THE CHALLENGE

The process undertaken is inclusive and based on a significant body of work undertaken to first learn the customary system, then to gain the trust of the community, and for the community to then opt into the drafting process. LEMU PPRR facilitators found that some communities initially regard them with suspicion, and worked hard to overcome any fears that they may act against the interests of the community. The process to establish the rules includes discussion sessions with the overall traditional

institution, the whole community, and leaders through task forces. It is also important to engage with smaller groups that may otherwise not have the chance to input, such as with women and youth groups. The final document is shared with the community, and assists the community in representing themselves against other parties, as well as providing a framework for dispute resolution within the community itself.

MOVING TOWARDS PEOPLE-CENTRED LAND GOVERNANCE

At the core of PPRR is the community themselves. Implementers are trained to not place their own bias on the drafting, and only reflect the wishes of the community. However this is done with an understanding of the customs of the group, and the traditional values of the community are retained, particularly the values of inclusiveness and the need to protect children and the vulnerable. This is to ensure that powerful groups are not able to override the interests of others.

The main change achieved by documenting the rules is that it

is now easier to challenge the statement that “under customary land tenure, women do not own land”. It is now obvious that the insecurity of women stem from abuses that contravene the customs and not from the customs themselves. The rules spell out the responsibilities of the traditional institutions to protect the land rights of women and children, and the need for spousal consent to sales. The PPRR books have now been recognised as a useful guide by three districts in Lango.



THE GOOD PRACTICE IN FIVE SIMPLE STEPS

1

Demonstrate commitment to the protection of customary tenure.

Customary land tenure forms more than 80% of land in Uganda. It is one of the 4 recognised tenure systems in Uganda. Although the tenure system had been treated as inferior, the National Land Policy (NLP) of 2013 now recognises it as equal and is to be supported with its own title, registry and to be allowed to evolve; customary land tenure will no longer be converted. In order to gain the trust of the communities it works with, LEMU has shown the communities that as an institution, it is committed to the protection of customary tenure.

2

Establish buy-in from the whole community.

In order to be successful, the whole community needs to be committed to the process. This is to ensure that their concerns are taken into account in the drafting process, and to increase the likelihood of adherence to the rules. This is ensured by using a PPRR team who are experienced in building trusted relationships, and who are able to identify which groups may need additional assistance or encouragement to provide input. For example, the risk that women do not feel able to speak up when at a meeting with the whole community must be mitigated.

3

Undertake initial research taking into account all interest groups.

LEMU has carried out significant research in order to understand customary land tenure systems, causes of tenure insecurity and potential solutions. When engaging with a particular community, the research into the customs must then take place, and is undertaken through a range of community engagement initiatives..

4

Disseminate drafts for review and ensure consensus.

Initial drafts must be provided and reviewed by the community to ensure that the messages captured in the group sessions have been faithfully captured by the facilitators. This removes the potential for error and misunderstanding, and gives the community a chance to reiterate their acceptance before completion.

5

Publish, distribute and monitor.

In addition to providing the PPRR to the community itself, the PPRR are on sale to those who are interested to know and understand the customary land laws of an area. In addition, the books were distributed to the judiciary in three districts – Apac, Lira and Soroti and the magistrates and members of the District Coordination Committee (DCC) under Justice Law and Order Sector (JLOS). They have promised to use the book in courts as a guide in customary land cases, in line with the Constitution's commitment that customary land is governed by customary law.



3 THREE FACTORS OF SUCCESS AND REPLICABILITY

1

The PPRR process has only been implemented where the community has initiated the process, based on established trust. This should be the same in all contexts.

2

In order to successfully be implemented, the whole community must feel ownership of the document. Significant work takes place in the early stages to involve all members, and to provide forums where everyone feels that they can contribute without any social pressures or risk of rebuke.

3

In order to successfully be implemented, the whole community must feel ownership of the document. This can require that particular circumstances be recognised and responded to. For example, some communities had been in displacement for over ten years and did not understand very well the customary land laws.

6

LESSONS LEARNED

Almost all traditional institutions start by saying “women do now own land”. This was achieved by spelling out traditional values, and putting these at the heart of the PPRR. Principles across a number of regions have been found to be very simple. For example, an initial drafting task might be to list separately what a man can do with his land, and what his widow can do. The rules are very similar across boards with the same principles that land is held in trust for the family and must not be sold without family and clan consent.

Writing the first laws took nearly 5 years. Subsequent laws take less than a year because the laws are read to the traditional institutions for them to confirm if it is their custom or not. Since there are many similarities, the process is much faster. The main differences are in the traditional governance systems which are complex.



FIND OUT MORE

The existing documents are available at the LEMU website for each of these communities as follows:

Kumam:

<http://land-in-uganda.org/lemu/document-archive/principles-practices-rights-and-responsibilities-prrr-of-customary-land-tenure-in-kumam-oct-2009/>

Teso:

<http://land-in-uganda.org/lemu/document-archive/principles-practices-rights-and-responsibilities-prrr-of-customary-land-tenure-in-teso-region-jun-2009/>

Lango:

<http://land-in-uganda.org/lemu/document-archive/principles-practices-rights-and-responsibilities-prrr-of-customary-land-tenure-in-acholiland-region-jun-2008/>

Acholiland:

<http://land-in-uganda.org/lemu/document-archive/principles-practices-rights-and-responsibilities-prrr-of-customary-land-tenure-in-lango-region-apr-2009/>