

CASE STUDY

Karamoja sub-region, Uganda

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Communal Land Associations claim compensations for investments in their territories

Half of the total land area of Karamoja, a sub-region in Uganda, is held by communities on a customary basis. These communal lands are not demarcated or registered and are prone to land grabbing, mostly for tourism or mining. The Uganda Land Alliance (ULA) has empowered communities to assert their land rights by supporting the creation of 52 Communal Land Associations (CLA). Although the 1998 Land Act provides a legal basis for the creation of CLAs, no attempt had ever been made to implement this. Several of the recently established CLAs have been able to reverse land grabs or claim fair compensation for investments in their territories.

PRINCIPAL ORGANISATIONS INVOLVED

Uganda Land Alliance (ULA)
Dan Church Aid (DCA)
Ford Foundation

LOCATION

Karamoja sub-region, Uganda

TIMELINE

2009 - present

TARGET AUDIENCE

Communities seeking to secure customary land rights; civil society; land ministries; investors

KEYWORDS

Customary tenure, land grabbing, large-scale land acquisitions, mining, negotiation

Good practices

towards making land governance more people-centred

This case study is part of the ILC's Database of Good Practices, an initiative that documents and systematises ILC members and partners' experience in promoting **people-centred land governance**, as defined in the Antigua Declaration of the ILC Assembly of Members. Further information at www.landcoalition.org/what-we-do

This case study supports people-centred land governance as it contributes to:

- Commitment 3 Recognise and protect the diverse tenure and production systems upon which peoples' livelihoods depend
- Commitment 7 Ensure that processes of decision-making over land are inclusive
- Commitment 9 Prevent and remedy land grabbing

Case description

Background issues

The constitution of Uganda states that all land belongs to the citizens of Uganda and that they can hold this land under four different land tenure systems: customary, freehold, leasehold and *mailo*.¹ Customary tenure is the predominant tenure system in Uganda. In the northern regions of Uganda, an estimated 98.8 percent of plots are held under customary tenure (Burke and Kobusingye, 2014).

Many challenges are associated with customary land tenure, mostly due to the lack of demarcation or formal registration. This exposes the customary users of these lands to the violation of their rights.

Karamoja is a sub-region in North Eastern Uganda, characterised by rangelands and erratic rainfall. It is home to about 1.2 million people, the majority of whom are indigenous Karamojong with pastoral and agro-pastoral livelihoods. It is the poorest sub-region of Uganda in terms of human development (GoU, 2011). Approximately half of the land area in Karamoja is held by these agro-pastoral communities on a customary basis. Their lands were never delimited or registered because;

- (a) the local administration did not have the capacities or mechanisms to do this;
- (b) the communities were disorganised or unaware of their land rights;
- (c) the government delayed the implementation of legal provisions that would have increased community's control over customary tenure land (LANDac, 2012).

¹ Mailo land is the land held in perpetuity by traditional kings, as stipulated in the 1900 Uganda Agreement.

Since Karamoja is richly endowed with gold, marble, iron ore, tungsten, limestone, oil and gas, it has attracted many investors, in particular since the protracted armed conflicts in northern Uganda started fading away. Approximately 17,000 km² or 62% of the total land area of Karamoja has been licensed for mineral exploration and exploitation (Kabiswa, 2014). There are 51 companies with 136 concessions. Very few companies have actually started exploration or exploitation, because the majority of the concessions were given to speculators looking to attract investors (Human Rights Watch, 2014). Especially the land held under customary tenure is prone to unlawful licensing or leasing. This exacerbates the vulnerable position of the agro-pastoral communities that depend on it.

Solution

Section 15 of the 1998 Land Act provides a legal basis for the formation of Communal Land Associations (CLA) by any group of persons for the purpose of managing communally owned land. In addition, the Land Regulations of 2001 stipulate the procedures for the formation, registration and dissolution of such CLA.

While the legal basis and procedures for the CLAs had already been stipulated in respectively 1998 and 2001, no attempt had ever been made to implement them. The Uganda Land Alliance (ULA), a consortium of civil society organisations and individuals, judged that the creation of CLAs would be the most viable option to protect the customary land rights of communities in Karamoja.

ULA supported the creation of 52 CLAs in four districts of Karamoja. Each CLA usually represents one sub-clan. The formation of the CLAs enabled communities to have legal entities, which they could use to register their claims to the customary land as provided for under the Ugandan law. A CLA is composed of over 30 members drawn from all sectors and minor clans of one single sub-clan. The CLA is managed by a management committee of nine people, at least three of which are women.

Several of the recently established CLAs have been able to reverse land grabs or claim fair compensation for investments in their territories.

Activities

ULA started working in the Karamoja sub-region in 2008 and took the following steps: awareness raising, community land mapping, the creation of 52 CLAs, and capacity building of the members of the CLAs. A number of CLAs have already started engaging with investors.

Awareness raising (2009-2013)

ULA organised community outreach sessions to raise awareness among men and women about their land rights. This helped communities to realise the threats they faced and appreciate the need to protect their land rights. The CLAs were introduced as one of the tools available for them to use to protect their land rights.

Between November 2012 and March 2013, ULA mobilised communities to teach the people to know their land rights and appreciate the need for CLAs. The communities were taught how the CLAs would enable them to protect their land.

“We need to make an agreement... Even if they have a licence, they should first come to talk to the elders and officials.”

Ochwee Zakaria,
village head

The leadership of the districts of Kotido, Moroto, Napak and Kaabong allowed ULA to go ahead and mobilise people to form CLAs.

Community mapping (2009-2010)

With support from Dan Church Aid and the Ford Foundation, ULA carried out community mapping of communal land and resources to support the CLA registration. The mapping involved the community, the elders and the Area Land Committees (representing the government). They identified and mapped the communal lands in the area, boundaries, grazing areas, watering points, areas for gathering fruits, firewood, and shrines. Through the community mapping project, it became clear that most communal lands in Karamoja were extremely susceptible to land grabbing.

Actual formation of the CLAs (2012-2013)

After the awareness sessions, a number of sub-clan leaders expressed their readiness to form CLAs and elect management committees. The formation of the CLAs started in November 2012 and continued in 2013. ULA staff, in conjunction with statutory land administrators, presided over the election of members of the management committees of the CLAs. Every management committee had to be composed of nine members, at least three of which women. The different members of the committee represent the different minor clans.

ULA supported the creation of 52 CLAs in four districts of Karamoja: Kaabong, Kotido, Moroto and Napak. This included support to the drafting of a constitution and procedures for the democratic management of the affairs of the CLAs, because the 1998 Land Act requires that each CLA present a constitution to the District Registrar of Titles.

Capacity Building (2012-2013)

The clan elders, CLAs, Area Land Committees, District Land Boards, and other local government officials underwent three to four-day courses that aimed at building their capacities and skills so that they could perform their roles as stipulated in the 1998 Land Act.

Negotiations with investors (2013-present)

Several of the recently established CLAs have started negotiations with investors active in their territories. In Moroto District, a mining company agreed to pay UGX 120 million (about USD 48,000) to the Rupa community before it started mining marble on seven hectares of the communal lands. Members of the CLA management committee as well as representatives of the local government were involved in the negotiations, which were supported by the District Land Board.

In Kaabong District, CLA members successfully blocked a tourism company from carrying out any activity after discovering that it had fraudulently acquired land by forging the signatures of local leaders.

Also in Kaabong district, a South-African company occupied around 400 acres of communal land without the community's consent. The CLA is currently taking steps to make the company pay for their land or force it to leave the area.

Importance of the case for people-centred land governance

The CLAs are democratic institutions through which communal land users can participate in land governance and engage with other stakeholders. The CLAs are therefore a good practice example of inclusive decision making.

The CLAs also prevent land grabbing in an effective and legally sound manner. CLAs are legal entities that exercise jurisdiction over communal land and resources on behalf of the land users. The CLAs empower communities to defend their land rights, enter into negotiations, or challenge ongoing negotiations concerning their land.

Finally, the formation of CLAs is also a good example of constructive collaboration between the civil society, communities and the government.

Changes

Baseline

Before ULA started working in Karamoja, governance of communal land was weak. The communities were unaware of the legal basis provided by the 1998 Land Act for the protection of communal lands. As a result, communities were marginalised from decision making on land and their communal lands were vulnerable to land grabbing.

Achievements

Now the communities are more aware of their land rights and the procedures for safeguarding their land. The people have started feeling more empowered to legally protect their communal land. The sense of vulnerability and helplessness is slowly disappearing.

The capacity of members of traditional and formal land administration structures has improved. These individuals now have a good understanding of their mandate and are able to articulate their responsibilities. The false belief that land in Karamoja does not belong to anybody is dying away and respect for people's land rights is taking root.

Each of the 52 CLAs created by ULA has a map of the communal lands managed by the CLA. All CLAs are still waiting for the registration certificate from the government.

ULA secured commitments from all seven districts of Karamoja that a regional land office will be established in Moroto district to facilitate the deposition of communal land ownership documentation. ULA also obtained the commitment that all districts will appoint and submit the names of district land board members to the Ministry for approval, as determined by the 1998 Land Act. This has already been done in some districts.

Lessons learned

Lessons for civil society

It is more effective for civil society organisations to work with existing structures rather than introduce new structures. Likewise, it can more easily negotiate the collaboration of the government and administrative structures when it works through existing policies.

It is possible that policy makers' and administrators' underperformance is due to a lack of knowledge and capacity rather than reluctance. Since the buy-in of policy makers determines the success of an initiative, it is important to allocate resources to building capacities of the policy makers.

Lessons for policy makers

Policy makers who want to duplicate the solution described in this case study should work with various stakeholders from the civil society and the community. The collaboration should build the capacity of existing structures and institutions to appreciate and deliver their mandates.

When the government strengthens the land management structures of a community, it increases the community's power to negotiate with investors.

There is a need to link traditional land management structures with formal land management structures and vice versa. The lack of understanding of the two structures and their roles keeps the two structures at parallels. This explains why some government facilities are not utilised by the communities – who in theory should be the beneficiaries.

Challenges

Low capacities of the communities

Low literacy and high poverty levels of the communities in Karamoja posed a challenge. ULA staff had to rely more on face-to-face awareness-raising sessions, given that print material could not be widely used at community level. In addition, radio broadcasting was not a solution either, because very few people could afford radio sets - and when they are available, they are usually preserved for men.

Empowering women

Although the 1998 Land Act specifies that not less than one-third of the members of the management committee of a CLA must be women, the involvement of women had to be discussed at length with elders and in community awareness sessions. This is because women, traditionally, are excluded from decision making on land matters. Until today, sections of society strongly feel that men can effectively represent women in handling land matters, without the need for women to play any direct role.

However, securing the inclusion of women in the management committees was just the beginning of the struggle. Whenever CLA meetings were held, very few

The CLAs fall within the provisions of the existing Land Law. Nothing new was introduced.

women would attend compared to men. The common explanation was that it were the men who had the information on land and that the absence of women was inconsequential. When women attend meetings, they play a largely passive role. However, through continuous training and follow-up meetings, some women started participating actively in the activities of their CLAs.

Lack of resources in land administration

According to the Land Act, the District Registrar of Titles has a central role to play in the formation and registration of CLAs. Unfortunately, this position has remained vacant in most districts in Karamoja. This has created a big challenge for the entire process. ULA had to submit the constitution of CLAs directly to the ministry, as no administrative structure exist yet at district level. Discussions are ongoing with the Ministry of Lands, Housing and Urban Development (MLHUD) to ensure that districts set up the necessary administrative structures. Some officials of the MLHUD have informally expressed reservations over registering a big number of CLAs at once, since this is the first attempt to form CLAs in the country.

Until today, the registration of the CLAs has not been completed. This is an important challenge, as there is a risk that the communities will start losing their confidence in the CLAs.

Follow-up

The sustainability of this initiative is very high because of the high degree of cooperation among the stakeholders: traditional leaders, local government representatives and civil society organisations.

In addition, the solution described in this case study falls within the provisions of the Ugandan land policies and legislation. ULA did not introduce something new.

Supporting material

References and further reading

Burke, C. and Kobusingye, D.N. (2014) *Women's Land Rights in Northern Uganda: West Nile, Acholi, Lango, Teso and Karamoja*. Oxford: Oxfam International. Available at: <http://landwise.landesa.org/record/2628>

GoU (Government of Uganda) (2011). *Uganda Demographic and Health Survey of 2011*. Kampala: Government of Uganda.

Human Rights Watch (2014). *How can We Survive Here? The Impact of mining On Human Rights in Karamoja, Uganda*. New York: Human Rights Watch. Available at http://www.hrw.org/sites/default/files/reports/uganda0214_insertWithcover.pdf

Kabiswa, C. (2014). *The Interface between Land and Mining in Karamoja*, Presentation at Northern Uganda Land Platform Meeting, Kotido.

LANDac (2012). *Uganda - Food Security and Land Governance Factsheet*. Utrecht: LANDac. Available at: <http://www.landgovernance.org/system/files/Uganda%20Factsheet%20-%202012.pdf>

Photos, videos

Karamoja Development Forum
http://kdfug.org/minin_consult.html

Unlocking the Potential of Karamoja's endowments,
<http://www.youtube.com/watch?v=HQyV79oWzv0>

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The [International Land Coalition \(ILC\)](#) is a global alliance of civil society and intergovernmental organisations working together to promote secure and equitable access to and control over land for poor women and men through advocacy, dialogue and capacity building.

The opinions expressed in this brief are those of the authors and do not necessarily constitute an official position of the International Land Coalition, nor of its members or donors. Authors: Proscovia Nnamulondo (ULA), Gaynor Paradza (ILC Secretariat) and Jan Cherlet (ILC Secretariat)

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