PILOTING THE PROTECTION OF CUSTOMARY LAND RIGHTS IN ACHOLILAND:  
A RESEARCH PROJECT OF THE JOINT ACHOLI SUB-REGIONAL LEADERS’  
FORUM (JASLF) AND TRÓCAIRE

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Abstract

This presentation, based on evidence-based field research, provides an overview of a project documenting how customary communal land is organised, managed and administered in 46 clan-based land-holding groups in the Acholi sub-region of northern Uganda.

The project was commissioned by the Joint Acholi Sub-regional Leader’s Forum following the return of the Acholi rural population to pre-displacement land after a twenty-year conflict. The main goal has been to obtain information concerning both the core principles and practices of Acholi customary communal land tenure and the complex local-level variations across the sub-region, with the ultimate goal of enhancing the protection and security of customary land rights and land use for both individuals and communities.

This conference presentation provides an overview of some of the main field-research findings and recommendations, including following up on the strong sentiment of those interviewed that their communal land be demarcated and registered. It provides foundations for what could be – if follow-up research can be scaled up and implemented across Acholi – a comprehensive evidence-based exercise that responds directly to a recent World Bank study that identifies “organising and formalising communal groups, demarcating communal land boundaries and registering communal rights” as key to improving land administration in Sub-Saharan Africa.

Key Words:
Acholi
Customary communal land
Field research
Formal land registration
Northern Uganda
Introduction

For two decades (1986-2006) the Acholi sub-region (see map on next page) was at the epicenter of one of the most vicious and protracted civil conflicts in Africa, at the height of which in 2004-5 some 90% of the population, over a million people, had been forcibly displaced by Ugandan government policy into internally displaced persons’ camps (for background on the conflict, see Allen & Vlassenroot, 2010; Atkinson, 2010, pp. 275-335; Branch, 2011; Dolan, 2009; Finnström, 2008; Lamwaka, 2016).

Not until 2008, two years after conflict ended in Uganda, did Acholi begin to leave the camps in large numbers to settle their pre-displacement land or go elsewhere. Not surprisingly, especially over the first four or five years, this process was accompanied by numerous land-related problems and challenges, including land disputes – and sometimes violent conflicts (Hopwood & Atkinson, 2013).

It was in this context that in June 2012 the Joint Acholi Sub-region Leaders’ Forum (JASLF) – a body comprised of parliamentarians, district government officials, and cultural, religious and other community leaders from across the sub-region – initiated a process focused on Acholi customary, communal land. The Forum appointed a Technical Committee of community leaders knowledgeable about Acholi land matters to develop and coordinate a project of research, consultation, and advocacy pertaining to customary land tenure as currently understood and practiced in the sub-region.

In July 2015 the JASLF, in partnership with the Irish NGO Trócaire, began to implement the Pilot phase of the project, funded by the Democratic Governance Facility (DGF). A key component of this work is to investigate and document through intensive, locally-grounded field research on how Acholi customary communal land is organized and managed, by and for whom, in seven selected traditional chiefdoms (ker kal), one in each district of the sub-region. This approach has made it possible to begin capturing both broadly-shared and local variations in the organization and management of – and future goals for – rural customary land as currently understood and practiced across the sub-region, for the purpose of enhancing the protection and security of that land for both individuals and communities.

This paper is a revised, abridged version of the Pilot-phase field-research report (Atkinson, Latigo, & Bergin, 2016).

Project Context: Immediate Background

Despite the disruptions of war and displacement and the many challenges of return, including land disputes, the rural land to which most Acholi returned after leaving camps was, as before the war, overwhelmingly customary, kin-based communal land. This land is vested in, organized, and managed
by patrilineal clans or sections of clans, although long-established provisions exist to allocate portions of such land to a range of others for their access and use, for example those associated with the clan through marriage, affinity, or friendship.

Sources that provide substantive descriptions of the Acholi customary, clan-based land tenure system for the precolonial and colonial period are limited (Atkinson, 2010; Bere, 1955, 1960; Girling, 1960; Ocheng, 1955). The situation is only marginally better for the more recent past (Adoko & Levine, 2004; Anying, 2012; Atkinson, 2008; Burke & Egaru, 2011; Hopwood, 2015; Hopwood & Atkinson, 2013; Ker Kwaro
Acholi, 2008; Mabikke, 2011; Nyakai, 2012). But variations on this sort of kin-based communal – not individuated – customary land tenure remain wide-spread in much of sub-Saharan Africa. In 2003, a World Bank report estimated that a mere 2-10% of land in sub-Saharan Africa was formally titled; most of the remainder was held communally under customary systems (Deininger, 2003). Currently, 90% or more of rural land in Acholi has identified as in this latter category (Hopwood & Atkinson, 2013, p. 55).

Uganda’s 1995 Constitution and then the 1998 Land Act both recognized customary land as one of four legal tenure systems in the country – along with freehold, leasehold, and (in Buganda) mailo land. This legal recognition of customary tenure and the provision for local-level land administration accompanying it won initial praise and optimism from a number of African land experts (see, e.g., Wiley, 2000).

But initial optimism for this far-sighted Act with respect to customary land tenure was short-lived, as its practical implementation was overwhelmed from the start by the massive financial costs needed to create and support the required institutional capacity and effective structures on the ground (Palmer, 2000). In addition, dismantling former land administration mechanisms created a vacuum, while “[i]nadequate attention was paid to the very significant regional differences in land tenure and land use . . . which, in turn, called for different implementation strategies and arrangements; [and] some areas were urgently in need of the land tenure reforms, others were not” (Wily & Mbaya, 2001, p. 16).

The financial and capacity problems apparent from the outset of the passage of the 1998 Land Act have continued to plague Uganda’s Ministry of Lands, Housing and Urban Development’s (MLHUD or Ministry of Lands) up to the present. This was expressly acknowledged in 2013, when Ministry officials wrote that the land administration system for which they are responsible “is inadequately resourced, which has resulted in performance below expected standards” (MLHUD, 2013, p. 4). Indeed, an estimate presented at the April 2016 meeting of the Northern Uganda Land Platform indicated that the MLHUD current budget allocation was less than 0.1% of the national budget.

It is in this context of long-term under-resourcing of the MLHUD that Byakagaba and Twesige’s findings in their case study of customary communal land in Hoima and Buliisa districts located south of Acholi are not surprising: that nearly 20 years after the 1998 Land Act, “the provisions of the law relating to communal tenure have largely remained unimplemented.” They acknowledge that one important reason for this is “lack of awareness of the value of formalizing ownership from community groups.” But they also emphasize, in an assessment that resonates in Acholi (and other places with communal tenure systems) that “the government has not put in place the necessary structures and guidelines to operationalize registering and administering land under communal tenure” (2013, p. 3).
One of the key obstacles in this regard has been an uneasy match between the only statutory instrument identified in the 1998 Land Act to formalize and register customary land in Uganda: Certificates of Customary Ownership (CCOs). Although CCOs could always be used to register any type of customary land – including customary communal land – many details in their design make them best suited for registering individual and individual household land, or at best extended families. And until recently, this is how CCOs have typically been promoted, and understood. It was this generally accepted view of CCOs that prompted the JASLF in 2012 to urge the Ministry of Lands to temporarily suspend any issuance of CCOs in Acholi, a position essentially endorsed a year later by the Northern Uganda Land Platform (2013), a group of nearly 50 NGOs and others involved in land issues across northern Uganda.

Currently, opposition to CCOs – including from the JASLF/Trócaire land project – has softened as it has become clear that there is no alternative on the horizon for registering customary land other than CCOs, and some Ministry officials been open to discussing possible ways to better align CCOs with customary communal land tenure systems. This has led to promising preliminary meetings between JASLF/Trócaire and the Ministry concerning collaboration on future efforts to register Acholi customary communal land.

The timing of this development is propitious. A 2013 World Bank study, written by Ugandan Frank Byamugisha, reflects a departure from the Bank’s long-standing promotion of individuated titling of land. It lists the as the first of ten key elements for improving land administration in Sub-Saharan Africa: “improving security over communal lands,” including “organising and formalising communal groups, demarcating communal land boundaries and registering communal rights” (2013; quotes from p. 5).

The current JASLF/Trócaire land project, especially if some sort of collaborative arrangement with the Ministry of Lands can be worked out, could provide the foundations for a comprehensive, community- and research-based exercise that could do precisely what Byamugisha identifies as the first key element for improving land administration in sub-Saharan Africa. And in the process, this work could produce one of the most comprehensive, culturally-sensitive, and practically-oriented investigations into a specific customary, communal land tenure system in Africa, thus providing a possible model for the rest of the sub-continent.

**Historical Acholi Customary Land Tenure**

Beginning in the late seventeenth century, a new chiefly socio-political order began to spread across the territory that would eventually become Acholi, gradually incorporating the previously decentralized clans living there. Eventually, some 60 of these chiefdoms were established, each with a royal clan (*kal*) and hereditary ruler or chief (*rwot moo*). The incorporated, non-royal clans, while no longer politically
independent, remained the social, economic, and ideological foundations of an emerging Acholi identity. Crucially, customary communal land rights – for settlement, agriculture, grazing, hunting and other purposes – were vested in these exogamous, localized, patrilineal, and patrilocal clans, each of which provided the core of the fenced villages then characterizing Acholi.

These communal land rights were organized and managed by the hereditary head of each clan, assisted by clan elders. And while male heads of households who were members of the core clan had the strongest user (or usufructuary) rights to clan land – but, importantly, did not individually “own” land – such rights also extended to others, including widows and orphans. Moreover, the wife or wives in each household had designated individual plots on which staple food crops were grown. At the same time, however, farming frequently involved cooperative, communal village-clan labor, rotating among household plots, while hunting and herding also included cooperative labor.

Moreover, Acholi villages were rarely, if ever, occupied solely by members of its core clan and women married into it. There were typically fluctuating numbers of others, “guests” or “outsiders” who were linked to the core lineage though marriage ties; others who were friends or clients of a clan member; some who were refugees or war captives – or descendants of any of the above. Once accepted by the clan head and elders, such outsiders were allocated a portion of the host clan’s land that they, and their descendants, had the right to live on and use as long as they remained – but not increase without permission from their hosts (Atkinson, 2010, esp. pp. 76-77; Girling, 1960, passim).

Though the fences around clan-based villages gradually came down during the colonial period, and the households that made up villages became more dispersed, villages and the clans that comprised each village core continued to be important. Anthropologist F.K. Girling writes of 1950s Acholi: “the village is a living reality, . . . [its core clan] is the social group into which they are born and spend the greater part of their lives, [and] it plays a major part in regulating their relations with other Acholi” (1960, p. 56).

During the nearly 25 years that passed between Uganda’s independence in 1962 and the outbreak of war in Acholi in 1986, population growth, movement, and fragmentation of communal land undoubtedly occurred. Still, even after the disruptions of years of conflict and displacement, Acholi-wide land research in 2012-13 indicated clearly that land rights in Acholi continued to be organized communally. The research brought hundreds of local participants together in parish-level meetings in rural sub-counties throughout Acholi. Collectively, these groups provided data on land tenure organization in nearly 80% of the more than 3,000 rural villages in the sub-region. And in over 90% of these villages, land rights were reported to be based overwhelmingly on customary communal tenure, with land rights
organized at the clan (*kaka*), sub-clan (*doggola-kaka*), or extended family (*dog gang or dog ot*) levels (Hopwood and Atkinson, 2013).

What this research did not do – and was not intended to do – was to examine how these kin-based communal land-holding groups – which clearly varied greatly in numbers, geographical scale, and undoubtedly in many other ways as well – worked in detail. That is what the JASLF/Trócaire land project is intended to investigate.

**Women and Land in Acholi**

The issue of women and land in Uganda is a topic of wide interest (see e.g. Doss, Truong, Nabanoga, & Namaalwa, 2011; Rugadya, Obaikol, & Kamusiime; 2004; Tripp, 2004). With respect specifically to Acholi, Hopwood and Atkinson write:

> How best to protect the rights of women to access land in Africa has been much contested. Overwhelmingly, customary practices are reported to involve patrilineal and patrilocal inheritance of land, while women’s land rights are typically gained through marriage. This has led to the widespread misapprehension that “only men can own land.” In fact under most customary land regimes [including Acholi] the notion of “ownership” – by either women or men – is not applicable. Rather . . . complex systems of evolving principles and often negotiable practices around the use of resources by different classes of land-holding community members grant different, but not inevitably lesser, rights to women than men (2013, pp. 13-14).

Burke and Egaru note in their study of effective practices of land dispute resolution in Acholi that “Acholi customary law also grants women significant land rights, and the Constitution mandates that state law prevails where it contradicts with customary law.” But they then add that controversy exists about how effective either the customary or state system is in protecting women’s rights, identifying widows and unmarried women as especially marginalized and vulnerable. “While widows should take over the land from the deceased husband and unmarried woman should receive land from her parents,” they contend that “family members often conspire to deny their rights” (2011, pp. 25-26).

Hopwood and Atkinson concur, up to a point: “There can be no doubt that women are often denied land rights that are properly theirs under Acholi customary, communal land tenure.” But, they continue, this is

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1 In addition, the Land and Equity Movement in Uganda (LEMU) has produced scores of policy and information documents on land issues in northern and eastern Uganda, many with a focus on women; for access go to [http://www.land-in-uganda.org](http://www.land-in-uganda.org).
frequently the result of particular circumstances – such as scarcity of land in some places, or beginning commoditization of land in others (for example, near urban areas) – that can result in widows, divorcees, and other unmarried women “being unwelcome, despite recognised rights in Acholi customary land tenure principles in either their marital or paternal clans.” However, they note, it is not just women who are affected by such situations, but “indeed anyone with less than first rank land claims” (2013, pp.15-16).

Some of these ranked claims are clear and relatively fixed, though almost all are flexible, subject to individual situations and the assessment of those responsible for organizing and managing whatever portion of clan land is in question. For example, the claims of “sons” of the clan to a particular portion of customary communal clan land (ngom kwaro or ngom pa kaka) are, in general, among the very highest ranked. But the strength of even these claims is not absolutely fixed. Older male clan members who have lived long on the land typically have stronger claims than younger ones. And a son of the clan who has been long absent from clan land (or perhaps not even having lived there) will have much weaker claims, possibly, even probably, weaker than many others – including women of various categories.

In any case, while accepting that rights and access to customary communal land widely considered as legitimate were sometimes denied, both to women and others, Hopwood and Atkinson’s research findings overall suggested strongly that such denial was not the norm, especially by the time that they concluded their last round of research in 2012, by which time land disputes in Acholi generally had greatly declined.

They conclude their discussion on women and land in Acholi by positing that even in those cases where a woman’s (or other’s) rights to customary land in Acholi were denied, “the issue may not essentially be about women or vulnerable individuals’ rights to Acholi customary land,” but about the failure of those rights to be (properly) recognized and supported by relatives and local leadership:

Successful land access, through safeguarding recognized land rights, relies in turn primarily on effective local leadership (especially, but not only, customary or traditional leadership) who possess acknowledged integrity and moral authority. This is particularly so when women or other individuals or groups are denied access (often by in-laws or other relatives) to customary land to which they have recognisable rights under customary principles and practice. A strong argument can be made that in such instances, the successful, secure and sustainable realisation of land rights is much more likely to occur if supported by local leadership than a distant and often suspect formal legal system. Indeed, this has been asserted both for women’s access to customary communal land in general, and specifically in Acholi (2013, p. 16; citing Manji, 2006, on sub-Saharan Africa overall and Anying, 2012, on Acholi; see also Hopwood, 2015).
The issue of women and customary communal land in present-day Acholi is a central focus of JASLF/Trócaire land research. In the initial Pilot phase of research, the clan-based Focus Group Discussions (Tool 1) sought information on women’s rights and access to land according to the various social categories that they occupy (wives, widows, divorced women, other unmarried women, etc.), as well as what roles women play (if any) in land use, organization, and management. Furthermore, women in potentially vulnerable social categories were among the prime participants sought out for inclusion in the Special Interest Group meetings (Tool 2). Together, responses to these two research tools in the 46 clan-based land-holding groups in the Project sample provide important, wide-ranging, and nuanced information on the place of women in and on specific, clan-based customary land holdings, as currently conceptualized and practiced – see the Summary of Key Findings below (especially nos. 5, 6, and 12).

Demography, Land Security, and Acholi’s Future

This section presents basic rural demographics of the Acholi sub-region and discusses their significance for both the JASLF/Trócaire land project and the future of the Acholi people. Table 1 includes the number of 2012 rural sub-counties, parishes, and villages in each of the then seven Acholi districts in Acholi; district and sub-regional data on rural land area in both square kilometres and hectares; estimated 2014 numbers of households; and 2014 rural, urban, and total population figures (the first two from Hopwood & Atkinson, 2013, p. 23; the last two from UBOS, 2014, pp. 44-51; UBOS, 2016, 51-52, 54).²

<table>
<thead>
<tr>
<th>District</th>
<th>Rural sub-counties</th>
<th>Rural parishes</th>
<th>Rural villages</th>
<th>Rural area (Sq. km)</th>
<th>Rural area (hectares)</th>
<th>Rural H/H 2014</th>
<th>Rural pop. 2014</th>
<th>Urban pop. 2014</th>
<th>Total pop. 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agago</td>
<td>12</td>
<td>54</td>
<td>277</td>
<td>3,379</td>
<td>337,921</td>
<td>37,628</td>
<td>198,799</td>
<td>28,993</td>
<td>227,792</td>
</tr>
<tr>
<td>Amuru</td>
<td>9</td>
<td>48</td>
<td>442</td>
<td>3,094</td>
<td>309,392</td>
<td>35,479</td>
<td>177,395</td>
<td>9,301</td>
<td>186,696</td>
</tr>
<tr>
<td>Gulu</td>
<td>13</td>
<td>70</td>
<td>888</td>
<td>3,027</td>
<td>302,633</td>
<td>57,780</td>
<td>286,545</td>
<td>149,800</td>
<td>436,345</td>
</tr>
<tr>
<td>Kitgum</td>
<td>4</td>
<td>29</td>
<td>317</td>
<td>3,281</td>
<td>328,083</td>
<td>30,284</td>
<td>128,455</td>
<td>75,593</td>
<td>204,048</td>
</tr>
<tr>
<td>Lamwo</td>
<td>9</td>
<td>45</td>
<td>344</td>
<td>4,605</td>
<td>460,458</td>
<td>23,871</td>
<td>112,637</td>
<td>21,742</td>
<td>134,379</td>
</tr>
<tr>
<td>Nwoya</td>
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<td>130</td>
<td>3,046</td>
<td>304,621</td>
<td>23,330</td>
<td>119,913</td>
<td>13,593</td>
<td>133,506</td>
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<tr>
<td>Pader</td>
<td>11</td>
<td>49</td>
<td>630</td>
<td>3,295</td>
<td>329,494</td>
<td>32,000</td>
<td>164,602</td>
<td>13,402</td>
<td>178,004</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>62</strong></td>
<td><strong>321</strong></td>
<td><strong>3028</strong></td>
<td><strong>23,727</strong></td>
<td><strong>2,372,602</strong></td>
<td><strong>240,372</strong></td>
<td><strong>1,188,346</strong></td>
<td><strong>312,424</strong></td>
<td><strong>1,500,770</strong></td>
</tr>
</tbody>
</table>

The above figures indicate that 79.2% of the sub-region’s population are rural dwellers (only marginally above the 78.6% of Uganda as a whole), the vast majority of whom are peasant farmers. The next table

² Even though this research focuses on rural Acholi, a column presenting urban population is included to show ever-growing urban growth. Land in these urban, and urbanizing, areas is organized differently than in rural Acholi.
highlights Acholi’s rural population density and the amount of land available to a rural individual or household, both in hectares and acres (as the latter is most often used by people in the sub-region).

Table 2: Rural Population Density and Land Availability Based on 2014 Census

<table>
<thead>
<tr>
<th>District</th>
<th>Rural area (square km)</th>
<th>Rural area (hectares)</th>
<th>Est rural pop. 2014</th>
<th>Est rural h/h</th>
<th>Rural pop. per sq. km</th>
<th>Hectares per person (rural)</th>
<th>Acres per person (rural)</th>
<th>Hectares per h/h (rural)</th>
<th>Acres per H/h (rural)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agago</td>
<td>3,379</td>
<td>337,921</td>
<td>198,799</td>
<td>37,628</td>
<td>58.83</td>
<td>1.70</td>
<td>4.20</td>
<td>8.98</td>
<td>22.19</td>
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<tr>
<td>Amuru</td>
<td>3,094</td>
<td>309,392</td>
<td>177,395</td>
<td>35,479</td>
<td>57.34</td>
<td>1.74</td>
<td>4.30</td>
<td>8.72</td>
<td>21.55</td>
</tr>
<tr>
<td>Gulu</td>
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<td>302,633</td>
<td>286,545</td>
<td>57,780</td>
<td>94.66</td>
<td>1.06</td>
<td>2.62</td>
<td>5.24</td>
<td>12.95</td>
</tr>
<tr>
<td>Kitgum</td>
<td>3,281</td>
<td>328,083</td>
<td>128,455</td>
<td>30,284</td>
<td>39.15</td>
<td>2.55</td>
<td>6.30</td>
<td>10.83</td>
<td>26.76</td>
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<tr>
<td>Lamwo</td>
<td>4,605</td>
<td>460,498</td>
<td>23,871</td>
<td>24.46</td>
<td>94.66</td>
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<td>39.37</td>
<td>2.54</td>
<td>6.28</td>
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<tr>
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<td>4.95</td>
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<tr>
<td>TOTALS</td>
<td>23,727</td>
<td>2,372,602</td>
<td>1,188,346</td>
<td>239,372</td>
<td>50.08</td>
<td>2.00</td>
<td>4.94</td>
<td>9.91</td>
<td>24.49</td>
</tr>
</tbody>
</table>

Acholi’s rural population density works out to 50 persons per sq. km, lower by a factor of 2.75 than the rural Ugandan average of 136.5 per sq. km (UBOS, 2016, pp. 51-52). Overall, rural Acholi in 2014 had an average of just under 10 hectares available per household, or 24.5 acres. District averages ranged from 5.2 hectares (13 acres) in the most urbanized district of Gulu to 19.3 hectares (47.7 acres) in Lamwo. This low population density in Acholi will enable the accommodation of a growing population – for perhaps a generation, or even more – without pressure on rural populations, and the land on which they depend, pressures that have produced destructive and often devastating consequences in many parts of sub-Saharan Africa, including Uganda. And recent research conducted on behalf of the African Development Bank suggests that in low-density areas such as Acholi, increasing populations can have economically positive consequences (Ricker-Gilbert, Chamberlin, & Jayne, 2012). This could be especially true in Acholi because many customary communal land-holding groups have land that exceeds, and sometimes far exceeds, the basic subsistence needs of their communities. If such communal land holdings can be secured and protected, this available land could be put to productive uses that would multiply productive capacity beyond that available to individual households, to the potential collective benefit to the land-holding group as a whole.

Amuru District has the misfortune to be the site of three contested attempts by powerful commercial interests – backed by influential government officials and politicians -- to alienate over 90,000 hectares of Amuru land. If successful, Amuru’s 309,392 hectares of rural land would decrease by c. 30%, which in turn would in turn lower the average amount of land available to a rural Amuru household from 8.7 hectares (21.6 acres) to 6.1 hectares (15.1 acres). Losing all three of these tracts of Amuru land would lower overall Acholi figures by about 0.5 hectares (or about 1.25 acres) per rural household, a much less drastic, but still not insignificant, loss.
Such advantages are accompanied by two overarching challenges that need to be addressed if the potential benefits provided by Acholi’s abundant endowment of land are to flow to the majority of the sub-region’s population, and to their descendants. The first of these is the wide-scale adoption of strategies and skills that generate productive, sustainable use of land in ways that will promote broad-based development and improved livelihoods. Secondly, and even more basically, is the challenge to develop and implement effective ways to secure individual and communal land rights within the Acholi customary land tenure system. Doing so will be crucial in dealing not only with the internal challenges already noted, but also external 21st century pressures and challenges that will only increase in a situation of ever-diminishing land and other natural resource availability in Uganda, Africa, and the world.

This will only be possible by better understanding and clarifying the principles and practices of Acholi customary communal land, and working with local clan-based land-holding groups across Acholi to help secure and protect their land in ways that serve and reflect the interests of those groups, not only for the present occupants but their descendants.

Overview of Field Research Methodology

Field research for this Pilot Project was conducted between December 2015 and April 2016, utilizing a Participatory Action Research (PAR) methodology, an interactive process involving consultation with a wide range of community actors in Acholiland about Acholi customary communal land. The research process offered space for, and gave voice to, bottom-up narratives from communities living in the chiefdoms and clan-based communal land-holding groups in the research sample. This methodological approach encouraged free dialogue and information sharing among with a wide range of individuals and groups actively involved with access, rights, use, organization, and management of customary, clan-based communal land – enabling knowledge and practices derived from past lived experiences that have been mainly orally communicated and passed on over time to be systematically documented.

Scope of the Study

Utilizing a database of Acholi cultural leadership and local government structures, the first step in the field research was a scoping study by the Research Coordinator to identify seven specific research sites, one in each of the seven districts in Acholi. The seven ker kal – or chiefdoms4 – ultimately chosen for the

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4 Although the term “chiefdom” is not the only possible rendering for the more than than 60 politically independent precolonial polities – ker kal – present when colonial rule was established in Acholi in the early 20th century, for convenience it will be one used in this report. Ker Kwaro Acholi, the Acholi cultural institution, includes 54 ker kal in their membership, although these ker kal are misleadingly referred to in English as “clans.”
study were: (1) Alokulum in Anaka subcounty, Nwoya District; (2) Atiak in Atiak subcounty, Amuru District; (3) Koyo in Lapul subcounty, Pader District; (4) Orom in Orom subcounty, Kitgum District; (5) Paico in Paico, Unyama, and Cwero subcounties, Gulu District; (6) Paimol in Paimol subcounty, Agago District; and (7) Poyamo in Madi Opei subcounty, Lamwo District. These chiefdoms were not only located in different districts, but varied in a host of other ways as well, including the geographical extent and the number of their constituent clan-based, land-holding groups; and degree of chiefdom- and clan-level cultural awareness, understanding, and cohesion.

**Data Collection Methods**

To investigate and document both similarities and differences among these chiefdoms, a total of 14 researchers – seven female-male research teams, one in each selected chiefdom – conducted approximately four months of field research. In most cases, at least one member of each research team was from the chiefdom in which their research was based, helping to foster a social connection between each team of researchers and those who were the focus of the team’s research.

Each research team utilized a combination of three Focus Group Discussion (FGD) tools to collect primary data. A total of 92 FGDs were conducted with a range of different community groups involved with clan-based communal land, with opportunities for participants to speak about their experiences openly and with confidence. These FGDs produced invaluable data on how the sampled Acholi people think about and understand their land and about the directions they would like to take regarding such land’s use, organization, management and protection. Many respondents also expressed welcoming their interactions with the field researchers as a mutual learning opportunity and experience, which in turn generated a level of familiarity, trust, and local guidance that could be crucial not only for productive follow-up work with these groups, but for others in Acholi who might be a part of any such future work.

**Tool 1** was an initial chiefdom-wide FGD, organized and led by the Research Coordinator (RC) of the Project. Each was held at the compound of the chiefdom’s traditional ruler (Rwot Moo; plural Rwodi Moo) and brought together trusted advisors from that chiefdom – including clan heads, elders, senior women, widows, youth representatives, rwodi kweri and rwodi okoro (male and female organizers and

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5 Copies of these research tools are included as Annexes to the final field-research report, which also includes a draft summary report on Tool 3 in Annex 9. In addition, 134 Key Informant Interviews were conducted by both the field researchers and Research Coordinator, while planned systematic administration of Household Surveys in all 46 researched clans had to be curtailed due to time constraints.

6 The full title for these traditional chiefdom rulers, Rwot Moo (plural, Rwodi Moo), signifies that they have been anointed by having shea nut oil (moo) applied to their chests during formal installation ceremonies. For convenience’ sake, the shorter designators Rwot/Rwodi will typically be used in this paper.
managers of land within clans) – along with and community opinion leaders, representatives from Area Land Committees, and Local Government. Nearly 300 people attended these seven inaugural meetings, some 70% of whom were males. The major topics discussed helped guide – and were further explored in – subsequent FGDs with members of the selected clan-based land-holding groups in each chiefdom.

These inaugural meetings also served to introduce the JASLF/Trócaire project and field-research teams to each of the chiefdoms, and identified a total of 47 customary, clan-based land-holding groups to research in detail: five in Alokolum (the total in that chiefdom) and seven in each of the others. In Atiak, however, local political disputes reduced the final number of participating clans to six, in turn reducing the final number of clans in the research sample to 46, as listed in Table 3.

<table>
<thead>
<tr>
<th>Ker Kal Alokoloom</th>
<th>Ker Kal Atiak</th>
<th>Ker Kal Koyo</th>
<th>Ker Kal Orom</th>
<th>Ker Kal Paicho</th>
<th>Ker Kal Paimol</th>
<th>Ker Kal Poyamo</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Pabali</td>
<td>Pacilo Okee</td>
<td>Koyo kal</td>
<td>Bala</td>
<td>Angaya</td>
<td>Paimol kal</td>
<td>Poyamo kal</td>
</tr>
<tr>
<td>2. Punen</td>
<td>Pacware</td>
<td>Lukaci</td>
<td>Kamurya</td>
<td>Pawat-Omeru</td>
<td>Karuge Katugo</td>
<td>Locimidik</td>
</tr>
<tr>
<td>3. Todora</td>
<td>Pabuga</td>
<td>Pajar</td>
<td>Kopil</td>
<td>Ali Ikat</td>
<td>Kudeng</td>
<td>Pobutu</td>
</tr>
<tr>
<td>4. Lawinyi</td>
<td>Pamwoma</td>
<td>Palabek</td>
<td>Pajong</td>
<td>Purogo</td>
<td>Loka</td>
<td>Lotuku</td>
</tr>
<tr>
<td>5. Okula</td>
<td>Puroc</td>
<td>Lamogi</td>
<td>Pamolo</td>
<td>Puocen</td>
<td>Kicok Poet</td>
<td>Oryang</td>
</tr>
<tr>
<td>6. -</td>
<td>Parwaca</td>
<td>Piaula</td>
<td>Lalak</td>
<td>Pakwelo-Pakecha</td>
<td>Lwaala</td>
<td>Pobung</td>
</tr>
<tr>
<td>7. -</td>
<td>-</td>
<td>Pagol</td>
<td>Kalumoru</td>
<td>Kal Umu</td>
<td>Lamogi</td>
<td>Pobudi</td>
</tr>
</tbody>
</table>

Table 3: Clan-based land-holding investigated in each chiefdom

**Tool 2** incorporated a wide-ranging list of questions and topics to guide a series of discussions in the each of the 46 clans in the final research sample, with a particular focus on how each conceptualized, organized, and managed their clan land; what problems or threats there were to that land; and what, if anything, clan members wanted to do in order to better secure and protect their land.

The customary land belonging to each of these land-holding groups is typically referred to in Acholi as *ngom kwaro* (ancestral or customary land) or *ngom pa kaka* (land belonging to a patrilineal clan – *kaka* – or section of a clan). These two designations reflect a conceptualization of Acholi customary land that emphasizes its long-established historical foundations and the collective, rather than individuated, nature of rights, access, organization, and management of such land. Hereafter, this customary kin-based land will be usually be referred to as “clan land,” and those holding it as “clans,” although a range of others

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7 Except in Alokolum, other chiefdoms had more than 7 clans: in Atiak and Koyo, 12 clans; Orom, 48; Paico, 11; Puimoil, 16; and Poyamo, 21. In these latter chiefdoms, the selection of clans to make up the research sample was done in initial chiefdom-wide meetings.
also typically lives on and has various user access and rights on such land. These include women married into the clan, widows, female clan members seeking access (for various reasons) to their birth clan’s land, and “guests” of various kinds (such as in-laws and friends).

Each of these clan-based FGDs – organized and mobilized by the field research teams – lasted four to five hours or more, with a total of 1,525 participants, 45% of whom were women (a much higher larger percentage than in the initial chiefdom-wide meetings, demonstrating a concerted attention to gender representation by the researchers).

**Tool 3** provided the guide for FGDs with “special-interest groups,” focusing especially on those in potentially or actually vulnerable categories or situations, such as widows, divorced women, orphans, “guests,” or people with disabilities. This was an attempt to include views and information from categories of people who may not have been comfortable speaking in the main group, so that their voices and views could be captured. Special-interest FGDs were held in 39 of the 46 clans in the research sample, and key findings from these FGD are incorporated into the following section.⁸

The vast majority of FGDs and Key Informant Interviews conducted during the Pilot Project were voice recorded. Most of these recordings, totalling many hundreds of hours, were in Acholi Luo, and a team of consultants has been engaged to translate them into English. It is intended to establish a publically-accessible website to house and maintain these recordings and translations, which together will provide a unique and valuable archive of customary, communal land holding in Acholi in the early 21st century.

**Summary of Key Findings**⁹

1. **The overwhelming percentage of land in the research sample was customary, communal land, vested in and belonging to recognized patrilineal kinship groups – clans (kaki; sing. kaka) or sub-sections of clans.** In four of the chiefdoms for which specific estimates of non-communal land were obtained – Koyo, Orom, Paimol, and Poyamo – the total acreage was only about 175 acres out of several millions, representing small portions of land provided to churches or to government for schools, health centres, community roads, military detachment and sub-county headquarters. In **Paicho**, the researched chiefdom located closest to Gulu town and its northern peri-urban environs, freehold land totalling more than 3,500 acres and an additional unspecified amount of land provided for government school and health

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⁸ Copies of these research tools are included as Annexes to the final field-research report, which also includes a draft summary report on Tool 3 in Annex 9.

⁹ Space limitations for this paper have required the omission of many details in this section that are included in the final report of the Pilot Project, especially those linking aspects of the findings to particular chiefdoms and clans.
facilities were reported. But still represented a tiny fraction of the more than a million acres of clan land claimed by the Paicho clans in the research sample.\textsuperscript{10}

2. The particular meaning and understanding of such (non-individuated) customary land in different clans in the research sample, however, varied. In almost two-thirds of the researched clans (30 of 46) respondents described and operated within a framework that conceptualized their customary land as collective, communal clan land – belonging to the entire localized clan and organized and managed up to that level, for the benefit of both the currently living and those yet to be born. These included all 7 researched clans in Koyo, Orom, and Poyamo; 6 of 7 in Paimol; and 3 of the 7 in Paicho.

In the remaining 16 clans – 5 of 7 clans in Paicho, all 6 in Atiak, and all 5 in Alokolum – customary land continues to be referred to by a clan name, but is identified with and largely functions within a smaller, more restricted kin-based community, the sub-clan in most cases, extended family in a few others.\textsuperscript{11} At the same time, FGDs in these clans indicate that they continue to consider themselves as members of the broader clan of which they are a part, and call on that broader identity to help deal with various issues and problems, including land and other types of disputes, both within the clan and outside.

3. All 46 researched clans share many similarities in the overall conceptualization, organization, and management of their respective clan lands, but also differences. FGDs in all researched clans indicate that they attempt to deal with issues and problems at the lowest level possible, down to the individual household. At the same time all – even those organizing and managing land at extended family or sub-clan level – have an overall clan organization and leadership, with varying degrees of importance and authority. These levels go from individual household (ot/keno) → extended family (dog gang/dog ot/doggola) → sub-clan (doggola kaka) → clan (kaka). Elder males within each of these different levels -- particularly those born into the clan to whom the land belongs – typically have the highest default authority, from the clan head (ladit kaka) to other clan elders (ludito kaka) and then elders in general (lodito mutegi). However, holding a formal leadership position does not confer legitimacy and authority by itself; more important is being widely seen within the community as fair, trustworthy, and credible.

Within this broadly accepted and widely practiced framework much variation occurs, most importantly the more limited role played in day-to-day organization and management by clan-wide organization and

\textsuperscript{10} Unfortunately, no specific estimates of non-communal land were obtained in rural Alokolum or Atiak, but it is almost certain that such land was only a small fraction of the total in the research sample.

\textsuperscript{11} The distinction between sub-clan and extended family is not always clear, as the Acholi Luo term for to a sub-clan – doggola – is sometimes applied to an extended family; dog gang and dog ot are more typically used for the latter.
leadership in clans concentrating that management and leadership at the extended family or sub-clan level. But all but one of the researched clans have both male and female functionaries, both typically elected in village meetings, who play fundamental roles in organizing and managing clan land and agricultural activities, including mediating land disputes. These are called, respectively, *Rwodi Kweri* (singular, *Rwot Kweri*) and *Rwot/Rwodi Okoro*.

As always details vary, but the roles of *Rwodi Kweri* typically include inspection of land; providing guidance and advice; witnessing of land boundaries, especially cultivated land; mediating disputes; and serving as trustees of the land. The overall sense conveyed in FGDs is that *Rwodi Kweri* are typically trusted and seen as having a good influence on fair decision making, including decisions affecting women and other potentially vulnerable groups; one clan FGD even reported that the *Rwot Kweri* there even mobilized clan youth to give help to vulnerable people. *Rwodi Okoro* are usually elderly women who mobilize women for cultivation; encourage them to work hard so that they have food in their granaries; provide guidance and advice; serve as witnesses and mediators on disputed cultivated land boundaries because they know who cultivates which land; and in general handle all issues relating to women.

All clans also referenced the existence of clan committee structures; annual or more frequent clan meetings (and smaller meetings at lower levels, especially in clans organizing land at the sub-clan or extended family level); and in 33 of the 46 researched clans (72%), written constitutions. Moreover, when respondents described each of these three types of organization, they often specifically noted that women (or at least senior women), youths, people with disabilities, and other vulnerable groups were represented and/or that their roles and rights were to be respected.\(^\text{12}\)

4. **Crucially, in none of the 46 clan land-holding groups is land “ownership” typically depicted as existing at an individuated level.** Neither individual men nor individual women “own” rural customary land in Acholi. This includes even male members of the land-holding clan, at whatever level that land is conceptualized, organized, and managed. Indeed, there is no direct or precise way to translate “ownership” or “to own” into Acholi Luo, as illustrated by the absence of the infinitive “to own” in Crazzolara’s classic study of the Acholi language (1938). *Won* (plural *wegi*) is currently often rendered as “owner,” but its meaning is usually better translated as “father,” “founder,” or “person responsible for.”

5. **Project research does, however, provide many examples of ways that women have access and other rights to customary clan land, as well as roles in land organization and management.** This

\(^{12}\) It should be noted, however, that one respondent said that “the provisions in the constitution [regarding women] are not really followed or implemented, and most women do not know much about them.
was indicated in the general FGDs in all clans in the research sample. The ways that these rights and roles play out vary considerably, depending upon multiple factors. These include the effectiveness, fairness, and moral authority of the clan leadership of the particular clan in question; a woman’s marital or other social roles; perceptions of her character and potential contributions; and the extent to which she is known and embedded in the clan (for example, through birth, marriage, and/or the maintenance of regular contact and participation over time). But whatever the details surrounding women’s access, rights, and roles in any particular place and context, they are affected by both deep historical notions and contemporary conceptions of women’s place in society.

Still, customary communal land in Acholi is patrilineal. Thus, although women have various access and user rights, they do not directly inherit clan-based land. Within this patrilineal system, however, are many elements and subtleties that can – and typically do – ensure that women have access and user rights, and various decision-making processes over land, whether on the clan land of their husband if married, or on the land of their birth clan in other circumstances.

First, female Rwodi Okoro are present in nearly all clans in the research sample, usually in an agricultural organizer or land mediator role, alongside that of the male Rwodi Kweri. Secondly, women hold positions in the majority of clans with land committees, and can raise issues to the clan affecting women as well as contribute to land dispute resolution. Thirdly, FGDs in a number of clans included explicit assertions that women married into those clans, even if widowed, participate actively in clan meetings and are considered part of the clan with full respect, protection, and rights to access and use clan land.13 Fourthly, the general sense conveyed in FGDs of male Rwodi Kweri is that they are typically trusted and seen as having a good influence on fair decision making, including decisions affecting women. Lastly, many respondents made reference to women’s rights in relation to the constitution of the Republic of Uganda.

6. Conversely, Project research also documented numerous examples of women – and others – being denied access or other rights widely acknowledged as properly theirs. The persons – or categories of persons – so affected included some widows, divorced or separated women, unmarried adult females, people from outside the clan who live and farm on clan land (such as in-laws or friends, often referred to as “guests”), and people with disabilities.

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13 There are caveats, however. In a number of clans, for example, whether women’s voices are heard within the clan is dependent on the issues that are being discussed; in some others it was acknowledged that even if women’s views or concerns are respected, ultimately decision will be made mainly by the men.
When comparing reported examples of women and other special interest groups being denied access to land or other rights across the FGDs in all seven chiefdoms, there were two strong correlations between higher instances of these problems, one personal and one structural: (i) the person in question was long absent or otherwise not strongly connected with the local clan, and (ii) where the clan organizes and manages land primarily at the extended family or sub-clan level rather than the clan as a whole.

In the latter, for instance, widows (especially widows without children), female orphans, and both male and female clan members who were abducted by rebels during the war all appear more vulnerable than usual. But examples of vulnerable people being denied access to land or experiencing trespass onto their land due to their vulnerability – along with the failure of family members and clan leaders to uphold clearly these vulnerable individuals’ recognized rights – are scattered throughout almost all the clan and special interest group FGDs.

It needs to be reiterated, however, that in many of the general clan FGDs, as well as some with special interest groups, it was emphasized that the needs of special interest groups, including women in various categories, are being successfully accommodated, with a fair and equitable distribution of land access and use, and even sometimes additional support for those who need it.

7. Similarly, research findings show that “guests” – however vulnerable they sometimes are – have been peacefully accommodated in every one of the 46 clans in the research sample. While the general clan FGDs provide few if any details on the numbers of such guests or the circumstances of their history on the host clans’ land, in every case it is clear that such guests have been, and are currently being, successfully accommodated and integrated to various degrees.

8. In addition, 38 of the 46 researched clans also identified examples of members of their localized clan who were peacefully settled and accessing customary land in other locations. This seems to have been most often as guests on others’ customary land, but sometimes as a separate branch of the clan occupying their own customary clan land that been granted or otherwise obtained clan land previously belonging to another.

9. In at least two chiefdoms, clans in the research sample have branches elsewhere with their own clan land, and have inclusive clan associations and sometimes written clan constitutions. The existence of these constitutions and associations suggests a promising avenue for follow-up research: first in order to explore details with these clans about when these bodies were formed, the bases on which they are constituted, and how they function, as well as attempting to access related documentation; secondly,
to enquire specifically in the other researched clans – or clans investigated in any subsequent research – about such associations and constitutions.

10. Initial chiefdom-level FGDs in each site identified land disputes, both resolved and ongoing, but did not convey the sense that these disputes currently posed critical threats or extensive disruption. Types of disputes most commonly cited were internal clan and household boundary and trespass issues, with a smaller number of external boundary conflicts. Only one chiefdom reported any deaths as a result of land disputes, though five indicated acts of violence. And as noted, discussion of these disputes did not convey immediate or extensive concern.

The numbers of disputes, levels of violence, and the success of conflict resolution varied greatly from chiefdom-to-chiefdom, with no discernible pattern. What is clear, however, is that across all chiefdoms, whatever the rate of resolution, the actors most successful in resolving conflict are local traditional leaders, with only occasional involvement from local council leadership and no reported successful resolutions achieved at higher levels or through the formal legal system (see Table 4 on the next page).14

<table>
<thead>
<tr>
<th>Chiefdom</th>
<th>Alokolum</th>
<th>Atiak</th>
<th>Koyo</th>
<th>Orom</th>
<th>Paicho</th>
<th>Paimol</th>
<th>Poyamo</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Disputes?</td>
<td>10</td>
<td>7</td>
<td>3</td>
<td>10</td>
<td>14</td>
<td>10</td>
<td>8</td>
</tr>
<tr>
<td>Majority Type of Disputes?</td>
<td>Internal boundary conflicts</td>
<td>Internal boundary conflicts/Trespass</td>
<td>Boundary conflicts with other Chiefdoms</td>
<td>Internal boundary conflicts</td>
<td>Internal boundary conflicts</td>
<td>Internal boundary conflicts</td>
<td>Conflicts between clans</td>
</tr>
<tr>
<td>Extent of Violence?</td>
<td>1 act of violence</td>
<td>5 acts of violence</td>
<td>4 acts of violence</td>
<td>None</td>
<td>None</td>
<td>4 acts of violence</td>
<td>3 deaths and 12 acts of violence</td>
</tr>
<tr>
<td>% resolved?</td>
<td>10%</td>
<td>43%</td>
<td>100%</td>
<td>80%</td>
<td>36%</td>
<td>50%; also 40% pending, not yet resolved; 10% not resolved</td>
<td>50%</td>
</tr>
<tr>
<td>How/Who resolved?</td>
<td>Cultural Leaders</td>
<td>Not specified</td>
<td>Rwot moo/elders from chiefdoms/Ker Kwaro</td>
<td>Rwot moo/Rwodi Kweri/Opinion Leaders/Elders/Land</td>
<td>Cultural Leaders/doggola kaka/others within clan</td>
<td>Cultural Leaders, through mediation</td>
<td>Cultural Leaders/doggola kaka</td>
</tr>
</tbody>
</table>

14 Strikingly, there are no reported mention of NGOs, faith-based organizations, or religious leaders providing successful land dispute resolution assistance.
Although dispute resolution rates for the identified disputes were not especially high overall (29 of 62, or 47%), the prominent role played by local cultural and other leaders in the cases that were successfully resolved was reinforced by participants in a number of general clan FGDs.

Despite the positive role of often accorded to these cultural leaders, chiefdom-level FGDs elicited harsh criticism of some of these same leaders, which seemed almost as great a concern as the disputes themselves. Complaints about local leaders being involved in corruption and bribery were common, as was specific disquiet that clan heads “do not always speak the truth” during mediation, and that “elders are not seen as truthful on land boundary issues, speaking in favour of those with money.” In one chiefdom, nepotism was suggested as a reason why conflicts there were not resolved faster and more fairly. And in many chiefdoms the lack of community respect for and trust in the Rwot Moo and other cultural leaders, and many youths’ failure to listen to elders' advice, were cited as problems.

11. **Whatever the prevalence of disputes, the rate of resolution, or extent of concern, FGDs indicate a widely-held opinion that land disputes are best dealt with at the local level, utilizing both cultural and other local leadership.** The effective operation of customary communal land – where land is organized and managed not on the basis of individuated households but wider kinship groups – is highly dependent on a cohesive community. In this respect, any disputes that threaten social harmony and community cohesiveness, including land disputes within clans or between clans with established social relationships, are of deep concern to the communities involved.

Because of this, sophisticated systems have been developed at the clan (and often sub-clan) level to address disputes and conflict. In almost every chiefdom and clan in the research sample, typically every attempt is made to deal with the issues utilizing internal clan mechanisms, and sometimes Rwodi Moo, and only after these are exhausted will the parties resort to the local councils, and then the formal court system. And one of the important ways that disputes over customary communal land are reduced is using Rwodi Kweri, Rwodi Okoro, clan elders, and clan heads to allocate land based on the the particular needs of all those present with recognized access and other rights, including those such as widows, guests, and other vulnerable people who otherwise might be excluded from accessing land.

The wide-spread reluctance among the chiefdoms and clans in the research sample to involve the formal

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15 Although if the resolution rates in the two chiefdoms – Alokolum and Paicho – with the lowest rates are excluded, the resolution rates in the remaining 5 chiefdoms in the research sample are 23 of 38 disputes, or 60.5%.
legal system in land disputes was expressed by such characterizations of that system as “corrupt,” “expensive,” “unjust,” and “favoring the rich and powerful.”

This negative view of the formal legal system in resolving land cases is well founded, even disregarding any biases or exaggerations expressed in the paragraph above, as the following quotation citing land-case statistics from the highest-level court in Acholi makes tellingly clear:

Figures from the Gulu Chief Magistrates Court from the first quarter 2015 reported that there were 507 land cases carried over from previous years – civil claims, appeals, miscellaneous, and mediations. 44 new cases were registered that quarter. Only 2 cases were “completed.” But were they “solved”; were they accepted by the parties involved; were the Court’s decisions fair or corrupt? In any case, having started the 2015 year with 507 land cases, there were 549 carried over to the second quarter, a resolution rate (if the cases were actually resolved) of 0.36%” (Hopwood, forthcoming).

12. Not only land disputes, but land access for vulnerable individuals and groups, was noted as an ongoing concern not always dealt with well by local clan leadership, as indicated especially in some Tool 3 Special Interest Group meetings. Some specific examples of such concerns – supplementing Key Finding 6 above – include: (i) Married women whose bride price has not been paid and unmarried women treated “as temporary,” who “can go away at any time”; (ii) divorced and separated women without children; (iii) returnee mothers, who while having “birth rights” to clan land, will often encounter problems on their return, and even if they can access land, they will be offered only very small plots; (iv) orphans, especially female orphans without brothers, who are frequently in danger of having land to which they should have access taken from them by “greedy uncles” or other family members; and (v) unmarried mothers and their children, vulnerable in many clans and chiefdoms based on the (false) claim that they have no automatic recognized rights at all to access and use clan land.

13. On a similar note, while impossible to gauge the extent of dissatisfaction, FGDs both in the chiefdom-level meetings and in individual clan meetings reiterated concerns about the effectiveness, impartiality, and fairness of some elders and cultural leaders with respect to more than land. While it is impossible to gauge the extent For example, in every chiefdom-level FGD, concerns were raised that some clan heads and other local leaders were corrupt, did not always speak the truth during land boundary and other mediations, and were susceptible to nepotism and unfairly favouring “those with money.”
Expressing concern in the opposite direction, some clan FGDs complaints were aired complaints that lack of community respect and trust on the part of some towards the chiefdom’s Rwot and other cultural leaders above the clan level, and many youths’ failure to respect and listen to Rwodi, elders, and other cultural leaders contributed to problems in resolving land and other disputes.

14. Whatever concerns were expressed about the formal legal system or local cultural leadership, when clans were asked about “registering” their land as one way to better secure and protect it, almost 90% of respondents polled in 6 of the 7 chiefdoms where data was obtained supported the idea: 1,063 in favor, 137 against. While the overall response was overwhelmingly positive, there were, not surprisingly, differences at both chiefdom and clan levels. At chiefdom level, support ranged from lows of 66.5% in Paicho, followed by 72% favorable in Koyo and Orom, to highs in the 90% range in Poyamo and Atiak, and a unanimous 100% in Paimol. Even in Alokolum, where, unfortunately, no direct polling figures are available, general sentiments expressed in the separate clan FGDs suggest that only one of the five clans was clearly against registration, though it appears that respondents there thought that registration meant only freehold registration, to which they were opposed.

15. This wide-spread support for “registration” – ranging from the level of the entire clan down (in a few instances) to the extended family level – needs to be qualified by the groups’ almost total uncertainty about how such registration might be done, what it might mean, and what form it might take. This uncertainty, however explicitly expressed or implicitly suggested in the various clan FGDs, is perfectly reasonable given the complex and unclear consequences that would follow from bringing customary communal land into the formal/legal system through a registration process.

16. Even with this uncertainty, clans supporting the idea of registration indicated that it should be undertaken only with their input and support, and carried out on a basis that reflects the way in which they conceive, organize, and manage their particular customary land. For most, this meant endorsing registration that would incorporate their entire customary clan land, while the one-third of clans noted in Key Finding 2 who organized and managed their land at the sub-clan or extended family level preferred that registration to be done at those levels.

As long as conceptualized in the above manner, common additional reasons given for supporting registration included:

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16 It needs to be noted that there is no simple, direct way in Acholi Luo to phrase the question of “registering” or “registration” of customary clan land. One example of how this was done, in the Paicho chiefdom was “Tam we tye ni ngo lok kom cono ngom kwaro wa?” A direct translation of this question is “What is your idea about writing down [or documenting] your ancestral land?”
• it would protect their land from being grabbed;
• the clans (or sub-clans, extended families) in whose name the land was registered would have conclusive rights compared to leaving it unregistered;
• it would be easier and more secure to use the land for any form of development;
• it would help prevent land disputes and conflicts;
• Government would recognize their land rights, even in court; and some added
• they would then be able to acquire loans from banks. (even though this also poses great risks).

17. Conversely, uncertainty over what land registration might would mean factored into concerns about and/or opposition to registration, including:
• Government may “grab” or “heavily tax” registered land;
• “registration is very expensive and only favours the rich against the poor”;  
• “the rich can grab and then sell land that is registered”;
• they have never been “sensitized” about land registration, do not know what is required to do so, and are uncertain/uneasy about “in whose name” land would be registered;
• fear that “registration is a plan by the Government to grab all registered land”;
• “registration of land brings a lot of confusion” and many want “to continue in customary way” that they “understand [it] well”;
• “we trust our elders” and do not wish to weaken the present order; and
• respondents in some clans resisted registration because it would be difficult to do so because their customary land is scattered.

18. Not surprisingly, therefore, whether supportive of or opposed to registration, almost all the researched clans expressed a strong desire for information sharing so that people might understand the process of registration, the requirements involved, and various options/alternatives for doing so. This strongly expressed sentiment made clear that providing such information would be a crucial task for any follow-up work.

19. In addition to the overwhelmingly favorable support for registration, respondents in all researched chiefdoms expressed a strongly positive view towards “development” – as long as the local community had a voice in the process and derived community benefits. Most common forms of customary land already provided for “development” has been for churches and government schools, health centres, new roads, and markets. In all these instances, clan land seems willingly given, indicating that chiefdoms and clans in the research sample have embraced the limited development opportunities
available. When asked if such land remained customary communal land, with one exception the answer was no, the new owners are deemed be in control of such land and responsible for its management.

Both chiefdom and clan FGDs indicate that both individual clans and the chiefdoms of which they are a part are anxious to engage with market activities that would involve – and benefit – their respective communal groups. The most common form of such commercial activity mentioned was mechanised farming, including large-scale cultivation of cash crops such as sugar cane, rice, and bananas whose surpluses can be sold on the market. To facilitate this – which most clans indicated they wanted to organize communally – many clans suggested setting up co-operative farming groups; some also proposed that Government support be sought to help cover the cost of tractors or, failing that, oxen and ox-ploughs. Other such activities mentioned (in rank order) were cattle raising, tree planting, brick burning, and regulated charcoal burning (as opposed to the current unregulated and illegal but widespread charcoal burning, mostly by outside investors or traders, which was strongly opposed).17

20. Finally, in many ways this summary list of key findings suggests something both striking and important about present-day customary communal land in Acholi, and contemporary Acholi society and culture more generally. It has been less than a decade since the end of the vicious twenty-year war centered in Acholi, during which the vast majority were displaced off their land into internally displaced persons’ camps for up to a decade or more. The Acholi sub-region remains one of the poorest (and least well serviced) parts of Uganda, with major economic and social ills and problems.

Still, in less than ten years, the Acholi in this research sample have returned, resettled, and are currently utilizing clan-based communal land on which they have recognized customary rights. In a remarkably short time, moreover, this customary land has been largely reconstituted, organized, and managed along lines that embody principles and practices that are both long-established and broadly accepted.

Recommendations

1. Disseminate research findings. This Pilot Project research should be shared as widely as possible, in Uganda and internationally (with the explicit caveat that this is only Pilot research) – from the chiefdoms and clans where research was carried out to an array of other stakeholders, including the Joint Acholi Sub-region Leaders’ Forum, the Acholi district administrations, the Ministry of Lands, land practitioners

17 In only one chiefdom in the research sample have clans thus far initiated such communal commercial activities, starting animal raising, regulated charcoal burning, tree planting and in one clan, their own sugar cane plantation.
and experts, NGOs working on land matters, think tanks, the World Bank, development partners/donors, and UN and development agencies.

2. **Further develop collaborative relations between the JASLF/Trócaire land project and the Ministry of Lands.** Despite its chronic underfunding, the Ministry of Lands has set out ambitious goals over the next decade, including a feasibility study on establishing customary land registries over the next three years and designing, implementing, and reviewing pilot studies over the next 4-10 years on communal land rights and customary tenure rules in Acholi, Lango, and Teso (Uganda Ministry of Lands, 2013 and especially 2015, Annex 2). We urge the Ministry to look closely at the findings of this JASLF/Trócaire research as an important contribution to achieving the goals just noted, and we look forward to building on initial meetings discussing possible collaboration and coordination towards the shared goal of registering Acholi customary communal land, in a way that both meets statutory legal requirements to which the Ministry is committed as well as reflecting the clear desire of the researched clans in the Pilot project (in Key Finding 16) that such registration “should be undertaken only with their input and support, and carried out on a basis that reflects the way in which they conceive, organize, and manage their particular customary land.”

3. **Land registration and demarcation.** Given both the strong majority – nearly 90% -- of those polled in initial research who supported registering their customary communal land, as well as the Ministry of Lands’ imperative to do so, positively responding to this expressed desire will need to be a priority in the next phase(s) of the JASLF/Trócaire land project – hopefully in collaboration with the Ministry of Lands. This will require:

   A. Careful planning, including development of a detailed *Community Guide* for all communities that will be involved in the process, to include information on:

   - organizing and formally incorporating the communal group as a legal entity, through either a Communal Land Association or a Communal Land Trust, and the pros and cons of each option;
   - agreeing on structural and administrative procedures, offices, and roles for organizing and managing the group’s clan-based customary communal land;
   - harmonizing boundaries, internally and with all neighbors, and then formally demarcating those boundaries; and
   - going through the procedural and legal steps required for obtaining and registering a CCO, which provides legal documentation and protection of the land in question (for a detailed example of such a guide, which will be adapted to fit the Acholi situation, see Land and Equity Movement in Uganda (LEMU) and Namati, 2016).
B. Further training of field researchers, both technical and more generally in familiarizing themselves with the Community Guide noted above. Communal land boundary marking will require training in using mobile GPS devices and baseline images required to produce boundary maps, as well as in how such demarcation would need to be carried out in the field. To this end we hope to approach the Ministry of Lands (or one of their partners from their boundary mapping and registration projects) to participate in this training.

C. These researchers will then go to each clan wanting to register their land, provide them the concrete, detailed information included in Community Guide, and then work with them to carry out all of the required steps noted above.

4. More basic field research. Funding is now available to extend research to chiefdoms and clans not included in the Pilot Project. A greater comprehensiveness is required to include as many additional chiefdoms as possible, both because practice and customs vary so much among chiefdoms/clans, and because chiefdoms not part of the original research have expressed a desire to now be included. Scaling up the research to include clans and chiefdoms not in phase one could contribute to strengthening not only the particular chiefdoms involved but Acholi – and its cultural institution Ker Kwaro Acholi – in general.

5. Broader benefits of further field research. If follow-up research can be conducted in ways similar to the research in the Pilot phase, it will not only result in additional in-depth, thoroughly grounded empirical data, but will contribute to building mutual respect and trust that can in turn set the stage for communal land-holding groups in Acholi to be more confident in exploring such steps as boundary demarcation and land registration as ways to protect and secure their land.

6. Land, women, and other vulnerable individuals. It is crucial to emphasize that women’s rights and access to land – and the multiple ways women are included in land organization and management – are well-founded and supported in Acholi’s clan-based land system. At the same time, it is also true that these widely recognized rights are not always practiced. Both also characterize the situation with respect to land access and rights for “guests,” youth, orphans, widows and separated women, disabled groups, and single mothers and their children. It is thus important that clan leaders promote and protect the widely-acknowledged rights of women and other vulnerable people with respect land, and to be held accountable for doing so by both the members of their respective clans as well as others involved in customary clan-based land management in Acholi.

7. A greater emphasis on youth. Further field research would also allow greater attention than was possible in the Pilot Project to a crucially important demographic – youth, and in particular rural youth.
Youth make up a majority of the Acholi and Ugandan population (up to 70% depending on how “youth” is defined), and there can be large gaps between youth culture (with distinctive and globally-influenced traits even deep in rural areas) and the cultural norms, values, and practices of the largely elder rural Acholi leadership (both male and female). All of this needs to be explored much more fully, which could perhaps serve as an opening for traditional leaders and young members of the clan to find ways in which the latter’s aspirations and engagement in the community could be enhanced. Research questions and research tools should be adopted to this end for further phases of this research.

8. **Share best practice between clans and chiefdoms, including issues surrounding women and other vulnerable groups.** The research identified many clans which, in the best tradition of Acholi cultural practice, operate in a broadly egalitarian and inclusive manner and are proactive in protecting women’s and other vulnerable groups’ rights and access to land; a number of these have written constitutions that specify the rights of women and other vulnerable groups. We recommend promoting these clans as models, to help make their more inclusive practices become widespread.

9. **Address land disputes.** Our research suggests that the traditional system is by far the most efficient in addressing disputes and conflicts over land (compared to the more formal judicial institutions, currently overrun with cases and with significant financial barriers to access). We recommend, on the basis of efficiency and justice, that the State should consider financial supports to help regularise and share best practice on what works in traditional conflict resolution mechanisms. While the traditional system is most effective in addressing land disputes, some evidence suggests that many seemingly traditionally-resolved disputes later re-surface. If the decisions reached at a traditional level carry some status in law and binding over both parties might lead to the same disputes being less likely to re-emerge.

10. **Inclusive development.** Addressing poverty can help build credibility in and viability of the customary land system as well as building communities’ resilience to challenges such as climate change. The present research has demonstrated the eagerness many in the research sample to develop their land for the benefit of their communities and their children, while respecting customary communal tenure. There is thus an opportunity to build on communities’ awareness of the value of customary land by making development interventions that fit within that tenure system. Thus if a group’s land is organised at a clan level, then supports should be organised to reflect and support organisation that level of community organization.

11. **Strengthening the cultural institutions of the ker kal (chiefdoms) and their rulers, the Rwodi Moo.** Many respondents in Pilot Project research identified as a goal or priority the strengthening of their
Ker Kal – and others across Acholi – with respect to the norms, values, and practices of traditional governance in Acholi culture, with the goal of reinstating genuine respect, trust, authority, and honor vested in Rwodi Moo by the people of Acholi. At the same time, respondents also lamented the problem of “absentee” Rwodi Moo, who tend to live in urban centres, stressing the need for these Rwodi Moo to re-establish contact and maintain a presence with their people in order to re-position themselves as a symbol of identity of the chiefdom over which they preside, or else forsake their position.

12. Revisions of Principles and Practices of Customary Tenure in Acholiland. One of the original tasks assigned to the Technical Committee by the JASLF in June 2012 was to revise the document titled Principles and Practices of Customary Tenure in Acholiland (2008), by the Acholi cultural institution Ker Kwaro Acholi. But we do not recommend this revision. Even though Pilot Project research provided a range of important, grounded information that is relevant to such a revision, the research sample is simply not large enough to be representative of Acholi as a whole. More research, among a larger number and wider range of chiefdoms and clans, will be necessary in order to do justice to this assignment.
References


Land and Equity Movement in Uganda (LEMU). (2016). *Community guide: How to protect your community’s lands & resources*. Kampala: LEMU.


UBOS. (2014, November). *National population and housing census 2014 – Provisional results (revised edition).* Access at:


Tables and Figures

Figure 1: Map of Uganda showing the Acholi Districts of Northern Uganda, p. 4.

Table 1: Basic (mostly rural) Acholi demographic data, p. 10.

Table 2: Rural population density and land availability based on 2014 Census, p. 11.

Table 3: Clan-based land-holding investigated in each chiefdom, p. 14.

Table 4: Land disputes reported in chiefdom-level FGDs, p. 20.