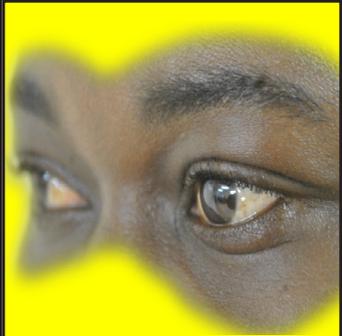


# CONFLICT WATCH

Advisory Consortium on Conflict Sensitivity  
(ACCS)



October Issue # 7

## Certificates of Customary Ownership: A Roundtable Discussion on Perceptions, Implications, and Challenges With Stakeholders from Acholi Sub-region

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### 1.0 Introduction

As provided for in the 1995 Constitution and subsequent laws, Ugandan citizens have the right to own land under customary land tenure. Only in recent years has the government taken steps to delineate the process for ensuring this right. In 2012, newly established Area Land Committees (ALCs) began accepting applications for Certificates of Customary Ownership (CCOs). According to the State Minister for Lands, Housing and Urban Development, Hon. Sarah Achieng Opendi, this move was aimed to allay fears that the government wanted to grab their land and to allow land owners to access credit from financial institutions. Critics have argued that CCOs will only fuel conflicts and escalate land grabbing and dispossession of the poor.

In view of the diverse perceptions surrounding this new initiative, the Refugee Law Project, acting as a partner in the Advisory Consortium on Conflict Sensitivity (ACCS), convened a roundtable discussion with stakeholders from all sectors of society in the Acholi sub-region. These included legal experts, local government officials, cultural leaders, NGO and CSO partners, and community members who gathered on 13th July, 2012, at Churchill Courts in Gulu. The objective for ACCS was to determine the implications of the CCO measure on conflict and stability in the region, and to use the outcome of the forum to inform governmental and other relevant actors on land issues. A second aim is to produce a position paper that may inform a policy brief by the Northern Uganda Land Platform Working Group.

The roundtable consisted of two segments. Legal, political, and community leaders opened the event with presentations on the legal, economic, social, and cultural implications of the CCO measure. The plenary session followed, where participants gave reactions and suggested action steps.



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## **2.0 Sectoral Presentations**

### **2.1 Legal Perspective – Susan Mildred, Amuru District Land Officer**

The land officer explained the current status of the certificates, noting that CCO books had been distributed in Pader, Gulu and Amuru districts, and that some community members had begun the process of filling out application forms. ALC members had also visited the property for verification and demarcation.

Potential problems with CCO implementation:

- a. Lack of clarity in how to fill out certificates completely, and how land under a CCO would be affected by governmental land planning regulations.
- b. Demarcation is not definite enough to prevent encroaching on land.
- c. Uncertainty in whether to declare ownership communally or individually and how to transfer ownership to future generations.
- d. Lack of clarity in how to obtain CCOs in municipalities.
- e. Difficulty in paying stamp duty from Kampala in the event of selling or sub-dividing land.
- f. Outstanding need to protect the rights of women and children who can be easily excluded from being listed on a CCO.

### **2.2 Economic and Political Perspective – Matthew Otto, Kitgum District Land Officer**

The traditional view of land attributes ownership to an abstract “community,” including dead ancestors, those who are currently living on the land, and the future generations. This philosophy is in conflict with global investors

who prefer individual freeholders who can sell them land, and with young Acholi who are not familiar with Acholi tradition after growing up in camps. Foreign investment must be regulated through the government, and the community must be sensitized on different systems of land tenure in Uganda, so they may negotiate with investors from a strong, united position.

Concerns related to the CCO initiative and investment in northern Uganda:

- a. Foreigners must change their titles into leases, because foreign ownership is illegal.
- b. Fragmentation of Acholi community, especially between the weakened clan structures and the younger generation, is making the Acholi sub-region vulnerable to outside interference.
- c. Ability to access loans may encourage youth to get a CCO, though they may not be able to service the loan.
- d. Cost for demarcating and obtaining a CCO may be too expensive.

### **2.3 Social and Cultural Perspective - Rwot Damoi Ajoa, Paibwore Clan, Pader District**

- a. There are increased cases of encroaching on land, and such disputes cannot all be solved by local government officials.
- b. Defending customary land tenure is necessary for restoring Acholi culture.
- c. Lack of access to land for formerly abducted children remains a problem.
- d. CCOs may cause an increase in land conflict and bring instability back to the region.
- e. Cultural leaders recommend waiting to issue CCOs for twenty more years so that the community can be sensitized to Acholi traditions and cultural

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values can be restored.

f. Poor people may find the CCO too expensive to obtain.

**Comments by representative of the Paramount Chief of Acholi:**

a. It is best to consult cultural leaders and resist those offering to buy land, because providing an inheritance for one’s children is of greater value.

b. It is not good to be materialistic, but it is necessary to consult with family members before selling property.

c. It is best to not accept CCOs, which originated outside of Acholi culture, but instead to work with what land is available.

d. The Acholi people need time to discuss and educate the public about these issues; do not rush the implementation of CCOs.

### 2.4 Community Perspective – Mr. James Otto, Senior Citizen

Questions and fears raised by CCO initiative and land disputes:

a. Will the issuance of CCOs protect the land in the same manner that a freehold title would?

b. Historic mistrust of the government’s aspirations to acquire land in the north contributes to widespread fear of dishonest motives behind the current initiatives to issue CCOs.

c. Lack of transparency from the judiciary when adjudicating cases with foreign investors increases fears of land grabbing.

d. Acholi people can be vulnerable to manipulation if they are illiterate or if they take out loans with the CCO, though they are unable to service them.

e. Land will be fragmented if those who obtain a CCO sell portions to outsiders.

f. Will the government claim those areas of land where individual or communal owners have failed to obtain a CCO? They may be exposed to higher risks of land grabbing.

Suggested ways forward:

a. Consult local leaders on design of the CCO so it is easily understood and relevant.

b. Aggressive sensitization of community is needed to inform members about CCOs and accessing and servicing loans.

c. Empower cultural institutions to address land conflicts because they have respect within communities.

d. Establish an Acholi Land Trust to protect the sub-region from land grabbers.

e. Prevent land grabbing by rejecting the CCO initiative, just as Acholi leaders did during the colonial period.

### 3.0 Plenary Session

Participants in the plenary session presented a variety of opinions in reaction to the presentations. The key points are outlined below.

a. A Magistrate from Gulu District asserted that the legal process would protect against manipulation and that the CCO initiative would empower customary land owners.

b. Several feared that CCOs would lead to land grabbing, conflict, or even violence.

c. Many participants supported delaying or rejecting the implementation of CCOs, though some said postponing would not resolve the problems.

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- d. A CSO leader called for legal experts to draft a position paper so clear action could be taken.
- e. Another CSO leader defended CCOs because they can be modified to enhance land rights and because cultural institutions are too weak.
- f. Participants generally called for more local consultation, coordination, and sensitization.
- g. Some supported the use of an Acholi Land Trust, and one participant recommended applying for CCOs as a whole community so land may be managed by cultural institutions.
- h. A CSO leader called for procedures to be created for those investors who seek land legally.

#### **4.0 Analysis and Conclusion**

The following provides an analysis of key concerns and possible action steps.

##### **Key Concerns:**

- a. Widespread mistrust of land-grabbing by investors and governmental actors has led local communities to reject the CCO measure.
- b. The complexity and expense of CCOs may lead to manipulation of illiterate and unformed rural populations.
- c. More access to loans may result in default and the loss of land.
- d. Cultural leaders claim authority over land management, yet recent scandals and displacement during the war has reduced the standing of cultural institutions in the community, especially among youth.
- e. New land associations and attempts to modify the CCO measure must comply with the existing laws and must recognize the ongoing

issuance of CCOs in northern Uganda.

##### **Possible Action Steps:**

- a. Cultural leaders favor postponing the issuance of CCOs until cultural values can be restored in younger generations and until current land disputes are settled.
- b. The establishment of an Acholi Land Trust is a popular idea for protecting against large-scale land grabbing.
- c. Modifying the CCO system to ensure that land is registered by the community may prevent individuals from selling land.
- d. Further discussion by legal experts can provide a unified and informed position paper that can best represent Acholi interests to the government.
- e. Further education of the community on CCOs and land rights and traditions is needed.

**About Refugee Law Project (RLP)**

The Refugee Law Project (RLP) seeks to ensure fundamental human rights for all, including; asylum seekers, refugees, and internally displaced persons within Uganda. RLP envision a country that treats all people within its borders with the same standards of respect and social justice.

**About Advisory Consortium on Conflict Sensitivity (ACCS)**

The Advisory Consortium on Conflict Sensitivity (ACCS) is a three member consortium that brings together, Refugee Law Project, International Alert and Saferworld. The overall aim of ACCS is assisting DFID and partners in strengthening the potential of the PCDP and recovery process to address the causes of conflict and contribute to sustainable peace and stability. Under ACCS, RLP is leading on contextual analysis of the overall recovery process (focusing on conflict indicators, issues and dynamics), and early warning as and when necessary.

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This Briefing Note is authored for early warning purposes. The report was written by Jessica Shewan, ACCS intern, with valuable input from Dr. Chris Dolan, Director; Stephen Oola, ACCS Coordinator; Jackson Odong, Research and Advocacy Officer; Barnabas Otim, Project Officer; Anna Macdonald, Research Associate. The conflict analysis and early warning was made possible by UK–DFID financial support.

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