



KER KWARO ACHOLI

Cik me loyo ki kit me tic ki ngom kwaro i Acholi

Principles and Practices of Customary Tenure in Acholiland

Acholi and English Version

June 2008

Foreword

In Acholi over 93% of the land is under the customary land tenure system, to be managed in accordance with the Acholi customs and practices. While Acholi customs and practices in land tenure management is well known amongst the Acholi, it's understanding and clarity within the new Acholi generations is not as clear as it is with the earlier generations due to the effect of time and change. The situation has been made worse by the over 20 years of insecurity and the effects of displacement. In addition, other non Acholi within Uganda and beyond do not understand with adequate clarity the Acholi customs and practices in land tenure management. Furthermore, there is lack of written Acholi customs and practices in land tenure management, leaving it to be passed from one generation to another through actual practices, verbal and folklore.

In the face of the challenges of people returning home from IDPs and harmonisation of all stakeholders understanding of the Acholi customs and practices in the constitutional provided customary land tenure system, Ker Kwaro Acholi through its Ministry of Land, Natural Resources and Physical Planning has documented this “Principles and Practices of Customary Tenure in Acholiland” with support from our development partners particularly Norwegian Refugee Council, (NRC). We believe that, it shall provide a lot of useful guidance to our people, those involve in land management in Acholi and other stakeholders. The challenge lying ahead is adequate dissemination to all key stakeholders; adherence to principles and practices; and receiving necessary feed back for continuous improvement.

The process of documenting and ensuring the accuracy and authenticity of the Principles and Practices of Customary Tenure in Acholiland was through a Working Group consisting representatives of Elders from across Acholiland, District Land Board Chairpersons, and Local Governments Council across the entire Acholiland, Ker Kwaro Acholi Ministers, and Civil Society. The Working Group drafted the principles and practices with feedback from various communities. The Final Draft of the Working Group document was laid before the Ker Kwaro Acholi Council of Chiefs and Elders for ratification.

I am hereby duty-bound to call upon all the Acholi Land key stakeholders, actors, Uganda Government, Local Governments, Members of Parliament, Clans and community leaders, elders, business people and investors and all Acholi people to join hands and work together in order to ensure that we formalise Acholi customs and practices in land tenure management in the adherence to the Constitutional provisions. To reach all stakeholders, we have produced it in both the Acholi and English Languages. From our development partners we appeal for support for dissemination, entrenching the practices, gathering feedback for continuous improvement.

His Highness Rwot David Onen Acana II
Lawiirwodi (Paramount Chief Acholi)

Acaki

Ki ngec ni mwaka mapol me lweny ki bedo I kem oweko tekwaro ki tice odoko goro dok oweko dano mapol labong kero me gwoko twero me ngom-gi, ker kwaro Acholi, macalo yo me cobo miti-gi, kero-gi malube ki pen cik dok ki cwiny me tic kacel ki gamente me te-dero kacel ki lwak, okati ki cik ma pir-gi tego ma mako tic ki ngom I Acholi, ma nonge kany me konyo dano me cobo kuku-kuku me ngo ki mwolo.

Gonyo tyen lok macegucegu ma they i cik man

- a) Ngom Acholi : Tyen lokke ni wang lobo kit ma tye gicoyo i Pen Cik me Uganda me mwaka 1962 ki alokaloka ducu ma utime ki ingeye.
- b) Ker Kwaro Acholi : Aye ker ma kwarowa aye yam oweko ki wan dok bene kit ma kicimo i cura 16, dul 246 me pen cik me mwaka 1995.
- c) Ngom kwaro : Tyen lokke ni ngom i Acholi ma pe gicoyo ite cik ma mako cono taitol me ngom onyo tye ite loc pa gamente me tederu onyo gamente madit
- d) Ngom kwaro Alwak me kaka: Obedo ngom ma gangi makato acel tye iye ki twero dok bene twero me lono ne tye icing jo ma kaka oyeru me cung pi kaka. Ngom man kwako; ngom me kwat (olet), ngom dwar (Tim) , ka myel, ka cuk , bunga, kulu, godi, kapur ki ngom me kwer ki tic mukene ma rwatte.
- e) Gang: Obedo ngom kama jo me ot moni guyubu iye odi dok gibedo/ gikwo iye
- f) Ngom me dog gang nyo dogola ma pe gitiyo kwede : Obedo ngom ma won gang nyo won ot pud pe omiyo nyo opoko bot ngat acel acel me dog gang nyo dogola meno
- g) Ngom dog gang: Obedo ngom ma kaka aye omiyo bot dog gang moni pi tic-gi
- h) Ngom dog ot: Obedo ngom ma won gang omiyo bot dog ot acel acel pi tic-gi pi naka.
- i) Kaka: Aye dog gangi mapol ma nongo tye iye kwaro, wego, lutino awobe, lonito anyira ki jo mukene macok kwed-gi.
- j) Lagwok ngom: Obedo ngat ma tye ki tic me gwoko ngom ki twero me ngom.

- k) Dogola: Obedo dog odi aryo nyo makato; ma wat tye ikin-gi dok won gang aye telo.
- l) Won ot: Obedo ngat ma kaka nyo lupaco oyeru nyo i yo me lako me bedo lagwok ngom me dog gang pi jo mukene ni ducu.
- m) Dog ot: Obedo but lupaco matidi loyo ma tye iye laco, dako nyo mon ki lutino-gi
- n) Won ot: Obedo ngat ma loyo ngom ki kit me tic kwede pi jo mukene ma i ot ducu
- o) Lagwok Dogola nyo Paco onyo lagwok ot: Obedo dano ma kaka ki won gang ocimo me gwoko miti pa da-to ki lutino ne.
- p) Nyom: Giwaco ni ngat moni onyome kace kicamo kenye.
- q) Ket Keny: Giwaco ni ngat moni kenye oket nyo kin gi opokke kace gidwoko lim nyom cen.

Dul me 1: Kit me loyo ki tic ki Ngom Kwaro

Lok ma myero gi-nge

- a) Ngom kwaro ducu tye i cing kaka dok twero ki tic ducu tye icing kaka, dog gang, dog ot ki ngat acel acel.
- b) Ngom pe tye me acata dok myero gigwok wek pe oballe nyo orweny
- c) Dano ducu me kaka tye ki twero me ngom
- d) Likwayo ma gibino anyim tye ki twero me ngom
- e) Ngom madong gimiyo bot dog gang nyo ot moni pe gidwoko cen dok twero me tic kwede tye pi naka
- f) Ngom bibedo icing dog gang nyo ot moni pi jo ma tye iye ma gibicito cen pi lok macalo ringo ayela, lutic matye woko me dwogo cen iye.
- g) Ngom ma dong kaka omiyo bot jo ma gipeke ki lutino bidok cen i kom ngom me dogola nyo ngom dog ot ma pe gitiyo kwede wek gipok ki jo mukene ka ce jo meno gu-to.
- h) Laro lok kom ngom ma kaka aye tye ka laro pe myero ocung ikom anga ma tye labal nyo anga ma pe labal ento omyero onen ni pok owoto marom-rom kun gijenge ikom ada pi dwoko wat ikin jo matye ka telle pi kelo ber bedo i gang, kaka ki lwak ducu.

Dul me 2 : Nongo ki rwenyo twero me ngom

- a) Twero me ngom ginongo kun a ki i bedo dano me kaka moni
- b) Bedo dano me kaka moni bino i yoo me:
- i. Nywal nyo nywalle i kaka kun kwako likwayo ma gibinywalo i anyim.
 - ii. Nyomme pa dako i kaka.
 - iii. Donyo pa ngat moni i kabedo pa kaka moni ma lubbe ki cwak dok yee pa kaka.
- c) Twero me ngom rweny ka ngat moni oweko kaka i yoo me:
- i. Too
 - ii. Ket pa nyom
 - iii. Dak matwal.
- d) Twero me tic ki ngom giromo kwanyo pi tutunu kace kin dano opokke, ma twero man romo dok cen/paco kace dano odwogo cen/paco.

Dul me 3 : Twero ma tye iwi lobo kulu pi dano ducu

- (a) Ma lubbe ki tic ma giketo i dul me 4, dano ducu me kaka moni, labongo apoka-poka me mwaka onyo lok malubbe ki bedo laco nyo dako, gitye ki twero me:
- i. Kwo i gangi-gi ki bedo i ngom me dog gang-gi.
 - ii. Pur inget gangi-gi ki ngom pur-gi.
 - iii. Tic ki ngom kwaro ducu.
 - iv. Yikko lyel i gangi-gi onyo i ngom dog gang-gi
 - v. Kwanyo jami me tic macalo yen ki i kabedo ma tye i ngom kwaro.

- vi. Dok cen i ngom me dog gang-gi inge cito i kabedo mukene macalo adwogi me ringo ayela nyo ket kenyonyo tic.
- vii. Kwero tam mo ma gimoko malubbe ki ngom ma gitye iye ki twero pityen lok matir.

Dul me 4 : Tic ma tye iwi lobo kulu pi dano ducu

- a) Dano ducu me kaka moni labongo apoka-poka me kwo-gi, mwaka, lok me bedo laco nyo dako, tye ki tic me:
 - i. Dongo rwom me ngom dok me tic ki ngom pi gin ma konye tye.
 - ii. Gwoko ngom wek pe oballe
 - iii. Jukko lara ngom ma tye labongo woo mo.
- b) Jo ma guteggi ducu me kaka moni labongo apoka-poka me kit me kwo-gi, lok me bedo laco nyo dako tye ki tic me:
 - i. Gwokko twero me ngom
 - ii. Gwokko twero pa jo ma kero-gi peke.

Dul me 5 : Twero me tic ki ngom kwaro

- a) Dano ducu me kaka moni tye ki twero me nongo dok tic ki ngom kwaro ma tye pi dano ducu kun lubbe ki cik ma mako tic ki ngom magi.
- b) Pe tye ngat mo nyo dogola nyo ot mo ma bibedo i ngom kwaro labongo nongo cwak ki yee pa kaka ma loyo kabedo meno

- c) Kaka tye ki twero i rwom ducu me moko cik ma lubbe ki kit me tic ki ngom dok me lono ngom kwaro ki me cimo jo ma myero gubed luloc

Dul me 6 : Twero pa jo ma gipeke ki kero

- a) Anyira gitye ki twero me kwo igangi-gi kace pud pe gunyomme ki ka keny gi oket.
- b) Lutino kic gitye ki twero me bedo i ngom-gi ite gwok pa kaka nio wang ma gudoko wegi odi.
- c) Latin luk mo keken, kede bed kingeyo wonne onyo pe kingeyo wonne tye ki twero me bedo/tic ki ngom ipaneyo-ne.
- d) Lutino nyo lutino kic ma pe gingeyo lunyodo-gi, tye ki twero me ngom dok kaka bimini-gi ngom ki cwak ma a ki bot Rwot Kaka dok lugwok ngom meno gibicimmo.
- e) Mon too, kadi bed tye ki lutino nyo peke, kadi bed kilako nyo pe kilako tye kitwero me yero bedo i ngom kama ginyomogi iye nyo men dok cen gangi
- f) Lugoro ki lungolo tye ki twero me ngom ki gwok pa kaka

Dul me 7 : Tic pa lugwok ngom

- a) Lugwok ngom ite cik me tic ki ngom kwaro aye:
- i. Kaka
 - ii. Won gang
 - iii. Won-ot
- b) Lugwok ngom gicimo-gi malubbe ki moko tam pa kaka, won gang ki won ot nyo dano me ot.
- c) Lugwok ngom romo bedo dano mo keken madit me kaka ma genne labongo apoka-poka me bedo laco nyo dako.

- d) Lugwok ngom tye ki tic magi:
- i. Me gwoko twero pa lupaco nyo ot wa jo ma tye iye
 - ii. Me mino ngom bot wegi odi onyo ngat acel acel ma tye i gang-gi
 - iii. Me nenno ni gitiyo ki ngom pi tyen lok ma giye pire
 - iv. Me gwoko ngom me dog gang nyo dog ot ma pe gitiyo kwede
 - v. Me cimo wang ngom malubbe ki penyo tam pa kaka, dogola, ot nyo lopaco macok kwede.
 - vi. Me winyo dok cobbo lara ngom ma tye.
 - vii. Me moko tam ma mako ngom me dogola labongo apoka-poka kun nongo neno miti pa jo ma gibedo i gang nyo ot moni.
 - viii. Me mino kony bot jo me kaka nyo dogola moni kace mitte dok twere.
 - ix. Me nongo yee ki bot jo me dogola nyo ot moni i kare me mokko tam ma mako lok kom twero-gi me ngom
 - x. Me nongo yee ki bot jo me dogola nyo ot moni ki kaka i kare me mokko tam i lok matego ma mako ngom.

Dul me 8: Tic pa Lugwok gang/ot

- a) Ka daatoo oyeru ni pe gilake, en doko won gang dok kaka kacel ki dogola biyero lagwok en.
- b) Tic pa lagwok gang/ot tye keken me gwoko twero pa daatoo ki lutino ne. Pe gitye ki twero mo i kom ngom pa daa-to ki lutino ne.
- c) Pi lutino kic, lagwok gang bitino ticce nio kare ma latin kic man

romo tino tic man.

- d) Lugwok gang giromo kwanyo-gi ki itic man kace gin gunywaro
tic-gi macalo lugwok.

Preamble

In recognition that many years of conflict and displacement have led to the weakening of traditional systems and practices and have left many people with vulnerable rights to land, the Ker Kwaro Acholi, in furtherance of their aspirations, constitutional mandate and in a spirit of cooperation with local government and civil society, have harmonised the key principles and practices of customary tenure in Acholi, presented here to help the people resolve their land disputes peacefully.

Part 1 : Interpretation

- a) 'Acholiland' means the geographical area as defined by the 1962 Constitution
- b) 'Ker Kwaro Acholi' is the traditional institution for Acholiland as provided in Chapter 16, section 246 of the Constitution (1995).
- c) 'Customary land' means land in Acholiland that is not registered under the Registration of Titles Act or officially owned by or vested in the local or central government of Uganda.
- d) 'Communal land' is that over which more than one family have rights and which is managed by elected people chosen by the clan, on behalf of the clans. This consists of grazing land; hunting grounds, dancing grounds, market places, playing grounds, forests, ceremonial land and other land of a similar nature.
- e) A 'homestead' is that land upon which household members have built a residence and on which they live.
- f) 'Family/household reserve land' is that family/household land which has yet to be allocated to individual members of the dogola/ot (family/household) by the ladit paco/dogola or Won-ot (head of family or head of household).
- g) 'Family land' is that which is allocated by the kaka (clan) to a paco/dogola (family) for their exclusive use.
- h) 'Household land' is the land allocated by the ladit paco/dogola (family head) to Oddi (households) for their exclusive use in perpetuity.
- i) A 'Kaka' (Clan) is an extended family unit comprising of a generational line including grandfather, fathers, sons and immediate next of kin.
- j) A 'custodian' is someone who has responsibility for taking care of or protecting land and land rights.

- k) A 'paco/dogola' (family) is a collection of two or more Oddi (households), who are related and headed by a family head.
- l) A 'won-gang' or 'ladit paco/dogola' (head of family) is the person who has been chosen (either by the clan, family or through succession) to be the custodian and manager of the family land on behalf of the family members.
- m) An 'ot' (household) is the smallest family unit consisting of a man, wife (or wives) and their children
- n) A 'won-ot' (head of household) is the custodian and manager of the household land on behalf of the household members.
- o) A 'logwok Dogola/Paco' or 'logwok ot' (protector) is a person appointed by the kaka (clan) and ladit paco/dogola (head of family) to protect the interests of a widow and/or her children.
- p) A person is considered to be married when the marriage celebration has been held.
- q) A person is considered to be divorced upon refund of the dowry.

Part 2 : Principles of Customary Tenure

Section 1 : General

- a) All customary land is vested in the kaka (clans) and rights and responsibilities are delegated to the clans, paco/dogola, oddi and individuals.
- b) Customary land is not for sale and is to be guarded against loss.
- c) All members of the kaka (clan) have rights to land.
- d) Future generations have rights to land.
- e) Land allocated to a paco/dogola (family) or Ot (household) is never taken back and rights exist in perpetuity.
- f) Land will always remain in the paco/dogola or ot (family or household) for emigrant family members (and future unborn) to return to.
- g) Land that is allocated to people who do not have children reverts back to the family/household reserve land for reallocation upon their death.
- h) Handling of land disputes by the clans is not about who is right or wrong but is a win-win situation based on equity (fairness), restoring relationships of the conflicting parties and promoting harmony in the family, clan and community.

Section 2 : Attainment and Loss of Rights to Land

- a) Land rights are derived by membership of the kaka (clan)
- b) Membership to the kaka (clan) is achieved by:
 - i. Birth into the kaka (clan) (including potential birth for future generations).
 - ii. By marriage into the kaka (clan) by a woman.
 - iii. By movement into a clan area, with prior approval and - with the consent of the kaka (clan), by a non-clan member, who after a period of time living in that area is accepted and considered to be part of the kaka (clan).
- c) Land rights are lost when one leaves the kaka (clan) by:
 - i. Death.
 - ii. Divorce.
- d) Access rights are suspended by separation, rights being regained on return.

Section 3 : Universal Rights

- a) Subject to the responsibilities provided in Section 4, all kaka (clan) members, irrespective of their status, age or gender, have rights to:
 - i. Live on their homestead and family land.
 - ii. Farm on their homestead, family and farming land.
 - iii. To access, all communal land.
 - iv. Bury the dead on homestead or family land.
 - v. To collect resources such as firewood from communal areas.

- VI. To return to family land after a period of emigration, displacement or divorce.
- VII. To reasonably withhold their consent on decisions affecting their rights to land.

Section 4 : Universal Responsibilities

- a) All clan members, irrespective of their status, age or gender, have responsibilities to:
 - i. Develop and use land for positive reasons.
 - ii. Preserve and maintain land from degradation.
 - iii. Resolve disputes peacefully.
- b) All adult clan members, irrespective of their status or gender, have responsibilities to:
 - i. Protect and defend rights to land.
 - ii. Protect the rights of the vulnerable.

Section 5 : Rights to Communal Land

- a) All clan members have rights to use and access communally held areas subject to the rules governing their use.
- b) No person or Dogola/Ot (family/household) shall settle on communal land without prior approval of the clan which governs that area.
- c) The clans have the right, at each level, to make rules in line with general principles and to govern communal land and to appoint managers of that land.

Section 6 : Rights of Vulnerable Groups

- a) Girls have the right to live on their homestead/family land as long as they remain unmarried.
- b) Orphans have the right to live on their land under kaka (clan) protection until they become a Won-Ot (head of household).
- c) A child born out of marriage has rights to the homestead/family land of the mother's family.
- d) Children/orphans, where the identity of both parents is unknown, have rights to land and land will be allocated for them by the clans with support of the Ker Kwaro and protectors will be appointed.
- e) Widows, whether with or without children, have the choice to stay on the land to which they are married, return to their maiden home and to reject or accept a protector.
- f) The elderly and infirm have rights to land and clan protection

Section 7: Responsibilities of Land-Managers

- a) Management roles under customary tenure are:
 - i. Kaka (Clan)
 - ii. Dogola (family head)
 - iii. Won-ot (head of household)
- b) Land-managers are appointed, through consensus(kicimo), together by the kaka (clan), Ladit Dogoloa/Paco (head of family), Dogola(family) and or Ot(household) members.
- c) Land managers can be any responsible adult clan member irrespective of their gender.

- d) Land managers have the following responsibilities:
- i. To be custodian and to protect the rights of all paco/dogola or ot (family or household) members.
 - ii. To allocate land to heads of households(Won-ot) or individuals within their family.
 - iii. To ensure that land is used for agreed purposes.
 - iv. To manage the family/household reserve land.
 - v. To mark the boundaries of the land in consultation with the Kaka (clan), Dogola (family), Ot(household) and neighbours.
 - vi. To hear and resolve land disputes peacefully.
 - vii. To make decisions affecting family land equitably (fairly) taking account of the interests of all family/household members.
 - viii. Where the need arises, and where possible, to support members of the wider kaka/dogola (clan/family).
 - ix. To obtain consent from paco/dogola or ot (family or household) members when making decisions affecting their rights to land.
 - x. To obtain consent from the family/household members and clan when making major decisions affecting land (e.g transfer).

Section 8 : Responsibilities of Protectors (Logwok Dogola/Paco)

- a) If a widow chooses not to be inherited, she becomes the head of the household and a protector will be chosen by the kaka (clan) and dogola (family).
- b) The protector's role is solely to protect the rights of the widow and her children. They have no rights over the land of the widow and children.

- c) For, non-adult orphans the protector will perform the role of the head of household until such time that the orphan can take on that role.
- d) Protectors may be removed from the role if they abuse their responsibilities as a protector.

	His Highness Lawii Rwodi	
	David Onen Acana II	
	Ministers, Ker Kwaro Acholi	
Kenneth Oketta	Okullu Marceline	Boniface Ojok
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Agwoko Sophie	Mwaka Emanuel Lutukimoi	Bashir Shaban
Opwonya Alphonse	Olaa Ambrose	Leander Komakech
Otim Micheal	Phillips Polly Okin	Latim Geresome
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Fabious Okumu	Mathew Otto	
Rev. Willy Olango	Rev. Joseph Okumu	
	The Rwodi of Acholiland	

Martine Otinga Atuka Otto Yai	Peter Oola Ojigi II	Jackson Okongo
George William Lugai	Collins Opoka	Benjamin Ogik
Francis Oryang Lagony	Vincent Okot Ladiro	Odur Wilson
Jimmy Ocan Luwala	Baptist Latim	Romeo Owak
Francis Opige Obol	Luis Ongiya	John Odoki
Micheal Acaye	Golden Ongom	Joseph Oywak Ywakamoi
Okello Paul	Linus Odwar	Odong Lira
Bongojane Jeremiah Mutu	Faustino Owor Kiwel	Justo Obita
Zakeo Acaye Agole	Anjelo Owiny	Omal Edward
Raymond Toorach	Francis Okot Latyet	Owiny George
Jacob Akobo	Martine Oyoo Lukwang	Okeny Kilara
Oyet Nyekorac	Ocan Latong Miya	Logelle Ario
Peter M. Lawot	Ananiya Arweny	Samuel Anywar
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Faustino Okello	Samson Odong Alatta	Okee Edward
Akileo Ojara	Poppy Paul Arop	Marino Ocen
Edward Oywelo Picho	Joseph Oyenga	
Alex Otto	Ilario Laloka	

	Elders	
Acan Tino Betty	Constatino Okot Ngomloko Coo	Karina Okot
Ojok Charity Cissy	Andrew Ongai	Kotansia Oguru me Padibe
Pauline Lukwayi	Mary Atube	Ococ N
Acayo Margaret	Latim Geresome	Opwonya Alfonse
Janet Lakor	Lato Rose	

Working Group Members	
Ker Kwaro Nominations:	
Kenneth Oketta	Prime Minister, Ker Kwaro Acholi
James Esau Okema	Minister Lands, Urban development and Physical Planning, Ker Kwaro Acholi
Edward Oywelo Picho	Rwot
Okeny Tiberio A	Elder

Kidega Lark Titus	Elder
Acayo Margaret	Elder
Rosalba oywa	Elder
A.K.Banya	Elder
James Otto	Elder
Michael Otim	Elder
Charles Alai	District Land Board Chairperson, Gulu
Abdul Rahman Kilama	Muslim Sheik
Pader District Nominations:	
Obwolo Albert	District Land Board Chairperson, Pader
Mrs. Filder Okello	Women Leader, Patongo
Kitgum District Nominations:	
Mathew Otto	District Land Officer, Kitgum
Akongo Sarah Oballim	District Speaker, Kitgum
Amuru District Nominations:	
Akello Margaret	Women Leader, Anaka
Rom Denis	LC III Lamogi

Gulu District Nominations:	
Ngole David	LC III Palaro
Hon. Odur Betty	Women Leader, Bar Dege Divison
Civil Society Nominations:	
Ayaa Cynthia	Gulu NGO Forum
Judy Adoko	LEMU
Craig Hollingsworth	Norwegian Refugee Council

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