

Taking stock of the 10 years of VGGTs in Uganda

By Dr. Doreen Kobusingye

Uganda is faced with rampant conflicts that emanate from the way natural resources including land, forestry and fisheries are governed. Resource rich regions like Bunyoro, Acholi, Karamoja, Buganda are engrossed in conflicts related to the governance of tenure of natural resources like oil, minerals, land etc. With a population of 47 million people and over 80% of these deriving their livelihood from agriculture conflicts are bound to happen however responsible governance of tenure can tremendously reduce such conflicts. Research has shown that when there is tenure security people optimally and sustainably utilize resources and when there is tenure insecurity there is underutilization and depletion of resources thus making responsible governance of tenure a critical condition for sustainable development.

In relation to governance of tenure, Uganda joins the rest of the world to celebrate 10 years of the 2012 Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forestry (VGGTs) which were globally endorsed by the Committee for World Food Security to serve as a reference for states and non-state actors as principles and internationally accepted standards for the responsible governance of land, fisheries and forest resources. Some of the principles of VGGTs include 1) Recognize and respect all legitimate tenure right holders and their rights.

2) Safeguard legitimate tenure rights against threats and infringements. 3) Promote and facilitate the enjoyment of legitimate tenure rights. 4) Provide access to justice to deal with infringements of legitimate tenure rights. 5) Prevent tenure disputes, violent conflicts and corruption. Not only do the VGGTs provide a framework that governments can use when developing their own strategies, policies, legislation, programs and activities around governance of tenure, but also VGGTs allow governments, civil society, the private sector and citizens to judge whether their proposed actions constitute acceptable practices regarding the governance of land, forestry and fisheries.

Uganda is among the countries that embraced the VGGTs and went ahead to establish a Secretariat at the Ministry of Lands, Housing and Urban Development (MoLHUD) to coordinate their implementation. 10 years later, the National Land Coalition (a coalition of over 35 local and international organizations working on land) and the Ministry of Lands, Housing and Urban Development organized a one day National VGGT Dialogue on 6th October 2022 at Protea Hotel, Kampala to assess the achievements,

challenges, failures of VGGTs while impacting governance of tenure and come up with action points to forge a way forward to further localize and implement VGGTs at country level.

The dialogue brought together over 36 participants from government departments, local and international organizations, private sector and research institutions working on land and natural resource governance. The main objective of the dialogue was to improve the level of commitment among key stakeholders to continue working on improving the governance of tenure of land, fisheries and forests in Uganda as a basis for sustainable and equitable progress.

Naome Kabanda – Director of Land Management, Ministry of Lands, Housing and Urban Development officially opened the dialogue and noted that Uganda had made big strides towards the domestication of VGGTs. Uganda is commended for its comprehensive legal and policy recognition of the range of land rights, including customary land rights. This includes provisions for communal land associations to be established and registered as well as provisions for the individual recognition of customary land rights. The country therefore has valid points for commemorating the VGGT after 10 years. She further assured the dialogue participants that the new laws and policies being formulated largely align with the VGGT principles.

Leila Shamsaifar, the resource mobilization and partnership specialist from Food and Agriculture Organization Uganda re-emphasized the importance of secure tenure by pointing out that many of our development goals cannot be achieved without addressing tenure issues. Dr. Doreen Kobusingye, the facilitator of National Land Coalition Uganda presented the Light Country Assessment Report for Uganda. The report takes note of the achievements, challenges and recommends action points to further increase reference made to VGGTs by the different land actors.

Achievements recorded in the 10 years

The passing of the essentially progressive National Land Policy in 2013 was an important achievement that was done with a reasonable amount of consultation. A progressive National Fisheries and Aquaculture Policy was also passed in 2017 and efforts are currently underway to make required amendments to the old fisheries legislation.

The national land policy affirmed the recognition, already in the Constitution and Land Act, of the protection of customary land rights and the rights

to have these registered. The documentation, albeit on a limited scale through pilot projects, of customary land tenure with fit for purpose land mapping and administration, has been successful in improving land governance in the communities involved. Where this has been done well, with good facilitation including the explicit promotion of women's rights, it has resulted in an improvement of women's rights and participation in land decision making.

A National Land Information System was implemented from 2015 at a cost of \$66 million covering mailo, freehold and leasehold tenure systems and largely in urban areas. This was funded by the World Bank. The improved land management system is said to have generated over \$100 million in revenue in just 3 to 4 years. This was due to the improved services, and reductions in backdoor transactions. This clearly shows the potential value of investing in improved land administration.

The rejection of a proposed 2017 amendment to the Land Act is seen as a success for accountability, the watchdog role of civil society and the oversight role of Parliament. The change would have removed the requirement for government to pay compensation before expropriating land from people. This was seen as a serious threat that would undermine land rights. Civil society mobilised against the change and majority of parliamentarians also stood firmly against the proposals that came from the executive arm of government. The proposed changes have been withdrawn and consultations on possible changes began.

Challenges faced

Several challenges are faced by land actors which stand in the way of achieving the VGGT principles, these include;

- 1) Elite and investor interests overriding other rights and interests and in some cases doing so through simple thuggery. In most cases the interests of the investors take the day vis a vis the interests of local people.
- 2) Failures of the justice system, people feel that it's the rich and powerful that benefit from the justice system in Uganda, the system is marred with corruption, it is very expensive and cases take a long time to be closed.
- 3) Lack of implementation, in particular of a national land registry and registration of customary land rights.
- 4) Lack of clear targets and commitments to actions, with budgets to enable them, in policies and strategic plans, this makes monitoring and evaluation of the land sector quite difficult; and
- 5) Despite good policy work, there are continued weaknesses in legislation that does not provide adequate rights and procedures for the protection of tenure rights, especially of the more vulnerable.

Recommendations

Participants of the Dialogue made minimum demands to government and non-government actors to further domesticate VGGTs and improve security of tenure in Uganda, the below action points under the 5 VGGT principles were recommended.

VGGT principle 1. Recognize and respect all legitimate tenure right holders and their rights.

Recommendations

- Formulate and review legal provisions, the legal formulation and reform process should be participatory and inclusive
- There is need to document women tenure rights
- Document and empower victims affected by large investments and record tenants' rights on mailo land
- Include the youth in land governance

VGGT principle 2. Safeguard legitimate tenure rights against threats and infringements.

Recommendations

- Prioritization of registration or documentation of customary land
- Raise awareness and sensitization around land rights and issues
- Regulation of land registration processes
- Amend the land acquisition Act
- Compensation should be timely and adequate

VGGT principle 3. Promote and facilitate the enjoyment of legitimate tenure rights.

Recommendations

- Research on legitimate rights in the context of land registration
- Advocate for financing of land registration institutions
- Increase human resources that work on land and build their capacity
- Streamline Alternative Dispute Resolution in the court processes

VGGT principle 4. Provide access to justice to deal with infringements of legitimate tenure rights.

Recommendations

- Increase funding for land justice
- Harmonize formal and non-formal justice
- Encourage Alternative dispute resolution
- Allocate funds to court circuits to go to different parts of the country

VGGT principle 5. Prevent tenure disputes, violent conflicts and corruption.

- Prepare communities for large investments
- Document land rights
- Support pro-poor land campaigns
- Revive land tribunals
- Strengthen capacity of Local Councils
- Conduct research on tenure conflict and grievances



Naome Kabanda – Director of Land Management, Ministry of Lands, Housing and Urban Development officially opened the Dialogue



Dr. Doreen Kobusingye, the facilitator of National Land Coalition Uganda engaging participants



Participants of the National VGGT Dialogue 6th October 2022 at Protea Hotel Kampala