



WHEN LAND GOVERNANCE AND CLIMATE CHANGE MEET

A Review of Selected Laws and Policies in Uganda



December, 2022



ABOUT THE NATIONAL LAND COALITION

The National Land Coalition (NLC) Uganda brings together over 37 local and international organizations, private sector and research institutions working on land and natural resource governance in the country.

The platform is currently hosted by Land and Equity Movement Uganda (LEMU) and coordinated by a Steering Committee chaired by Uganda Community Based Association for Women and Children's Welfare (UCOBAC). Other members of the Steering Committee include: LANDnet Uganda, Transparency International Uganda, Saferworld, Uganda Land Alliance, Food Rights Alliance (FRA), Eastern and Southern Africa Small Scale Farmers Forum Uganda (ESAFF Uganda), African Centre for Media Excellence (ACME), Ecological Christian Organization (ECO), Witness Radio Uganda and Oxfam in Uganda.

The Coalition was birthed out of the need to coordinate and jointly champion pro-people land reforms in the country. Its goal is to promote people-centered land governance through policy and practice change in adherence to Uganda's Vision 2040. NLC further seeks to strengthen a multi stakeholder platform for engagements in championing laws and policy formulation and implementation that promote people centered land governance.

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1.0 Introduction

This chapter focuses on the background, objectives, research questions and methodology for the study.

1.1 Background

Like the rest of the world, Uganda is grappling with numerous developmental challenges. One of such contemporary issues is climate change: a shift in average weather conditions in an area over time. Discussions on climate change are incomplete without reference to land use. Land is a factor of production and as such, a basic resource for virtually all socio-economic activities e.g. farming, industrialization, recreation, human settlement etc. It comprises all elements of the physical environment (soil, plant cover, fauna, insects, microorganisms etc.) to the extent that these influence the potential for land use. As such, land governance plays a critical role in climate change adaptation and mitigation as land use directly feeds into those areas. In its basic sense, land governance deals with the process by which decisions on the access to and use of land are made, the implementation of such decisions; and how the reconciliation of any conflicting interests on land is done. The country's legal framework is very critical in land governance as it defines the rights as well as guides land use which is closely tied to climate change.

Uganda has a comprehensive legal framework which touches on both land and climate change. While there are several laws, this study will focus primarily on two Acts and their respective policies. The Land Act, 1998 is the principal law on land governance in Uganda and is complemented by the National Land Policy, 2013. Conversely, the National Climate Change Act, 2021 is the main legal text on climate change and it is backed by the National Climate Change Policy which offer overarching guidance on all matters incidental to climate change.

Whereas these laws are clear on their objectives and are mutually reinforcing, it is noteworthy they came into existence and force at different times. This has to some extent created implementation challenges due to overlaps and varied implementation strategies. This study therefore seeks to ascertain the degree of alignment between the Land Act and the National Climate Change Act with a view informing the nature of interventions that actors can undertake to secure land rights and at the same address issues of climate change.

1.2 Objectives

1. To analyze the legal framework for land governance and climate change.
2. To propose recommendations for policy action.
3. To identify advocacy opportunities for NLC.

1.3 Methodology

The study adopts a qualitative methodology involving desk review of primary legal sources and secondary literature on the land governance and climate change. Emphasis is placed on identifying the areas of convergence and divergence between the legal frameworks on the two areas of the study so as to identify advocacy issues for NLC.

The research reviewed various legal texts including especially the Land Act and the National Climate Change Act, 2021. Secondary data was sourced from academic books and journals, websites on top of government and civil society reports, and publications.

Laws and policies will lend the study a strong legal footing while academic materials give it a strong conceptual basis by providing the theoretical underpinnings of the key ideas in the study, namely land governance and climate change. Using government and Non-Governmental Organizations' (NGOs) reports lends the study a practical grounding. Online platforms like websites provide contemporary perspectives which enriches the study with fresh and trending information.

2.0 Legal, Policy and Institutional Frameworks

This section of the report discusses in detail the global, regional and national frameworks that Uganda is a signatory to and has put in place to regulate the land sector and the efforts towards combating climate change in Uganda.

2.1 Global and Regional Level

Uganda has signed and ratified both the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol, thereby making commitment to the adoption and implementation of policies and measures designed to mitigate climate change and adapt to its impacts. Uganda is also party to the climate change policy for the East African Community which requires Partner States to develop consistent national policies to ensure harmonized action on Climate Change.

2.1.1 UNFCCC, COP 21 Paris Agreement, 2015.

The Paris Agreement under the UN Framework Convention on Climate Change is the latest document/ protocol of the UNFCCC, which is the primary international, intergovernmental forum for negotiating the global response to climate change. The Paris Agreement does not address land or land governance directly, but it includes actions that require land governance activities¹.

2.1.2 Kyoto Protocol.

The Kyoto Protocol operationalizes the United Nations Framework Convention on Climate Change by committing industrialized countries and economies in transition to limit and reduce greenhouse gases (GHG) emissions in accordance with agreed individual targets². Article 2 (a) binds each Party is to: *(a) Implement and/or further elaborate policies and measures in accordance with its national circumstances, such as: (i) Enhancement of energy efficiency in relevant sectors of the national economy; (ii) Protection and enhancement of sinks and reservoirs of greenhouse gases; promotion of sustainable forest management practices, afforestation and reforestation; (iii) Promotion of sustainable forms of agriculture in light of climate change considerations; (iv) Research of, and promotion, development and increased use of new and renewable forms of energy, of carbon dioxide sequestration technologies and of advanced and innovative environmentally sound technologies, inter alia.* Although it does not directly mention land governance, provisions (ii) and (iii) of Article 2(a) of the Kyoto Protocol are land-based and land-oriented hence can have land governance implications.

¹ United Nations Human Settlements Programme (UN-Habitat), 2017: Land Governance: A Review and Analysis of Key International Frameworks. Accessed at: <https://unhabitat.org/land-governance-a-review-and-analysis-of-key-international-frameworks> . December 20, 2022.

² https://unfccc.int/kyoto_protocol. accessed on Dec 22, 2022.

2.1.3 The Climate Change Policy for the East African Community.

The overall objective of the EAC Climate Change Policy is to guide Partner States and other stakeholders on the preparation and implementation of collective measures to address Climate Change in the region, while ensuring sustainable social and economic development³. For instance, sectoral Policy Statements and Actions under Agriculture and Livestock mandate Partner States, to, *inter alia*:(i)Promote sustainable land management practices, including conservation agriculture and improved production systems, as part of a climate change adaptation strategy; (ii) Promote development and implementation of irrigated agriculture through irrigation policies; Promote efficient livestock and aquaculture production systems, including fodder and pasture storage and availability. Related to Land Use and Soil Protection, the policy mandates State parties to, amongst others: (i)Promote sustainable land use and land use change management practices; and (iv) Facilitate formulation of integrated sustainable land management investment frameworks and land use policies and plans⁴. In both these sectors, the provisions of the EAC Climate Change policy are land-based or land oriented. A similar review of all the sectoral policy actions will highlight more land-based and land-oriented interventions. Therefore, the policy is also interlinked with land governance actions already in existence or yet to be developed in the EAC community.

2.14 The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests.

Article 23.1 provides that states should ensure that the legitimate tenure rights to land, fisheries and forests of all individuals, communities or peoples likely to be affected, with an emphasis on farmers, small-scale food producers, and vulnerable and marginalized people, are respected and protected by laws, policies, strategies and actions with the aim to prevent and respond to the effects of climate change consistent with their respective obligations, as applicable, in terms of relevant climate change framework agreements.

Further Article 23.2 calls for states where appropriate to prepare and implement strategies and actions in consultation and with the participation of all people, women and men, who may be displaced due to climate change. Any provision of alternative land, fisheries, forests and livelihoods for displaced persons should not jeopardize the livelihoods of others. States may also consider offering special assistance to small island and other developing states.

Article 23.3 provides that states should facilitate the participation, consistent with the principles of consultation and participation of these Guidelines, of all individuals, communities or peoples, with an emphasis on farmers, small-scale food producers, and

³ East African Community: EAC Climate Change Policy. Accessed at :<https://www.eac.int/environment/climate-change/eac-climate-change-policy-framework#:~:text=The%20overall%20objective%20of%20the,sustainable%20social%20and%20economic%20development>.

Accessed on December 22, 2022.

⁴ *ibid*

vulnerable and marginalized people, who hold legitimate tenure rights, in the negotiations and implementation of mitigation and adaptation programmes.

2.15 The African Convention on the Conservation of Nature and Natural Resources (1968).

Article II calls for contracting States to undertake to adopt the measures necessary to ensure conservation, utilization and development of soil, water, flora and faunal resources in accordance with scientific principles and with due regard to the best interests of the people.

Article IV compels the contracting States to take effective measures for conservation and improvement of the soil and shall in particular combat erosion and misuse of the soil. To this end: (a) they shall establish land-use plans based on scientific investigations (ecological, pedological, economic, and sociological) and, in particular, classification of land-use capability; (b) they shall, when implementing agricultural practices and agrarian reforms, (1) improve soil conservation and introduce improved farming methods, which ensure long-term productivity of the land; (2) control erosion caused by various forms of land-use which may lead to loss of vegetation.

2.2 National Level: Uganda

Articles 237(7) and 242 of the constitution of Uganda mandates parliament to make laws and formulate policies on planning and land use.

In accordance with the above proviso, Section 43 of the Land Act states that a person who owns or occupies land shall manage and utilize the land in accordance with the Forests Act, the Mining Act, the National Environment Act, the Water Act, the Uganda Wildlife Act and any other law. It is therefore important to find out what exactly these laws require.

2.2.1 Land Act (1998) as amended.

Section 44 of the Land Act 44 on the control of environmentally sensitive areas provides that the Government or a local government shall hold in trust for the people and protect natural lakes, rivers, ground water, natural ponds, natural streams, wetlands, forest reserves, national parks and any other land reserved for ecological and touristic purposes for the common good of the citizens of Uganda.

Subsection (3) further provides that any resource that is not covered under subsection (1) which is identified after the coming into force of this Act may, upon request to the Government and with the approval of Parliament, be held in trust for the people and for the common good of the citizens of Uganda by a local government. Subsection (4) prohibits the Government or a local government from leasing out or otherwise alienating any natural resource referred to in this section.

2.2.2 The Physical Planning Act, 2010.

The PPA, 2010 under Section 3 declared the entire country a planning area that is subject to its application. This implies that any developments on all land must be in conformity with national, regional, district and urban physical development plans.

Section 19 of the PPA provides that national and regional physical development plan provide for planning, re-planning, or reconstructing the whole or part of the area comprised in the plan, and for controlling the order, nature and direction of development in the area. Once an approved national or regional physical development plan has been published it shall have full force and effect in the area to which it relates, and every person must comply with the requirements of the approved plan.

The physical development plans shall be at the following levels; (a) the national physical development plan; (b) regional physical development plans; (c) district physical development plans; (d) urban physical development plans; and (e) local physical development plans. The national physical development plan shall be the largest physical development plan and all other physical development plans shall conform to the national physical development plan. Every physical development plan must conform to a physical development plan made by a higher body.

The Act also established physical planning committees at various levels and they include a district physical planning committee, urban physical planning committee and a division or local physical planning committee;

Under Section 33 of the PPA, a person shall not carry out a development within a planning area without obtaining development permission from a physical planning committee. If they do, they are committing an offence and are liable on conviction by a court to a fine not exceeding Nine hundred sixty thousand shillings or imprisonment not exceeding two years or both. Furthermore, the local government physical planning committee has the power to require a developer to restore the land on which a development is made without permission, as much as possible, to its original condition.

2.2.3 The Uganda Wildlife Act, 2019.

Under Section 25 of the Wildlife Act, the Minister may, by statutory instrument, after consultation with the local government council in whose area a proposed wildlife conservation area falls and with the approval of Parliament signified by its resolution, declare an area of land or water to be a wildlife conservation area.

Once this process is successfully concluded, any person who does any of the following acts commits an offence. They include; (a) hunts, takes, kills, injures or disturbs any wild plant, wild animal or domestic animal; (b) takes, destroys, damages or defaces any object of geomorphological, archaeological, historical, cultural or scientific interest, or any structure lawfully placed or constructed; (c) prepares land for cultivation, prospects for minerals or mines or attempts any of these operations; (d) drives, conveys or introduces

any wild animal into a wildlife conservation area; (e) willfully drives, conveys, introduces any domestic animal into a national park or negligently permits any domestic animal, of which he or she is for the time being in charge, to stray into a wildlife conservation area; or starts or maintains a fire without lawful authority.

2.2.4 The National Forestry and Tree Planting Act, 2003.

Section 4 of this Act provides for classification of forests as a) central forest reserves; b) local forest reserves; c) community forests; d) private forests; and forests forming part of a wildlife conservation area declared under the Uganda Wildlife Statute, 1996. This section clearly helps with identification of forests that are protected under the law.

Section 5 states that the government or local government is responsible for forest reserves and provides that, the government or a local government shall hold in trust for the people and protect forest reserves for ecological, forestry and tourism purposes for the common good of the citizens of Uganda.

The Act also gives any person or responsible body the right to protect the encroachment of these forests and promote the right to a clean and healthy environment by giving them the option to sue any person

- a) Whose actions or lack of action omissions have had or are likely to have a significant impact on a forest; or
- b) For the protection of a forest.

Under Section 83 any person who wrongfully uses forests will be penalized either by payment of a hefty fine or through imprisonment or both.

2.2.5 The National Environment Act, 2019.

Section 3 of this Act states that every person in Uganda has a right to a clean and healthy environment in accordance with the Constitution and the principles of sustainable development. Along with the right is the duty to create, maintain and enhance the environment, including the duty to prevent pollution.

The Act under Section 4 also introduces the rights of nature and states that nature has the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution.

Under the Act, urban and district councils are responsible for the management of the environment and natural resources within their localities and may, in consultation with the National Environment Management Authority, make ordinances and bylaws to regulate various aspects of the environment and natural resources within these localities. Under Section 44 of the Act, environmental planning starts at the national level. The Minister of Environment in consultation with the National Environmental Management Authority, prepares a National Environment Action Plan in accordance with the national planning framework. The National Environment Action Plan shall— (a) be made every five years and reviewed every two and half years to take into account emerging issues, challenges and opportunities; (b) take into account urban, district and other sector

environment action plans; (c) take into account the national state of the environment report and contribute to the national development plan; and (d) be disseminated to the public. This national environment action plan shall guide environmental planning and decision-making at all levels of government.

2.2.6 National Land Policy, 2013

Policy Statement 14 stipulates that the state shall exercise the power of public regulation of land use, in the interest of socio- economic welfare and development.

In specific reference to climate change, Policy statement 151 (a) provides that government shall in its plans and programs mitigate and adapt the impacts of climate change, mainstream sustainable management of the environment and natural resources. In addition, government shall put n place strategies to mitigate and adapt to climate change and variability, to reduce impact on climate on the population and economy. Finally, government is expected to develop a framework for compliance with all international commitments on management of climate change.

3.1 Focus on the National Climate Change Policy

The document has several mentions of the term land but none on tenure. There are several sector strategies in which the action is directly or indirectly land-based or land-oriented. For purposes of these study 3 key sectors are scrutinized: The strategies under each sector which are land-based or land oriented are presented in the section below:

a. Agriculture and Livestock

Adaptation: Promote and encourage highly adaptive and productive crop varieties and cultivars in drought-prone, flood-prone and rain-fed crop farming systems; Promote and encourage highly adaptive and productive livestock breeds; Promote sustainable management of rangelands and pastures through integrated range land management to avoid land degradation and deforestation; and promote irrigated agriculture by encouraging irrigation systems that use water sustainably.

Mitigation: Promote and encourage conservation agriculture and ecologically compatible cropping systems and agricultural practices to increase GHG sinks; promote the sustainable management of rangelands to reduce GHG emissions from soil and land degradation.

b. Land Use and Land-Use Change

Mitigation: Demarcate areas reserved for industrial use and other land development; promote human resource development in land management; and, strengthen law enforcement and regulate activities on land.

c. Human Settlements and Social Infrastructure

Promote and encourage proper planning of urban centers in order to have climate change–resilient urban areas.

Improve disaster preparedness by increasing the number of well-equipped health facilities, constructing dams and dykes in flood-prone areas, and improving disaster preparedness and management knowledge and skills in regions prone to such climatic disasters.

Strengthen housing development policies, including subsidies to low-income communities.

Establish insurance schemes to provide reparations in regions affected by climatic disasters.

Create “green spaces” in urban centers to moderate temperatures and provide fresh air for healthy living.

On Adaptation in the Agriculture and livestock sector, the highly adaptive and productive crop varieties and animal breeds are always attended by other production technologies which are known to contribute to GHG emissions. If such production systems involve the

use of large tracks of land by national or multinational corporations or other individuals who have the means to undertake such types of agriculture there is always the question of land tenure on how and where the land is acquired. Under mitigation, it is impossible to attain sustainable rangeland management without taking into account the issue of land tenure security.

The policy focuses on mitigation in the sector of Land Use and Land Use change. In practice, we have seen that whenever land has been demarcated for industrial and other land development projects, the lands involved are sometimes under customary or other individual tenures hence the issue of compensation comes into play. One of the strategies, 'strengthen law enforcement and regulate activities on land' has been implemented already and so far with negative outcomes for customary and other individual land tenures.

The sector of human settlements and social infrastructure has a huge implication on land governance because it is based on how land is acquired. The creation of new urban areas has seen the takeover, often without following the principles of FPIC of land that do not belong to the government. Similarly, the construction of dams and dykes in flood prone areas will always involve establishing these infrastructures on customary or other similar private lands. Quite often the issue of tenure security comes up.

This kind of analysis can be applied to each of the sectors above. What comes out clearly is that there is yet a gap in policy provision from the climate change side in addressing the critical land governance issues that underlie all the interventions for adaptation and mitigation of climate change in the different sectors.

3.2 National Climate Change Act, 2021 and its linkage with Land (governance)

The Climate Change Act governs Uganda's national response to climate change. One of the stated purposes of the Act is to give effect to the UN Framework Convention on Climate Change, the Kyoto Protocol, and the Paris Agreement and Section 4 gives these agreements the force of law in Uganda.

The Act mandates the creation of a Framework Strategy on Climate Change, as well as a National Climate Action Plan and District Climate Action Plans.

It also contains a series of provisions establishing a transparency, framework and MRV system.

Section 9 of the Act permits the Minister responsible for Climate Change matters to develop further regulations regarding participation in climate change mechanisms such as emissions trading mechanisms, and section 23 allows the Minister to make further regulations regarding the responsibilities of private entities.

Part V of the Act relates to the institutional arrangements for governing climate change, creating a National Climate Change Advisory Committee to provide independent technical advice and clarifying the responsibilities of District and local governments with respect to climate change.

Article 26 concerns climate change litigation, containing broad provisions on standing to bring cases before the High Court against the Government, an individual, or private entity "whose action or omission threatens or is likely to threaten efforts towards adaptation to or mitigation of climate change".

29. Provides for integration of climate change into the curriculum: 'The Ministry responsible for education shall ensure that climate change education and research are integrated into the national curriculum'.

Article 30. Amended the Public Finance Management Act, 2015 in section 9 by (a) including immediately after the word "development" the words "climate change"; and (b) requiring the Budget Framework Paper to be approved by the Minister 'is climate change responsive and contains adequate allocation for funding climate change measures and actions.

3.3 Institutional Arrangements and how it includes Land/land governance.

At the national level there are two multi-stakeholder mechanisms that are of relevance to this study: The Policy Committee on Environment and the National Climate Change Advisory Committee. The NCCA, 2021 clearly elaborates the functions of these two entities:

Article 15 elaborates the functions of the Policy Committee on Environment as including: (a) advise the Department and lead agencies on the implementation of this Act and the National Climate Change Policy; (b) make policies and decisions for implementation by the Department as provided for under section 14(2)(g); (c) receive and review the biennial report on climate change prepared by the Department and, where necessary, make recommendations to the Department; and (d) review the reports referred to in section 12 for purposes of compliance with international obligations. The Committee which is chaired by the Prime Minister will bring together Ministers from the various departments at the national level.

Article 16 states that the Minister shall constitute a National Climate Change Advisory Committee comprised of technical experts from the fields of: (a) energy and minerals, environment and natural resources, works and transport, science and technology, agriculture or any other relevant field as may be determined by the Minister; and (b) four other persons from the National Planning Authority, Academia, private sector and civil society. To cater for gender, it requires that at least one third of the members constituting the National Climate Change Advisory Committee shall be women' (subsection 2). Subsection 3 states 'The National Climate Change Advisory Committee shall provide independent technical advice to the Committee and the Minister on climate change science, technologies, interventional programs on climate change and best practices for risk assessment, enhancement of the adaptive capacity to potential impacts of climate change and establishment and achievement of the set targets'.

The composition of the policy committee is that it consists of Ministers from the different departments, that would include land. However, Ministers are appointees of the president, so are not necessarily always knowledgeable on land governance issues, especially on the nexus between climate change and land/land governance. When it comes to the National Climate Change Advisory Committee, only one slot is available for civil society, who are the main promoters of land tenure security (land governance). Being a climate change/environment focus platform, it is most likely that the CSO that will be invited to this space will also be one that is in the CC or Environment space. These two challenges leave the land/land governance voice out of the policy formulation and implementation agenda.

At the district level, Article 18 Subsection 2 mandates the Department with the responsibility for the implementation of the District Climate Change Action Plan. Particular functions of relevance to this study are; 'liaise with the Department / District Environment and Natural Resources Committee and the lower local governments climate change committees on all matters relating to climate change'; 'provide technical assistance to the District Environment and Natural Resources Committee and the lower local governments climate change committees, where applicable, in the performance of their functions as provided for in this Act' and participate in the development of ordinances and bye-laws relating to climate change in the district. Article 19 subsection (2) highlights the responsibilities of the Committee to include: (a) integrating climate change matters within the development plans, projects and budgets of the district for approval by the district council; (b) coordinating the activities relating to climate change that are common to more than one sector within the district; (c) providing assistance in the development and formulation of ordinances and bye laws relating to climate change in the district; and (g) monitoring and evaluating the implementation of climate change activities within the district, amongst others.

The Act does not detail who, or what category of stakeholders make up the District Environment and Natural Resources Committee. Therefore, it is not clear whether land /land governance representation is included. This means, from documentary evidence there is no provision or space for land and land governance perspectives to be channeled into the deliberations of these committees, hence be included in the final outputs of this committees e.g. the bye laws/ordinances, the reports, the Climate Change Action plans or Monitoring and Evaluation of all the Action plans.

4.1 Analysis and Findings

In debates about appropriate climate change mitigation and adaptation policies, plans and actions, the implications for land governance are rarely a central focus, this is true for the case of Uganda. However, there is a need to examine how land governance ambitions and arrangements shape and conflict with climate change ambitions; how land related livelihoods and biodiversity are considered in climate change debates; and how the land governance landscape is responding to climate change challenges.

This section makes a comparison of the NLP and NCCP as well as the Land (Amendment) Act 2004 and the National Climate Change Act 2021 highlighting the provisions from each that speak to land governance in the face of climate change and vice versa.

4.1.1 Nationally – Policy Objectives

Both the NLP and NCCP aspire to have land governance issues incorporated in the efforts to mitigate and adapt to climate change. To be more specific, the NCCP objective 5 is to support the integration of climate change issues into planning, decision making and investments in all sectors and trans-sectoral themes through appropriate institutional arrangements and legal framework. The sectors also include land management, housing and urban development. The National Land Policy on the other hand spells out clear objectives on sustainable land resource management that implies support for climate change mitigation and adaptation. These are objectives 6, 7 and 8 mentioned below;

- Ensure sustainable utilization, protection and management of environmental, natural and cultural resources on land for national socio-economic development;
- Ensure planned, environmentally-friendly, affordable and orderly development of human settlements for both rural and urban areas, including infrastructure development;
- Harmonize all land-related policies and laws, and strengthen institutional capacity at all levels of Government and cultural institutions for the sustainable management of land resources.

4.1.3 Linkages and Gaps in specific provisions

UGANDA NATIONAL LAND POLICY (2013)	NATIONAL CLIMATE CHANGE POLICY (2021)	LINKAGES	GAPS
<p><i>Under the section on Natural Resources and Environment Management, the NLP has the following policy statements;</i></p> <p>a) Government shall ensure that natural resources are optimally used and sustainably managed for the benefit of the present and future generations;</p> <p>b) Government shall take measures to restore, maintain and enhance the integrity of natural resources;</p> <p>c) Government shall enhance the effectiveness of the framework for environmental management;</p> <p>d) Government shall ensure that all land use practices conform to land use plans and the principles of sound environmental management, including biodiversity preservation, soil and water protection, conservation and sustainable land management.</p>	<p><i>Under the section on Human Settlements and Social Infrastructure, the NCCP has the following provisions;</i></p> <p>a) Promote urban planning and development of human settlements that are resilient and robust enough to withstand climate change-related risks and hazards.</p> <p>b) Promote and encourage proper planning of urban centres in order to have climate change-resilient urban areas.</p> <p>c) Create “green spaces” in urban centres to moderate temperatures and provide fresh air for healthy living.</p>	<p>The National Land Policy emphasizes the need to develop a National Climate Change Policy.</p> <p>The NCCP spells out the need to plan and manage land use in order to mitigate and adapt to climate change, this can only be achieved through proper land governance.</p> <p>The Physical Planning act, 2010, The Land Act (Amendment Act, 2004 -Listed as national policies legislation amongst, that are relevant to climate change.</p>	<p>A concern is that lessons learnt about due diligence and the need to protect rights become ‘unlearnt’ under the pressure of climate change and associated challenges of food security and disaster risk reduction. – What supersedes the other; climate change or good land governance?</p> <p>Land grabbing in the name of addressing climate change issues – VGGTs, FPIC</p>

<p><i>Under the section 132 on Land Use Planning and regulation, the NLP has the following policy statements;</i></p> <p>a) Government shall ensure that land is planned, governed and managed for the benefit of present and future generations.</p> <p>b) Government shall review and re-establish the framework for physical development planning and regulation.</p>	<p><i>Under the section on Land Use and Land Use Change, the NCCP has the following provisions;</i></p> <p>a) Promote and enforce urban and rural planning of settlements.</p> <p>b) Control and monitor land development and other land-use changes in a sustainable manner so as to better manage GHG sources and sinks.</p> <p>c) Demarcate areas reserved for industrial use and other land development.</p> <p>d) Strengthen urban development authorities by providing funds and the ability to enforce regulations.</p> <p>e) Promote human resource development in land management.</p> <p>f) Strengthen law enforcement and regulate activities on land.</p> <p>g) Ensure that new climate change strategies are closely linked to the existing strategies.</p>	<p>Both policies put physical planning which is key to land governance as a key reform in addressing climate change issues.</p> <p>The NCCP emphasizes the need to build the capacity of land management institutions for the proper management of land. This is the core mandate of the Ministry of Lands, Housing and Urban Development envisioned by the NLP.</p>
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<p><i>Under the section 150 on Climate Change, the NLP has the following policy statements;</i></p> <p>a) Government shall, in its plans and programs mitigate and adapt to the impacts of climate change, mainstream sustainable management of the environment and natural resources;</p> <p>b) Government shall put in place strategies to mitigate and adapt to climate change and variability, to reduce impact on climate, on the population and the economy;</p> <p>c) Government will develop a framework for compliance with all international commitments on management of climate change.</p>	<p><i>Under the section 4.2.1 on Agriculture and Livestock, the NCCP has the following provisions;</i></p> <p>a) Promote and encourage conservation agriculture and ecologically compatible cropping</p> <p>b) systems and agricultural practices to increase GHG sinks.</p> <p>c) Promote the sustainable management of rangelands to reduce GHG emissions from soil and</p> <p>d) land degradation.</p> <p>e) Promote the sustainable utilization of agricultural products.</p>		
<p>LAND ACT 1998</p>	<p>NATIONAL CLIMATE CHANGE ACT 2021</p>	<p>LINKAGES</p>	<p>GAPS</p>

<p><i>The Land Act as amended in 2004 provides for the protection of environmentally sensitive areas as below;</i></p> <p>44. Control of environmentally sensitive areas.</p> <p>(1) The Government or a local government shall hold in trust for the people and protect natural lakes, rivers, ground water, natural ponds, natural streams, wetlands, forest reserves, national parks and any other land reserved for ecological and touristic purposes for the common good of the citizens of Uganda.</p>	<p>a) On issues pertaining land governance – the NCCA sets up the National Climate Change Advisory committee that among other things is supposed to analyze climate change impacts and implications on the environment, agriculture, land use, fisheries and other sectors;</p> <p>b) The Act also highlights land use and land use change as a major contributor to climate change therefore managing hoe land is distributed and used is key in mitigating and adapting to climate change impacts.</p>	<p>· This highlights the interlinkage between land and climate change and the importance of regulating the use of land in order to address climate change issues.</p>	<p>Regulations not in place for climate change act implementation.</p> <p>Land Act older than the aspirations on climate change in the National Land Policy.</p>
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5.1 Policy and Practice Recommendations

1. Under the analysis on Natural Resources Environment Management and the provision on the NCCP, no recommendations. Because they speak well to each other.
2. On section 132 and Land use planning under the NCCP, MLHUD should integrate the policy provisions of the NCCP into it's strategies, plans and Legislations, especially now that they are reviewing several Legislations so that we move from policy to practice.
3. On 150 in the NLP and 4.2.1 n the NCCP, the NCCP provisions are responsive to NLP provisions (b). No gap here.
4. For the Land Act 2004 yes, the Act needs to be reviewed to align with NCCA, 2021. MLHUD should involve CSO input into this process so as to ensure adequate consideration of all pertinent land governance issues.

References

United Nations Human Settlements Programme (UN-Habitat), 2017: Land Governance: A Review and Analysis of Key International Frameworks. Accessed at: <https://unhabitat.org/land-governance-a-review-and-analysis-of-key-international-frameworks> . December 20, 2022.

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