



A Simplified Guide to the **VGGTs**

**Voluntary Guidelines on the Responsible Governance
of Tenure of Land, Fisheries and Forests**



WITH SUPPORT FROM:

INTERNATIONAL
LAND
COALITION | AFRICA
AFRIQUE

NLC TECHNICAL TEAM



Acknowledgements

Deepest appreciation goes to the technical working team led by LANDnet Uganda for the development and publication of the simplified materials for the popularization of VGGTs in Uganda; Jonathan Ochom, Dr. Doreen Kobusingye, Frances Birungi Odong, Stella Rose Akutui, Jordana Wamboga, Freda Laura Orochi, Bethel Kisaarwot and John Mwebe without their efforts, this would have not become a reality.

Special mention goes to the technical institutions that reviewed and validated the publication and gave it a final touch; Ministry of Lands Housing and Urban Development represented by Mr. Dennis Obbo, Jesse Maurice Kijjambu and Mr. Emmanuel Mabala, Members of the National Land Coalition (Transparency International, COPACSO, ESSAF, LEMU, FRA, UCOBAC, LANDnet Uganda), Civil Society Organisations (Action Aid Uganda, Uganda Parliamentarians Land Management Forum).

Lastly, we are grateful to the development partners: National Land Coalition (International Land Coalition) for the financial support that saw this publication developed for the benefit of all land actors at all levels.

Table of Contents

1	About the National Land Coalition
2	NLC Thematic Areas
3	Brief on VGGTs
5	NLC Thematic Area: Women and Youth
12	NLC Thematic Area: Land and Investments
16	NLC Thematic Area: Natural Resource Management
19	NLC Thematic Area: Land Use
24	NLC Thematic Area: Land Inequality
29	NLC Thematic Issue: Land Rights Defenders

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 Organisation (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. The Coalition seeks to strengthen a multi stakeholder platform for engagements in championing laws and policy formulation and implementation that promote people centered land governance.

NLC Thematic Areas



Women and Youth



Investments



Land and Natural
Resource Management



Land Use



Inequality



Land Rights Defenders

While the VGGTs cover several issues, this publication only focuses on the Guidelines related to the five thematic areas that the NLC is working on in Uganda.

For this specific publication, we focus primarily on land.

Brief on VGGTs

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGTs) were endorsed by the Committee on World Food Security (CFS) in 2012 to improve governance of tenure of land, fisheries and forests. The Guidelines seek to facilitate food security and progressive realization of the right to adequate food, in the context of national food security. It is important to note that these Guidelines are not legally binding and act as a reference point for States.

The VGGTs further place emphasis on ensuring that governance of land benefits all people, especially the vulnerable and marginalized groups like women, youth, ethnic minorities, among others. All efforts aimed at the implementation of these Guidelines should be consistent with States' existing obligations under international law.

While the Guidelines primarily refer to States, they can be used by other actors including Non-Governmental Organizations, small scale farmer groups, private sector, academia, among others. The VGGTs are global and need to be customized to suit national contexts and should be applied in line with national laws and policies.

The VGGTs are buttressed by the following general principles

1. Recognize and respect all legitimate tenure rights 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 on legitimate tenure rights.

5. Prevent tenure disputes, violent conflicts and corruption.
6. Non-state actors to respect human and legitimate tenure rights.

The following Implementation Principles guide the VGGTs

1. Human dignity
2. Non-discrimination
3. Equity and justice
4. Gender equality
5. Holistic and sustainable approach
6. Consultation and participation
7. Rule of law
8. Transparency
9. Accountability
10. Continuous improvement

Overall, the VGGTs comprise seven parts with 26 Guidelines on several issues related to land, fisheries and forests.



Women and Youth

Introduction

Women are estimated to constitute 50.68% of Uganda population while the youth below 30 years are estimated at 78% of the population. This makes Uganda the youngest country in the world with the majority population female. Women's land rights are fundamental human rights and are foundational to gender equality and women's dignity. Women's land rights are also instrumental to improving food security, effective climate action, poverty eradication, better welfare at household level and sustainable economic growth and development. Women play an important role in the agricultural sector and largely depend on land for their livelihoods. In Uganda, women are primary users of land, they play a vital role in the country's rural agricultural sector making up about 56% of all agricultural labour force and producing more than 80%-90% of the nation's food. However, despite the benefits of Women Land Rights, women own less than 10% of all land in Uganda. Land laws in Uganda largely protect women's land rights, however there is a discrepancy between law and practice. Women are still discriminated against concerning land access, ownership, and control due to restrictive social norms and practices.

Provisions under VGGTs

GUIDELINE 4 *Rights and responsibilities related to tenure*

- 4.4** Policies and laws that ensure tenure rights should be non-discriminatory and gender sensitive.
 - 4.6** States should remove and prohibit all forms of discrimination related to tenure rights to ensure equal tenure rights for women and men, including the right to inherit and bequeath these rights.
 - 4.7** States should provide non-discriminatory and gender-sensitive land administration to protect tenure rights for all
 - 4.9** States should provide access to timely, affordable and effective means of resolving disputes over tenure rights, including alternative means of resolving such disputes from impartial and competent judicial and administrative bodies
 - 4.10** States should ensure consultation and participation of users of land in tenure governance processes
-

GUIDELINE 5 *Policy, legal and organizational frameworks related to tenure*

- 5.3** State should provide frameworks that are non-discriminatory and promote social equity and gender equality.
- 5.4** States should ensure that legal and policy frameworks recognise and provide adequate protection for women and girls' tenure rights and are implemented and enforced.

- 5.5** States should develop relevant policies, laws and procedures through participatory processes, ensuring that both men and women are included from the outset.
-

GUIDELINE 6 *Delivery of services*

- 6.1** States should ensure that implementing agencies and judicial authorities have sufficient capacity to implement policies and laws in a timely, effective and gender-sensitive manner.
- 6.3** State should provide prompt, accessible and non-discriminatory land administrative and judicial services.
- 6.6** State should provide additional measures eg legal aid, outreaches, para legals/surveyors to support vulnerable or marginalized groups
-

GUIDELINE 7 *Safeguards*

- 7.1** The state should recognise legitimate tenure rights and establish safeguards to avoid infringing or extinguishing tenure rights of others especially women and the vulnerable who hold subsidiary tenure rights, such as gathering rights .
- 7.4** States should ensure that women and men enjoy the same rights in the newly recognized tenure rights, and that those rights are reflected in records.

Legal recognition and allocation of tenure rights of individuals, families and communities should be done systematically, in order to provide the

poor and vulnerable with full opportunities to acquire legal recognition of their tenure rights.

Legal support should be provided, particularly to the poor and vulnerable.

Locally appropriate approaches should be used to increase transparency when records of tenure rights are initially created, including in the mapping of tenure rights.

GUIDELINE 8 *Public land, fisheries and forests*

- 8.9** States should allocate tenure rights and delegate tenure governance in transparent, participatory ways, using simple procedures that are clear, accessible and understandable to all in their respective local languages.
- .
- 8.11** Monitor the outcome of land allocation programmes, including the gender-differentiated social, environmental and economic impacts and introduce corrective measures as required.

GUIDELINE 9 *Indigenous peoples and other communities with customary tenure systems*

- 9.2** In their self governance, promote and provide equitable, secure and sustainable rights including equitable access for women.
- Ensure effective participation of all members, men, women and youth, in decisions regarding collective tenure systems governance.

- 9.3** Accommodate changes in collective/customary tenure systems that place women in conflict with custom due to constitutional or legal reforms to strengthen the rights of indigenous women and those on customary land tenure.
- 9.10** Provide technical and legal assistance to affected communities to participate in the development of tenure policies, laws and projects in non-discriminatory and gender-sensitive ways.
-

GUIDELINE 12 *Investments*

- 12.11** All the people involved in contracts for investment on land should provide detailed information to all stakeholders. All the negotiations and agreements should be documented and understood by all people including women.
-

GUIDELINE 13 *Land consolidation and other readjustment approaches*

- 13.5** In case there is land consolidation, States should ensure that the approaches used are gender-sensitive and meet the requirements and needs of all members of the society.
-

GUIDELINE 14 *Restitution*

- 14.4** When there is recovery for loss of land rights, States should ensure that they develop, and disseminate laws, policies and procedures that are gender-sensitive to guide the process.

GUIDELINE 17 *Records of tenure rights*

- 17.3** States should design systems for documenting land rights (e.g. registries) that are inclusive and easily accessible to all people including women and other marginalized groups.
-

GUIDELINE 20 *Regulated spatial planning*

- 20.2** States should make public all gender sensitive laws concerning spatial planning and should incorporate local methods used by local people.
- 20.3** All forms of spatial planning should be done in a way that looks at the gender issues related to land use in the local communities
-

GUIDELINE 21 *Resolution of disputes over tenure rights*

- 21.1** States should establish accessible, affordable and functional ways of ensuring that all people including women can resolve their land disputes.
-

GUIDELINE 23 *Climate change*

- 23.2** States should consult and ensure participation of all women and men in strategies put by the State for addressing issues caused by climate change like displacement.
- 23.3** States should facilitate the participation of all people including women, farmers, and small-scale food producers, who hold legitimate tenure

rights, in the negotiations and implementation of mitigation and adaptation programmes.

GUIDELINE 25 *Conflicts in respect to tenure of land, fisheries and forests*

- 1.3** States should review all laws and policies to ensure they are non-discriminatory and enable all parties to take necessary steps to resolve their land conflicts. If practical, States can use customary law which is gender sensitive and quick.
- 25.5** In post-conflict situations, States should ensure all land problems should be addressed in ways to ensure gender equality. Where restitution and reparations are to be done, the approaches used should be gender sensitive and non-discriminatory.
-

GUIDELINE 26 *Promotion, implementation, monitoring and evaluation*

- 26.2** Put in place inclusive, participatory, gender sensitive, cost effective, and sustainable multi-stakeholder platforms at all levels to support the implementation, monitoring and evaluation of the VGGTs.



Land and Investments

Introduction

Uganda hopes to move from a poor to a modern and industrialised country by the year 2040. To achieve this, the Government of Uganda is encouraging investors, especially those from foreign countries to come and invest in the country. Most of these investments are in the areas of agriculture, housing, extractives (mining, oil and gas), infrastructure (roads, dams) among others. All these investments require a lot of land for them to be done.

Generally, investments are good because they can create jobs and business opportunities for the local people. They can also generate revenue for the government through taxes which leads to economic development and improvement in the delivery of social services like roads, health, education, etc. However, investments can also be problematic in some cases. For example, how is the land acquired? There are many examples in which people have been evicted from their land or inadequately compensated in order to allow investors to use the land. This has also led to landlessness for the project affected persons especially the women and other vulnerable groups. The activities of some investors also destroy the environment which leaves the people in a worse situation.

Relevant provisions under VGGTs on Investment

GUIDELINE 12 *Investments*

This focuses on issues of investments and it provides 15 measures that should be taken to protect land rights of people where investments are to be established.

- 1.1** States should support investments that protect the environment and also benefit the communities. This should be based on laws and policies that are recognised and apply across the world.
- 1.2** States should support investments by small scale farmers and promote those investments that are mindful of small-scale farmers. This is because small-scale farmers make a big contribution to food security.
- 1.3** All transactions (e.g. sales, leases, hire, etc) on land meant for investment must be done in an open and transparent manner in accordance with government policy.
- 1.4** Investments should ensure that people are not illegally evicted from their land. The investments should contribute to the realisation of food security, create jobs, reduce poverty, and respect labour, land and environmental laws of the country.
- 1.5** States should provide guidance on the nature and degree of land transactions which are permitted for large-scale transactions in consultation with local people.

- 1.6** States should put in place ways of protecting the human rights on land, environment, and food security from being abused by investors. This can be done by regulating transactions on land and implementation of business models that encourage partnerships between investors and land rights holders.
- 1.7** States should uphold international and national laws where indigenous communities are involved. They should be consulted based on established principles of participation and consultations before any investments on their land are negotiated.
- 1.8** States should develop and publicize laws and policies that promote responsible investments, human rights, food security and sustainable use of the environment
- 1.9** States should ensure that all transactions on land should comply with the principles of consultation and participation. States and other relevant parties should inform individuals, families and communities as well as skilling and assisting them in consultations and participation.
- 1.10** States should ensure that parties to large-scale land investment agreements provide for the conduct of independent assessments on the effects of those investments on land rights, food security and the environment.
- 1.11** All parties like investors, Government etc should provide relevant information to all stakeholders involved in the negotiations and the agreed positions should be well documented. This process should be inclusive and gender sensitive.

- 1.12** Investors should respect all Uganda's laws and respect the tenure rights of others. Investments should not contribute to food insecurity and environmental degradation.
- 1.13** All professionals providing services to government, investors and communities e.g. lawyers, surveyors, valuers, etc. should take all necessary cautions when delivering their services even when they may not be requested to.
- 1.14** States and all those affected by the investment should participate in monitoring the implementation and effects of agreements over large land acquisitions. In case there are, the State should ensure that they are addressed, especially those related to affected land rights.
- 1.15** State's foreign investments should be conducted in a way that protects land rights and food security under International law.
-

GUIDELINE 18 *Valuation*

- 18.1** States should ensure that valuation of land for investment should be fair, transparent and timely.



Natural Resource Management

Introduction

There is a fundamental relationship between climate change and land governance, particularly in regard to tenure security and land use patterns/practices. Environment and natural resources are under threat from both natural and artificial drivers of change including; poverty, rapid population growth, unplanned urbanization, expansion of informal settlements, industrialization, climate change impacts, and variability among others. Fragile ecosystems including hilly and mountainous areas, forests, riverbanks, lakeshores and rangelands are facing encroachment and degradation. The long-term shifts in temperatures and weather patterns caused by climate change poses one of the most significant challenges for Uganda to realize its full development potential. The prolonged drought periods have caused floods, destroyed settlements, crops, created food insecurity which has impacted men and women farmers differently.

Studies have shown that the cost of climate change adaptation is high, compared to the cost of inaction which is 24-46 times greater. Evidence has shown that people plunder and deplete resources if their tenure is not secure. When people's tenure is secure, they will sustainably use resources and engage in practices that protect and restore the environment, like tree planting.

Provisions under the VGGTs

GUIDELINE 23 *Climate Change*

- 23.1** States should ensure that actions about legitimate tenure rights to land, fisheries and forests in regard to individuals and communities likely to be affected by climate change for example the farmers, small-scale food producers, vulnerable and marginalized people are respected and protected by laws and policies.
- 23.2** States should conduct consultations whenever actions and strategies relating to displacements arise due to climate change most especially in the preparatory and implementation phase to avoid jeopardizing the livelihoods of others.
- 23.3** States should facilitate the participation of all individuals and communities in the negotiation and implementation of mitigation and adaptation programmes in line with the principles of consultation and participation as stipulated in the guidelines.

GUIDELINE 24 *Natural Disasters*

- 24.1** States should ensure that measures are put in place whenever natural disasters occur including safety nets and governing frameworks for tenure like spatial planning during the preparation and prevention phase to avoid or reduce the potential impacts of natural disasters.
- 24.2** States should address the legal and policy frameworks both at national and international levels and ensure that all parties adhere to the laws.

- 24.3** States and other parties should address disaster prevention and preparedness programmes in line with processes consistent with the principles already in place. Systems for legitimate tenure rights should be resilient to natural disasters, including off-site storage of records, to allow right holders to prove their rights and relocate their parcels and other spatial units. States should strive to identify areas for the temporary resettlement of people who are likely to be displaced by natural disasters, and rules should be established to provide for tenure security in such areas.
- 24.4** States and other parties should address tenure and push for collaboration from other parties when addressing tenure during the emergency response phase. Provisions of alternative land, fisheries, forests and livelihoods for displaced persons should not jeopardize the rights and livelihoods of others. Recognition of Legitimate tenure rights of displaced persons should also be respected and protected. Information on tenure rights and unauthorized use should be disseminated to all affected persons.
- 24.5** States and other parties should address tenure issues during the reconstruction phase. Persons and communities which have been temporarily displaced should be supported to return to their places of origin with dignity. Alternative Dispute structures to resolve disputes over tenure rights should be provided. Where people are unable to return to their place of origin, they should be permanently resettled elsewhere after negotiations with host communities to ensure that the displaced people are provided with secure access to alternative land, fisheries, forests and livelihoods without jeopardizing the rights and livelihoods of others.



Land Use

Introduction

The Government of Uganda has committed to ensuring food and nutrition security in the country as a pathway to improving public health, labor productivity, and economic growth. Uganda subscribes to several Food and Nutrition Security (FNS) agendas at the regional and international levels with time-bound targets. These include: the Comprehensive Africa Agricultural Development Program (CAADP); Agricultural Development Strategy and Investment Plan (DSIP); Malabo Declaration and the United Nations Sustainable Development Goals (SDGs) of September 2015. Additionally, Uganda's agriculture and health sector strategic frameworks provide interventions to support farmers and agro-entrepreneurs, particularly youth and women with productivity - enhancing agricultural inputs, extension services, skills and leadership training and financing but this has not been prioritized. As a result, Uganda has continued to face a challenge of acute food insecurity, with over 64% of households not able to afford at least three meals per day.

Another aspect of land use within the NLC Strategy is the issue of housing and urbanization. Population increase and growing urbanization have increased demand for housing facilities in Uganda. Mushrooming trading centers across the country and the recent creation of regional cities have contributed to rural-urban migration. This has led to increased slum dwelling and informal settlements, which are unregulated, making it challenging to enforce physical planning and housing regulations and protect and promote the rights of low-income persons to adequate housing, a secure and dignified life. Furthermore, adequate housing cannot be achieved without land tenure security.

Relevant Provisions under VGGTs

GUIDELINE 8 *Public Land, Fisheries and Forests*

- 8.1** States should consider the implications of use and control of lands, fisheries and forests in light of broader social, economic and environmental objectives. These actions should be consistent with regional and international obligations.
- 8.5** States should determine which of the land, fisheries and forests they own or control will be retained and used by the public sector, and which of these will be allocated for use by others and under what conditions.
- 8.6** States should develop and publicize policies covering the use and control of land, fisheries and forests that are retained by the public sector and strive to develop policies that promote equitable distribution of benefits from land, fisheries and forests.
- 8.9** States should allocate tenure rights and delegate tenure governance in transparent, participatory ways, using simple procedures that are clear, accessible and understandable to all, especially to indigenous peoples and other communities with customary tenure systems
- 8.10** States should ensure that competent bodies responsible for land, fisheries and forests have human, physical, financial and other forms of capacity.
- 8.11** Monitor the outcome of land allocation programmes, including the gender-differentiated social, environmental and economic impacts and introduce corrective measures as required.

GUIDELINE 9 *Indigenous People and other communities with Customary Rights*

- 9.1** State and non-state actors should acknowledge that land, fisheries and forests have social, cultural, spiritual, economic, environmental and political value to indigenous peoples and other communities with customary tenure systems
- 9.8** States should protect indigenous peoples and other communities with customary tenure systems against the unauthorized use of their land, fisheries and forests by others.
-

GUIDELINE 10 *Informal Tenure*

- 10.2** States should ensure their actions in regards to informal tenure is consistent with national and international law and other voluntary commitments including the right to adequate housing.
- 10.3** States should pay special attention to farmers and small-scale food producers while providing legal recognition to informal tenure. This should be done through participatory, gender-sensitive processes, with particular regard to tenants.
- 10.4** States should take all appropriate measures to limit the informal tenure that results from overly complex legal and administrative requirements for land use change and development on land. Development requirements and processes should be clear, simple and affordable to reduce the burden of compliance.

GUIDELINE 11 *Markets*

11.8 States should ensure that when facilitating market operations of tenure transactions, they protect the tenure rights of small-scale producers given their contribution to food security.

GUIDELINE 12 *Investments*

- 12.1** State and non-state actors should acknowledge that responsible public and private investments are essential to improve food security. Responsible governance of land, fisheries and forests promotes responsible investment in these resources, increasing sustainable agricultural production and generating higher incomes.
- 12.2** States should support investments by smallholders and their organizations as well as public and private smallholder-sensitive investments. This is because of their significant contribution to food security, nutrition, poverty eradication and environmental resilience.
- 12.4** States should provide safeguards to protect legitimate tenure rights, human rights, livelihoods, food security and the environment from risks that could arise from large-scale transactions in tenure rights.
-

GUIDELINE 13 *Land Consolidation and other readjustment Approaches*

- 13.1** States may consider land consolidation, exchanges or other voluntary approaches for the readjustment of parcels or holdings to assist owners and users to improve the layout and use of their parcels or holdings,

including for the promotion of food security and rural development in a sustainable manner.

- 13.2** States may consider the establishment of land banks as a part of land consolidation programmes to acquire and temporarily hold land parcels until they are allocated to beneficiaries.
- 13.3** States may consider encouraging and facilitating land consolidation and land banks in environmental protection and infrastructure projects to facilitate the acquisition of private land for such public projects, and to provide affected owners, farmers and small-scale food producers with land in compensation that will allow them to continue, and even increase, production.
- 13.4** To reduce the impact of production costs of land fragmentation to small holder family farms, States may consider land consolidation and land banks to improve the structure of those farms and forests. However, States should refrain from using land consolidation where fragmentation provides benefits, such as risk reduction or crop diversification.

GUIDELINE 15 *Redistributive Reforms*

- 15.7** States may, if so desired, during redistributive reforms conduct assessments on the potential positive and negative impacts that those reforms could have on tenure rights, food security and the progressive realization of the right to adequate food, livelihoods and the environment.
- 15.8** States should ensure that redistributive land reform programmes provide the full measure of support required by beneficiaries, such as access to credit, crop insurance, inputs, markets, technical assistance in rural extension, farm development and housing.



Land Inequality

Introduction

NLC Uganda is concerned about inequality and its manifestation in the land sector. Studies show that extreme inequality is rising in most parts of the world including Uganda. The struggles for land rights in the country reflect and are linked to the broader set of inequalities that exist in Uganda. The different land tenure systems in Uganda, namely: freehold, leasehold, mailo and customary tenures contribute to inequality in different ways. For example, the unequal land rights under mailo tenure and the recurring conflicts between tenants and landlords are rooted in the historical governance of this tenure. Similarly, under customary tenure, land inequality can be attributed to the patriarchal rules of access and ownership and largely undocumented rights perpetrate gender inequality. On another note, preferential treatment documented rights in the business sphere creates unequal economic opportunities for those on customary land. Land inequality is also attributed to land corruption which facilitates the financially and politically powerful to use money and power to fuel land corruption to satisfy their interest on land. The land sector has several avenues for corruption, these include; corruption within land institutions that govern land, corruption at the level of seeking justice to redress land conflicts. Women, children and youth due to their vulnerable state are significantly affected because of poor land governance, and VGGT propose several measures with a bearing on land inequality as highlighted below.

Relevant provisions under the VGGTs (needs to be revisited)

GUIDELINE 4 *Rights and responsibilities related to tenure*

- 4.4** The state should define through widely publicized rules the categories of rights that are considered legitimate.
- 4.5** The state should protect tenure rights holders against the arbitrary loss of their tenure rights for example forced evictions
- 4.6** The state should remove and prohibit all forms of discrimination related to tenure rights, including those resulting from change of marital status, lack of legal capacity, and lack of access to economic resources
- 4.7** The state should consider providing non-discriminatory and gender-sensitive assistance where people are unable through their own actions to acquire tenure rights to sustain themselves, to gain access to the services of implementing agencies and judicial authorities, or to participate in processes that could affect their tenure rights.
- 4.8** The state should respect and protect the civil and political rights of defenders of human rights, including the human rights of peasants, indigenous peoples etc.

GUIDELINE 5 *Policy, legal and organizational frameworks related to tenure*

- 5.4** Provide adequate protection for women and ensure that laws that recognize women's tenure rights are implemented and enforced.

GUIDELINE 6 *Delivery of Services*

- 6.9** Endeavour to prevent corruption with regard to tenure rights.
-

GUIDELINE 7 *Safeguards*

- 7.3** Where states intend to recognize or allocate tenure rights, they should first identify all existing tenure rights and right holders, whether recorded or not.
- 7.4** Ensure that women and men enjoy the same rights in the newly recognized tenure rights, and that those rights are reflected in records.
- 7.5** Ensure that people whose tenure rights are recognized or who are allocated new tenure rights have full knowledge of their rights and also their duties.
-

GUIDELINE 9 *Indigenous peoples and other communities with customary tenure systems*

- 9.4** Provide appropriate recognition and protection of the legitimate tenure rights of indigenous peoples and other communities with customary tenure systems, consistent with existing obligations under national and international law.
- 9.5** Where indigenous peoples and other communities with customary tenure systems have legitimate tenure rights to the ancestral lands on which they live, States should recognize and protect these rights.

Indigenous peoples and other communities with customary tenure systems should not be forcibly evicted from such ancestral lands.

9.9 States and other parties should hold good faith and consultation with indigenous peoples before initiating any project or before adopting and implementing legislative or administrative measures affecting the resources for which the communities hold rights.

9.12 States and other parties should endeavour to prevent corruption in relation to tenure systems of indigenous peoples and other communities with customary tenure systems, by consultation and participation, and by empowering communities.

GUIDELINE 17 *Records of tenure rights*

17.1 States should provide systems (such as registration, cadaster and licensing systems) to record individual and collective tenure rights in order to improve security of tenure rights, including those held by the State and public sector, private sector, and indigenous peoples and other communities with customary tenure systems

17.3 States should strive to ensure that everyone is able to record their tenure rights and obtain information without discrimination on any basis. Such measures can include; using locally based professionals like (lawyers and surveyors), use of mobile service centres and ensuring access by women and other vulnerable groups.

17.4 Implementing agencies should adopt simplified procedures and locally suitable technology to reduce the costs and time required for delivering services.

- 17.5** Ensure that information on tenure rights is easily available to all, subject to privacy restrictions. Such restrictions should not unnecessarily prevent public scrutiny to identify corrupt and illegal transactions.
- 17.5** States and non-state actors should endeavour to prevent corruption in the recording of tenure rights by widely publicizing processes, requirements, fees and any exemptions, and deadlines for responses to service requests.



Land Rights Defenders

Introduction

Land rights defenders are individuals and groups who, in their personal or professional capacity and a peaceful manner, strive to protect and promote land rights of the marginalized and vulnerable population, especially women and youth whose security of tenure is constantly under threat of eviction by land grabbers, influential or the powerful members in the society. Due to the nature of the work that the land rights defenders do in the different communities through the different interventions, they conduct community dialogues, they empower communities with knowledge on their land rights, they conduct Alternative Dispute Resolution on land related cases, they expose land irregularities and undertake public interest litigation.

The work done by these human rights defenders is constitutional and they need protection and support to execute their mandate. They are always targeted by unscrupulous people which leads to their arrest, detention and other human rights violations. As a result most of them fear for their lives and end up not fulfilling their mandates of defending the land rights of the vulnerable and poor communities.

Relevant Provisions under VGGTs

GUIDELINE 4 *Rights and Responsibilities related to tenure*

- 4.8** States should respect and protect the civil and political rights of defenders of human rights, and should observe their human rights obligations when dealing with individuals and associations acting in defence of land, fisheries and forests.

Notes

A series of 15 horizontal dotted lines for taking notes.

Notes

Lined area for taking notes, consisting of multiple horizontal dotted lines.

Notes



National Land Coalition Uganda

“For People Centred Land Governance”

