



# UGANDA

## EU LAND GOVERNANCE PROGRAMME TRANSVERSAL PROJECT

### COUNTRY BACKGROUND

Uganda is a landlocked, agriculture-based country with a total land area of 241 559 sq. km out of which 16 percent is open water. The current population estimate is 41 million people.

The Ugandan Constitution (1995) recognises four forms of Land Tenure *mailo* (Central Uganda), lease, freehold and customary (mainly in the North of Uganda). To date, 10 percent of the land is formally documented, and 80 percent is under customary tenure.

#### The private *mailo* problem

*Mailo* tenure is a feudal land tenure system originating from an agreement between the Buganda King and the British Government in 1900. Under this agreement, land was allotted to the King, his family and chiefs in square miles, both in their political capacity and through private ownership. However, the plight of peasants who occupied the land as farmers was not discussed. The pre-existing land use rights, in the interest of smallholder farmers, were not legally recognized leading to overlapping rights on the same piece of land. Despite this the laws endeavour to provide solutions where there is high tenure insecurity.

### OBJECTIVE

Improvement in securing secondary land use rights for bona fide and lawful tenants to support agricultural investments with a long-term perspective of reducing poverty and hunger. The implementation of the law will facilitate responsible land governance. The institutional framework will be strengthened through human capital in land-related sections of district and sub-county administrations. Introduction of user-friendly information and communication technology will promote effective procedures for documentation of existing land use rights.

<b>Name of the EULGP CI*</b>	Improvement of Land Governance in Uganda to increase the productivity of small-scale farmers on <i>Mailo</i> land (ILGU)
<b>Implementer</b>	Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)
<b>Implementer partners</b>	Makerere University, Uganda Community Based Association for Women and Children Welfare UCOBAC, LANDnet and Uganda Agribusiness Alliance (UAA), District Administration, Local Government and sub-county authorities
<b>Target areas</b>	Districts of Mityana, Kassanda and Mubende, Central Uganda
<b>Political entities involved</b>	Ministry of Lands, Housing and Urban Development (MLHUD), Uganda
<b>Budget</b>	EUR 4 400 000 (including co-funding from BMZ, Germany)
<b>Length of the EULGP CI</b>	January 2017 – June 2021

### STRATEGY OF INTERVENTION

The implementation methodology used in the programme is comprised of: building the capacity of land administration structures; sensitization and mobilization of communities (landlords and tenants); dispute resolution mechanisms using Alternative Dispute Resolution (ADR) and fit-for-purpose mapping tool and land inventory of tenancy rights.

Through awareness raising, landlords and tenants are sensitized to the existing legal framework, focusing on harmony between the two parties. Married couples are encouraged to have their land rights documented as a couple, so that both names appear on the Land Inventory Protocol, ensuring the rights of married women to land.

Claimed land use rights are documented in the presence of neighbours, a local council representative and the Area Land Committee (ALC). Mapping is aided by a geo-referenced photo embed in the background of CRISP software installed on a tablet. Once a parcel is completed, the boundary to any adjacent parcel is preserved and will not be captured again hence reducing costs and time spent in the field. The field data is further processed at the sub-county office by the GIS specialist in open source software QGIS, that is fully compatible with the GIS software used by MLHUD.

\*EULGP CI (European Union Land Governance Programme - Country Implementation)

## TRANSVERSAL PROJECT

By means of a Transversal Project, co-funded by the EU and the Swiss Agency for Development and Cooperation (SDC), the Food and Agriculture Organization of the United Nations (FAO) coordinates, supports and consolidates the implementation of the EU Land Governance Programme. The European Union Land Governance Programme funds 18 individual country-level projects in Africa, Asia and Latin America, all of which address tenure issues, and are implemented alongside various partners, among which are government agencies, civil society organizations, bilateral and multilateral organizations and private contractors. All project activities are carried out within the framework of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) and, in the African context, the African Union Declaration on Land Issues and Challenges in Africa (AU Declaration) and its Framework and Guidelines on Land Policy in Africa (F&G).



The GIS specialist produces maps for village displays. Mapped parcels are overlaid on old cadastre maps, enabling tenants to confirm the landlord of their parcel/s, in cases of uncertainty. The village map display enables tenants to confirm the details (parcel size, location, boundary) captured by the mapping teams. Landlords are made aware of how much of their land is un/tenanted.

This process of transparency increases confidence among the communities. Conflicts surfacing are documented at all stages, from awareness raising to parcel mapping and map displays. On spot mediations are conducted by “paralegals” and unresolved conflicts are submitted to an ADR committee at sub-county level. Land inventory Protocols (LIP) are only issued for parcels where confirmations have been made in accordance with the map displayed and where there are no conflicts. The LIP is a social document that details the claimed rights; therefore, it empowers tenants to take further steps to secure their rights, as provided for in the Land Act 1998 or the National Land Policy 2013 through a Certificate of Occupancy (CoO), land sharing, leasing or buy-out of the registered right. The EULGP CI is implemented through Civil Society Organizations (CSOs), Makerere University Kampala, and the private sector in key activities including awareness raising, conflict resolution and mapping.

## OUTCOMES AND IMPACT

The main activities implemented by the EULGP CI to date include:

- In January 2017, the recruitment of staff and the establishment of a EULGP CI office initiating the implementation of contracts with local partners.
- Effective community sensitization, commenced in November 2017, followed by trainings on land administration structures at national and local level.
- A pilot mapping process mapping the parcels of 4 406 tenants, January-June 2018. The process has been scaled up in 10 sub-counties.
- EIC materials, a sensitization manual and a guide to peaceful co-existence on private mailo land were developed and translated into the region’s local language – Luganda.
- *Mailo* land platform meetings took place with key stakeholders at national level.
- In the pilot area, evidence of reduced land disputes was found. Results seen so far include strengthened capacities at all levels and an effective institutional framework for an efficient land administration process. Smallholder farmers’ land rights have improved, including those of women, because of responsible land governance at local level.

- Community awareness about land laws, policies and regulations has improved and as a result people’s rights to the land are more secure.

Success factors include:

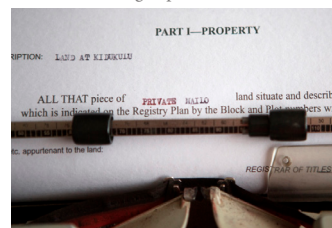
- The involvement of charismatic leaders in the process, especially when dealing with communities.
- The continuous execution of implementation activities, building the confidence of the local communities.
- The capacity development of government staff and other legal and policy relevant entities (candidates carrying out the field inventory and office work).
- The participation of local communities in a systematic inventory of actual land use supervised by the Area Land Committee (ALC).
- Use of Alternative Dispute Resolution (ADR) to resolve disputes between tenants, interfamily disputes and other land-related problems; continuous awareness raising and information dissemination.
- Conflicts between landlords and tenants have been reduced.
- Land owners reached agreements with tenants through free, prior informed consent, gaining respect in the communities.
- The emphasis is always on promoting harmonious living, rather than reforming the legal framework.
- Regular reviews and updates from subsequent EULGP CI activities ensure speculation is avoided and leaders are kept informed about new developments.
- Continuous awareness raising and information dissemination (CARID) throughout the project revealed the complexity of mailo, but kept the communities informed of their rights, roles, responsibilities and restrictions on private mailo land.

The requirements needed for continued success of the EULGP CI:

- The establishment of functioning land administration structures.
- A consistent coordination between political and technical staff.
- The existence of a legal framework as a base.
- The direct and close implementation of the activity with local government land structures.
- The involvement of academia and the Ministry of Lands at all levels.



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