Increasing Tenure Security in Northern Uganda

How to use external support for strengthening bottom up approaches

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Northern Uganda “Post conflict” context

- Decades of armed conflict
- Massive displacement; majority population forced to live in camps for many years – in own District – most now back

- Most land held under customary tenure
- Small-scale farms (cotton, grain, oil seeds); livestock but loss of herds during
- Marsh lands
- Some investors (mostly domestic) – fenced off land
- => Land grabbing – internal/external during displacement & afterwards
Institutions for managing land and disputes

- Customary authority systems important; valued but weakening (displacement; generational);
- (complex)Local government system has weakened (multiplication, less resources; less downward accountable (funding))
- =>Lack of trusted institutions/ low trust in “rule of law” => “law of the strongest”; poor: sabotage/ try to scare away
- =>Conflicts intra family; intra community (“broad chests” )
**Dispute resolution mechanisms**

- ADR – not acknowledged formally
- "lay" court systems at local government level
- Formal courts
  - Bulk caseload originate in land related conflict
- Formal “Land justice”
  - Land tribunals stopped in 2006 but not replaced

=> Forum shopping: - Addressed in draft New land policy

=> Family law (inheritance rights – women; access for youth.. HIV/AIDS evictions)
Perceptions of tenure security => matter for food security/ growth

• Contested land & undivided land (inheritance) => land may remain idle; or no long-term investments
• =>settling conflict: costs money & time

(fear) for conflict and eviction => affect willingness to invest

Implications for:
• Agricultural Production
• Food Security
• Sustainable management common lands
• Ultimately: stability
Importance of Effective “preventive” justice at local level

Ways for reducing emergence of conflict (rights, transactions/ boundaries/ inheritance)

Land recordation “pro-poor”/accessible
• “paperisation”/ documenting of rights and of transactions
• marking boundaries
• Succession/ inheritance: will, dividing land

Enhance local Capacity & adherence for mediation and ADR
Opportunities in Uganda

Land act (1998)
- certificate of customary ownership (CCO); group rights => almost no implementation
- CCO: Issued at district level, less demanding with respect to surveying
- Pilots for systematic registration to test certificate since 2005 => evolved towards titling

Innovations at local level (NGO, projects, communities) in northern Uganda (sense of urgency)
- legal literacy (record principles customary tenure for formal courts); testing of CCO, group rights, participatory GIS and other land tools
- actors involved; Uganda land alliance, Lemu, Northern Uganda land platform, Norwegian refugee council)
Promising initiatives

1. Better documenting transactions – standard forms
2. Demarcation of field boundaries
3. Implementation certificates of customary ownership
4. Applying provisions Communal land tenure – grazing land
5. Alternative dispute resolution mechanisms
6. Legal literacy
Role of external support: boost ongoing work, build capacity; help analysis and documenting

= stock taking
= Inspire Innovation (best practices from elsewhere)
  • dissemination of forms for transactions, index books etc
  • Comparative testing of different data collection technologies for mapping (GPS, ortho-photos, satellite imagery, ..)
= Methodology support for systematic testing tools; demand-led/ local priorities; baseline, analysis
= Document results; exchange; assist scaling-up
  • Engage local universities (e.g. Makarere University, northern based universities);
= Link “pilots” to national level policy dialogue
Final Remarks

= Promising legal and policy developments
  • Limited implementation → ‘old system’ prevails (costly and serves only small group)
  • Limited experience /knowledge on how implement innovations in land act;

= Therefore; more subsidiarity and involvement/accompanying “unusual” non-state actors: local actors (+NGOs, CBOs)
  • Local initiatives: Take stock, share and learn, scale-up

  =if not served: landholders may start “do-it yourself”-land recordation; (ghana cacao; burkina “bluf”);