

The Uganda Land Alliance

**Experience in the struggle for land
rights in Uganda**

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1.0 Background

The Uganda Land Alliance was formed in May 1995 as a consortium of local and international non-governmental organizations and individuals. Its focus is to advocate for fair land laws and policies to address the land rights of the poor men and women, disadvantaged and vulnerable groups and individuals in Uganda. ULA now has 67 members.

When the Alliance was formed, its initial objective was to mobilize CSOs to make an input into the constitutional review process in 1995 by contributing to the contentious issue of land. The Alliance again made a contribution to the passing of the Land Act in 1998. Thereafter, the alliance continued to monitor the implementation of the Land Act 1998. In subsequent years, the Alliance conducted research and advocacy and contributed amendments to the land Act, contributed to the Domestic Relations Bill and is currently contributing to the development of the national land policy, among other advocacy activities.

Our vision: A Ugandan society with equitable access and control over land and the poor women, men, children and other marginalised groups are actively participating to eradicate poverty.

Our mission: To enhance access, control and ownership of land by the poor women, men, children marginalised groups through the promotion of fair policies and laws for the protection of land rights.

Objectives: -

- Increased awareness of the poor women, men, children and other marginalized groups of their land rights and obligations.
- Promote fair laws and policies that protect the land rights of the poor women, men and children, and other marginalized groups;
- Effective participation of Alliance members and enhanced collaboration with other organizations and institutions .
- Efficient and effective management of the programmes

The Alliance in its current strategic plan has for the last three years been engaged in these major activities; Lobbying and advocacy of policy makers, public awareness, land rights protection, research and documentation, monitoring the implementation of the Land Act 1998, networking and sharing information.

In implementing these activities the Alliance works countrywide through member organisations but is operational in six focal districts in Uganda. These are; Kampala, Luweero, Kibale, Apac, Mbale and Kapchorwa.

2.0 Landmarks in the struggle for land rights

2.1 In 1995, Uganda was debating a new national constitution. One of the contentious issues was land. It was so contentious that even death threats were issued. The issue of 'absentee landlords', 'mailoland' and land belonging to traditional institutions especially in Buganda Kingdom almost tore the country apart. The Alliance input enabled customary ownership of land to be recognized in the constitution, vesting

land in the people and not the State as before, that the State can own some land in public trust , prompt compensation for land acquired by the state compulsorily, protection of lawful or bonafide occupants and establishment of special courts to solve land disputes. It also provided for customary, freehold, mailo and leasehold land tenure systems.

2.2 In 1998 the Land Act was passed by Parliament. The Alliance made a contribution towards the protection of land rights of tenants, women and children. It provided for traditional alternative dispute resolution, it provided for a land fund, it provided for the consent of a spouse before any transaction on family land is executed, it provided details of customary land and other provisions that protect the land rights of the poor and marginalized groups.

2.3 In 2004, the Land Act was revised to eliminate redundant sections and insert other provisions to strengthen it. The heavy institutional structures were reduced, the land rent to be paid to landlords was reverted to the District Land Boards to decide amount. These were done partly due to the researches that the Alliance had done to monitor the implementation of the Land Act.

2.4 Development of a national land policy in 2005. When the land act was passed in 1998, there was no policy. The government has been grappling with its implementation ever since. Now there is a process to develop a policy to operationalise the Land Act. The Alliance has already started to gather public views to feed into the policy making process.

2.5. The Constitution Amendment Bill 2005 that is currently before Parliament also touches on land issues.

2.6. The Alliance has moved to addressing strategic issues of land and poverty and its linkage to the various sectors in the economy, government and civil society. Some researches and analyses are going on now.

3.0 Achievements:

In struggling for the land rights of the poor and marginalised through the above landmarks over the years, the Alliance's achievements can be summarized as below;

3.1 Land Rights Protection

The Alliance has since February 2000 managed together with member organizations to put in place six Land Rights Desks in six districts. The Desks are based in Kibaale District in the West, Kampala and Luweero Districts in the Central Region, Kapchorwa and Mbale Districts in the East and Apac to the North. The LRDs cover neighboring districts as well. The Desks have had a tremendous impact on the work of the Alliance by meeting the needs of the people directly at the grassroots level. The desks are charged with information dissemination, amicable dispute settlement, Sensitization at the community level and giving legal advice. The desks are managed either by paralegals or a Lawyer and these people have been given training over time by the Alliance.

Since their inception, the Desks have handled over 3500 land disputes of which women initiated 40%. The officers have reached more other people through the community outreach visits, which have helped educate people on their land rights. The Centers have helped demystify the law to the beneficiaries, increasing knowledge at the grassroots particularly of women on their land rights and obligations.

The demand for information is very high and personnel managing the Centers meet new challenges daily, there is need to build their capacity from time to time. The Alliance now moved on to focus on strategic litigation through the Land Desks. Clients have been identified through this process to develop special interest litigation cases that have reformed both policy and land laws in favor of the poor. The land rights centers being the nearest information points to the poor men, women and children at the grass root level, it is vital to improve them and make sure they are fully operational and address all information needs at the grassroots. The Alliance has sought to build up the land rights centers' capacities by providing them with information analysis skills, training on specific issues, developing their capacity to document cases received by the Center and better facilitation to enable them handle the increasing numbers.

3.2 Research and Documentation

Research and documentation have been the backbone of the Alliance since its inception. Research is the basis for lobby and advocacy activities. During the last three years a number of researches were carried out on the following themes;

- i) Women's experiences on Land
- ii) The Justification for Co ownership; A study carried out in four Districts in Uganda.
- iii) Customary Tenure in Uganda
- iv) Land in Kibaale; information on the Titles of absentee Land Lords.
- v) Monitoring the Implementation of The Land Act 1998 in seven Districts in Uganda.
- vi) Research on Policy Principles, consultations on framework of National Land Policy in eight districts.
- vii) Monitoring the District Land Boards
- viii) Study on the relation of land access, ownership and control to poverty,

Some of these studies have been documented and others published for use by member organizations, Policy makers and the community. It was found that members of Parliament largely relied on information provided by the Land Alliance during the debate on the Land Act and its amendments. Other responses on the need for this kind of information were received from scholars and Research Institutions. Documentation was carried as an activity to package information in a user-friendly manner. Information on the Land Act was made in small booklets translated in several languages for purposes of education of people at the grassroots level. This also calls for simplification of the Land Act 1998 and Amendment 2004. It has however been found that even those at the national level need this basic simplified information.

3.3 Public Awareness

With the enactment of the Land Act 1998, ULA proceeded to simplify, translate and publish booklets on key provisions in the Land Act to raise awareness. These include:

- The Land Act 1998: Land Management Institutions, 2000
- The Land Act 1998: Dispute Resolution Institutions, 2000
- Women Under the Land Act 1998, 2000
- The Land Act 1998: Systems of Land Tenure in Uganda, 2000
- Land Rights of the Karimojong Pastoral Minority in Uganda, 2000

The Alliance has also been engaged in research and sensitization of the public on the contents of the Land Act and its amendments. The Alliance lobbied for the inclusion in the Land Act of the clause on co-ownership of land by spouses which is referred to as “Family Land Rights Occupancy”. A strategy to carry out rural sensitization on the issue was developed. ULA engaged in a massive debate at the national level with Policy makers to ensure that the issue gains momentum and is finally enacted into law.

3.4 Networking.

The Alliance collaborates with the Ministry of Lands, Water and Environment, the Ministry of Finance and Economic Planning, Civil Society Organizations, the Parliamentary Committee on Natural Resources, key parliamentary caucuses and officials at district and sub-county level on land related issues for purposes of realizing increased impact at grassroots level under the decentralization process. Other networking institutions include Land Net East Africa, Mwengo in Zimbabwe, International Development Partners and other Organizations within and out side East Africa like the International Land Coalition (ILC)

The Alliance sits on the National Land Policy Working Group, the Sensitization Focus Group and other Committees set up by government Ministries. The Alliance has been engaged in the current National Land Policy development process, which is a critical requirement for the guidance of actions of the land sector stakeholders in relation to land ownership, land management and land use.

3.5 Lobbying and Advocacy

The Alliance has engaged in advocacy and lobbying at two levels. With the lawmakers i.e. members of Parliament and the Executive at the lower level the lobbying activity has not been as intense it has been more of a channel for information on key issues being discussed at policy level. The Alliance has engaged in advocacy for the enactment of a Land Law that favours the poor and among its achievements; it lobbied for the recognition of customary land as a system of land holding, the introduction of the Land Fund to redress historical wrongs on mailo land, and women’ rights to co-own land with men (their spouses). All the above were later included in the law with several adjustments the clause on co-ownership is referred to as the “Family Land Rights Occupancy”. Although the law only introduced the concept of consent before any transaction for family land, the Alliance did not give up lobbying for spousal co ownership of the matrimonial home.

The Alliance has also lobbied for the development of a National Land Policy. The policy advocacy work was intended to close the gap between law and policy and to operationalise the Land Act. The lobby for the Land Policy went on for three years and as a result the Alliance developed an issues paper for the National Land Policy. The issues paper was developed through consultations of key stakeholders and the rural community. The paper was handed over to the Ministry of Water Lands and Environment for inclusion into the National Policy Document. The Alliance has also participated in the National Land Policy working Group at Ministerial level and shared its findings. The alliance is part of the harmonization group on land tenure legislation under the Ministry of water, Lands and Environment

Because women are the poorest in Uganda, there was special attention drawn to the plight of women as far as land is concerned. The lobby for the co ownership of land by spouses was a big issue. The alliance lobbied the legislature, Government Ministries and the Executive to legislate for the co ownership of land by spouses. The campaign was launched during the debate on the land bill in 1997 and intensified after the clause which and been approved in principle by parliament was inadvertently left out of the Land Act. This clause is meant to give legal protection to women who utilize the land but have no control over it and do not make any gains from it but to use for food for the family.

The most recent initiative is when the government proposed in the Constitutional Amendment Bill 2005 that it should have powers to compulsorily acquire land for investors, more so without prompt compensation. Where by private investment was interpreted to be public interest. The Alliance lobbied MPs and other stakeholders and the section was thrown out by MPs.

3.6 Members' capacity building, networking and information sharing

The Alliance has a membership of about 47 Organisational members and 17 individual members. The activities described above would not have been as successful without members' contributions. Being a consortium, members have been used to attend meetings, workshops, and debates on behalf of the Alliance, but most important member Organisations have committed themselves to operate Land Right Centres with the Alliance. So far they're six member organisations running these Centres in five Districts in Uganda and a two more are under way. They have also contributed funds, and other resources to make the work of the alliance possible. A resource centre and website will be established this year to facilitate information sharing among members and with the public.

3.7 Programme management

The Alliance has had small but skilled staff who are knowledgeable with the functioning of the organisation. Currently, the Secretariat is made of three Programme staff, an accountant, one volunteer and three support staff. Alliance members have from time to time assisted the staff by carrying out some of the activities. The Coordinator reports to an Executive Committee who in turn report to the members through the annual general meeting.

4.0 Challenges.

However, there are several challenges that still need to be addressed by the Alliance and its key allies.

- Some provisions in the Land Act have not been implemented due to lack of resources on the part of government.
- The concept of land rights needs to be re-defined to include social justice and gender equity.
- In spite of the sensitization programmes , there is still a lot of ignorance on the Land Act. Due to this, the people at the grassroots are still being manipulated by the powerful inspite of provisions in the law that protect lawful or bonafide occupants on land.
- The demand for information is very high and personnel managing the Land Rights Centres are overwhelmed.
- The Documentation and research activity has however been hindered by the lack of sufficient funds to carry out more extensive research.
- Mass public awareness is quite expensive and the Alliance needs more support of resources towards this cause to be able to reach more people.
- The need to bring more women on board to actively participate in the land related activities.
- The need to share information and to keep members actively involved in Alliance work.

5.0 Conclusion.

The struggle for Land Rights is not easy. It is politically sensitive and one has to tread a careful path lest you are misunderstood. As a result you need some political will to succeed. The ULA will this year mark ten year of the struggle and we hope that during our reflection, we shall generate some lessons that we share shall with you. Thanks.