



THE REPUBLIC OF UGANDA

NON STATE ACTORS ASSESSMENT OF THE SECTOR PERFORMANCE FOR FINANCIAL YEAR 2016/17

LANDS, HOUSING AND URBAN DEVELOPMENT

**“ Sustainable Socio-economic Transformation
Through Planned Land Use, Tenure Security
and Housing For All”**



OXFAM





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Designed and printed by:

Inter-Designing and Printing Limited.

List of Acronyms

DLB District Land Board

FY Financial Year

JSR Joint Sector Review

LAW Land Awareness Week

LIS Lands Information System

NLP National Land Policy

MLHUD Ministry of Lands, Housing and Urban Development

MTEF Mid Term Expenditure Framework

NDP National Development Plan

ULF Uganda Land Fund

UNLPIAP Uganda National Land Policy Implementation Action Plan

MZO Ministry Zonal Offices

WLR Women Land Rights

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1.0 INTRODUCTION

This statement presents the sector performance assessment for Financial Year-FY2016/17 and proposed strategic interventions that the Lands, Housing and Urban Development (LHUD) sector could implement in the FY2018/19 in context of achieving sustainable socio-economic transformation through planned land use, tenure security and housing for all. The statement was developed by Non State Actors (NSAs) working on a wide range of issues that interact with land, housing and urban development to deliver improved livelihoods and prosperity for all Ugandans.

In terms of scope, the statement covers sector performance right from financial investments and budget performance, land administration and management with specific issues as laid down in the Ministerial Policy Statement (MPS) for the year under review 2016/17. In view of the assessment, the NSAs through this statement make prepositions.

1.1 Background

In November 2016, the LHUD sector initiated and convened the first (1st) Joint Sector Review (JSR) under the theme: “The Journey to the middle income economy, the role of LHUD sector”. In 2017, the sector convenes yet another JSR bringing together the wider stakeholders (State & Non State) implementing activities in the sector to review progress in implementation for the FY2016/17. The JSR in this context provides a platform for the stakeholders to undertake performance assessment, collectively plan and provide policy guidance as well as insights that could inform priorities for the next FY.

The 2017 JSR is set to identify key issues preferred by the wider stakeholders as strategic to transforming the sector and provide a boost to other productive sectors of the economy such as agriculture, trade and industry, environment, energy and mineral development. Specifically the review is set to assess performance for the FY2016/17, provide guidance for the budgeting process for the FY2018/19 and build consensus on the emerging issues from the sector performance.

The FY2016/17 marks the successful second year of Implementation of the National Development Plan (NDP) II and the National Land Policy (NLP) 2013 as guided by the Uganda National Land Policy Implementation Action Plan (UNLPIAP) 2015/16 - 2018/19.

This assessment focused on budget performance, awareness creation, land-based investments, the Uganda Land Fund (ULF), Women Land Rights (WLRs), Land and Development, and Land Use and Housing where findings and recommendations are aimed at steering the sector to greater achievements, and aiding the players to add value as well as make every single resource spent count. This assessment is envisioned to further be used as a tool to guide investment in the LHUD sector.

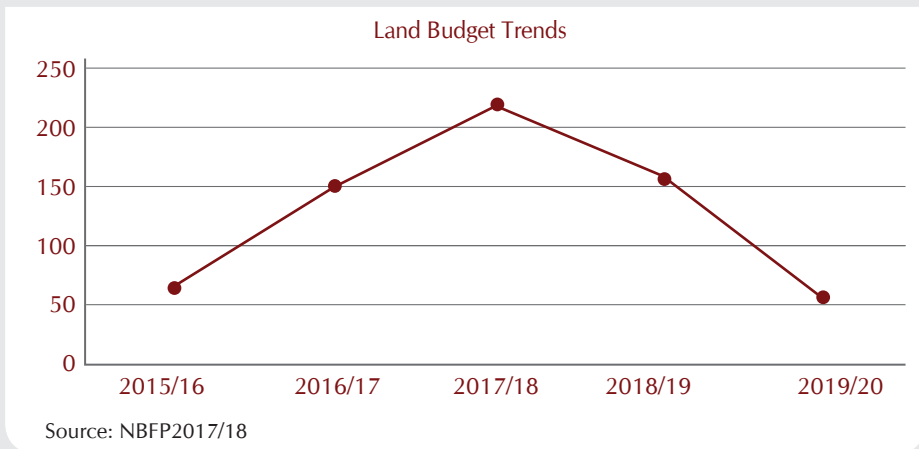
We the Non- State Actors therefore commend Government of Uganda (GoU) through the MLHUD and her agencies for organizing this critical platform and according us space to participate in this review process. We commit to continue complementing the efforts of Government while seeking technical support and guidance from the MLHUD in achieving the sector goals and objectives that contribute to transforming the Ugandan society from a peasant to a modern and prosperous society as laid down in the “Vision 2040”.

2.0 LANDS, HOUSING AND URBAN DEVELOPMENT SECTOR ASSESSMENT AREAS FOR THE FY2016/17

2.1 Investment, Financing and Budget Performance

The Lands, Housing and Urban Development (LHUD) sector for the FYs 2015/16, 2016/17 and 2017/18 experienced gradual increase in budget allocation as reflected in the figure 1. According to the three year rolling Mid Term Expenditure Framework (MTEF), it is projected that the sector will face a drastic reduction in budget allocation in FYs 2018/19 and 2019 /20.

Figure 1: Sector Budget Trend- FY 2015/16 and Projected Target FY2019/20



According to the graph above, the allocation to the sector has experienced fluctuating budget trends - with steady increments between FYs 2015/16 and 2017/18, and thereafter, a steady decline from 2018/19 to 2019/20 i.e. UGX64.468bn allocation in FY2015/16, UGX150.053bn in FY2016/17, UGX220.747bn in FY2017/18, UGX157.154bn in FY2018/19 and in FY2019/20UGX 54.655bn.

We commend the GOU for this consistent allocation to the sector and to the tune above the National Development Plan (NDP) II projections as shown in the National Budget Framework paper i.e. allocation for FY2017/18 of UGX220.747bn is above the NDP II costing of UGX197.5bn.

However, we note with great concern that this projected declining trend of budget allocation is very constraining to this sector which is still grappling with critical policy, laws and institutional challenges.

We therefore implore government to further allocate more funds to the sector in the subsequent FYs to come as the sector plans to address more costly investment priorities such as development, harmonization and expeditious implementation of the various policies and laws, and strengthening the institutional capacity to deliver required administrative and management functions at both national and sub national levels.

2.2 Budget performance FY2016/17

During the FY2016/17, the sector received an approved budget excluding arrears amounting to UGX147.005bn. This was accordingly allocated to budget components of wage- UGX4.57bn, non-wage UGX21.70bn, and development at UGX34.74bn. Of the UGX147.005bn approved budget, donors contributed UGX89.99bn representing 61.2%. Critical analysis further reveals that donors are more interested in urban development sub sector, followed by lands. Thus, their substantial allocation goes to urban development reaching the urban population which constitutes 21.4% of the Uganda's population¹ and least to lands, and almost none to housing. This means the Land Administration and Management directorate which deals with the huge burden of land matters among rural population of 78.6% was suffocated.

We are therefore concerned that despite the recognition of the land sector as a driving sector upon which all other development sectors thrive (NDPII and VISION 2040), and the growing challenges within the sector as experienced by government and the people of Uganda, the sector continues to be hugely funded externally.

Government should therefore fulfill the commitment of prioritizing this sector by practically increasing financial allocation to at least not less than annual ceiling of UGX400Bn beginning FY2017/18.

¹ UBOS Statistical Abstract 2016

Secondly, according to the draft annual budget performance report FY2016/17, the sector received UGX182.609bn, reflecting a release performance of 124%. However, this high performance is attributed to supplementary expenditure the sector received to meet its pension and gratuity expenses and land fund expenses under the Uganda Land Commission. On the overall, the sector exhibited a budget expenditure performance of 66%.

Whereas we commend government for an over performance of budget release against approved budget of 124%, we are concerned that the sector applied for a supplementary expenditure to meet such expenses that are not abrupt or disastrous in nature. This reflects inconsistency in planning within the sector, thus causing budget indiscipline. We encourage comprehensive budgeting should therefore be encouraged and adopted by the Ministry to improve efficiency.

Finally and in general terms, the sector exhibited low budget absorption during the year, with worst absorption reflected against donor funds at 43% of the 124% approved budgets as seen in figure 2.

Figure 2: Lands, Housing and Urban Development sector financial performance (Bn ugx)

Category	Approved (Bn Ugx)	Released (Bn Ugx)	Spent (Bn Ugx)	Budget Released (%)	Releases Spent (%)
Wage	4.57	5.19	5.07	114	98
Non-wage	21.70	21.32	20.46	98	96
GOU-Development	34.74	50.21	48.87	145	97
Donor	85.99	105.89	45.75	123	43
Total sector Budget	147.005	147.005	120.154	124	

We note with concern that since donor funds are often repaid with huge interest (25% of National Budget Amount), the sector shoulders a burden of paying interest on unused funds which curtails spending in other crucial sectors like agriculture and tourism whose budgetary allocations are far lower than annual interests we pay on donor interests.

We therefore call upon government to explicitly address the operational institutional challenges highlighted by the Ministry in their various reports i.e. issues of staffing (recruitment, capacity, and review & revise remunerations), institutional infrastructure development, policy and legal frameworks.

We also note that the budget cut of 28% has greatly affected this sector's whose nature of work requires a lot of field work (fuel, vehicle maintenance, travel inland), printing of land titles (stationery), and sensitization of public through workshops hence we recommend for re-institution of this 28% in the FY2018/19.

In conclusion, we commend the MLHUD for institutionalization and operationalization of the 13 Ministry Zonal Offices (MZOs), development and maintenance of a national computerized database for lands records through the Lands Information System (LIS) and keeping it accessible to public as evident during the Land Awareness Week (LAW) conducted in Amuru district in May 2017 where more than 8 land titles were searched and verified instantly using the LIS.

2.3 Financing for Awareness Creation and Information Dissemination

The NDP II prioritized public awareness creation and information dissemination as key in improving effectiveness in the administration and management of land. It further recognizes that in the case of customary land holding or in cases where people holding land under other tenure systems are unwilling to allow acquisition/sale, massive sensitization programmes and negotiations will be promoted to ensure that the interests of all parties are duly protected.

The complexities associated with land are largely deep into the limited knowledge and appreciation of the existing policies, laws and their associated regulations and procedures. The conflicts associated with land are dominating all levels of judicial systems, formal and non-formal. Whether private or public land, associated conflicts are largely an outcome of limited and/or misconceived rights, duties and obligations.

During the FY under review, MLHUD prioritized public sensitization on land matters as a strategy under the planned output for Land Administration and Land Management.² However we note that in FY2016/17 among other accomplishments, sensitization on land matters was carried out in only 3 districts of Mbarara, Hoima and Buliisa; compensation rates for additional 3 districts (Kyenjojo, Kiryandongo & Masindi) determined; to mention a few.

However, we are concerned that Awareness Creation and Information Dissemination constitute a huge intervention area that should hold its independent vote and not as fragmented sections across the budget. We noted that much as this area was recognized in the FY under review, no specific targets were set under this outcome and no budget was allocated in specificity in the FY2016/17 but also in the current FY2017/18.

² Ministerial Policy Statement (MPS) 2016/17.

We therefore recommend that a specific vote for MLHUD for Awareness Creation and Information Dissemination be included in the next budget framework paper. Secondly, we further recommend that clear and specific performance targets are set and a budget be allocated.

We propose specific areas for awareness creation and information dissemination to include among others the gazette for conservation and protected areas by district, physical plans per district & also national, land Use plans, Land valuation rates, the Land Fund regulations, the land Act 1998/10, the Physical planning Act 2010, etc.

Finally we propose an annual budgetary allocation of not less than UGX4Bn towards this vote.

2.4 Land Administration and Management to foster Development

We commend the government of Uganda for the recognition of the role efficient and effective land administration plays in fostering development at individual, household and national level.

During the year under review, the government through MLHUD established challenges that are hindering this form of development as reflected in the inadequacy in existing legislations and policy framework.

In this regard therefore the government set out to finalize the drafting of the five (5) land related laws namely; the Survey and mapping Bill, the Land Information and Infrastructure Bill, the Registration of Titles Amendment Bill, Surveyors and Registration Bill and Land Acquisition Act Amendment Bill. Government further set out to finalize stakeholder consultations on these Bills.

We are however concerned about the low performance against these targets. According to the sector performance report as reflected in the MPS FY2017/2018, progress is only reported on preparing principles for the amendment of the five (5) land related legislations that had been singled out as key to addressing issues related to land and development. Other targets related to wider stakeholders' consultation to the amendment of these instruments couldn't flow in course.

We therefore recommend that given the complexity of the challenges Ugandans and the Government of Uganda are trapped into with regard to land and development, that MLHUD expedite the drafting of these bills and let them be presented in parliament.

We further recommend that given the relevance of these legislations not only to the macro level investment but also the micro level and people's livelihood that MLHUD re-affirms the set targets of undertaking the wider consultations. In addition, consideration should be taken to harmonize these legislations in principle due to their inter relatedness but also focus on other laws (land Act, etc) not highlighted.

Further review and assessment of the set targets and performance interventions by the Ministry indicate broader perspectives set as activities to be implemented to address the issues of land and development. According to the MPS of the FY under review, the Ministry set to;

- I. Supervise Land Acquisition for 18 Infrastructure Projects including roads, landing sites, weigh bridges and stations, power lines & hydro power projects, RAP solar plants, water supply projects, among others.
- II. Develop Policy and legal framework for land valuation
- III. Implement the National Land Use Policy and Physical Planning Act, 2010 and National Land Policy.
- IV. Implement the Albertine Graben Regional Physical Development Plan and Lower level Physical Development Plans supported.

It is hereby observed that these are too broad interventions to be undertaken within one financial year. In addition, it is difficult to measure performance and progress made.

We therefore recommend that specific interventions within these respective broad areas be set out for implementation and financing during the year based on their immediate relevance to address the challenges associated with land management for development at micro and macro levels.

Government should allocate substantial fund to facilitate activities of the National Physical Planning Board to be able to guide developments in the country.

We further note that over time, there has been creation of new administrative units at District, County, Sub County, Parish and Village levels but with poor establishment and documentation of the new administrative boundaries. This has in many cases brewed boundary conflicts created vulnerability for many communities i.e. the Nwoya-Amuru boundary at Lungulu, Alero, Leb Ngec and Amuru Sub Counties.

We therefore call for clear establishment, documentation and dissemination of the newly created administrative units to reduce the unnecessary boundary land conflicts.

Institutional Framework (National)

A report³ from the Office of the Chief Government Valuer highlights the institutional challenges in the exercise of the functions of valuation that need to be addressed;

- There is no principle legislation on Valuation in the Country and no National Valuation standards and guidelines to fully regulate and determine assessments in the country.

³ Andrew Nyumba December 2016: *Land Acquisition and Compensation Challenges in Uganda; The Chief Government Valuers perspective.*

- The Office of the Chief Government Valuer has low levels of resourcing in terms of technical capacity, equipment and funding with only 22 Valuers on full time appointment and 07 on annual contract and limited transport logistics to carryout valuation and supervision of land acquisition in the country.
- There are no clear resettlement laws and common rates for land values and permanent structures leaving the valuation to the discretion of the valuers.

We note that this team cannot effectively handle the projected valuation output as well as the overwhelming current and upcoming Government Infrastructure Projects (Roads, Railway lines, Power lines, Oil and Gas Projects in the Albertine Graben and Hydro Power Stations among others).

The Office of the Chief Government Valuer stands central in this process but also works with other local government institutions like the District Land Boards and Land Offices which have their own share of operational challenges.

Therefore we recommend as follow;

- Cabinet should prioritize the passing of the National Land Acquisition, Resettlement and Rehabilitation Policy so that it informs ongoing amendments to legislations in the land sector particularly the Land Acquisition Act.
- Develop a valuation data bank in the country for land values and rates for permanent structures to address the issue of variations in compensation assessments amongst practitioners and the Project Affected Persons.
- The office of the Chief Government Valuer should also be facilitated financially and logistically through increasing its budgetary allocation to adequately perform its function.
- Land actors to join hands to create awareness of Physical Development Plans highlighting areas earmarked for infrastructure development in the entire country so that affected persons can be engaged well in time and the institutional support at the local government be accorded.
- The Albertine Graben Regional Physical Development Plan should be disseminated to the local communities so that they can plan on how to support the infrastructure development process.

Institutional Framework (Local Government)

On another note, the country has just gone through an election which also ushered in new Land Management structures (Area Land Committees and the District Land Board) most of whom have inadequate capacity on land administration & management issues.

Our interaction with them in the upcountry old districts and newly formed districts (Amuru, Omoro, Pader, Soroti, Kaabong, Nebbi, etc) shows that they haven't received orientation/induction and/or training on how to handle business. This has intensified gaps in the land administration and management at local government levels.

Finally, we have experienced over 40% of the districts having lands offices run by "care taking staff" that in most cases are not qualified staff. This has majorly been attributed to the staff ceiling issues. The worst scenario is at Sub County levels where we found in Kaabong district out of the 15 Sub Counties; only 3 Recorders-Senior Assistant Secretaries (SAS) were duly confirmed by the district Service Commission. In other districts e.g. Amuru, arrangements have been made for parish chiefs to act as Recorders, and was done without any legal instrument/recognition granted them. This is a representative of scenario in most Sub Counties across the country.

The above scenarios imply that no meaningful land service delivery is done in the Sub Counties that do not have the Recorders. Secondly, this literally also brings out a lot of illegalities that is happening at Local Governments under the supervision of MLHUD.

We have noted with great concern how this has significantly affected the delivery of land services at Local Government levels especially when it comes to addressing issues of the customary land tenure.

We therefore recommend that MLHUD set this a priority for FY2018/19 and with support of Local Governments and development partners to fast track the training of the land administration and management structures at Local Governments.

We further call upon MLHUD to intervene and support district local governments resolve staffing issues in line of land administration and management and in instances where the staffing issues cannot be adequately addressed by Local Government, MLHUD should guide on clear alternative modalities.

2.5 The Land Fund

We commend the government of Uganda for recognising the need to establish a land fund in order to compensate the absentee landlords and secure tenure rights for the lawful and bonafide occupants. Whereas there is a growing need across the country for the function of the fund we are concerned that throughout the MTPF the vote is at 00 allocations. This is further reaffirmed by MLHUD citing inadequate allocation to the fund as one of the major challenges. Despite defined interventions including among others increasing the number of women compensated under the fund and performance indicators such as the number of landlords that are compensated under the fund.

In the FY 2016/17, Ministry Vote 012 and ULC Vote 156 were allocated a total of UGX141.505bn, of which UGX3.386bn is for wage, UGX17.568bn Non- wage recurrent and UGX104.945bn Development expenditure for MLHUD and UGX14.789 billion Development expenditure for ULC.

Critical priorities under the government land administration included operationalisation of the Land Fund Regulations through publication, distribution and dissemination; the commencement of implementation of physical development plans in the Albertine Grabben region and other areas; processing 60 Government land titles and issuance of 600 government leases; compensate 3,500 ha of land; and development of an electronic database management system for government land inventory. We commend government for exceptional performance against targets under the land fund where 5,450 ha of land were compensated against the planned 3,500 ha.

However we note that the performance as per the Ministerial Policy Report (MPR) 2017/18 was a little low as the Ministry issued only 200 government leases and processed only 15 government land titles as opposed to the planned 600 government leases and 60 government land titles respectively. This performance is quite low which ought to further be analyzed and bottle necks addressed by the responsible directorate.

Secondly, although there was commitment by MLHUD to operationalize the land fund through publishing and dissemination of the regulations, the absence of clear targets against this commitment made it difficult to measure performance by the end of the financial year and instead Ministry only ended citing challenges.

We therefore recommend that the land fund be capitalised with an average of at least UGX100bn every financial year with clear set targets in hectares of land to be purchased and locations.

We further recommend that targets be set against the publication and dissemination of the regulations in order to attract other actors to contribute to those targets in replication, translation and dissemination of the guidelines.

2.6 Land Rights of Vulnerable Groups

In FY 2016/17, MLHUD sought to promote land and property ownership for both male and female in Uganda as enshrined in the NLP. The concern here under V5 is that all male and female be made aware of their land rights, and the requirements of the National Land Policy. The proposed intervention was to sensitize both men and women on land rights and land related matters. To this, UGX0.01bn (UGX10,000,000) was allocated.

The performance indicators included number of Districts to which the NLP has been disseminated; ratio of women or men that can comfortably present and discuss land related issues; and proportion of women or men that own land and utilize it in line with the NLP.

However, it's not clear in the MPS how activities under V5 Vote Cross-Cutting Policy and Other Budgetary Issues) of the MPS especially (i) (a) which provides for Gender and Equity were implemented. Whereas Gender is a cross-cutting issue, the information provided on activities like sensitization are not disaggregated to provide details on how many women and men were sensitized, the ratio of women and men who can articulate their land rights and the proportion of men and women who own and utilize land as per the performance indicators. There are also no targets set. This makes it difficult to assess the Ministry's performance on the promotion of land rights which are guaranteed in legal and policy frameworks at the national and international level.

Despite the recognition of the low numbers of women owning land by the Ministry under crosscutting policy issues, we are concerned that commitment is made to instead facilitate inspection and process leases and compensation on merit.

We therefore recommend that the Ministry disaggregates all its data to make future analysis easy as well as assess its performance on legally guaranteed areas like women land rights. We further recommend that targets are disaggregated by sex in order to make the tracking of performance and analysis on gender easy to measure performance and make projections for further interventions.

Implore stakeholders in the land sector to rethink and re-define the notion of WLR with a view of proposing action oriented interventions with clear targets and set outcomes that can be translated in the annual plans and budgets.

Secondly, in the FY under review, we saw multiple land disputes and conflicts related to land boundaries, land use and land acquisition leading to high threats of incidences of violent clashes and eviction among rural communities in areas of Apaa and Kololo in Acholi, Aswa, Maruzi and other government ranches; etc. This had been partly attributed to gaps in dissemination of information on the rights of such communities as enshrined in the legal frameworks. In some instances we found communities being denied rightful information regarding their land rights even by the District land Board for example the "Status of the Amuru land which the DLB claim it is Public Land". This has stalled registration of land rights for over 2,500 customary land owners in Pailyec parish.

In many places, communities have been found encroaching into conservation areas which later led to a lot of land conflicts.

We therefore implore MLHUD to conduct country wide mapping and prioritize intervention on such land disputes during the FY2018/19. Clear maps for such areas should be availed and disseminated at each district to close information gaps with regard to administrative boundaries, gazette conservation areas (forest, Wild life, wetlands, etc).

We encourage Government to adopt negotiations and non-violent approaches in resolving complex land disputes and conflicts and not to reign with violence over vulnerable communities.

Finally, the pastoralist communities who form part of the minority group in this country haven't been fully recognized by the laws that can guarantee protection and promotion of pastoralism and range lands use and management as the National range Lands Policy has remained in draft form.

We therefore call upon MLHUD to fast track the National Rangelands Policy to provide the framework to guide enactment of laws on Rangelands, its use and management and also call upon the GoU should allocate funds for expeditious implementation of the Rangelands policy.

2.7 Land Use

We commend the GOU for the creation of an enabling legal and policy framework to steer land use in the country e.g. the enactment of the national physical planning Act, 2010, the national land use policy 2006 and the Land use regulatory and compliance framework. We are however concerned that an outcome on sustainable land use was developed and added to security of tenure and having affordable decent houses and organized rural and urban development.

A review of the sector MPS FY2016/17, did not establish where the sector recognizes other core sectors that are key to land use beyond urban development such as agriculture, energy, environment and tourism. We are further concerned that the analysis of the budget vote allocation within the sector reflects insignificant focus on land use as more priority is given to physical planning.

2.8 Tenure Security and contribution to other sectors

Security of land tenure is critical for any development investment at individual, household, and national levels. Components that guarantee security of tenure among others include the existence adequate supportive legal frameworks; adequate enforcement of the land laws and respect for rule of law; participation of citizens in registration of interests/rights over their land through clear legal frameworks; systematic Lands Information Management; regulated land market; etc.

During the FY under review, we have seen multiple conflicts and disputes with regard to determination of legitimate land owners in incidences of government investment and/or development projects. Beyond this we have experienced cases of “land speculators” that have arisen leading to exploitation of vulnerable communities but most importantly stalling of government projects.

We note with concern that over 75% of the customary land owners in Karamoja and Albertine Grabben; Northern and Eastern Uganda haven’t been supported to realize their full security of land tenure amidst very high potentials for mineral exploration and Large Scale Land Based Investments in such regions.

Further to note is that during FY2016/17, the continued tenure insecurity of farmed land kept small holder farmers, and other agricultural based investors that can inclusively transform the sector, from investing in irrigation¹ and other technologies which could improve productivity and sustainability of land use. Many farmers are constrained by the insecurity of not knowing whether they will retain control of the land on which they make these investments. Land disputes reduce agricultural productivity by 5 - 11% in the nation as a whole, and 25% and 71% on Mailo and Customary lands in the central and northern regions².

In the MPS FY2016/17, government committed to increase tenure security through; Rolling out LIS of all the 21 MZOs in the Country, Completing Commitment of Land Registration and Administration files in all MZOs, Retooling and Staffing of MZOs among other activities to make land registration easier and cheaper as well as increasing awareness of the communities to the processes in the MZOs.

We commend government for allocating UGX47.028bn for land information management, however, we note with concern that no direct allocation was made towards Completing Commitment of Land Registration and Administration files in all MZOs, Retooling and Staffing of MZOs. Added to this, no clear targets were put despite setting out to intensify monitoring and evaluation of the implementation of the suggested activities.

We recommend that government should fast track the staffing of all the created MZOs, set clear and measurable targets for the 13 MZOs, facilitate staff recruited with both wage and non-wage and invest in awareness creation so communities can use the services of these centers.

MLHUD and non-state land actors should strengthen collaboration in supporting the pastoralist and other vulnerable communities attain real tenure security and sustainable use of their communal Land.

Finally we recommend that mechanisms of securing customary land tenure be strengthened with involvement and increasing roles and legal recognition of traditional and cultural institutions in processes to attain this security. Their capacities and institution to be strengthened through government deliberate initiative.

2.9 Facilitation of Land Based Investments

During the FY under review, we identified critical issues that are not directly under the MLHUD but/yet require MLHUD's central role or strong collaboration with the energy, environment, trade and investment Ministries. They greatly affect and impact on land rights of individuals, households and communities. The issues include among others the following;

- a) Growth in geographical scope of extractive sub-sector Vs isolated interventions
As the extractive industry continues to grow, the concentration of activities is going beyond the Albertine Graben, where specific interventions with regard to land use/planning has already been developed. The proposed East Africa Crude Oil Pipeline (EACOP) will affect an estimated 8 districts stretching beyond the Graben. Does government plan to have specific interventions for the additional areas?
- b) Land Rights of communities involved in Artisanal and Small Scale Mining (ASM)
Recent trends point to increasing tenure insecurity by communities involved in ASM in Uganda. Government backed involuntary displacement/eviction of ASM communities in Mubende⁴, reported threats for similar developments in Karamoja region⁵ all point to increasing land insecurity for mining communities. The competition for mineral resources between large scale license holders and community livelihoods in form of ASMs inherently threatens the land rights of communities inhabiting mineral rich land. Moreover, licensing processes do not sufficiently involve host communities. How do we therefore secure the land rights of communities living on mineral rich lands?
- c) Institutional coordination for land administration in Uganda
The development of the Land Acquisition and Resettlement Framework for the Albertine Graben⁶ was a process largely driven by oil companies (joint venture companies), yet meant to act as an overarching framework for guiding land acquisition in Albertine graben. This is a process that should have had the line Ministry- Ministry of Land, Housing and Urban Development-at its center, which was not the case.

⁴ See report at: <https://www.independent.co.ug/analysis-mubendes-gold-evictions/>

⁵ See report at: <http://www.monitor.co.ug/News/National/Karamoja-residents-eviction-mining-companies-Amudat-gold/688334-4091958-142psea/index.html>

⁶ See report at: <http://petroleum.go.ug/uploads/resources/Jan2017FinalLARFEndorsed.pdf>

Whereas the Ministry of Energy and Mineral Development is the lead institution on extractive sector in the country, land related processes must be led by the mother ministry.

In addition, the growing number of land based investments facilitated by land concessions granted through the Uganda Investment Authority (UIA) cannot be over emphasized. UIA is currently responsible for giving away serviced land, for example in areas like Namanve. However, the criteria the authority uses to obtain this land and giving it away remains largely unclear.

Consequently such land has remained undeveloped or developed in ways contrary to the purpose for which it was awarded. In other cases, transactions have been entered into by the awardees, and the land has been sold or leased by those to whom the land was awarded. In view of the mandate of the Ministry of Land, Housing and Urban Development i.e. to ensure rational, sustainable and effective use and management of land. It is worth noting that the land in custody by the UIA and the Uganda Free Zones Authority remains largely underutilized.

The question about fair and market value based compensation to land owners for land identified for investments remains a huge debate. In addition, the extent to which the Uganda government i.e. the Ministry of Lands has utilized the Principles of Free Prior Informed Consent (FPIC) and the African Union Guiding Principles for Large Scale Land Based Investments remains very limited and in some cases non-existent.

We therefore recommend as follows;

- Cabinet to expedite the Land Acquisition, Compensation and Rehabilitation Policy to provide harmonious guidance on land administration in regard to extractive industry development, as opposed to isolated interventions as is the case of the Albertine Graben

- Support for registration of interests in land for especially customary owners who are especially vulnerable to displacement from mineral rich areas. Their land rights must not be trampled upon despite the competition for mineral resources. Involuntary displacement should not mean violation of land rights of affected communities
- Stronger institutional coordination, especially between MDAs responsible for extractive industry and other land based investments such as UIA and the UFZA; and the Ministry of Lands, Housing and Urban Development, which is the custodian of land policy and land administration in Uganda.
- Review the policy framework to prohibit the sale of public land awarded for investments.
- Utilize the principles of Free Prior Informed Consent in identification and allocation of land for investments; and the Guiding principles of large scale land based investments.
- Work with the National Environment Management Authority (NEMA) and the Ministry of Gender Labour and Social Development to adopt and undertaken Human Rights and Social Impact Assessments.
- The Ministry of Land should take a more effective role in ongoing policy processes such as the development of the Investment Policy and review of the Investment Code Bill, 2017 of Uganda.

2.10 Unfunded Sector priorities for FY2017/18

We are greatly concerned with the list critical outputs/activities for the sector which have not been funded during FY2017/18 as shown in figure 3. We further strongly believe that the FY2017/18 unfunded outputs if implemented would deliver much desired transformation to the sector since they mostly deal with real challenges affecting the sector.

Figure 3: List of unfunded outputs, MLHUD (BFP FY2017/18)

Programme	Output	Critical Deliverables	Funding
01 Land, Administration and Management (MLHUD)	03 Inspection and Valuation of land and Property.	<ul style="list-style-type: none"> Support to staffing, retooling and capacity building of valuation function. Build capacity of valuation function and implement the National Value Databank to facilitate fast land acquisition for government projects; save Government from exorbitant compensation claims/ restore sanity in compensations; and fix leakages in valuation fees collections. Strengthen the legal framework for the office of the CGV. 	UGX26.409Bn
	05 Capacity Building in Land Administration and Management	<ul style="list-style-type: none"> Training of all Land Management Institutions and increase awareness of land rights and reduce conflicts related to lack of adequate knowledge of land management and administration 	UGX2.00Bn
	06 Land Information Management	<ul style="list-style-type: none"> Maintenance of 6mzos and operationalizing additional 7 MZO. Maintenance of the existing zonal offices and roll out LIS and operationalize other Ministry Zonal Offices, as this shall bring services closer to the people, increase security of land and increase percentage of the land registered in the country. The implementation of LIS which shall eliminate and detect possible fraudulent transactions and also facilitate the collection of NTR to the National treasury. 	UGX8.200Bn
49 Policy, planning and Support Services	01 Policy, consultation, Planning and monitoring services	<ul style="list-style-type: none"> Support to MLHUD to provide for the retooling of the entire Ministry. 	UGX15.3Bn

We commend the MLHUD for the identification of the outputs above as critical in attaining the sector objectives and furthers encourage collective financing of these outputs during FY2018/19.

2.11 Performance updates on the Implementation of the National Land Policy 2013

The National Land policy was approved by Cabinet in February 2013 as a framework that harmonizes the diverse needs for human settlement, production, and conservation by adopting best practices in land utilization for the purpose of growth in the agricultural, industrial, and technological sectors

In a bid to guide its implementation, we commend the Government of Uganda through MLHUD for developing the Uganda National Land Policy Implementation Action Plan 2015/16 – 2018/19.

The year under review 2016/ 17 marks the second year of implementation following the Action Plan. A review of the implementation matrix developed alongside the action plan, indicate a bulk of Policy measures and subsequent activities laid therein to be achieved and accomplished during the first three years 2015/16 – 2017/18 of implementation. For instance, 227 out of 260 activities set out in the matrix have reflected to be implemented or partially implemented during the first three years.

We are however concerned that performance documents from the ministry do not provide an explicit performance report against this cardinal instrument in the sector.

Figure 4: Implementation of the National Land Policy

Policy Measures	No. Key Activities	No. activities in 1-3 Year i.e. 2015-2018	No. activities in 4-10 Years i.e. 2018-2024
Implementation Plan for the National Land Policy	260	227	33

To implement the National Land Policy, government set out 260 activities, however, we note with concern that in the first three years of implementation i.e. 2015-2018, 227 activities were lined up leaving only 33 activities for the entire seven years’ period.

We recommend that government should revise the distribution of activities and set feasible numbers for the two periods.

(Endnotes)






¹World Bank. (2015). *World Development Indicators - Fertilizer consumption (kilograms per hectare of arable land)* [Online]. The World Bank. <http://data.worldbank.org/indicator/AG.CON.FERT.ZS/countries>

²Deininger, K & Catagininini, F (2004) *Incidence and Impact of Land Conflict in Uganda*; and Deininger, K & Ali, D (2008) *“Do Overlapping Land Rights Reduce Agricultural Investment? Evidence from Uganda” American Journal of Agricultural Economics*; quoted in the keynote presentation at the Joint Sector Review of the Ministry of Lands, Housing and Urban Development, 10th November 2016 by Dr. Frank F. K. Byamugisha.

ANNEX 1: List of Non State Land Actors that participated in the Development of this document

No.	Organization in Full	Logo
1	Participatory Ecological Land Use Management (PELUM) Uganda	
2	Oxfam	
3	Food Rights Alliance (FRA)	
4	Eastern and Sothern Africa Small Scale Farmers' Forum (ESAFF) Uganda	
5	Coalition of Pastoralists Civil Society Organizations (COPACSO)	
6	Uganda Land Alliance (ULA)	
7	Trocaire	
8	FIDA Uganda	
9	LANDnet	
10	Legal Aid Service Providers' Network (LAPSNET)	

No.	Organization in Full	Logo
11	Uganda Women's Network	
12	Send a Cow (SACU)	
13	ActionAid Uganda	
14	Caritas Nebbi	
15	International Institute for Rural Reconstruction (IIRR)	
16	Central Archdiocesan Province Caritas Association (CAPCA)	
17	Uganda Community Based Association for Women and Children Welfare (UCOBAC)	
18	Ecological Christian Organization (ECO)	
19	Agency for Accelerated Regional Development (AFARD)	
20	Uganda National Farmers Federation (UNFFE) Secretariat.	
21	Mid Western Region Anti Corruption Coalition (MIRAC)	
22	Agency for Integrated Rural Development (AFIRD)	
23	Environmental Alert (EA)	

No.	Organization in Full	Logo
24	Community Empowerment for Rural Development (CEFORD)	
25	Caritas Association	
26	Caritas Kabale	
27	Sustainable Agriculture Trainers' Network (SATNET)	
28	Community Integrated Development Initiative (CIDI)	
29	The Southern and Eastern Africa Trade Information and Negotiations Institute (SEATINI)	
30	Mr. John Mwebe - Land Actor	



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