



A DECADE OF LEMU'S CONTRIBUTION TOWARDS THE IMPLEMENTATION OF THE NATIONAL LAND POLICY in Uganda (2013 – 2023).

THEME:

“Assessing the Contribution of the National Land Policy to the Optimal Use and Management of Uganda’s Land Resources”

Presented during the National Land Policy Platform:

Hotel Africana

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Background:

- ➔ As part of its focus on promotion of customary land tenure in Uganda since 2003, LEMU worked within the Civil Society space in Uganda and in partnership with government actors to develop the National Land Policy which was passed in 2013. One of LEMU’s most important arguments was for customary land tenure to be considered as equal with other land tenure systems, and this position was adopted in the final policy.
- ➔ In the last decade (2013 -2023) therefore, LEMU focused its interventions around implementation of the national land policy provisions around customary land tenure protection, dispute resolution and boundary demarcation. Some of the key reforms and activities implemented by LEMU in the regions of Lango, Teso, Karamoja and Acholi are described below. These activities and reforms were informed by constant community and public awareness and engagement on the issues through advocacy, documentation and writing of publications also listed in this document.
- ➔ In order to focus its intervention areas, LEMU extracted sections of the NLP relevant for its mandate in a 2017 document called “Extract of the approved NLP” to guide the institution and its stakeholders on the key provisions of the NLP to focus implementation.

LEMU’s contribution to implementation of NLP provisions on Customary Tenure

NLP provision	ACTION TAKEN
<p>S. 40. To facilitate the evolution and development of customary tenure.</p>	<p>LEMU worked with the Traditional Institutions in Lango, Teso, Kumam, Bunyoro, Aringa, Alur to document customary rules applicable for management of customary land tenure in those regions. These rules are referred to as Principles, Practices, Rights and Responsibilities (PPRR) for management of customary land.</p> <p>At district and sub-county levels, LEMU worked with Napak and Kalaki local governments (between 2018 to 2022) to try and turn the documented customary rules into district ordinances so that enforcement by state authorities becomes possible. The draft ordinances were passed by the respective district councils, pending approval of the Ministry of Justice</p>

<p>S.41 To facilitate the design and evolution of a legislative framework for customary tenure</p>	<p>To contribute to the proposed Land Act (Cap 227) Amendment 2023 as called for by the MLHUD, LEMU worked with Lango Cultural Foundation, Kumam Cultural Heritage and other CSOs to draft a paper focusing on the implications of the proposed amendments on customary land tenure. The policy paper made various recommendations including how to distinguish individually owned land from family owned land so as to qualify it for conversion to freehold.</p> <p>As part of the assessing the focus of NLP implementation by development partners, LEMU also wrote an issue paper critiquing the continued conversion of family-community customary land to freehold under the Systematic Land Adjudication and Demarcation (SLAAC) project, yet the NLP provides that customary land tenure is at par with other land tenure systems, making conversion unnecessary. The paper was a response to the call by the MLHUD in April 2022 for contributions from actors on how they have implemented the NLP.</p> <p>As an alternative to promotion of land registration focusing on individual customary land, LEMU advocated for “Family Land Title” as an appropriate form of land registration, considering the fact that most of customary land is held wither at family or communal levels.</p>
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LEMU’s contribution towards implementation of NLP provisions on dispute resolution

NLP provision	ACTION TAKEN
<p>S. 42 To strengthen traditional land management and administration institutions</p>	<p>In order to strengthen traditional land management and administration institutions, LEMU advocated for harmonization between state and traditional land justice systems, working with traditional institutions in Lango Teso and Acholi till 2013 where they proposed a Practice Directive on harmonization to the Chief Justice. The chief Justice then noted that he did not have powers to amend the law and proposals for amendment were drafted and submitted to the rules committee. Courts are yet to recognize and enforce the decisions of clan leaders in land dispute resolution. The impact of this initiative is that it informed the discussions within the Law Reform Commission and a study report assessing the role of informal justice systems and the need to work towards their co-existence and a harmonization of the informal justice system alongside the formal justice systems.</p> <p>LEMU also extracted the key provisions of the NLP on customary land tenure and the role of traditional institutions and disseminated it to community awareness meetings and specific trainings with clan leaders in Lango and Teso to support land allocation processes and popularized the use of the Family Land Rights and Lineage tree (FLRLT) as an effective tool for determining who has rights to customary land within families, since customary rights to land is traced based on family relations. The use of these tools such as FLRLT, sketch maps drawing, use of traditional trees for boundary demarcation and signing of dispute resolution documents by traditional leaders initiated by LEMU became major reforms that informed the practices of other land actors in the regions of Lango, Teso, Karamoja and Acholi.</p>
	<p>In order to encourage and build capacity for alternative dispute resolution, LEMU worked with traditional leaders, local government leaders, fellow NGOs, community paralegals/champions/influencers/volunteers to design and test gender sensitive ADR tool kits for resolution of customary land disputes involving women in Teso region. A similar ADR toolkit for resolution of customary land disputed between communities and investors was also developed by LEMU to promote responsible investments in Land in the Lango region.</p>

<p>S.42 To strengthen traditional land management and administration institutions</p>	<p>LEMU has also supported land dispute resolution through training clan leaders and local leaders on mediation, how to write a consent agreement, documented and disseminated principles of natural justice that needs to be followed by actors when mediating cases, disseminated the documented customary rules for land management as a standard reference material to reduce biasness and discrimination in the ADR processes</p> <p>LEMU has worked to create (and maintain) a secure database of land dispute cases reported in the various locations where it works. It has attempted to migrate from the manual storage of the case database to an online storage system for safety of data and easier analysis. The cases in LEMU’s database range from community-investor conflicts, family contestations of land allocation, land grabbing from vulnerable groups such as women and orphans, land conflicts resulting from land sales. The data base of these cases enables LEMU to make a constant scan of the context of land justice situation within customary land tenure and the required interventions.</p>
	<p>Advocated for full judicial backing for traditional institutions as mechanisms of first instance in respect of land rights allocation, land use regulation and land dispute for land under customary tenure, ensuring that the decisions of traditional land management institutions uphold constitutional rights and obligations with regard to gender equity</p>
	<p>Facilitated communities and their traditional institutions to register and legalize their ownership over common property resources through Building their capacity to manage common property and resources by recognizing and regularizing their roles</p>
<p>LAND RIGHTS OF ETHNIC MINORITIES</p>	<p>Popularized the FPIC Approaches where Government shall pay prompt, adequate and fair compensation to ethnic minority groups that are displaced from their ancestral land by government action. Advocated for the recognition of land tenure rights of minorities in ancestral lands</p> <p>-LEMU Promoted the establishment of Communal Land Associations and the use of communal land management schemes among pastoral communities in Karamoja region. - Established efficient mechanisms for the speedy resolution of conflict over pastoral resources in pastoral communities and sedentary communities</p>



<p>LAND RIGHTS OF WOMEN AND CHILDREN-Government shall ensure that both men and women enjoy equal rights to land before marriage, in marriage, after marriage and at succession without discrimination</p>	<p>Educated and sensitized the public on discrimination against women and children with respect to access, use and ownership of land.</p> <p>LEMU Advocated for restoration of power of traditional leaders in matters of land administration, conditional on their sensitivity to rights of vulnerable groups in communities of Teso, Lango and Karamoja</p> <p>Ensured that women are fully integrated in all decision-making structures and processes in access to and use of land so as to improve the status of women</p> <p>Solicited the support of faith based institutions and cultural leaders to accept and implement measures in the National Land Policy designed to protect the rights of women and children.</p>
	<p>LEMU has in the past ten years conducted community education in Lango, Teso and Karamoja especially on land rights of women. LEMU has also written extensively on women’s land rights and developed simple tools on for determination of where women’s land rights come from</p>
<p>Land Tenure systems- Uganda as a country shall maintain multiple tenure systems as enshrined in the Constitution</p>	<p>Ensured recognition, strengthening and education on rights of women, children and other vulnerable groups in all existing and emerging land tenure regimes but most importantly on customary land Ensured rules and procedures relating to succession do not impede transmission of land to women and children.</p>
	<p>Advocated for a Guaranteed transfer of land under customary tenure regime and ensured that it does not deny any person rights in land on the basis of gender, age, ethnicity, social and economic status, by ensuring equity in the distribution of land resources, and preserve and conserve land for future generations without depriving the poor of their access rights</p>
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<p>3.6 PUBLIC TRUSTEESHIP OVER NATURAL RESOURCES</p>	<p>LEMU has supported communities in Lango protect to their wetland including demarcation activities in Lira, Oyam, Kole and Amolatar working with Environmental Officers. LEMU also provided Legal support to communities dragged to court for protecting their wetlands. Through our work, we have instituted participatory management and ensured access and use by communities around those natural resources</p>
	<p>LEMU has worked with small holder farmers and investors in Dokolo and Amolatar to promote practices that reduce land degradation and enhance productivity and sustainable land use</p>
<p>On boundary Demarcation (S.32)</p>	<p>LEMU has improved the documentation of land rights under customary through facilitating boundary tree planting and drawing of maps using the Land Demarcation and Documentation Manual developed by LEMU and other partners. Using MYGPS app, coordinates are picked and near accurate maps are drawn and signed by all neighbors, clan leaders to avoid future conflicts. LEMU also educated communities to ensure presence of neighbors during surveys</p>

PUBLICATIONS

No	Publication Name	Link
1	The proposed Land Act Amendment and its implications for customary land in Uganda, October 7, 2023	https://land-in-uganda.org/shared-files/1534/?LEMUs-contribution-to-Land-Act-Amendment-May-2023-1.pdf
2	LEMU’s Contribution to Land Act Amendment, October 7 2023	https://land-in-uganda.org/shared-files/1457/?LEMUs-contribution-to-Land-Act-Amendment-May-2023.pdf
3	How can women’s land rights be best protected in the National Land Policy? February 7, 2009	https://land-in-uganda.org/shared-files/1526/?POLICY-BRIEF-ON-HOW-CAN-WOMENS-LAND-RIGHTS-BE-BEST-PROTECTED-IN-THE-NLP.pdf
4	Policy Discussion Paper 1: Protection and land rights	https://land-in-uganda.org/shared-files/1488/?Land-and-Equity-Movement-in-Uganda-Policy-Doc-1-Protection-and-land-rights.pdf
5	Policy Discussion Paper 2 – Titling customary land	https://land-in-uganda.org/shared-files/1487/?Land-and-Equity-Movement-in-Uganda-Policy-Doc-2-Titling-customary-land.pdf
6	Widow’s Security Under Customary Tenure	https://land-in-uganda.org/shared-files/1459/?WIDOWS-SECURITY-UNDER-CUSTOMARY-TENURE-document-January-2017-FINAL-as-sent-to-Board-members-13.4.17.pdf
7	Understanding and strengthening women’s land rights under customary tenure in Uganda	https://land-in-uganda.org/shared-files/1520/?understanding-and-strengthening-womens-land-rights-under-customary-tenure-in-uganda-for-website-final-version-april-2011-2.pdf
9	Family Land Titles Policy Brief	https://land-in-uganda.org/shared-files/1509/?Family-Land-Titles-Policy-Brief-English-by-SANDRA7.2.17.pdf
10	National Land Policy Draft, LEMU’s Position	https://land-in-uganda.org/shared-files/1467/?the-position-paper-of-LEMU-national-land-policy-draft-3-with-USAID-LINKAGES-logo-2008-final-layout-11-10-2008.pdf
11	How does land grabbing happen?	https://land-in-uganda.org/shared-files/1147/?Policybrief1-How-does-land-grabbing-happen-26-9-2008.pdf
12	Wetland and communal land fact finding assessment report, Lango-Sub Region	https://land-in-uganda.org/shared-files/1496/?wetland-and-communal-land-fact-finding-assessment-report-FINAL-4-printing-24-11-2012.pdf
13	Charting the way for effective land dispute resolution in Uganda, March 7, 2012	https://land-in-uganda.org/shared-files/1510/?charting-the-way-for-effective-land-dispute-resolution-in-uganda-final-sent-to-jeremy-9-5-2012-1.pdf
14	Extract of the approved NLP	https://land-in-uganda.org/shared-files/1518/?extract-from-the-NLP-7-5-2017-by-Judy-and-Jeremy-sent-to-Sandra-to-reprint.pdf

