



Responsible Land Governance: Towards an Evidence Based Approach

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Securing Land Rights for Equity, Sustainability and Resilience: Evidence from Innovative and Gender Responsive Tools for Implementation of Uganda's National Land Policy

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Introduction

Uganda is a signatory to several international and regional human rights instruments which promote equality and land governance. Many of these instruments have been translated into both policy and law. Uganda's national land policy is one of the most progressive policies in Africa that subscribes to the Framework and Guidelines on Land Policy in Africa (F&G) - a joint product of the partnership and collaborative effort of the African Union Commission (AUC), the UN Economic Commission for Africa (ECA) and the African Development Bank (AfDB). The National Land Policy (NLP) spells out clear strategies to ensure responsible land governance with strong emphasis on gender. The National Land Policy (NLP) was adopted by Cabinet in February 2013 to ensure efficient, equitable and optimal utilization and management of Uganda's land resources for poverty reduction, wealth creation, and overall socio-economic development of the country. The implementation of the NLP is to be carried out in a sequenced and phased manner as a program of land reforms detailed in its Implementation action plan.

Materials and Methods

As part of policy implementation, a Gender Strategy on Land (GSL) for implementing Uganda's National Land Policy was developed to ensure that women, men, and vulnerable persons are guaranteed access, control, use and inclusion in the management of land resources in order to derive equity and equal opportunity to transform their lives. As such, the Ministry (MLHUD) conducted a Gender Evaluation Criteria (GEC) exercise on land issues.

The main Objective of the exercise was to analyze the gender responsiveness of the newly developed Gender Strategy on Land for the effective implementation of the Uganda's National Land Policy. The specific objectives of the pilot study were to assess the adequacy and relevance of the proposed interventions in the new strategy for completeness, effectiveness and appropriateness; and provide strategic input for implementation of the gender responsive commitments in the NLP; to identify the gender gaps in the strategy and provide recommendations on addressing them; to provide the strategic input in relation to the proposed interventions; and to determine gender specific performance indicators to be included in the Monitoring and Evaluation Framework for the NLP.

Purposive Sampling Methods were used to select three (3) districts for the pilot based on the nature of land tenure type predominant in each of the respective districts. The selected districts included; Arua, Hoima and Masaka. In Arua district for example; the predominant land tenure system is customary, while Hoima district a mixed tenure (customary and freehold) is present. On the other hand, most land in Masaka district is held under the Mailo tenure system. All these tenure systems have unique characteristics particularly when it comes to gender aspects to land.

Methodologically the study involved holding plenary discussions with key respondents; administering questionnaires under each of the Six Criteria of the GEC tool; Focus Group Discussions for the different gender and mixed groups; as well as administering of key informant interviews amongst the practitioners who are directly involved in implementing gender and land programs in the district across different sectors and therefore will be critical in implementing the new strategy in local governments. The categories of all respondents included:- Resident District Commissioners (RDCs), Police Representatives, Religious leaders and institutions, Cultural leaders, Politicians, Technical Officers in Land Management, heads of community Organized Community groups, Members of the District Land Boards, members Area Land Committees, Chief Executive officers of Civil Society Organizations working in the land sector and key gender practitioners at the Local level.

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Results

Criteria 1- Equal Participation by Women and Men and Gender Responsiveness of existing Laws and Policies
1.1 Do existing Land laws facilitate effective participation of both men and women in land management?

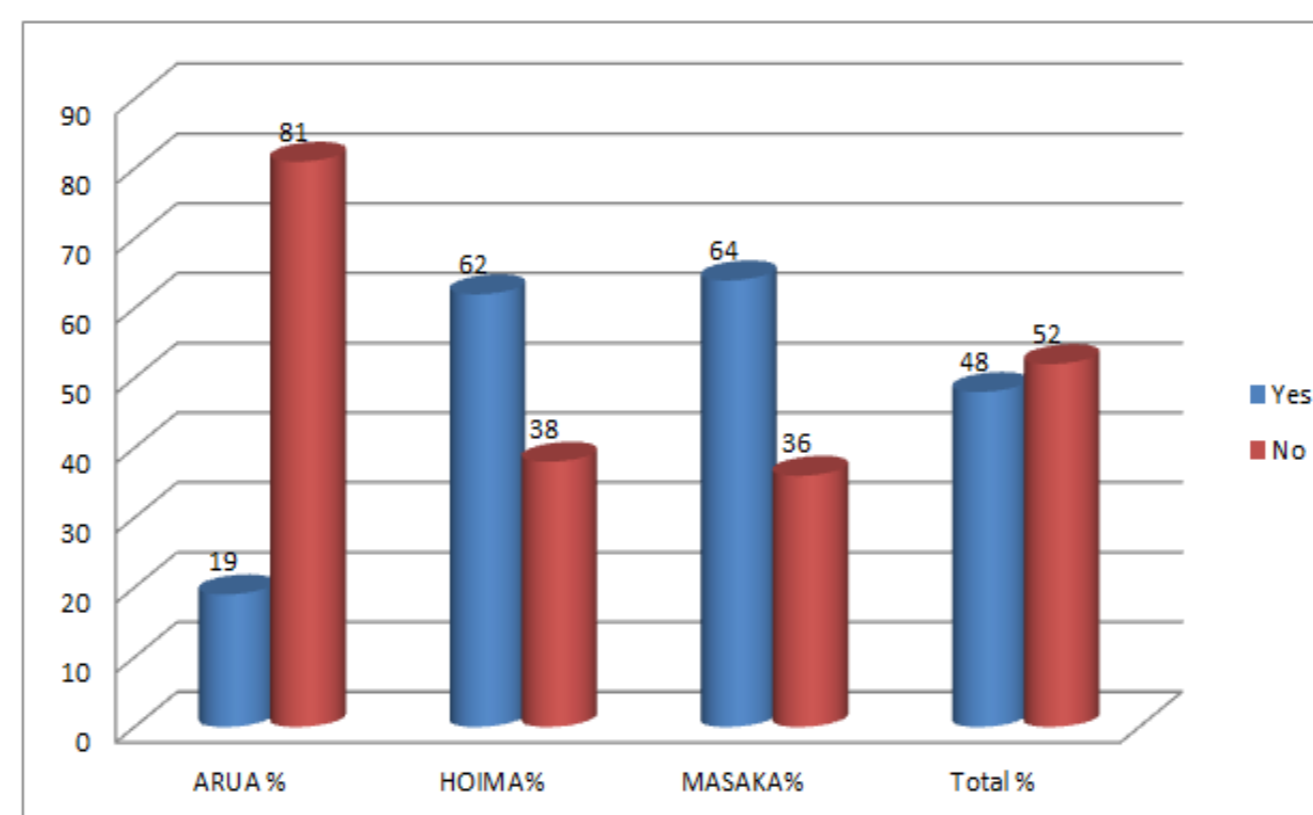
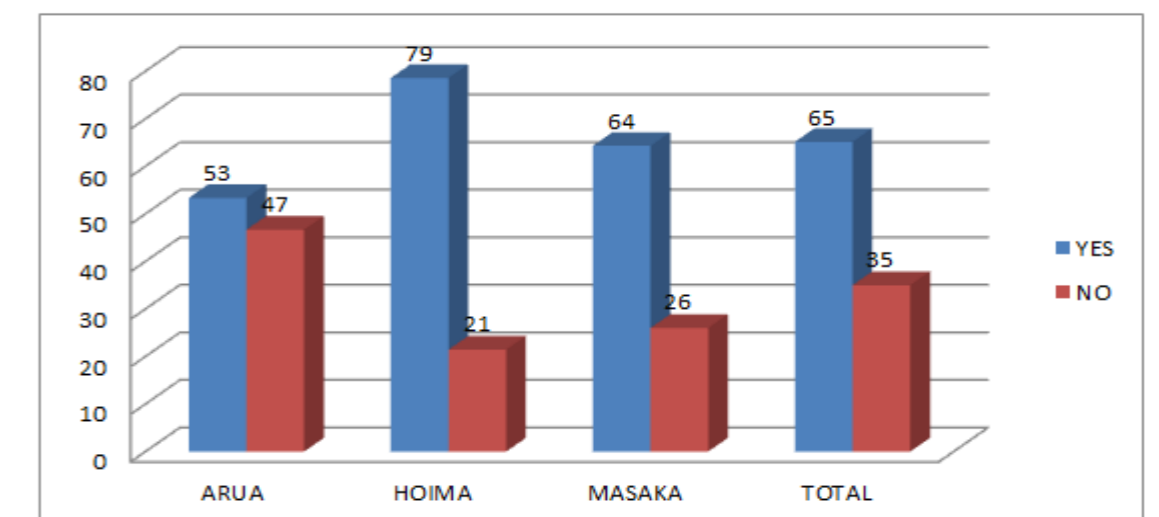


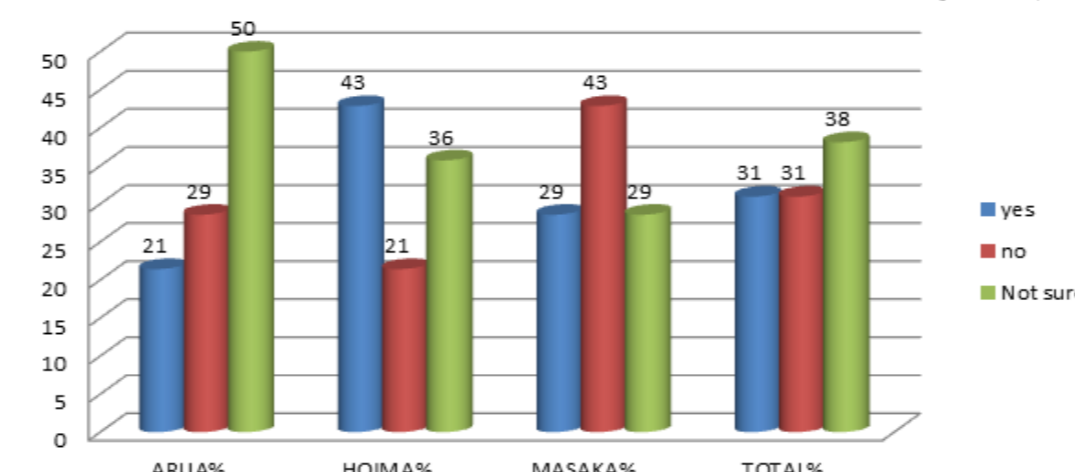
Figure 1: Shows the existing land laws facilitating effective participation of both men and women in land management. Respondents were asked whether the existing land laws facilitate effective participation of both men and women in land management and 48% of all respondents responded yes, (19% in Arua, 62% in Hoima and 64% in Masaka district) responded they know the land laws which facilitate participation of both men and women in land management lately. While 52% responded "NO" (81%, 38% and 36% for Arua, Hoima And Masaka respectively) responded they are not aware of them. While there many Laws & Policies, there is need for increased public awareness and translation of these laws in languages people best understand.

Criteria 2- Capacity Building, Organization and Empowerment of Women and Men to Use, Access and Benefit from Land
2.1 Are you aware of Capacity Building programs that empower both Women and Men to secure their land rights?

(65%) say yes that there are capacity building programs in place. From which 53% are from Arua, 79% Hoima and 64% from Masaka while the 35% said No. The major sources are through media talk show done by land officers in Arua and Hoima (23%), 33% in Masaka through Justice Centers that offer pro-bono legal Aid to the communities. Also the 17% through Human Rights organization provide tailored information in Hoima.



2.2 Are there are Local Government Budgetary allocations for Capacity Building?



Majority of respondents say there is no local government budgetary allocation for capacity building for communities, land actors, and non-state actors in land rights. This evidenced with the total sum of the percentage of no responses and not sure (69%). And even from those who said yes they are not aware of the actual figure which is allocated despite being high profile persons in the district.

Detailed results exist on other Gender Evaluation Criteria Questions below.

Criteria 3- Legal and Institutional Considerations of Women and Men

Criteria 4- Social and cultural considerations in regard to women and men's access to land

Criteria 5- Economic consideration in regard to women and men's access to land

Criteria 6- Coordination and sustainability to reach more women and men



Conclusions

Women face barriers in using land assets as collateral because of the undeveloped personal and movable property security law. Poor people in general and women in particular, lack information about their legal rights and access to mechanisms to enforce them. Reliance on the local council court system to resolve commercial disputes put women at a particular disadvantage because of traditional attitudes and application of customary law,

Recommendations

- Mainstream gender into development planning and in all decision-making structures and processes relating to access and use of land so as to improve tenure security of women
- Ensure rules and procedures relating to succession do not impede transmission of land to women and children
- Solicit support of religious leaders and cultural leaders to accept and implement measures in the national land policy designed to protect the rights of women and children
- Reform customs, traditions and customs which discriminate against women and children with respect to access, use and ownership of land

Literature cited

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