

FOOD SECURITY AND LAND GOVERNANCE FACTSHEET

Uganda



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ABSTRACT

Food security in Uganda relies mainly on access to land and security of tenure. Land governance is marked by the contradiction between relatively progressive legislation and only partial implementation. Institutions that have to deal with land administration and land disputes, such as customary authority systems, local government, and special courts for land justice, have weakened in the last years. Women's position with respect to land and inheritance also remains weak, both legally and in practice, undermining their livelihoods and status in society. Tenure insecurity in Uganda is a source of conflict: within families, between groups and between communities. Overall, land issues are increasingly politically sensitive. Specific issues are the landlord-tenant relations on mailo land; land tenure insecurity in post-conflict Northern Uganda; disputes over land expropriation by government; the implications of oil exploration and mining for local land tenure systems and rights, in particularly for pastoral livestock systems; and accusations of land grabbing in rural and urban areas. To tackle these issues, a new land policy was adopted in 2013.

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In 2016, the factsheet was updated by Ms. Esther Obaikol (consultant on land governance in Uganda) in collaboration with LANDac (Gemma Betsema, UU) with support from the Food and Business Knowledge Platform (F&BKP) as part of the LANDac/F&BKP knowledge agenda on land governance and food security.

About LANDac

LANDac, the Netherlands Academy on Land Governance for Equitable and Sustainable Development, is a partnership between Dutch organizations working on land governance. The partners are the International Development Studies (IDS) group at Utrecht University (leading partner), African Studies Centre, Agriterra, the Sociology of Development and Change (SDC) group at Wageningen University, HIVOS, the Royal Tropical Institute (KIT), and the Netherlands Ministry of Foreign Affairs. The LANDac network conducts research, disseminates information, and organizes courses and training, focusing on new pressures and competing claims on land and natural resources. Guiding question is how to optimize the link between land governance, sustainable development and poverty alleviation.

www.landgovernance.org

About F&BKP

The Food and Business Knowledge Platform (F&BKP) is one of the five Knowledge Platforms initiated by the Dutch Ministry of Foreign Affairs. It is an open and independent initiative where representatives from international networks and organizations of business, science, civil society and policy come together. The Platform shares, critically reflects on, generates, deepens and improves (interdisciplinary) knowledge and feeds practices and policies on food and nutrition security. Land governance is one of the prioritized themes in its mission to develop a more focused knowledge agenda.

www.knowledge4food.net

Following the turbulent civil unrest of the early 1980s and given the history of antagonistic land relations, land reform was deemed crucial while embarking on economic rehabilitation of the country. In line with the constitutional provisions, three principles guided the formulation of the 1998 Land Act namely that:

- It had to support agricultural development through the function of land market that permits those who have rights in land to voluntarily sell their land and for progressive farmers to gain access to land;
- It would not force people off the land, particularly those who have no other way to earn a reasonable living and to protect people's rights in land so they are not forced off the land before there are jobs available in the non-agricultural sector of the economy;
- As much as possible it should be uniform throughout the country.

The Land Act (1998) affirmed the four tenure systems of customary, freehold, mailo and leasehold. Each one of these systems has unique characteristics. Most land in Uganda is currently held under customary tenure. This means that it is privately owned, either by individuals, families or by clans. In northern eastern parts of the country, clans have jurisdiction over grazing and hunting land. There are current efforts to avail documents (codify) ownership and/or create registers with the required parameters for ease of identification and to in-feed in the land information system.

The above tenure reforms have been accompanied by putting in place land administration and management institutions. Their 'reason to be' is harnessed by principles of good governance, the most important of which is the decentralization of the political roles and responsibilities as well as service provision. The Constitution under Article 238-240 establishes both land administration and management institutions including the Uganda Land Commission and the District Land Boards. It also prescribes the functions for each of these institutions. While the Constitution prescribes the membership, procedure and terms of service of the Uganda Land Commission, it gives Parliament power to enact legislation prescribing the same for the District Land Boards.

Regulatory framework for land governance

In 1995, the Uganda government embarked on land reform starting with the Constitutional provisions. Land reform was imperative because of the country's turbulent land tenure history. Since 1995, many policies and laws have been promulgated to streamline land governance. In addition, financial, human and infrastructure resources have been put in place to enhance the process. All these efforts are attributed to the recognition that secure land rights and effective land governance are key stimulants to social and economic development for Uganda. In a pluralistic society like Uganda, effective land governance is premised on the pillars of equity, proficiency and justice.

Land policy is characterized by the government as the "most emotive, culturally sensitive, political volatile and economically central issue in Uganda" (GOU, 2011). Uganda undertook a series of ambitious legal and policy reforms with regard to property rights and resource governance, towards a fundamental reform in rights and tenure management of land. Examples are the Land Reform Decree of 1975, the 1995 Constitution of Uganda, and the Land Act in 1998. These reforms did not result, however in "politically and socially acceptable and technically feasible solutions" according to the Government, partly because of the delay with respect to implementation. The application of the certificate of customary ownership only started in 2011, for example.

Uganda concluded the development of its National Land Policy (NLP) in August 2013, a process that saw the participation of the entire citizenry in its development. As Uganda looks ahead to implementation of the National Land Policy, several reforms are foreseeable especially in the legal and institutional arrangement to enable land governance to take root and yield the desired results of making land work for the citizens of Uganda as a tool for poverty reduction and wealth creation. Land is no longer viewed in terms of rights recognition only, but in terms of its productive capacity and as an enabler for economic empowerment and political participation.

The NLP support the registration of land rights under customary tenure and contains a number of important reform proposals to cause gender equality with regard to land rights and inheritance of land. The policy includes also measures geared at rationalizing and streamlining the land dispute resolution structures and recognizes the role of customary institutions in making rules governing land, resolving disputes and protecting land rights (Zevenbergen and al., 2012). This calls for efficiency and at the same time the reinforcement of local/customary institutions is not without creating ambiguities. These ambiguities are setting the ground for land-grabbing practices (see more: 1.6).

Law	Content
1995 Constitution (amended in 2005)	Every person has a right to own property either individually or in association with others.
1998 Land Act Amendments 2001, 2004, 2007, 2010	Recognizes the four forms of land tenure (customary, leasehold, freehold, and mailo); Grants all lawful and bona fide occupiers (legally defined) property rights; decentralizes land administration; Establishes land tribunals. 2004 Amendment improved women's rights and 2007 Amendments specifically dealt with land evictions.
2008 National Land Use Policy	provides guidelines on effective land use for socio-economic development and on minimizing land degradation
The Land Sector Strategic Plan (2001-2011)	developed to implement the Land Act
National Land Policy (2013)	Ensure efficient, equitable and sustainable utilization and management of Uganda's land and land-based resources for poverty reduction, wealth creation and overall socio-economic development

(Tumushabe 2003, GOU 2005, GOU 2011, GOU 2013)

Land categories

The 1995 Constitution recognizes the following different land tenure systems: customary; freehold; mailo and leasehold.

Tenure type	Description
Public/Government land	All land vested in or acquired by the government, which is held and managed by the Uganda Land Commission.
Customary land	Customary land tenure is a complex system of land relations, the incidents of which are not always capable of precise definition. These incidents often vary from community to community. The underlying commonality in all customary law systems is that rights are derived by reason of membership in a community and are retained as a result of performance of reciprocal obligations in that community. Customary tenure in Uganda has persisted for a long time despite its neglect by the legal regime. Between 70% and 80% of land in Uganda is under customary tenure, particularly in Northern Uganda. There is much variation as there are more than 60 ethnic groups. The 1998 Land Act recognizes that occupancy of customary land and conveys legal rights without documentary evidence. It introduces the "certificate of customary ownership". Although possible from 1998, the first certificates were only issued in 2011. Critiques have been raised as these titles are individual and not collective, which does not always fit with local realities. Moreover, people don't know well how it works.
Freehold	The proportion of land under registered freehold tenure is much smaller and mainly located in Kampala, and in former Ankole, Toro, Kigezi, and Bugisu Districts. Transactions involving freehold land (as well as mailo land registration) are governed by the Registration of Titles Act. Although the most sustainable tenure, its application in contemporary Uganda has been very limited with titles being issued to mainly large scale plantations and religious bodies.
Mailo	Central and southern Uganda is dominated by mailo land. Historically, the Mailo was a system of freehold tenure exclusive to Buganda and meant to solidify political control by Buganda Kings and Princes over their subjects. The continuation of such a distinctly feudal system of land tenure in contemporary Uganda is clearly anachronistic. Besides, land under Mailo tenure, being governed by Buganda law and custom, is held and transmitted exclusively to male heirs. This discriminatory disposition is clearly contrary to the equalitarian ideology to which the Government of Uganda is firmly committed. Today mailo land is largely confined to Buganda and Bunyoro, but can also be found in other parts of the country. The land is owned by (often absentee) land lords and worked by tenants, who can be evicted. This system is currently a major cause of conflict between land lords and tenants (Green 2005; Place and Keijiro 2000).
Leasehold	This is a device that is known to every system of land tenure. It involves the derivation of rights from a superior title and the enjoyment of such rights in exchange for specific conditions including, but not limited to the payment of rent. Leaseholds may be created by any proprietor holding a superior interest in any land. Either landowners or the Uganda Land Commission can provide a lease to freehold, customary or mailo land for a period of 49 or 99 years. The grantee of a lease is entitled to a "certificate of title". Leases of private land often have conditions of payment of rent, while leases over public land are accompanied by conditions of use.

Institutional framework for land governance

Land Administration operates within two parallel systems comprising a) the traditional customary/informal systems governed by customs and norms of given communities and b) the centralized statutory/formal (state) system governed by written law. The two are not in harmony and often lead to confusion as the institutional arrangements are not clearly

spelled out and the two systems are not at the same level of development (GOU-NLP 2013:32).

The Constitution in chapter 238 decentralizes the land administration function. The lead ministry for the delivery of land services is the Ministry of Lands, Housing and Urban Development, through the Directorate of Lands. A number of branch offices around the country had been established to provide local land services (surveying, mapping, valuation and registration). However, they largely operated as a 'post box' service for the headquarters since the center handles most of the services. In light of the Constitution, The ministry remains with the functions of quality assurance, policy formulation and offering of technical assistance.

The Constitution under Article 238-240 establishes the land management institutions, thus the Uganda Land Commission and the District Land Boards. It also prescribes the functions for each of these institutions. While the Constitution prescribes the membership, procedure and terms of service of the Uganda Land Commission, it gives Parliament power to enact legislation prescribing the same for the District Land Boards.

The Land Sector is premised on two frameworks that are complementary. The Land Sector Reform Coordination Unit and; the Land Management Institutional Framework that supports the day to day delivery of land services at various levels.

Within the Ministry of Lands, Housing and Urban Development is the Directorate of Land Management under which are three departments:

- *Department of Surveys and Mapping* responsible for the establishment of survey and geodetic controls, quality checks of cadastral jobs, survey of government land and international boundaries, production and printing of topographical maps. The Department is also responsible for producing a National Atlas.
- *Department of Land Registration* responsible for issuance of certificates of titles, general conveyance, keeping custody of the national land register, coordination, inspection, monitoring and back-up technical support relating to land registration and acquisition processes to local governments.
- *Department of Land Administration* responsible for supervision of land administration institutions and valuation of land and other properties.

National Land Information Centre (NLIC) functions as the nerve centre for all computerized information about land in Uganda and provides methodological support to the MZOs in land registration and cadastral activities and serves as the main provider of land information, assures land information data exchange with other agencies.

The Directorate of physical planning and urban development aims to attain an orderly, progressive and sustainable urban and rural development as a framework for industrialization, provision of social and physical infrastructure, agricultural modernization and poverty eradication.

21 Ministry zonal Offices have been created to support this function in the national cadastral zones.

The MZOs are to provide the services of physical planning, land administration, land valuation, surveys and mapping, land registration and housing at every cadastral zone.

The District Land Boards (DLB) hold and allocate land that is not owned, and facilitate the registration and transfer of interests in land, and determine the annual ground rent. They are also to issue certificates of customary ownership. The DLBs are supported by technical staff in the district Land Offices (DLO). Area Land Committees (ALC) are established at sub-county or division level. Their role is to adjudicate upon and demarcate land. The Recorder at the sub-county level is the sub-county Chief or assistant Town Clerk at the division level. The role of the Recorder is to issue certificates of customary ownership and certificates of occupancy and to register subsequent land transactions on the basis of the said certificates.

The ambiguity is found in the land justice delivery mechanisms. Ministry of Justice and Constitutional Affairs have a conflicting mandate with the Ministry of Lands, Housing and Urban Development over management of Land Tribunals and the execution of the mediation function. According to a study carried out by Makerere Institute for social Research in 2003, over the last 20 years, it has become apparent that multiple law regimes and dispute resolution mechanisms are a precursor to land disputes. Apart from the multiple law regimes, which create a different set of problems, the number of options available to decide the disputes complicates matters. There are currently 5 different land disputes resolution mechanisms, 3 of which are basically quasi judicial organs set up under the 1998 land Act in an effort to bring land services closer to and make them more acceptable for the users. These are – traditional institutions (clan leaders

and elders), Local Council courts, Magistrates courts, Mediators and Land Tribunals. Land disputes (conflicts) resolutions mechanism still remains a sticky matter despite the provision for establishment of Land Tribunals in both the 1995 Constitution and the Land Act 1998.

For a long time, customary institutions in land management and dispute resolution, and other forms of alternative dispute resolutions, had no legal recognition and mandate to execute their functions officially. The Judicature (Mediation) Rules No 10 of, 2013 provide for mediation of all civil actions filed in or referred to the High Court and any subordinate to the High Court. The court shall refer every civil action for mediation before proceeding for trial. Where a civil action has a question of law which may dispose of the civil action the registrar or authorized court officer shall refer the civil action to a Judge or Magistrate, whichever applies, or determination.

Alternative Dispute Resolution is encouraged through the use of mediators or the traditional leaders. The courts of law now apply ADR for most cases before going into formal hearing. According to the JLOS baseline survey 2012, public confidence in the enforcement of existing laws stands at 29%, use of ADR generally is at 80% but only 26% of the cases in courts and tribunals are resolved through ADR. The Services of legal aid are recognized by government as crucial to resolving land disputes.

The National Land Policy provides for the need for legal recognition of the dual operation of both customary and statutory systems in land rights administration, land dispute resolution and land management by empowering customary authorities to undertake these functions. The Ministry responsible for lands will continue to perform only residual roles including policy formulation and implementation, resource mobilization, standard setting, quality control, and monitoring and evaluation. Some of the land administration and management functions are delegated to district local governments (GOU, 2011).

Gender

Ugandan women supply 70-80% of agricultural labour yet only 30% of women control the proceeds from land (Ovonji-Odida et al, 2000). Formally, women own only 16% of land, while informal ownership is about 15% and conjugal ownership is estimated at 3% (Sebina-Zziwa, 2011) and gender disparities in ownership have been documented for all tenure types (Eilor and Giovarelli, 2002). Despite the widely-recognized role that women play in agricultural production and the livelihood and food security of rural households, female farmers generally remain with fewer and weaker rights to land than male farmers; they receive less agricultural extension training and credit; and are generally under-represented in farmers' organizations (Coles and Mitchell, 2010).

Ugandan land legislation does not, at the outset, appear to discriminate against women as it is largely gender neutral and provides the same ownership conditions for men and women. This is mainly attributed to conducive provisions in the Constitution (1995), the Land Act (1998), the Succession Act and the National Land Policy. Despite this, opportunities for women and men to claim their rights and yield benefits from the exercise of rights are partly determined by the ways in which rights are not just defined but are actually interpreted and implemented. Disparities in control, ownership and benefits from land rights are mainly premised on the cultural belief that women should access land through their fathers, brothers, husbands and sons, thus keeping a woman's rights to land in the private domain and dependent on a good relationship with her male relatives; whereas men's rights to land are in the public domain and defined by law and customs (ICRW, 2011; Rugadya, 2011). Thus, Ugandan women's access to land is primarily conditioned by marital regimes (community property or separation of property within marriage) and inheritance regimes in the customary domains (Deere and Doss, 2006).

Access to resources, abilities and achievements for men and women is inequitable (Ellis et al. 2006). According to the Uganda Census of Agriculture (UCA) Report of 2008/09, only 26 percent of women were found to own land; 27 percent managed an agricultural plot; 32 percent rented land for agriculture and 54 percent were engaged in sharecropping arrangements.¹ Disputes and conflicts over land – due in large part to the scarcity of productive land nationwide – have also had a significant impact on the level of investment Ugandan agriculturalists can make in agricultural yields, livelihoods and asset acquisition (IFAD, 2006). Deininger (2003) argues that such social insecurity has adversely impacted women's investment potential and choice of livelihood.

¹ Calculations based on UCA 2008/09 dataset

Despite the now widely-recognized role that women play in agricultural production – Ugandan women grow 70-80 percent of the country's food crops – and the livelihood and food security of rural households, female farmers generally remain with fewer and weaker rights to land than male farmers; they receive less agricultural extension training and credit; and are generally under-represented in farmers' organizations (Coles & Mitchell, 2011).

Several studies have documented empirical disparities in number, size and quality of land holdings between men and women (e.g. Bomuhangi et al., 2011; Ellis et al., 2006; FAO, 2011; Nabanoga et al., 2011), which influence power relations and levels of land use. This in turn affects the involvement of men versus women in higher levels of agricultural production, sale of products and use of proceeds, thus translating into variations in economic wellbeing.² When taking into account that women feed their children and husband, this imbalance carries implications for the majority of society.

Foreign direct investment, large-scale land acquisitions, resettlements and food security

Uganda has fertile soils with 64.5% of its land area suitable for agriculture and 27% currently under cultivation. The country also has relatively abundant water resources for production and a thriving, increasingly market-oriented agricultural economy. Access to productive land and water, however, is highly variable in different regions of the country and among different population groups.

In Uganda, the land is mainly transferred to public and private sector investors. Currently, there are two primary mechanisms through which investors can acquire land for agricultural investment in Uganda: through direct negotiation with private land owners (possibly with government facilitation) or through the acquisition of government land held by various agencies, including the District Land Boards, the Uganda Land Commission, or the Uganda Investment Authority (Stickler 2012). The investors are basically Ugandan citizens that are not indigenous (mainly of Indian descent) or Ugandan local elites who have entered into agreement with the Uganda Government and the production is mainly for export purposes.

The Government of Uganda plays a significant role in facilitating large scale land transfers, in that government's mission to foreign countries attracts foreign investors through promising access to land and other natural resources which may perpetuate land grabbing. The land allocations are made on the highly productive lands and the foreign direct investments are not subjected to the same safeguard policies which give way for corporations to disregard social policies and communal user rights and this may in the end lead environmental degradation.

Foreign private investors and entities can access land through leasehold with a maximum threshold of 99 years but are restricted from owning land in freehold (Tukahirwa 2002). The Uganda Land Commission holds and manages all land vested in or acquired by the government. It maintains records of leases on state land, and is engaged in the acquisition and allocation of public land to the private sector for investment purposes.

Investors can lease land held by various government agencies, including the District Land Boards, which are authorized to hold land on behalf of local governments, and the Uganda Land Commission (ULC), which, according to Section 49(a) of the Land Act, is authorized to "hold and manage any land in Uganda which is vested in or acquired by the government in accordance with the Constitution." As will be discussed below, a limited number of investors have also acquired lands directly held by the Uganda Investment Authority. However, there is currently no enabling legislation that specifies the procedures for any of these agencies to allocate land to investors. There is also no legal definition of 'public', 'government', and 'local government' land, which makes it difficult to determine which agency, has authority of a given parcel of land (Bogere 2011).

There are no specific criteria or procedures for identifying government land that would be suitable for a given investment. At a minimum, the ULC considers the project profile, including the size of land required and the proposed use of the land, to determine which properties might be suitable. Once a suitable property has been identified, the agency writes a letter to the ULC requesting them to permit the investor to lease the land (UIA 2010).

If ULC approves the agency request, ULC would then begin the process of transferring the title to the investor as leasehold, typically for up to 49 years. As part of this process, a site visit is required to determine the current land use and identify any 'squatters' (i.e. tenants) occupying the land. As described above, these tenants must either be resettled or compensated

2 The subject of the gender gap in the agricultural value chain is discussed in more detail in section 2.2

before the land can be transferred to the investor. While the investor is responsible for paying the compensation, various government agencies, including the ULC and the Chief Government Valuer, facilitate this process. However, it is not clear which Government department has ultimate authority over the resettlement or compensation. Investors also typically pay ground rent for the land (LGAF Uganda 2013).

The priority for the Government is to create an enabling environment for Foreign Direct Investment (FDI) in agro-industry. However, the new Land Policy expresses concern that an increase in FDI may lead also to alienation of land from smallholders, increased tenure insecurity, and land conflicts. It calls for mechanisms to deliver the right balance between improving livelihoods, protecting vulnerable groups, and enhancing opportunities for investments and development. The policy suggests the earmarking of sectors open to FDI; the amount of land to be allocated for such investments depends on how the land will be used.

The new policy also urges caution when attributing public land to private investors, noting how compulsory acquisition by government provoked opposition among ordinary people and was in some instances “not based on any criteria” (GOU, 2011 see also the case highlighted by OXFAM of the land licensed by the Government to the New Forest Company for carbon offset – OXFAM- 2011). The land matrix from the International Land Coalition (ILC) indicates 4 major land deals over 76,512 ha, mostly for agricultural purposes. The validity of these findings still needs to be verified but this gives an indication of the extent of the transactions.

Land governance and food security

Access to land and security of tenure are necessary for people to raise and stabilize their incomes. They are essential prerequisites for diverse land based livelihoods, sustainable agriculture, economic growth, poverty elimination, for achieving power in markets, and enhancing food security among others. The contribution of land to food security is evolving and ever changing, lacking clarity at this point of whether to promote large scale agricultural production or family farming and small holder production as a way forward to guaranteeing food security.

Land is a major support not just to agricultural production, but also to the processing and the marketing of these products. Apart from the statutory systems, different parts of the world have traditional systems for land management and administration. These systems and principles are not always homogenous, and they can be either conducive or prejudicial to effective land management and as such impacting on food security.

Land itself can be examined from multiple angles. Each of these angles provides a different lens through which food security can be examined:

1. Land as an endowment, a source and bank of nutrients (biotic and abiotic) for nourishing crops and livestock (foods).
2. Land as a physical place:
 - for food production, grazing, gathering, fishing, hunting;
 - for processing, storage, distribution/transportation of food;
 - for marketing/exchange of food.
3. Land as an asset that can be:
 - exchanged/sold for cash to buy food and other household needs;
 - rented to or share-cropped with a tenant for food or money;
 - pledged as a collateral for borrowing funds to enable consumption or invest in farm and/or non-farm activities.
4. Land “as a social, cultural and ontological resource. Land remains an important factor in the construction of social identity, the organization of religious life and the production and reproduction of culture. The link across generations is ultimately defined by the complement of land resources which families, lineages and communities share and control.”

When the multiple dimensions associated with land and the systems in which it is held are considered, crucial concepts such as customary land, access to land, land administration and productivity of agricultural land can be seen in the context of the multidimensionality and multifunctionality of land. The multifunctionality and multidimensionality of food could also be analyzed similarly: food as essential sustenance, as source of nutrition, as bearer of taste and pleasure, as holder of cultural value, as economic asset, as heritage... The relation of land to these different dimensions is complex.

Land is also a major support not just to agricultural production, but also to the processing and the marketing of these products. Apart from the statutory systems, traditional systems for land management and administration impact on food security. These systems and principles are not always homogenous, and they can be either conducive or prejudicial to effective land management. A number of improvements in the land sector will be necessary to ensure that agriculture plays a central role in ensuring national and household food security.

The variety of agricultural forms and participants in the sector requires that the property systems under which land is held and used are clarified. This is crucial not only for small holder farmers, whose access to land is based on customary tenure systems, but also for commercial investors, whether men or women, some of whom seek to engage in large-scale operations (including extensive irrigation networks). The ability to secure access to land resources through a variety of tenure systems that guarantee returns for short- or long-term investments is important if productivity in agriculture is to improve.

Further contextual dimensions are the relevance of women's access to land in ameliorating agricultural performance, the overall achievement of eradicating extreme poverty and hunger and improvement in nutrition.

Food security in Uganda

The Constitution of the Republic of Uganda places much emphasis on attaining food security and adequate nutrition for its citizens and the government is committed to fulfilling this goal so that all Ugandans can attain good health, social and economic wellbeing.

Uganda's agricultural sector currently employs 81% of the labour force, contributes to 36% of the GDP and 31% of export earnings and close to one-third of the country's land area is currently under cultivation. Given that the majority of Ugandan agriculturalists are subsistence farmers, with 70% of cultivated land used to produce locally consumed food crops (FAO, 2002), the agriculture sector represents a largely untapped development opportunity. In addition to food security, avenues for broader economic growth span the agricultural production, processing, supply and trading chain via creation of both direct and indirect livelihoods and injection of the capital needed to diversify and strengthen local economies (FAO, 2011; World Bank, 2007). While these opportunities hold promise, a greater impetus for action has been called for: "without a renewed effort to accelerate growth in the agriculture sector, few countries will be able to reach the MDGs, especially the goal of halving poverty and hunger by 2015." (IFC, 2011:1)

The government of Uganda developed its Food and Nutrition Policy in 2003 with the overall objective of promoting the nutritional status of all the people of Uganda through multi-sectoral and co-coordinated interventions that focus on food security, improved nutrition and increased incomes.

The guiding principles of the Uganda Food and Nutrition Policy (UFNP) include; adequate food is a human right; food is treated as a national strategic resource; the cross-cutting nature of issues of food and nutrition as they affect men, women and children; strategies for responding to food and nutrition concerns at all levels and; the needs of all vulnerable groups being integral to all components of the policy.

The Uganda Food and Nutrition Policy has been formulated within the context of the overall national development policy objective of eradicating poverty as spelled out in the Poverty Eradication Action Plan (PEAP), and is in consonance with other policies already formulated by government.

As a mechanism for operationalizing these policies, the government has put in place programs that enhance agricultural production and productivity; sustainable use and management of land and water resources; improving the nutrition status of the Uganda population, youth engagement and sustainable use of natural resources which are vital for agricultural production.

The policy recognizes the centrality of collaborating with line ministries and government departments, local and international Non-Government Organisations (NGOs) and the private sector in the implementation of the policy.

The status of food security in Uganda

Nationally almost half (48%) of Ugandans were food energy deficient between September 2009 and August 2010. The proportion was relatively similar across regions, but spiked at 59% in northern Uganda, which is the most food insecure region. Some 12% of northern households were surviving on one meal a day compared with 6.3% at the national level. Low dietary diversity was a key problem especially in western Uganda. Nationally over a third of Ugandans had low dietary

diversity rising to well over half in the western region (55%). The region also had the highest rates of childhood stunting.

Nearly 5% of Ugandans had poor food consumption, which reflects an extremely unbalanced diet, that is devoid of protein and chiefly comprised of starchy maize or matooke (plantain) flavoured with some vegetables. Seventeen percent had borderline food consumption, which means they consumed a slightly more varied diet with more pulses, vegetables and sugars, but still barely any animal proteins, milk or fruit. A third of Ugandan children were stunted, 14% severely so, and the rate was “serious” in western (42%) and eastern (36%) Uganda. Rural Ugandans were also more likely to be stunted than urban (37% vs 14%). Nationally, 5% of under-fives were wasted with children in rural areas three times more likely to have acute malnutrition than urban. In northern and central regions wasting was rated ‘poor’ on the basis of the WHO guidelines (i.e. above 5%), peaking at 7% in northern Uganda.

Overall, 15% of under-fives were underweight, though again prevalence was higher in rural Uganda and the north. Food insecurity was more of a rural phenomenon across all food security indicators except for caloric deficiency. Rural dwellers may tend to consume more calories by bulking up on staples to fuel them to carry out a higher level of manual work, but they are more likely to forego diversity in their diet by comparison with their urban counterparts. Food insecurity and malnutrition were strongly associated with monetary poverty.

Despite Uganda’s progress in reducing the incidence of poverty, the absolute number of poor people has increased due to population growth and poverty remains firmly entrenched in rural areas, especially in the northern region. About 30% of all rural people still live below the national rural poverty line. The poorest households in rural Uganda were the most dependent on purchasing their food, making them highly vulnerable to food price rises for the foods they need to buy.

A fifth of households depend on ‘rural mixed subsistence farming only for their livelihood and these farmers constituted some of the poorest (37% live below the national poverty line and 52% were in the two lowest expenditure quintiles). They scored particularly badly on the diversity indicators – more than half (52%) had low dietary diversity. But the food security situation of subsistence farmers improves dramatically when they diversify their income by engaging in ‘non-agricultural enterprises’ too.

The almost total dependence on rain-fed agriculture means harvests were way below their potential, especially in drought prone areas such as Karamoja. Nearly three quarters (74%) of northern Ugandan households said they had suffered drought/irregular rains in the year preceding the survey, which nearly always led to a decline in food production (94%) and income (81%) forcing two fifths of them to change their dietary patterns. (GOU/WFP 2013)

The institutional framework for food security

The Ministries of Health (MOH) and Agriculture, Animal Industries and Fisheries(MAAIF), which are the lead ministries in food security and nutrition issues, are mandated by the Constitution to set minimum standards, assure quality and develop relevant policies. The specific mandate of the MOH is to improve the quality of health services and to ensure equity in accessing essential health services with the overall goal of reducing morbidity and mortality. Nutrition is one of the priority components of National Minimum Health Care Package being implemented under the Health Sector Strategic Plan (HSSP). The mandate of MAAIF is to support, promote and guide the production of crops, livestock and fish so as to ensure the improved quality and quantity of agricultural produce and products for domestic consumption, nutrition, food security and exports. MAAIF and MOH are also promoting diet diversification as well as other food-based strategies for a healthy and productive population (UFNP 2003:2).

The issues relating to food security and nutrition are multi-sectoral, involving both public and private stakeholders. In order to co-ordinate the various stakeholders, Government established in 1987 the current National Food and Nutrition Council (NFNC). The NFNC also has the function of advising Government on the formulation of the UFNP,providing guidelines on the implementation of the policy, research, monitoring and evaluation. Thirteen (13) members of the Council representing concerned ministries, institutions, and the private sector, as follows:

- Ministry responsible for Agriculture, Animal Industry and Fisheries;
- Ministry responsible for Health;
- Ministry responsible for Gender, Labour and Social Development;
- Ministry responsible for Planning, Finance and Economic Development;
- Ministry responsible for Education and Sports;
- Ministry responsible for Trade, Tourism and Industry,
- Ministry responsible for Local Government;

- Makerere University (to represent institutions of higher learning);
- Uganda National Bureau of Standards;
- Representative of Civil Society;
- The Farmers' Representative;
- Representative from the Private Sector; and
- Director of the PMA Secretariat.

Although agriculture thrives on natural resources such as land, wetlands and forests, these have not been recognized as fundamental to and as key drivers for agricultural productivity. The agricultural sector is the most important source of income and livelihoods for Uganda's predominantly rural population. Agriculture contributes 43% of Gross Domestic Product (GDP), 85% of export earnings, and 80% of employment (Republic of Uganda, 2000). Although food crop production dominates, only one-third of the food crop produced is marketed. Major crops are bananas, cereals, root crops, pulses and oil seeds. Export crops, including coffee, tea, tobacco and cotton, account for only 8 percent of cultivated area. Because of the significance of agriculture to rural livelihoods, land is the most important asset for many Ugandan households. Average land holdings are estimated at 2.2 ha per household, although there are inter- and intraregional inequalities in this distribution, and evidence suggests much of this land is not cultivated (McKinnon and Reinikka, 2000).

REALITIES ON THE GROUND IMPACTING ON THE NEXUS BETWEEN LAND GOVERNANCE AND FOOD SECURITY

Uganda's land resources are an important structural component of the overall strategy for poverty reduction. Indeed Uganda's vision 2040 in line with the VGGT requires the land sector to "make land reforms to facilitate faster acquisition of land for planned urbanization, infrastructure development, and agricultural commercialization among others". Land tenure and land management underpin access to, ownership of, and use of, land and other natural resources which are vital to food security. However, the impact of land tenure and management is mediated through a range of other factors, such as population growth and movements, market access and settlement patterns, as well as delivery of services and awareness. The emerging issues affecting the enjoyment of these rights and thus slowing down the attainment of national food security are:

- The Multiple layering of rights on the same piece of land* created by the British Protectorate in 1900 has raised complexities over the years and is now compounded by the need by the state to protect tenants from eviction through the passing of an amendment to the Land Act Cap 227 on the one hand, the fight by the landlords to redeem their land. This has led to massive evictions of tenants on registered land. It is also the land upon which land grabbing by the elite is most visible. The land is increasingly being converted from arable farming to commercial tree growing and real estate development. Given that this is the most fertile part of the country, and Uganda's food basket, the conversion of user is deepening food insecurity in Uganda.
- Over 80% of land in Uganda is under customary tenure.* Over 95% of the land in northern Uganda is held under customary tenure and it is a region with the highest levels of poverty, land conflicts and food insecurity. With the changing land governance context, taking into account population growth, globalization, education and capitalist tendencies, there is need to find solutions to security of tenure on Customary land. Pilots are currently being undertaken for the recordation of customary land and as such releasing it to productive use and increasing agricultural investments as a result. Fears however loom about the registration of customary lands with the majority of the populations especially in the Acholi region feeling that their land will be susceptible to land grabs for commercial agriculture as is evidenced by the recent deal in which 40,000 ha of land was given to Madhvani (a Ugandan of Indian origin) for the growing of sugar
- Land conflicts form the highest percentage of disputes reported both in the formal and informal dispute resolution systems in Uganda* with Northern Uganda recording the highest percentage of disputes at 42%. Land conflicts do not only render the land inaccessible for production, they consume productive time in litigation. On average it takes the Judiciary 26.7 months to dispose a land matter in the high court, 5 months in the Chief Magistrates' Court and 21.5 months in the Magistrates' Court, from the time it is filled until it is disposed (JLOS 2013). Accessible and fair land dispute resolution is critical to tenure security especially for poor and vulnerable groups. It is important that a dispute resolution system be based on local courts at the lower level, strengthened to improve the transparency and fairness of their decisions, with an upper tier of impartial judicial systems to consider higher value cases and appeals.
- Securing women's rights to land remains a challenge in Uganda* given that women form 80% of the agricultural labour

force in Uganda and play a central role in household food security. Integrating gender into land registration is crucial to securing the rights of women to land and promoting gender equality as provided for in the constitution.

e. Integrating gender into the administration and management of customary tenure. Women are the most users of land and yet time again the customs and norms which used to accord them social protections have been eroded by the tress resulting from the conflict that has raged the region over the years. It is a generally acceptable principle now that to harness women's input into productivity, and land being the basic production asses, there is need to secure their land rights through cultural transformation and land registration where it happens.

f. There is a growing grabbing of land in the areas where mineral wealth has been discovered and the fertile lands in northern and western Uganda. This exploitation is becoming increasingly gross and is now catching media attention. In these areas, there is immense poverty compounded by hunger and malnutrition in the midst of so much wealth, resulting from ignorance of the communities living in these areas of their rights to property and royalties. Ascertainment of the rights of those living in these areas enables them gain tenure security and negotiate for their rights to development programmes from miners and the local governments.

g. Integrating land governance and food security interventions in Uganda is still a far cry. Institutions in Uganda still work in isolation of each other right from the government, academia and civil society. A more integrated approach to programming to ensure that land governance outcomes meet food security outcomes are critical if progress is to be made in the attainment of sustainable food security in Uganda.

h. Need for policy dialogues of land governance and food security to bridge the current gaps in policy and practice change are necessary. Whereas there is commendable progress in policy development on both land governance and food security, the two processes are completely separate of each other. The stakeholders do not have avenues to interact and discuss areas of mutual interest and concern right from the district to the national level. It is important that platforms for dialogue be encouraged to ensure that progress in using land as an engine for growth and for the attainment of household and national food security can be achieved in practice.

RESOURCES AND OTHER INFORMATION

Related country profiles

- USAID: <http://www.usaidlandtenure.net/uganda>
- FAO: <http://www.fao.org/countryprofiles/index.asp?lang=en&ISO3=UGA>
- FAO/Gender: http://www.fao.org/gender-landrights-database/country-profiles/countries-list/general-introduction/en/?country_iso3=UGA
- IMF: <http://www.imf.org/external/country/UGA/index.htm>
- World Bank: <http://www.worldbank.org/en/country/uganda>
- LandPortal: <https://www.landportal.info/book/countries/UGA?indicator=INDFAOFSEC1&comparing-country=DZA>

Laws, policy and regulations search engines

- FAO Lex (Land & NR search engine): <http://faolex.fao.org/faolex/index.htm>
- Water Lex (Water laws search engine): <http://faolex.fao.org/faolex/waterlex.htm>

Maps and databases

- Land and soils databases/information systems: <http://www.fao.org/nr/land/databasesinformation-systems/en/>
- Water database/information systems: http://www.fao.org/nr/water/infores_databases.html
- Land and water maps and graphs: <http://www.fao.org/nr/solaw/maps-and-graphs/en/>

Portals and other resources

- LANDESA: <http://www.landes.org/search/?q=uganda>
- International Land Coalition: <http://www.landcoalition.org/en/countries/uganda>
- Focus on land in Africa (FOLA): <http://www.focusonland.com/countries/uganda/>

Ongoing donor support programs

The Global Donor Working Group on Land (GDWGL) quotes 21 donor programmes and projects in Uganda (finalized and active ones): <https://landgov.donorplatform.org>.

- Competitiveness and Enterprise Development Project (CEDP) Improving land administration in Uganda. (World Bank Project 2015-2020)
- USAID SAFE – supporting access to justice, fostering equity and peace in Uganda 2012-2017
- Land Sector Strategic Plan (LSSP) and support to modernizing land titling (part of PSCP) as part of Private Sector Competitiveness Project: rehabilitation of existing land records; upgrade un-surveyed mailo titles; establish a Land Information System; strengthen the capacity of public institutions (World Bank supported since 2005)
- USAID initiative to help resettle displaced people in the north in 2008, 2012 start of SAFE
- JLOS – support to land law Government of Uganda DANIDA, Austria, Irish Aid, Netherlands, USAID, World Bank, Germany, Norway, Sweden, ICRC, UNIFEM, UNDP, UNICEF, UNFPA, (see inventory NL-Moa, 2011)
- Democratic Governance facility (DGF)- Government of Uganda, DANIDA, Netherlands Norway, Sweden, Austria, Irish Aid, DfID, European Union, UNDP
- DANIDA: start research on land governance in 2012 (Makarere University and DIIS)

Civil society organizations, research institutes and consultancy companies working on land governance

Members of International Land Coalition from Uganda:

- Uganda land alliance- <http://www.ulaug.org>
- Land and Equity Movement (LEMU) – www.land-in-uganda.org
- The Eastern Africa Farmers Federation (EAFF) participates actively in national and international discussions on land governance. They also published in 2010 The Entebbe Declaration on Large Foreign Land Acquisitions <http://www.eaffu.org/go/downloads/EAFF%20Position%20on%20Land%20Grab.pdf> EAFF covers the following countries: Burundi, Democratic Republic of Congo, Djibouti, Eritrea, Federal Democratic Republic of Ethiopia, Kenya, Rwanda, Uganda and the United Republic of Tanzania. General website: <http://www.eaffu.org/go/>

Members EAFF in Uganda:

- Uganda National Farmers Federation (UNFFE) <http://www.unffe.org/>
- Uganda Cooperative Alliance (UCA) – <http://www.uca.co.ug/>

Other CSOs:

- LANDnet Uganda – www.landnetuganda.org
- Norwegian refugee council – <http://www.nrc.no/?did=9167953>
- Northern Uganda land platform
- Refugee Law Project/Makarere University – <http://www.refugeelawproject.org/>

REFERENCES

- Africa News Service (ANS). 2004. Uganda: Northern conflict creates protection crisis – NGOs. <http://www.gmu.edu/departments/icar/ICC/Northernconflict.pdf>
- Espeland, RuneHjalmar. 2006. The 'Lost Counties': Politics of land rights and belonging in Uganda. Bergen, Norway: University of Bergen and Chr. Michelsen Institute. http://www.mpl.ird.fr/colloque_foncier/Communications/PDF/Espeland.pdf
- Government of Uganda 2005. Uganda National Water Development Report: 2005. http://www.unesco.org/water/wwap/wwdr/wwdr2/case_studies/uganda/pdf/2_overview_w_uganda_water_sector.pdf
- GoU 2009a. Land Division. The Judiciary of the Republic of Uganda. http://www.judicature.go.ug/index.php?option=com_content&task=view&id=90&Itemid=143
- GoU 2009b. Land Division. Directorate of Water Development. <http://www.dwd.co.ug/>
- GoU 2011. Ministry of Lands, Housing and Urban Development; the Uganda National Land Policy- Final Draft (30-03-2011)
- GOU/WFP Comprehensive Food Security and Vulnerability Analysis (CFSVA) for Uganda 2013
- Green, Elliott D. 2005. Ethnicity and the politics of land tenure reform in central Uganda. Development Studies Institute. Working Paper Series, 05-58. London: London School of Economics and Political Science. <http://www.lse.ac.uk/collections/DESTIN/pdf/WP58.pdf>

- Hetz, Peter E., G. Myers and R. Giovarelli. 2006. Land Matters in Northern Uganda: Anything grows; anything goes: Postconflict "conflicts" lie in land. Burlington: Associates in Rural Development (ARD).
- International Land Coalition. 2011. Tirana Declaration: "Securing land access for the poor in times of intensified natural resources competition", <http://www.landcoalition.org/about-us/aom2011/tirana-declaration>
- International Land Coalition. 2012. Land Matrix. <http://landportal.info/landmatrix>
- Levine, Simon, and Jody Adoko. 2006. Land rights and displacement in northern Uganda. Humanitarian Exchange Magazine, 34. Overseas Development Institute, Humanitarian Practice Network. <http://www.odihpn.org/report.asp?id=2813>
- Locke, Rachel. 2006. Community-driven economic development in northern Uganda. Humanitarian Exchange Magazine, 36. <http://www.odihpn.org/report.asp?id=2859>
- Ministry of Foreign Affairs (2011). Strengthening land governance for poverty reduction, sustainable growth and food security. Inventory and analysis of programs supported by the Netherlands Ministry of Foreign Affairs between 2007 and 2010. Ministry of Foreign Affairs, The Hague.
- Overseas Development Institute (ODI). 2005. New approaches to land for agricultural growth and poverty reduction. All Party Parliamentary Group on Overseas Development. http://www.odi.org.uk/events/apgood/Agric_in_Africa_05/apgood_oct25/report.html
- Oxfam International (2011b) 'Land and Power – the growing scandal surrounding the new wave of investments in land', Oxfam Briefing Paper 151, Oxford: Oxfam International. Available at: www.oxfam.org/grow.
- Place, Frank, and Keijiro Otsuka. 2000. Population pressure, land tenure, and tree resource management in Uganda. Land Economics, 76 (2): 233-251.
- Syngellakis, Katerina, and Elly Arudo. 2006. Uganda: Water sector policy overview paper. European Commission, Energy for Water Health and Education (EU, ENABLE Project). http://www.enable.nu/publication/Water_Policy_Overview_Uganda.pdf
- Rugadya, Margaret A. Eddie Nsamba – Gayiia, Reginal Lule Mutyaba, Herbert Kamusiime, John Bosco Asiimwe and Valentine Namakula (2008). Final report on the integrated study on land and family justice. Justice law and order sector (JLOS)- ministry of justice and constitutional affairs, Kampala
- Tukahirwa, Joy M.B. 2002. Politics, people and land use change in Uganda: A case study in Ntungamo, Lake Mburu and Sango Bay sites. Land Use Change Impacts and Dynamics Working Paper Series, 17. http://www.lucideastafrica.org/publications/Tukahirwa_Lucid_WP17.pdf
- ULA & UMWA (2010) 'Women's Gains from the Implementation of Succession Law in Uganda: Voices from Wakiso and Mpigi Districts'
- USAID 2010. United States Agency for International Development. 2010. Property Rights and Resource Governance, Uganda Country Profile <http://usaidlandtenure.net/usaidltp/products/country-profiles/uganda>
- Zevenbergen, Jaap, Hilhorst, Thea and Eddie Nsamba-Gayiia. 2012. Increasing tenure security in northern Uganda – how to use external support for strengthening bottom up approaches. Annual Conference on Land and Poverty, 2012. World Bank, Washington.



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More information about LANDac and our activities is available on our website: www.landgovernance.org.

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