



Responsible Investments in Agriculture in Uganda

Assessing the country's Potential and Effectiveness in Implementing and Domesticating International Frameworks on Land and Investments



This publication has been developed with financial support from Oxfam in Uganda. It has been developed to help in assessing the country's potential and effectiveness in implementing and domesticating international frameworks on land and investments.

The content of the publication is the sole responsibility of the publishers and does not necessarily reflect a position of the donors. This publication or parts of it can be used by others for free as long as a proper reference to the original publication is provided.

This publication is copyrighted, but the text may be used free of charge for the purposes of advocacy, campaigning, education and research provided that the source is acknowledged in full. ESAFF Uganda requests that all such use be registered for impact assessment purposes. For copying in any other circumstances, or for re-use in other publications, or for translation or adaptation, permission must be secured, and a fee may be charged.

Email: coordinator@esaffuganda.org

ESAFF Uganda information products are available on the ESAFF Uganda website (<https://esaffuganda.org/publications>)

Reference/Quotation: ESAFF Uganda (2022). Responsible Investments in Agriculture in Uganda, Assessing the country's potential and effectiveness in implementing and domesticating international frameworks on land and investments.

Table of Content

ACRONYMS AND ABBREVIATIONS	II
ACKNOWLEDGEMENTS	III
EXECUTIVE SUMMARY	1
AUTHORING ORGANIZATION	2
INTRODUCTION	3
PURPOSE OF THE STUDY	4
STUDY METHODOLOGY	4
JUSTIFICATION FOR STUDY AREAS	5
DATA COLLECTION METHODS AND TOOLS	6
STUDY RESPONDENTS & RESPONSE RATE	6
DATA ANALYSIS	7
ETHICAL CONSIDERATIONS	7
LIMITATIONS OF THE STUDY	7
PRESENTATION OF STUDY FINDINGS	8
UGANDA'S POTENTIAL AND EFFECTIVENESS IN IMPLEMENTING INTERNATIONAL FRAMEWORKS	15
UGANDA'S EFFECTIVENESS AND POTENTIAL TO DOMESTICATE THE VGGT, CFS-RAI AND UNDROP	18
SMALL-SCALE FARMERS' PERCEPTION ON UGANDA'S POTENTIAL AND EFFECTIVENESS IN IMPLEMENTING INTERNATIONAL FRAMEWORKS ON LAND AND INVESTMENTS	21
ASPECTS HINDERING THE EFFECTIVE IMPLEMENTATION OF THE FRAMEWORKS, POLICIES AND TREATIES	27
PROPOSALS ON HOW TO OPERATIONALIZE INTERNATIONAL FRAMEWORKS AND POLICIES	30
CONCLUSION	32
RECOMMENDATIONS	33
REFERENCES	34
Annex 1: Data collection Tools	36

Acronyms and Abbreviations

AfCFTA	African Continental Free Trade Area
AGI	Agro-Industrialization
ESAFF	Eastern and Southern Africa Small Scale Farmers' Forum (ESAFF)
Uganda	
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CSO's	Civil Society Organizations
DLG	District Local government
FGD	Focus Group Discussions
ICCPR	Covenant on Civil and Political Rights
ICESCR	Covenant on Economic, Social and Cultural Rights
KII	Key Informant Interviews
LSLBI	Large-scale land-based investments
M&E	Monitoring and Evaluation
NGO's	Non-Governmental Organizations
PVP	Power of Voices Partnership
RAI	Responsible Agriculture Investment
SLM	Sustainable Land Management
ToR	Terms of Reference
UNDROP	United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries & Forests
WSSD	World Summit for Sustainable Development

Acknowledgements

The preparation of this study report has involved many stakeholders who have devoted their time and efforts towards seeing responsible investments in agriculture in Uganda. ESAFF Uganda would like to thank REVOLVE Consult which carried out this study.

This study was inspired by the need to understand the country's potential and effectiveness in implementing and domesticating international frameworks on land and investments. We are greatly indebted to the many small-scale farmers, CSOs and officials from the local governments of Zombo, Nebbi, Arua, Jinja, Mukono, Mityana, Kassanda and Nwoya districts who positively responded to the call to participate in the study.

We are also grateful for the enormous and generous financial support from Oxfam in Uganda. We as well thank the review team including Ronald Bagaga, Andrew Adem, Jimmy Ochom and Adrine Atwiine. The content of the publication is the sole responsibility of ESAFF Uganda and does not necessarily reflect the position of the donors.

EXECUTIVE SUMMARY

This report is a synthesis of Uganda’s potential and effectiveness in implementing and domesticating international frameworks on responsible investments. The key international frameworks assessed were VGGT, CFS-RAI, Agenda 2030, AfCFTA and CEDAW. To understand their domestication, the study analyzed the national policies, treaties and structures set in the country and their operations. This study was largely undertaken through extensive literature review of non state actors and government documents, FGDs and key informant interviews. The stakeholders consulted included representatives of the civil society, National and local government technical and political leaderships, and the small scale farmers from Zombo, Nebbi, Arua, Jinja, Mukono, Mityana, Kassanda and Nwoya districts. In total, 12 FGDs were held with an average of 12 participants each. A total of 144 (48 men and 96 women) small scale farmers took part in the FGDs. Nine (9) Key informant interviews were conducted with district and lower local government officials and Non state stakeholders.

After examining the existing policy, legislative and structural frameworks of the country, this study notes that, Uganda developed several plans, policies, laws and set structures for implementation both national and local governments for example Uganda developed the country’s long term Comprehensive National Development Planning Framework that give reference for the overall framework essential for domesticating these guidelines, treaties and laws. The framework mandates the development of a 30-year Vision, three to 10- year perspective plans, six to five-year development plans, five sector development plans, local government development plans, annual plans, and budgets. This is re-enforced by several policies and laws anchored in the constitution of the republic of Uganda.

This is supportive and provides a good foundation for the domestication of the international frameworks. Nevertheless, the study found out that although Uganda aligned its policies to adopt the implementation of these international frameworks, guidelines and treaties, these frameworks have fallen short as regards to their implementation due to lack of coordination between sectors and institutions, capacity issues at all structures of governance including the regulated community and supporting professionals such as environment officers, ignorance of the citizenry on their rights, corruption and greatly impaired by the limited allocation of resources to the structures for operations making it hard to realize effective implementation of the guidelines. The study further realized that the implementation of safeguards like S/EIA processes is marred with irregularities.

Accordingly, this study recommends that government should allocate financial resources to structures set to implement the national guidelines, policies and laws for responsible investments i.e. environment, social safeguard offices and human rights at the central governments reflective of the value of the environment in its totality to national development, train relevant professionals that are required to positively impact the critical sectors, actualization of integration of the international frameworks across different MDAs critical for not only achieving the guidelines themselves, fight corruption and aligning of the country’s institutions and coordinate them well to serve the purpose of ensuring effective domestication of the international frameworks, guidelines and treaties.

AUTHORING ORGANIZATION

Brief about ESAFF Uganda

ESAFF Uganda is a small-scale farmer-led movement formed to facilitate processes through which small scale farmers' development concerns can be solicited, articulated and ultimately addressed through local and national policies and programs. The formation of ESAFF in 2002 was a direct response to the need to create a forum where Small Scale Farmers (SSFs) are able to deliberate on and voice their concerns. ESAFF Uganda has a mission to nurture the participation of small-scale farmers in sustainable development processes, for self-reliance through advocacy, capacity building and institutional development works. This is intended to enhance their ability to make informed decisions and participate meaningfully in development processes. ESAFF Uganda works towards a vision of an empowered self-reliant small-scale farmer. ESAFF Uganda operates in 54 districts of Uganda bringing together over 48,134 SSFs (63% women). It is a chapter in the larger ESAFF operating in 16 countries of Eastern and Southern Africa.

Brief about ESAFF Uganda Land Work

Uganda has substantial land based natural resources, including fertile soils and sizeable mineral deposits. This backdrop provides Ugandans biggest potential opportunities for development. However, SSFs especially women are struggling to sustain their livelihoods due to insecure land rights, pathetic cultural beliefs & norms, weak land governance and administration as well as commercial investments.

In response, ESAFF Uganda uses practical, efficient, and comprehensive approaches to address land rights challenges of small-scale farmers primarily through conducting capacity building training to equip farmers with knowledge and skills in addressing land rights issues in their communities. Tools like Community Engagement Tool (CET) has been used to empower rural women and men to build their readiness and participate meaningfully in land related investment processes. Responding to injustices caused by cultural norms and beliefs prohibiting women to access and control over productive resources, ESAFF Uganda developed a Land Rights Model using Gender Action Learning Systems (GALS) to improve agricultural production of small scale farmers through secure access, control and ownership of land as a productive resource in farming communities by both women and men. ESAFF Uganda also engages in reshaping land governance policies through designing campaigns and influencing policies like the Land Amendment of Article 26 of the constitution of Uganda, Land Acquisition, Resettlement and Rehabilitation policy and Land Acquisition Bill among others.

ESAFF Uganda has been further providing platforms for community dialogues and massive community awareness and sensitization on land governance, policies, laws and practices and access to justice through Alternative Dispute Resolution (ADR). To further create a platform for accountability, ESAFF Uganda developed an Investor compliance monitoring tool for responsible investment in agriculture. It also prints and distributes posters, videos, and infographics, media campaigns on land related issues especially for women small scale farmers.

INTRODUCTION

Overview

Human rights, social safeguards and secure tenure over natural resources especially land are critical efforts to end rural poverty, hunger and ensure environmental sustainability¹. Hundreds of millions of small-scale farmers, pastoralists and other people living in the rural areas, particularly poor women and other vulnerable groups rely on secure and equitable access to natural resources, which not only provide their primary source of food and shelter, but also serve as a core economic asset and the foundation for their social, cultural, and religious practices². International frameworks and guidelines for responsible agriculture investments, human rights, and agribusiness, particularly UNDROP, CEDEW, VGGTs, and CFS-RAI, present frameworks based on gender justice, food sovereignty, safety, human rights obligations, and standards for agriculture investments and governance of land tenure. The frameworks recognize the importance of sustainable agricultural investments to country development, emphasizing that good agricultural investments on land and governance enable food security for all, gender justice, human rights, community economic development, and environmental protection³.

In particular, the CFS-RAI and VGGTs were negotiated against a backdrop of global food insecurity and local communities' fears over loss of tenure rights and livelihoods as the result of large-scale land grabs, environmental degradation, and climate change. The VGGT provide an accountability mechanism through which local communities can hold both the State and private actors to account in development planning and decision-making around large-scale land investments⁴. They also provide communities with a framework in which to advocate for more robust national policies and structures on land tenure, responsible agriculture investments and stronger implementation of those policies and practices in such a way that women and other small scale farmers claim and enjoy secure tenure over the land upon which they depend particularly through the formulation and implementation of just national frameworks and effective governance systems. It is however noting that many governments ratified these international frameworks but there have been limited efforts geared towards studying the country's compliance, potential and effectiveness in implementing and domesticating these frameworks- impacting their popularization. It was against this backdrop that ESAFF Uganda in partnership with Oxfam initiated a national study to analyze Uganda's potential and effectiveness in implementing and domesticating CFS-RAI, VGGTs, UNDROP, CEDEW among others for responsible agriculture investments, gender justice and enjoyment of opportunities in the different agribusiness value chains.

¹ United Nations, Article 16 of Convention on the Elimination of All Forms of Discrimination against Women, 18 December 1979. <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article14>

² UN General Assembly 2015. Transforming our world: the 2030 Agenda for Sustainable Development, Resolution A/RES/70/1

³ FAO 2012. Voluntary Guidelines on the Governance of Tenure of Land, Fisheries, and Forestry in the Context of Food Security.

Rome: Food and Agriculture Organization of the United Nations. <http://www.fao.org/nr/tenure/voluntary-guidelines/en/> (cited hereafter as "Voluntary Guidelines")

⁴ FAO 2011. The State of Food & Agriculture: Women in Agriculture: Closing the Gender Gap. Rome: Food and Agriculture Organization of the United Nations.

PURPOSE OF THE STUDY

General Objective

The study aimed at exploring the potential and effectiveness of Uganda as a country in implementing and domesticating the CFS-RAI, VGGTs, UNDROP, AfCFTA and CEDEW for responsible agriculture investments, sustainable value chain development and gender justice. The main objective of the study therefore is to provide recommendations for strengthening national structural, policy and legal frameworks for promoting responsible agriculture investments.

The specific objectives included to:

- 1). Review and analyze the country's structures, policies and laws to identify gaps that limit effective domestication of international frameworks with a special focus on the potential and effectiveness of the country.
- 2). Generate evidence on structural, legal and policy gaps to inform national advocacy for effective implementation and domestication of the frameworks, treaties, and guidelines.

STUDY METHODOLOGY

Introduction

The section highlights the methodology in detail and choice of stakeholders, study design, interview techniques, and discussions of limitations of methodologies. This section also explains the data management process and data analysis.

Detailed Methodology

The study largely employed qualitative research methods to establish the gaps in the national land and investment structures, guidelines, policies and laws in assessing the country's potential and effectiveness in domesticating international frameworks for responsible investments. Data collection entailed both primary and secondary sources. The primary data was derived from interviews of key informants from relevant Local Governments leaders and representatives of civil society organizations (CSOs) and Focus Group Discussions (FGDs) amongst small scale farmers. The secondary sources were mainly the review of various documents, especially the international and national frameworks, policies, laws, regulations, strategic plans, and sectoral guidelines/standards. The main data collection methods were therefore literature review, FGDs and key informant interviews.

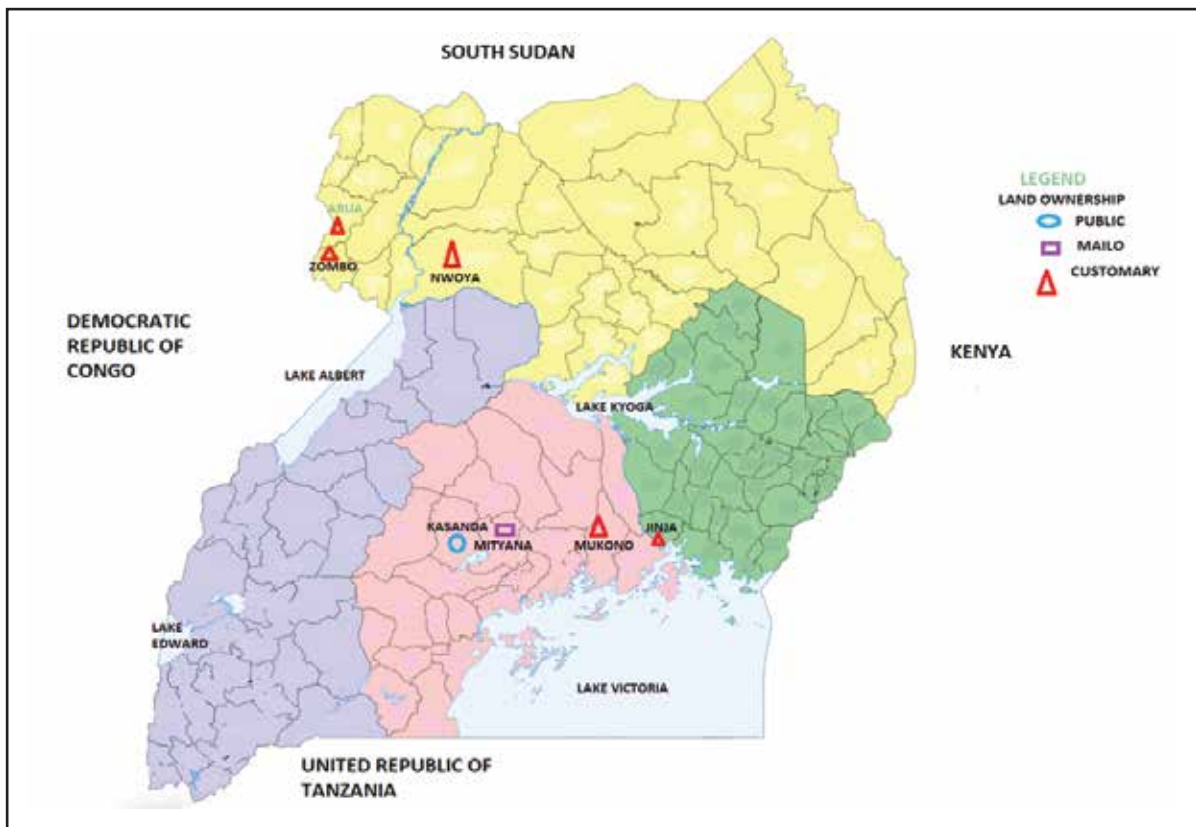
Study Design

The study mainly targeted local small scale farmers, CSOs and selected officials from the local governments of Zombo, Nebbi, Arua, Jinja, Mukono, Mityana, Kassanda and Nwoya districts. Apart from local small scale farmers, other stakeholders were purposively selected due to their respective roles. Triangulation of both qualitative and quantitative techniques for data collection was used to enable rich and complete data is collected for the study.

JUSTIFICATION FOR STUDY AREAS

The selection of the study districts was informed by their unique land use systems and history in the country. Nwoya district partly hosts the Game Park and there is a lot of contestation between the game park and communities in access and use of the natural resources –land inclusive, while the West Nile districts of Zombo, Arua were selected because 90 percent of the land is customarily owned where access, use and control are determined by customs with negative implications to women. There are a lot of dynamics brought by the large scale sugar cane growing in Busoga districts. Small scale farmers have changed land use to sugarcane production instead of food, gender injustices in land rights, land grabbing and exhaustion. Jinja district was selected to understand such contexts. Greater Mukono hosts the Mabira forest. There are land and other forest resource access contestation between the communities and the government that frustrates harmonious coexistence for sustainable conservation of the natural resources. In Mityana district as it is many central region districts, Mailo land holds a 6% of the national land, 96% of this land is under Mailo tenancy. Unfortunately, 91% doesn't have formal documentation (World Bank, 2018). –making land users vulnerable to commercial investments risks. In Kassanda much of land is public land with high investment interests. Land conflicts and management of natural resources continue to threaten the relative peace, economic development, and food security of many for a number of reasons.

Figure 1: A Map of Uganda Representing the Study Areas



DATA COLLECTION METHODS AND TOOLS

Data collection was through enumerators in the different districts. The enumerators were oriented on the study and their selection was based on holding a degree or diploma in social related fields as well as knowledge of the native district or regional local languages. This study applied evidence-based methodologies and research strategies. A mixed-methods approach was employed and this included in-depth desk reviews of government and non state actors' documents.

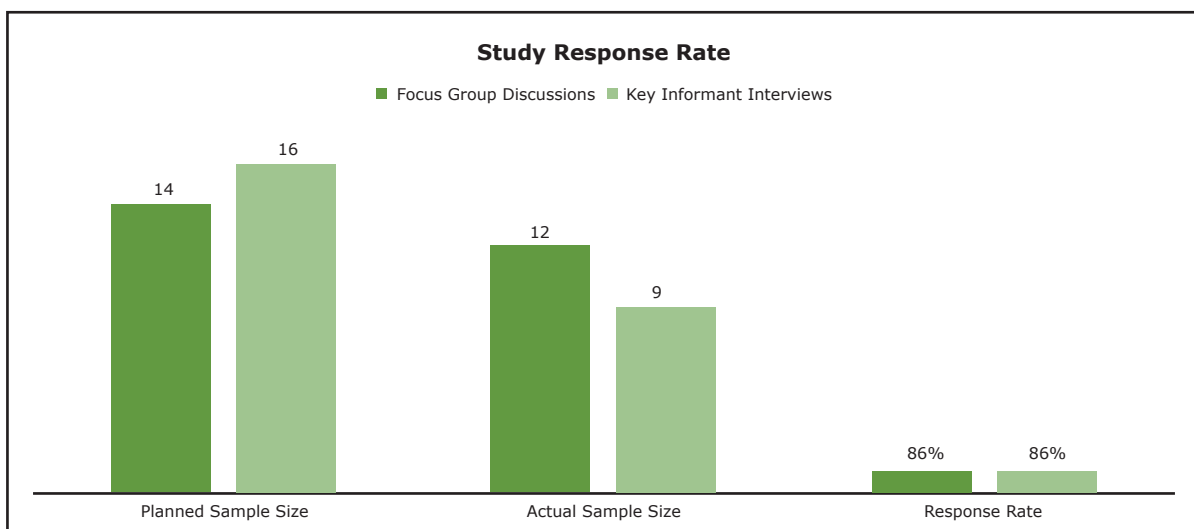
These were both qualitative and quantitative, namely:

- 1). Key informant interviews (KIIs) with selected stakeholders for example district and lower local government officials and NGOs.
- 2). Focus Group Discussions (FGDs) with selected farmer group members from the different districts.
- 3). Document review of relevant materials including international and national frameworks, laws and policies. This helped to ascertain facts relevant to the study.

STUDY RESPONDENTS AND RESPONSE RATE

The study targeted local small scale farmers, CSOs that are working towards advancing food sovereignty, food security, sustainable development and farmers' poverty eradication. The study further selected officials from the districts and lower local government officials from Zombo, Greater Arua (Arua and Terego district), and Jinja, Nwoya, Mukono, Mityana and Kassanda districts. These districts represent four regions of the country including Eastern, Northern, West Nile and Central districts. In each of the districts, Two FGDs were planned to be held with small scale farmers and in total 12 were held with an average of 12 participants each. A total of 144 (48 men and 96 women) small scale farmers took part in the FGDs. Nine (9) Key informant interviews were conducted with district and lower local government officials and Non state stakeholders.

Figure 2: Study Response Rate



Source: Field Data

DATA ANALYSIS

The data collected from the various sources was analyzed with a focus to understand and generate key issues and gaps out of the country's potential and effectiveness in the domestication of international frameworks for responsible investments with interest on the national structures, legal frameworks, policies, action plans and administrative arrangements mostly at a decentralized level where service delivery is realized. The study team envisaged understanding how the national investment policies are related to the international declarations and treaties and this gave a comprehensive understanding of the implementation processes and progress of these international frameworks, treaties, and guidelines on human rights, social safeguards, food security, environmental sustainability, land & water governance, and trade.

ETHICAL CONSIDERATIONS

During data collection, ethical issues were considered. These included: confidentiality and consent of participants. Consent was got from every respondent. The study team assured respondents that the information collected would only be used for the study purposes. During this study, in order to protect the privacy of the respondents and to avoid any negative consequences from this study, respondents were asked whether their names and photos could be used or not in this report. Given the current situation of the COVID-19 pandemic, standard operating procedures were fully respected during data collection.

LIMITATIONS OF THE STUDY

The limitations of study included the following:

- 1). Time constraint especially for fieldwork, made it difficult to secure meetings with all key stakeholders and policymakers.
- 2). The study was limited by the small sample size that included only seven districts out of the 136 districts in Uganda. The study team wished that the study should have captured at least half of Uganda's total number of districts.
- 3). Small-scale farmers during the FGDs exhibited limited knowledge on both international and national frameworks with their administrative responsibilities that made it difficult for primary data.

PRESENTATION OF STUDY FINDINGS

Introduction

This section presents the findings of the study based on the data collected from the respondents and in-depth desk reviews of government and non state actors' documents.

OVERVIEW OF INTERNATIONAL FRAMEWORKS

United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) 2018:

The Declaration on the Rights of Peasants (UNDROP), officially the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas was adopted by the United Nations in 2018. The UNDROP reaffirms the UN Declarations on the right to development, the rights of indigenous peoples and the universality of all human rights. It recognizes the special relationship and interaction among peasants and other groups working in rural areas and their contribution to conserving and improving biodiversity as well as their own and worldwide food security. The Declaration is the first internationally negotiated instrument bridging these issues, calling for a radical paradigm change in the agricultural sector while giving voice to peasants and rural workers, recognized as the drivers of more equitable and resilient food systems.

The land question features prominently in the UNDROP, starting in the preamble, which recognizes the special relationship between peasants and land and which includes land problems in the list of circumstances that justify the affirmation of peasants' rights. According to the UNDROP, states shall respect, protect, and fulfill the right to land, and they shall engage in international cooperation and assistance with the same purpose. States shall also ensure that their laws and policies, as well as the international agreements of which they are a party, do not lead to violations, but to better protection of the right to land.

Box 1: Highlighting the Articles of the UNDROP

Articles of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) 2018

- Article 1: Peasant
- Article 2: General Obligations of States
- Article 3: Equality and Non Discrimination
- Article 4: No Discrimination Against Women
- Article 5: Right to Natural Resources and Development
- Article 6: Right to Life, Liberty, and Security of Person
- Article 7: Freedom of Movement
- Article 8: Freedom of Thought, Opinion, and Expression
- Article 9: Freedom of Association
- Article 10: Right to Participation
- Article 11: Right to Information

Articles of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) 2018

- Article 12: Access to Justice
- Article 13: Right to Work
- Article 14: Right to a Safe and Healthy work environment
- Article 15: Right to Food and Food Sovereignty
- Article 16: Right to Decent Income and Livelihood and the Means of Production
- Article 17: Right to Land
- Article 18: Right to a Clean, Safe, and Healthy Environment to use and manage
- Article 19: Right to Seeds
- Article 20: Right to Biological Diversity
- Article 21: Right to Clean Water Systems
- Article 22: Right to Social Security
- Article 23: Right to Physical and Mental Health
- Article 24: Right to Housing
- Article 25: Right to Education and Training
- Article 26: Cultural Rights and Traditional Knowledge
- Article 27: Responsibility of the UN and other Intergovernmental Organizations
- Article 28: General Obligations

The right to land is recognized in Articles 5 and 17 of the UNDROP. Article 5 enshrines the right of peasants and other people working in rural areas to have access to and to use in a sustainable manner the natural resources present in their communities that are required to enjoy adequate living conditions, including land, and their right to participate in the management of these resources. Article 17 enshrines the right to the land of peasants and other people living in rural areas, and provides that this right can be exercised individually and/or collectively. According to the UNDROP, the right to land of peasants and other people working in rural areas includes the right to have access to, sustainably use, and manage land and the water bodies, coastal seas, fisheries, pastures, and forests therein, to achieve an adequate standard of living, to have a place to live in security, peace, and dignity and to develop their cultures. Article 17 also calls on states to 'remove and prohibit' discrimination relating to the right to land. The right to land and other natural resources in UNDROP include freedoms and entitlements. Among others, these embrace the right to conservation and sustainable use of land, freedom from discrimination, including gender discrimination, freedom from forced eviction and displacement, and freedom from negative effects of land exploitation. ARTICLES 5 and 17 of the UNDROP define the right to land and other natural resources, along with states' obligations.

Box 2: Articles 5 and 17 of the UNDROP

Article 5: Right to Natural Resources and Development

1. Peasants and other people working in rural areas have the right to have access to and to use in a sustainable manner the natural resources present in their communities that are required to enjoy adequate living conditions. They also have the right to participate in the management of these resources.
2. States shall take measures to ensure that any exploitation affecting the natural resources that peasants and other people working in rural areas traditionally hold or use is permitted based on, but not limited to:
 - a). A duly conducted social and environmental impact assessment;
 - b). Consultations in good faith, in accordance with article 2.3 of the present declaration;
 - c). Modalities for the fair and equitable sharing of the benefits of such exploitation that have been established on mutually agreed terms between those exploiting the natural resources and the peasants and other people working in rural areas.

Article 17: Right to Land

1. Peasants and other people living in rural areas have the right to land, individually and/or collectively, including the right to have access to, sustainably use and manage land and the water bodies, coastal seas, fisheries, pastures and forests therein, to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures.
2. States shall take appropriate measures to remove and prohibit all forms of discrimination related to the right to land, including those resulting from change of marital status, lack of legal capacity or lack of access to economic resources.
3. States shall take appropriate measures to provide legal recognition for land tenure rights, including customary land tenure rights, not currently protected by law, recognizing the existence of different models and systems.
4. Peasants and other people working in rural areas have the right to be protected against arbitrary and unlawful displacement from their land or place of habitual residence, or from other natural resources used in their activities and necessary for the enjoyment of adequate living conditions.
5. Peasants and other people working in rural areas who were arbitrarily or unlawfully deprived of their lands have the right, individually and/or collectively, in association with others or as a community, to return to their land of which they were arbitrarily or unlawfully deprived, including in cases of natural disasters and/or armed conflict and to have restored their access to the natural resources used in their activities and necessary for the enjoyment of adequate living conditions, whenever possible or to receive just, fair and lawful compensation when their return is not possible.
6. Where appropriate, States shall take pertinent measures to carry out agrarian reforms in order to facilitate broad and equitable access to land and other natural resources necessary to ensure that peasants and other people working in rural areas enjoy adequate living conditions, and to limit excessive concentration and control of land taking into account its social function.
7. States shall take measures aimed at the conservation and sustainable use of land and other natural resources used in their production, including among others through Agroecology, and ensure the conditions for the regeneration of biological and other natural capacities and cycles.

The 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs)

In September 2015, the General Assembly adopted the 2030 Agenda for Sustainable Development which includes 17 Sustainable Development Goals (SDGs), 169 targets and is measured according to 231 indicators. The 2030 Agenda for Sustainable Development provides a shared blueprint for peace and prosperity for people and the planet, now and into the future. They recognize that ending poverty and other deprivations must go hand-in-hand with strategies that improve health and education, reduce inequality, and spur economic growth while tackling climate change and working to preserve our oceans and forests

The UN 17 Sustainable Development Goals

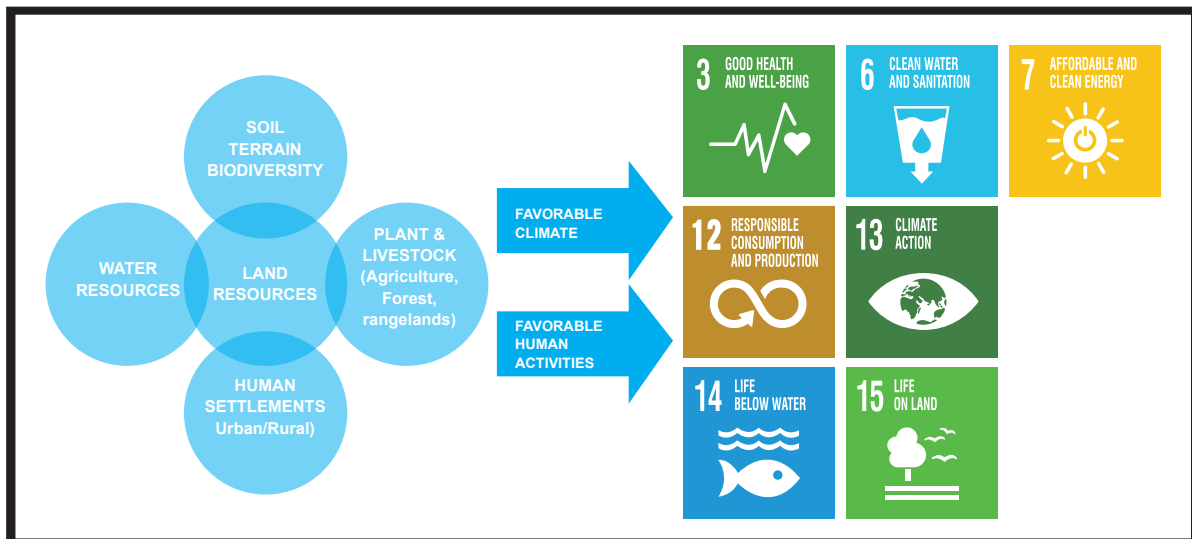


The Government of Uganda (GoU) was one of the first 22 countries to subject itself to a review at the July 2016 High-Level Political Forum (HLPF). This demonstrated its readiness

to localize and implement the SDG agenda under the theme 'Ensuring that no one is left behind. As a result, the SDGs were integrated into Uganda's second National Development Plan (NDP II), covering 2015/16–2019/20.

Land plays an important part in achieving many of these SDGs. With land formally recognized as a target in three SDGs, land is acknowledged as a critical metric of progress in this shared worldwide agenda. Healthy and productive land plays a vital role as an engine of economic growth and a source of livelihood of many Ugandans, including the most vulnerable. Protecting and restoring productive land is a key driver of economic growth, prosperity and well-being. Furthermore, evidence shows that when women are given equal opportunities and access to resources and decision-making, communities become more peaceful and prosperous. Unlocking the transformative potential of women can help achieve land degradation neutrality and fulfill the 2030 Agenda for Sustainable Development. The number of undernourished people is ever increasing. Amongst the many causes of undernourishment are land degradation, declining soil fertility, unsustainable water use, drought and biodiversity loss. Sustainable Land

An illustration showing how proper management of land and natural resources can contribute to the achievement of the SDGs



The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGTs)

The VGGT is an international framework negotiated by over 1000 stakeholders with different cultural backgrounds from all regions of the world and endorsed by the Committee on World Food Security in 2012. The guidelines envision improving governance of tenure of land, fisheries and forests. They seek to do so for the benefit of all, with an

emphasis on vulnerable and marginalized people, with the goals of food security and progressive realization of the right to adequate food, poverty eradication, sustainable livelihoods, social stability, housing security, rural development, environmental protection and sustainable social and economic development. The VGGT promote the recognition and protection of all forms of tenure, including formal, informal and customary and all legitimate tenure rights, including property rights and user rights. The VGGT are voluntary and Uganda is a party.

Figure 5: Guiding Principles of Responsible Tenure Governance



These Guidelines seek to:

- 1). Improve tenure governance by providing guidance and information on internationally accepted practices for systems that deal with the rights to use, manage and control land, fisheries and forests.
- 2). Contribute to the improvement and development of the policy, legal and organizational frameworks regulating the range of tenure rights that exist over these resources.
- 3). Enhance the transparency and improve the functioning of tenure systems.
- 4). Strengthen the capacities and operations of implementing agencies; judicial authorities; local governments; organizations of farmers and small-scale producers, of fishers, and of forest users; pastoralists; indigenous peoples and other



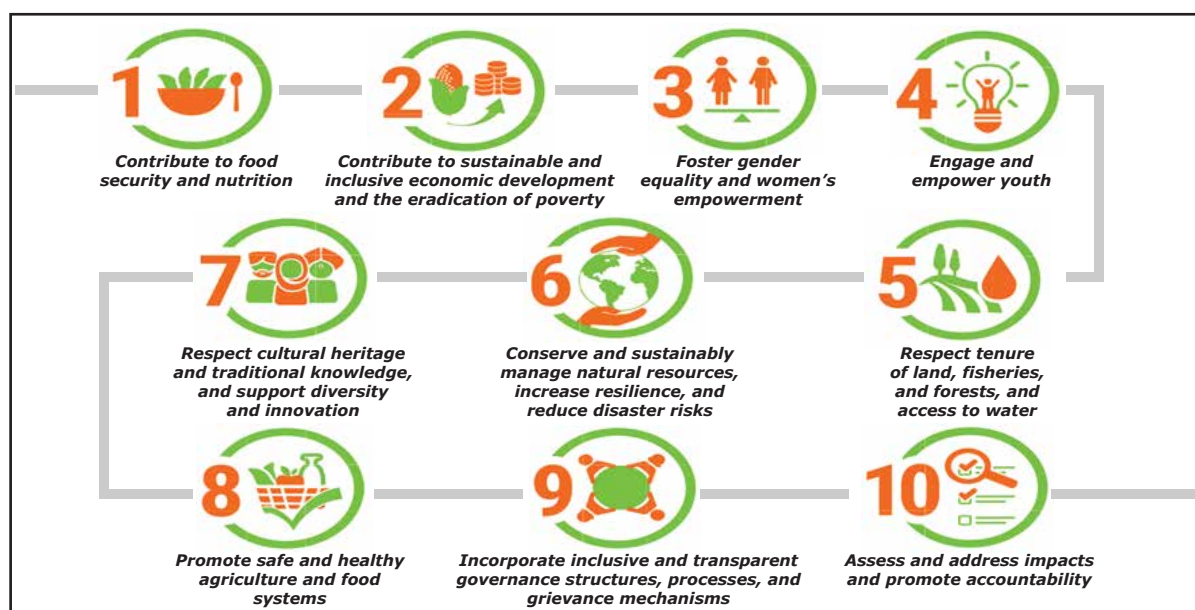
communities; civil society; private sector; academia; and all persons concerned with tenure governance as well as to promote the cooperation between the actors mentioned.

Principles for Responsible Investment in Agriculture and Food Systems

The Principles for Responsible Investment in Agriculture and Food Systems” (known as the CFS RAI) were adopted in 2014 by the Committee on World Food Security through an inclusive multi-stakeholder negotiation process of 126 Members. The CFS RAI build on two earlier instruments adopted by the CFS: the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security (“Right to Food Guidelines”, 2004) and the Voluntary guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security⁵.

The 10 Principles seeks to promote responsible investment in agriculture and food systems that contribute to food security and nutrition, thus supporting the progressive realization of the right to adequate food in the context of national food security. Responsible investment in agriculture and food systems contributes to sustainable development by generating positive socio-economic and environmental impacts, enhancing food security and nutrition. It requires progressively respecting, protecting and fulfilling human rights, including the right to adequate food, and relevant human rights obligations under international law. The achievement of these objectives is contingent upon the incorporation of responsible investment principles into business plans and practices, which includes an inclusive and meaningful multi-stakeholder engagement throughout the investment life cycle.

Figure 6: The 10 Principles for Responsible Investment in Agriculture and Food Systems



Source: FAO. 2014

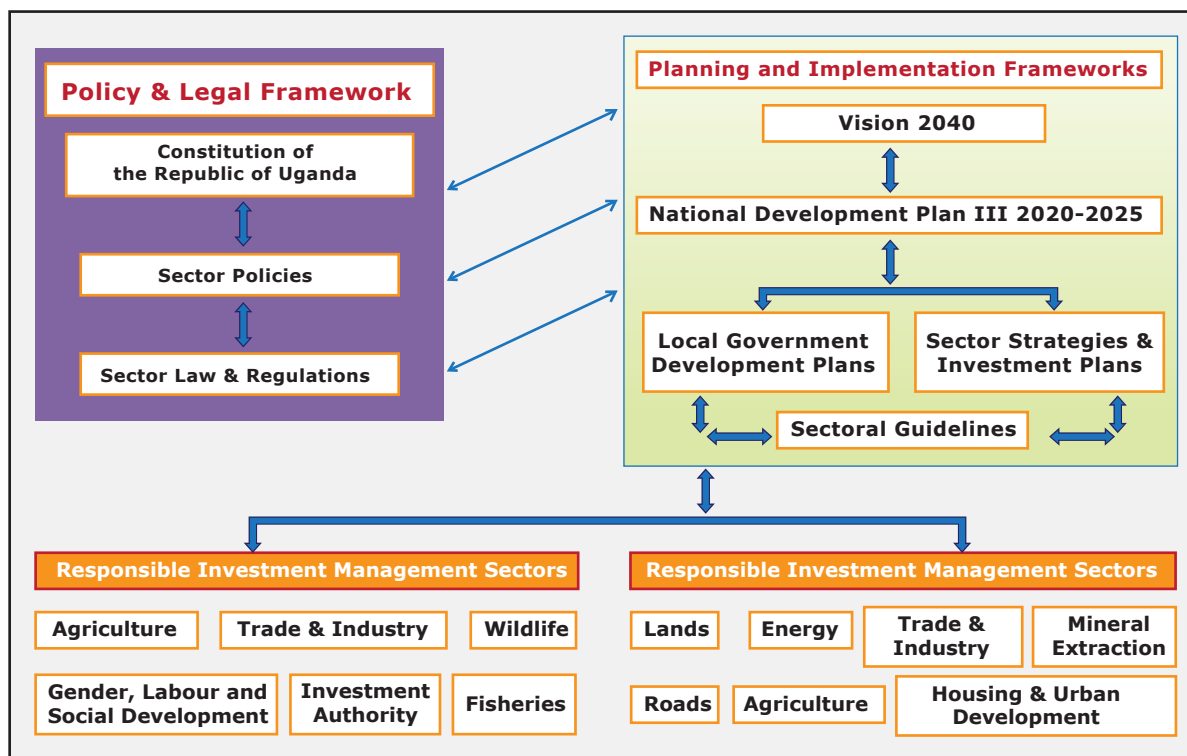
⁵ FAO, 2012, Voluntary guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security Rome. 48 pp.(Available at: <http://www.fao.org/3/i2801e/i2801e.pdf>).

UGANDA'S POTENTIAL AND EFFECTIVENESS IN IMPLEMENTING INTERNATIONAL FRAMEWORKS


Overview of Policy and Legal Framework in Uganda

Uganda is endowed with natural resources i.e. land, forests, wetlands, wildlife and water resources. Responsible investments are born out of the discussions just before and after the 1992 Earth Summit in Rio de Janeiro, whose principle goal was sustainable development. This shaped the development of certain international frameworks, treaties, guidelines and policies and laws at national level of member states, including Uganda.

Figure 3: **Policy, Legal and Implementation Framework for Uganda**



Natural resources that have to be sustainably developed are scattered into agriculture, fisheries, and wildlife among others. Responsibilities for guaranteeing Human rights and social safeguards as essential tools for responsible investments are also scattered in many institutions. Apart from management, it was noted that many sectors impact on sustainable development and natural resources, and often threaten the realization of responsible investment pathways through clearance of the ecosystems, promote unsustainable utilization of such resources while abusing human rights and safety i.e. energy, land and rights, agriculture, mineral extraction among others. To provide an enabling environment to the backdrop, Government set out policy and legal frameworks starting within the cardinal law of the land "the constitution of the republic of Uganda" re-enforced by different key National frameworks for implementation. These frameworks



are supported by sectoral Policies that provide for regulating the management of Uganda's natural resources within the different institutions.

The analysis focused largely on the effectiveness and potential of the country to domesticate the international frameworks most especially governance structures, policies and laws for sectors managing the resources, social safe guards and human rights, as well as those that impact on these resources. It was noted that within the individual sectors, there are important strategic plans and guidelines that drive the actual implementation of the frameworks. Figure III summarizes the relationship between the policy and legal framework and the planning and implementation framework, and the sectors of particular interest in this study.

Uganda's Effectiveness and Potential to Domesticate the SDGs with interest to Natural Resources

Government institutionalized the SDGs guided by a multi-stakeholder National SDG Coordination Framework, established in 2016 under the leadership of the Office of the Prime Minister (OPM). The Framework defines and delegates leadership roles and responsibilities for different aspects of coordinating implementation of the SDGs in Uganda. To operationalize it, a costed national roadmap was developed through a wide consultative process. A fully-fledged national SDG Secretariat has been established to support the SDG Coordination architecture to ensure that Uganda stays on track in implementing the SDGs.

Government fully mainstreamed the SDGs in the 3rd National Development Plan (2020/21-2024/25). The plan adopted a programmatic approach that lays out 18 programmes to implement the SDGs i.e. 1.4 and 15.3, provided under agro-industrialization and natural resources, environment, climate change, and land and water management programmes. The implementation of the programmes was planned through the 'parish development model',

Government through a rigorous process, a Land Sector Strategic Plan, 2013–23 was developed. The plan set to enhance land sector effectiveness and ensuring public confidence in a system of land tenure and land administration institutions that respect the citizens' land rights. The strategic plan **objectives** align well with SDGs 1.4, 5 and 15.3.

Uganda developed the National Land Policy Implementation Action Plan, 2015–19. The plan is a framework policy instrument designed to address current and future challenges. The NLPIAP embraced the SDGs and recognised the value of certain rights and access to land for women. The NLP integrates SDGs 1.4, 5 and 15.3, as evidenced in the NLP frameworks land rights administration and land use and management.



The plan seeks putting the National Land Policy (NLP) into action through seven prioritized actions across of the NLP framework:

- 1) National Land Policy
- 2) Constitutional and Legal
- 3) Land Tenure
- 4) Land Rights Administration
- 5) Land Use and Land Management
- 6) Regional and International Framework
- 7) The NLP Implementation Framework

Government developed the Gender strategy for the implementation of the National Land Policy, 2019. This strategy seeks to provide a framework and guidance for realising gender equity in land tenure, access, use and control through the NLP.

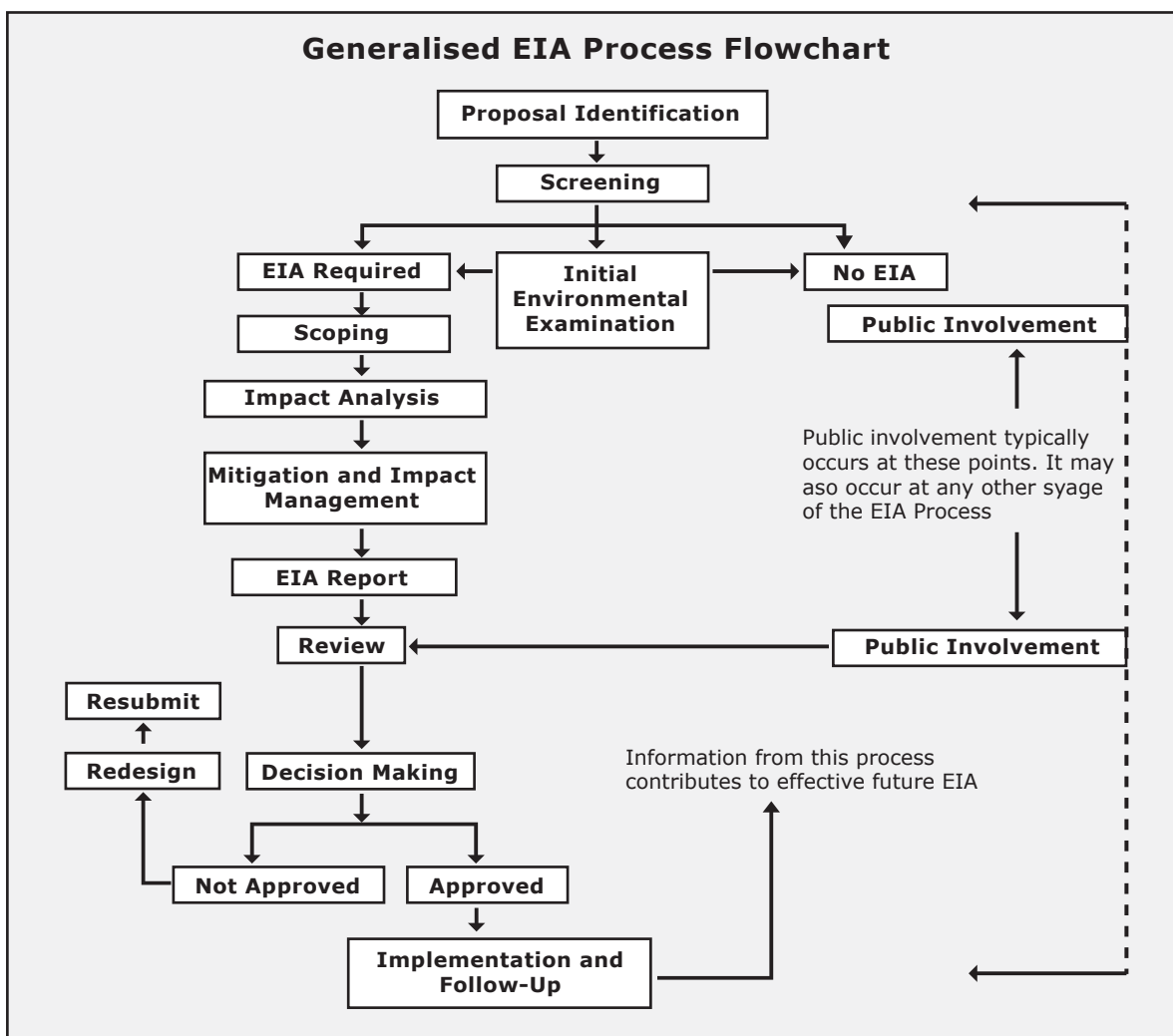
It provides overall strategic objectives to:

- 1). Create a level playing field upon which men and women can make, hold and enjoy legitimate land rights claims
- 2). Build the capacity of men and women to participate effectively and on equal terms in decision-making processes concerning land management and administration
- 3). Build the capacity of people in customary and statutory institutions to enforce legal and policy provisions on gender equality
- 4). Strengthen and streamline the collection, analysis and use of gender disaggregated data in the land sector; and promote partnerships with other stakeholders and institutions for effective implementation of the strategy.

Government through MLHUD established regional operating reference stations (CORS) and Ministerial Zonal Offices (MZOs) in Moroto, Masindi, Kibaale, Lira, Soroti, Gulu, Masaka, Mbale, Jinja, Arua, Entebbe and Fort Portal. This is intended to ease access of land services ie verification of land titles and other related land information landowners, land users and the general public. Further, there is establishment of district-level land management institutions to develop ie District Land Boards (DLB) and Area Land Committees (ALC). These works operationalize the land component of SDG 1.4.

Uganda's Effectiveness and Potential to Domesticate the VGGT, CFS-RAI and UNDROP

Uganda developed the National Environment Act – Cap 153 and the Environmental Impact Assessment Regulations, No.13/1998



The framework provides for sustainable development and emerging environmental issues that impact production and productivity. In re-enforcing the law, Uganda established an environmental protection force, enhances penalties for offences, manages hazardous chemicals and defines biodiversity offsets. GoU also set a framework for strategic environmental assessments and monitoring. The NEA responds to the concerns around the degradation and depletion of natural resources – including forests, wetlands, water and land – due to unregulated harvesting, poor use and farming practices, climate



change. The Act sets a framework for protecting and sustainable management of the environment and natural resources. However, some regulations, such as the Wetlands, River Banks and Lakeshores Management Act of 2000, which is essential to agricultural production, are yet to be revised according to the new law.

The study learnt that these guiding policies and legislation to foster sustainable resources conservation are heavily abused.

"Dr. Lugumira Jerome from NEMA highlighted that secondary approvals during the ESIA are issued before primary ones e.g. investment approval by UIA before ESIA by certificate as well as private and government projects commencing before NEMA approval".


Uganda developed the Investment Code Act, Cap 92, the Code is "An Act to establish a code to make provision in the law relating to local and foreign investments in Uganda by providing more favorable conditions for investment, to establish the Uganda Investment Authority and to provide for other related matters". It came into force on 25th January 1991.

Section 10 (1) provides that "A foreign investor shall not operate a business enterprise in Uganda otherwise than in accordance with an investment license issued under this Code". Section 18 (2) (d) requires that a license may contain, among other undertakings by the investor "...to take necessary steps to ensure that the operations of his or her business enterprise do not cause injury to the ecology or environment".

The 2015 Paris Agreement on Climate Change envisages economic growth that protects the environment and natural resources. In line with this, the GoU developed the **Green Growth Development Strategy, 2017–31** which aims to ensure that Vision 2040 and the NDPs are attained sustainably, and:

- 1). Accelerate economic growth and raise per capita income through targeted investments in five priority sectors with the highest green growth multiplier effects.
- 2). Achieve inclusive economic growth, poverty reduction, improved human welfare and employment creation.
- 3). Ensure that the social and economic transition is achieved through a low carbon development pathway that safeguards the environment's integrity and natural resources. The UGDS identifies agriculture as one of its five priority sectors, specifically referencing 'sustainable agriculture production through upgrading the value chain of strategic commodities and enterprises with a focus on irrigation and integrated soil fertility management.

Uganda developed the **National Adaptation Plan for the Agricultural Sector, 2018**. The plan is intended to be a means for reducing vulnerability to the impacts of climate change and for building adaptive capacity and resilience. It is to provide an opportunity for addressing constraints to agricultural transformation, which can in turn address food security, livelihood, and development pressures related to adapting to climate change. It seeks to enhance sustainable agriculture, food security, livelihoods and sustainable development.



Uganda developed the **Social, Safety and Health Safeguards Implementation Guidelines 2020**. These guidelines provide minimum standards and procedures for government, non-government and private sector actors to deliver and adhere to social, safety and health safeguards in programmes and projects at local government level.

Uganda developed the **Strategic Investment Framework for Sustainable Land Management, 2007**.

The framework covers:

- 1). Land sustainability/soil fertility mapping
- 2). Watershed management; and
- 3). Restoration of degraded landscapes, including through forestation, Although the framework was developed in 2007, it remains relevant to the domestication of international frameworks for sustainable natural resource use- given that land is a critical strategic asset for Uganda, constitutes over half of the value of assets for poor Ugandans, and is threatened by the un-sustainability of current farming practices.

The study learnt that Uganda developed several policies and laws that set precedence for effective and high potential for the domestication of international frameworks on responsible investments.

Among them are:-

- 1). National Climate Change Policy, 2018 The National Climate Change Policy directs all sectors affected by climate change to facilitate adaptation and mitigation.
- 2). National Climate Change Act, 2021 One of the stated purposes of the National Climate Change Act is to give effect to the UN Framework Convention on Climate Change, the Kyoto Protocol and the Paris Agreement. Section 4 gives these agreements the force of law in Uganda. In addition, it mandates the creation of a Framework Strategy on Climate Change and a National Climate Action Plan and District Climate Action Plans.
- 3). Uganda Wildlife Policy, 2014 and The Uganda Wildlife Act, Cap 200
- 4). The National Environment Management Policy for Uganda, 1994
- 5). Uganda Forestry Policy, 2001
- 6). The National Fisheries Policy, 2004
- 7). The National Oil and Gas Policy for Uganda 2008
- 8). The National Water Policy, 1995
- 9). The Uganda National Land Policy, 2013 and the Land Act, Cap 227
- 10). The National Land Use Policy, 2007
- 11). National Policy for the Conservation and Management of Wetland Resources, 1995
- 12). The National Industrial Policy, 2008
- 13). The Energy Policy for Uganda, 2002
- 14). National Policy for Disaster Preparedness and Management, 2010
- 15). The National Agricultural Policy, 2013
- 16). The National Forestry and Tree Planting Act, 2003
- 17). The Physical Planning Act, 2010

SMALL-SCALE FARMERS' PERCEPTIONS ON UGANDA'S POTENTIAL AND EFFECTIVENESS IN IMPLEMENTING INTERNATIONAL FRAMEWORKS ON LAND AND INVESTMENTS

Current land governance and management in Uganda

International frameworks like the VGGT and RAI give a clear guide on the proper governance and management of land that protects rights of everyone. The study engaged with small-scale farmers who revealed that customary land tenure is a complex system of land relations, the incidents of which are not always capable of precise definition, the 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 because 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. The management of customary land in Uganda lies on the set laws, local leadership such secretary for environment at LC1 level, village chiefs and a few natives have opted to demarcate their land hence protecting it from land grabbers.

"Because our land governance structure under the customary land tenure use our traditional customs, government officials and investors tend to disregard them hence interfering with our rights. There is need to study our traditional systems and integrate them into the land governance structures" FGD Respondent, Nwoya district.

"Anyone can own land as long as you can afford to buy it or you have inherited it, this is normally done in the presence and with the guidance of the local council committee, elders and opinion leaders sometimes help with guidance during land sales or distributions of inherited land". -female FGD Respondent in Arua district

Study findings reveal that customary land, water sources, wetlands and forests were initially governed/owned by the kings and their ruler ship however there has been a steady transfer of customary land ownership to the native through village. At the local government level, the District Forest officers manage and restrict how the forests are used and maintained with an objective of protecting the forests. This however isn't without any challenges. Some small-scale farmers noted that the biggest challenge related to protecting natural resources is corruption and greed by some leaders in their society. Some feel like it would be better if natural resources where still being governed under the traditional system of governance since it worked for everyone not only the rich.

"All these natural resources were first owned by the Kings and the natives never had it on their own but now these have been transferred in the hands of the natives through the various chiefdoms in the villages. So management measures of these resources are not guided and the responsibility is so reluctant in that the resources owners are selling off anyhow to investors and outsiders and have turned it to commercialization". This has resulted in several conflicts in the sub county'-MALE FGD Respondent in Zombo district.

Central 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. The land is owned by (often absentee) land lords and worked by tenants, who can be evicted.

"The mailo land system is a secure system provided you have the documentation to prove your ownership otherwise it can also be an oppressive system because landlords have a lot of powers" – FGD Respondent, Mubende district.


Public land is vested in or acquired by the government, which is held and managed by the Uganda land commission. However despite of study respondents being knowledgeable and a handful in possession of land ownership documents such as certificates and land titles, majority still experience land governance/ownership related challenges such as un coordination between landlords and the tenants especially when the land owners dies, poor/unfair interpretation and Implementation of the land laws, double land owner especially with customary land, difficulty in accessing land titles and Land grabbing by people with authority to mention a few.

Three out of the twelve participants in a female FGD mentioned to own land and the only evidence to prove the ownership were:

- 1). The fact that I was born and raised on this land and received a portion of the land as inheritance from her parents and grandparents.
- 2). The village elders and neighbors know my portion of land and its demarcations.
- 3). I bought my and in possession of an agreement form from the sub county.
- 4). I have land left by the late husband and says she has no evidence to prove ownership but is already planning to work on acquiring a land title.

All the above cases prove that small-scale farmers are aware about their right to own land and other natural resources but challenged with property ownerships rights hence a need to mobilize smallholder farmers on the rightful path of acquiring property ownership documents.

Women's rights in land and natural resource management



The Land Act upholds the Constitution's support of women's and girls' property rights by stating in Article 27 that any decision made on customary land according to customs or traditions that denies women access to ownership, occupation, or use of any land, or violates the rights of women in the 1995 Constitution, is null and void. The 2004 Amendment to the Land Act gives all spouses (wives and husbands) the right to security of occupancy on family land (and also defined family land) and requires the consent of the spouse(s) for transactions of family land. Upholding these articles in both the Land Act and the Constitution of Uganda also uphold most of the Articles in the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) that was adopted in 2018.

The study also revealed that the land management process remains the key site in which discrimination based on gender is expressed. Unequal gender relations within the household persist in all the regions of the study and are usually reproduced in institutions at meso-level. Gender biases are expressed in more subtle ways at the macro level, which are often presented as if they are "*gender neutral*." This level of discrimination goes against the objectives of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

"In my community, as women, my rights are only secure through my husband or my brother, any disconnection from either of them; I may automatically lose my land rights. This is a tragedy in my community" – FDG Respondent, Jinja district.


A very high proportion of women small-scale farmers revealed that cultural norms and inheritance laws prohibit women from owning land hence making it very difficult for them to overcome or manage land tenure insecurity. This also makes it very difficult for women to engage in productive agriculture as well as negotiations with any potential investors in their community. The fact that most women don't have knowledge of the existence of frameworks like UNDROP, VGGT and RAI that protect their rights, it makes it very easy for them to be discriminated and exploited.

"It's difficult for women to own land and manage land related challenges because women and girls don't know about the laws related with land and may not have money to follow up cases" – FGD Respondent, Mityana district.

"It's very difficult for women in our community because they have no say and fear to utter out their grievances. I don't think any form of capacity building can change this, its our culture." – FGD Respondent, Kassanda district.

Understanding of National Laws and Policies Governing Land and Natural Resource Use and Management

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). Analysis of various literature reviewed that 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 like the Land Reform Decree of 1975, the 1995 Constitution of Uganda, and the Land Act in 1998. Uganda also 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. Many small-scale farmers who participated in this study didn't have knowledge of the existence of these national laws and policies except for the Constitution. Many also didn't have the faith that these policies and laws can be implemented effectively in Uganda. This may understand the reluctance of most small-scale farmers towards understanding this national laws and policies.

"These laws and policies might be existing but they don't work, they are never implemented. Worst still, they are even written in English hence making it very difficult for some of us to understand them." – FGD Respondent, Mityana district.

"I think that we can do better empowering more small-scale farmers but if not, most of them will think that us who are in the government are doing nothing. But also we should appreciate that we are underfunded." – KII Respondent, Zombo district.


The implementation of the National Land Policy and other land related laws need a legal and institutional arrangement that enables 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. Survey findings reveal that knowledge on land policies, laws, and treaties among small-scale farmers is still very low with majority responding not to have heard or seen any land related policies, treaties and laws. This limited knowledge on the laws and policies make it very difficult for small-scale farmers especially women to hold government and other stakeholders accountable.

"I didn't know anything about these laws, but I just heard about some of the laws like the Land Act on the radio but I don't know what these laws actually say" – FGD respondent, Kassanda district.

The study further reveals that if the laws and policies governing land and natural resource use and management are well managed, it would greatly contribute to the development through encouragement of investments/investor hence supporting the productive use of land and natural resources. In Nwoya district where there are many large scale land-based investors, there is evidence of improved urbanization resulting from lawful distribution of land to potential investors hence creating jobs for the citizen. This doesn't necessarily mean that there are no challenges but the assumption that where there is political will for the implementation of laws and policies, there is always transformation. In Mukono district, the presence of political will and the mass sensitization have contributed to increasing the knowledge of small-scale farmers on laws and policies hence laying a foundation for successful negotiation with investors in the district.

"My district has tried to peacefully give land to investors and this has greatly contributed to district growth through revenue collection but also created jobs for our youth." – KII Respondent, Mukono district.

Most key informants engaged in this study understood the legal procedures to engage with investors in their districts as per the different laws. Section 38 of the National



Forestry and Tree Planting Act 2003 and Section 19 combined with Schedule 3 of the National Environment Act, Cap 153 (GoU 2000a) require an environmental impact assessment to be carried out where the intended activity or project is likely to have a significant impact on a forest. This is in-line with the VGGT and the RAI principles.

However, some respondents also revealed that several investment and development projects by mostly private sector investors in Mukono, Mityana, and Jinja where were established without carrying out environmental impact assessments. These irregularities in the implementation of the frameworks may be attributed to the poor funding of the departments that are responsible.


"As a sub-county, we have two major problems, we are poorly funded and under-staffed. Domesticating and implementing these frameworks requires resources both financial and human." – KII Respondent, Mukono district.

Progress in the implementation of national laws, policies treaties and Frameworks

To implement and reinforce sustainable land use and management, Uganda has developed sector wide guiding frameworks, namely, the Land Sector Strategic Plan (LSSP) and the Strategic Investment Framework (SIF) for sustainable land management (SLM). These frameworks aim at increasing investment in the sustainable management of land under forests, agriculture, and conservation, while ensuring sustainable growth, productivity and economic development in the natural resources sectors. Furthermore, institutions that deal with land and natural resources like MLHUD and MWE have integrated environment and natural resource management issues into their planning processes. This is a right direction towards mainstreaming environment issues in government programs. The development of the 2001 Forestry Policy is also another set in the right direction of domesticating and supporting the implementation of international framework like VGGT. It empowers different stakeholders to be at the forefront in the management of the country's forest resources.

The study further revealed that the government of Uganda have recruited the Environment Officer at local government level in different district to oversee environmental and natural resources related issues. To further implement land and environmental policies, various forestry working groups, forestry governance learning group, and Nature Conservation and Promotion Association have been established to support the implementation of national treaties, frameworks, and policies. These structures greatly contribute to the domestication of some international frameworks like VGGT and RAI.

This study further found that round table discussions with key stakeholders with critical involvement of women, increases the opportunity for the actualization of the national land implementation action plan and policy alignment to international treaties; *"walk the talk"*. Government both at national and local level is setting up different consultative groups to support in the implementation of some of these frameworks like the SDGs.



"To improve the performance of the land policies and laws, government should create a comprehensive participatory process which help to map and profile small-scale farmers and other stakeholders who could be key in implementing different frameworks." - KII Respondent, Mityana district.

"For this country to realise progress domesticating the international policies and frameworks, there is need for government to work with non-governmental organisations to create awareness and sensitization through establishing structures to help access justice, distribute simplified information educational materials and provide free land legal aid through the legal aid clinics especially for women". - KII Respondent, Jinja district.

ASPECTS HINDERING THE EFFECTIVE IMPLEMENTATION OF THE FRAMEWORKS, POLICIES AND TREATIES

Despite the notable achievements registered, there are several challenges to achieving maximum domesticating of International Frameworks in Uganda as presented below.

Ignorance of rights among small-scale farmers


Women's and children's ignorance of their land rights has a role to play in their continued discrimination in the accessing and enjoyment of land rights. This alone makes it very difficult for them to also appreciate the international frameworks which may seem more complicated than the national laws. According to the study findings, relatives of orphans grab their land and property in rural areas; while in urban locations, orphans are more likely to suffer from losing private tenure plots. In light of the foregoing women and children do not know their rights, let alone which fore to turn to for redress. For instance, women and children are ignorant of which courts have jurisdiction over land matters and the possible available remedies. Access to such information would protect women and children from abuse of their land rights, as well as empower them to claim for and fully realize their rights. This level of ignorance also affects their ability to participate in investment related discussions in their communities.

Presence of weak land governance institutions

The study also found that several institutions have been created to ensure protection of land rights for farming communities especially women in rural areas. However, despite efforts to have an effective and efficient system, the judiciary and other law enforcement entities are plagued by their own problems and is, therefore, unable to extend its services closer to those it was intended to benefit. Most of these institutions are under staffed and poorly facilitated hence making it very difficult for them to implement these frameworks. As such, the realization of land rights under these circumstances is farfetched.

"Some Investors in this country are hesitant to comply with operations procedures. They disrespect the current governance structure because the structures are non-functional. They are also highly connected and it's hard to work with them" – KII Respondent, Zombo district.

The study further also divulges that inadequate specialized skilled human resource (technical capabilities) at both national and local level (district /sub county and village level) has greatly affected the domestication of international frameworks in Uganda. Despite the fact that government has made great strides, there is still a lot to be desired to achieve the required human resource.



"Most of the public office bearers don't have enough knowledge about the new frameworks like the RAI principles and the need for them to be re-trained." – KII Respondent, Mityana district.

"In my sub-county, we don't have a forest officer or a land officer, how do you expect small-scale farmers to be able to promote responsible agriculture investments that are a joke." – FGD Respondent, Jinja district.

Prevailing traditional customs and practices

According to Tuyizere, cultural practices in most parts of Uganda hold women not as equal partners to their counterparts, but as subordinates. Given that custom is deeply entrenched in most of Ugandan society today, irrespective of what the legal provisions are, it is customary practices that determine whether a woman or girl child will actually have access to land. In light of this, even if the law provides for women's or children's ownership of land, customary practices may prevent the claim over any such right. Much as ownership of land is statutorily allowed, she may be discouraged from asserting this right. An unmarried woman may use her family's land (usually held in her father's name) but may claim no permanent use or ownership rights to the land. Furthermore, the concept of co-ownership of land is not recognized under customary law. These customs and practices also hinder the participation in investment or investment negotiations in communities.

"I think the laws in this country supersedes any oppressive cultural norms but to my surprise most people follow oppressive norms rather than the legal laws" – FGD Respondent, Nwoya district.

Corruption in the land system

Corruption is a challenge that plagues almost every institution in Uganda including the Ministry of Lands, Housing and Urban Development under whose ambit land matters fall. According to Transparency International, Uganda is ranked among the countries most affected by bribes and scores the third-highest among 69 countries in Asia, America, the Middle East, Europe and Africa that were sampled. It is as a result of corruption that many small-scale farmers are further rendered helpless when it comes to accessing services related to land. Corruption has made the cost of accessing services to increase to levels that most small-scale farmers can no longer afford hence shying away from participating in any land related processes in their communities.

"All our laws, policies and treaties governing land and natural resource use and management are tuned to globe standards but their implementation is challenged by governance issues, corruption and selflessness amongst people with authority, hence being an impede to a fruitful implementation these have been an impede to their implementation" – KII Respondent, Mityana districts.

PROPOSALS ON HOW TO

"Someone wanted to be my middleman when I wanted to process my Customary Certificate of Ownership (CCO), but I had to give up because I couldn't afford. Fast forward, I found out that it was even cheaper to process it on my own than I thought." – FGD Respondent, Nwoya district.

"We hear that some Environmental Impact Reports are developed with anyone going to the field, now you look at that. It's corruption which is affecting our beautiful environment." – FGD Respondent, Mukono

Low literacy levels among small-scale farmers

Low literacy levels are another factor that hampers small-scale farmers to fully realize their rights to land. With no empowerment, it is impossible for small-scale farmers especially women to effectively follow up on land disputes as well as change of ownership in case of inheritance. Literacy is necessary for one to be able to understand land rights as well as how the judicial system can be used to protect the same. This lack of knowledge also makes it very difficult for small-scale farmers to hold the duty bearers accountable because there is no written evidence.



The Ministry of Lands, Housing and Urban Development should support land mapping and boundary demarcations, the ministry should also support the establishment of conflict resolution mechanisms and run pilot experiences to test the implementation of the VGGT and other policies. This would promote the practical use of the VGGT and other policies and assist communities in securing land rights.

"Let us start with knowing our land boundaries before we talk about anything like investment." – FGD Respondent, Nwoya district.

Promoting responsible investment in agriculture and food systems that contributes to food security and nutrition and which supports the progressive realization of the right to adequate food in the context of national food security is the collective responsibility of all stakeholders. These RAI Principles should be promoted, supported and utilized by all stakeholders according to their respective individual or collective needs, mandates, abilities, and relevant national contexts.


"There is need to have all stakeholders coming together to promote responsible investment in agriculture in Uganda, it shouldn't only be government." – KII Respondent, Mukono district.

Promote multi-stakeholder dialogues to guide, implement, monitor and evaluate land and food policies as well as conflict transformation. This would support in establishing institutionalized permanent platforms, which are seen as a means to ensure effective VGGT implementation, where relevant actors join forces to achieve common tenure-related goals. Government and other stakeholders should develop tools that monitor local implementation of national land and food policies to ensure access to information, quality land and food services for citizens.

Sensitize small-scale farmers and other stakeholders on the frameworks and tenure governance issues through media campaigns, case studies to document the existence of tenure-related problems as well as drafting and distribution of VGGT-related documents in local languages and easy-to-read brief publications. Further still, develop a public and media campaign that promote awareness that land may be perceived as 'available' for acquisition or investment yet may actually be in use locally.

"Most of us are hearing these things for the first time in this discussion, we didn't know much of it and I don't think this time is enough to discuss them. Government and other partners should develop a deliberate program to sensitize all of us small-scale farmers on things like RAI, VGGT, UNDROP." – FGD Respondent, Zombo district.

Realization of the continuum of rights. A major challenge for achieving responsible governance of tenure in urban and peri-urban areas (also in rural areas) of developing countries and countries in transition is how to deal with the existing diversity of tenure arrangements (range of land rights), of which many are not integrated into the legal



system or conventional land administration systems. The VGGT seems to provide guidance on this by referring to all legitimate tenure rights, including informal tenure, which states should acknowledge in ways that recognize the reality of the situation and promote social, economic and environmental well-being, but do not necessarily address the issue in detail.

Make public investment information so that citizens can hold investors accountable and ensure that they are able to effectively design and implement profitable projects that respect local rights and generate local benefits.

"Government both at national and local level should stop hiding investment information. As people here, whether any of us have information about oil and other minerals or investors here in our communities. No one, everything is hidden." – FGD Respondent, Nwoya district.

Government and all development partners should heavily invest in simplifying and translating these international frameworks, treaties and guidelines to the most common used local languages if their primary goals are to be achieved. These would be key in capacity building of stakeholders. This should be coupled with the use of media to disseminate information to small-scale farmers in the different parts of the country.

"We need all these documents in our local languages. Maybe they aren't translating them because they don't want us to know what is in those documents. We need to know." – FGD Respondent, Kassanda district.

Government should recruit the much need human resource for the successful implementation of the different frameworks from sub-county to national level. Government should also equip the civil servants with information and tools needed for the successful implementation of their roles.

CONCLUSION


Uganda has the potential to implement and domesticate the SDGs, CFS-RAI, VGGTs, CEDEW, UNDROP among others effectively. The country's long term Comprehensive National Development Planning Framework is well known for providing the overall framework essential for domesticating these guidelines, treaties and laws. The framework mandates the development of a 30-year Vision, three to 10- year perspective plans, six to five-year development plans, five sector development plans, local government development plans, annual plans, and budgets. This environment has been set in the country supported with policies and laws setting a fertile ground for the effective domestication of international frameworks. It was further noted that most of the policies were aligned with these frameworks and decentralized structures for implementation developed mostly at the local government levels. It was however noted that although Uganda aligned its policies to adopt the implementation of these international frameworks, guidelines and treaties, these frameworks have fallen short as regards to their implementation due to lack of coordination between sectors and institutions, capacity issues at all structures of governance including the regulated community and supporting professionals such as environment officers and limited allocation of resources to the structures.

RECOMMENDATIONS

- 1). There is need for government to allocate financial resources to structures set to implement the national guidelines, policies and policies for responsible investments ie environment, social safeguard offices and human rights at the central governments reflective of the value of the environment in its totality to national development.
- 2). Government needs to train man power or professionals that are required to positively impact the sectors ie environment and other sustainable technical persons and effective deployed at decentralized structures and facilitated to operate.
- 3). There is a need for the actualization of integration of the international frameworks, guidelines, and treaties across different MDAs critical for not only achieving the guidelines themselves. Domestication and integration of the frameworks can be achieved upon the training of sectors and local governments on the different frameworks and provide technical backstopping to local governments for quality assurance of development plans to increase messaging and understanding.
- 4). The majority of respondents pointed to corruption as the most outstanding problem affecting proper implementation and domesticating international frameworks in Uganda. Therefore, there is an urgent need to curb corruption by instituting proper reporting mechanisms where the parties involved in corruption are reported and dealt with accordingly.
- 5). Government should align the country's institutions and coordinate them well to serve the purpose of ensuring effective domestication of the international frameworks, guidelines and treaties.

References

- Government of Uganda, 2018. Draft National Investment Policy. <https://www.finance.go.ug/sites/default/files/Publications/Draft%20National%20Investment%20Policy%202018.pdf>
- Bank of Uganda, 2021. State of the Economy Report. <https://www.bou.or.ug/bou/bouwebsite/bouwebsitecontent/publications/QuartelyStateofEconomy/publications/Quarterly-Economic-Reports/2021/Jun/State-of-Economy-Report-June-2021.pdf>
- MAAIF, 2020. Situational Analysis of the Agriculture Sector in Uganda. <https://agnes-africa.org/wp-content/uploads/2020/09/Situational-Analysis-of-the-Agriculture-Sector-in-Uganda-July-2020-Final.pdf>
- Sánchez, M.V., Cicowiez, M. & Pereira Fontes, F. 2022. Productive public investment in agriculture for economic recovery with rural well-being: an analysis of prospective scenarios for Uganda. FAO Agricultural Development Economics Technical Study No. 16. Rome, FAO. <https://doi.org/10.4060/cb8730en>
- FAO, 2014. Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. <https://www.fao.org/3/i2801e/i2801e.pdf>
- United Nations, 2015, The 2030 Agenda for Sustainable Development. <https://sdgs.un.org/goals>
- FAO, 2015. "What is land tenure." Rome: Food and Agriculture Organization of the United Nations (FAO). Available: <http://www.fao.org/docrep/005/y4307e/y4307e05.htm>
- ECA, 2014. Guiding principles on large-scale land based investments in Africa. Addis Ababa, Ethiopia: African Union, African Development Bank and United Nations Economic Commission for Africa. Available: <http://www.uneca.org/publications/guiding-principles-large-scale-land-basedinvestment-s-africa#>.
- The World Bank, 2014. The practice of responsible investment principles in larger-scale agricultural investments has implications for Corporate Performance and Impact on Local Communities. Available: https://unctad.org/system/files/official-document/wb_unctad_2014_en.pdf
- Carolyn Dieterle, 2022. Global Governance Meets Local Land Tenure: International Codes of Conduct for Responsible Land Investments in Uganda, The Journal of Development Studies. <https://www.tandfonline.com/doi/full/10.1080/00220388.2021.1983165>
- United Nations, 2019. United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas. <https://www.genevaacademy.ch/joomlatools-files/docmanfiles/UN%20Declaration%20on%20the%20rights%20of%20peasants.pdf>



Lorenzo Cotula, 2022. The Right to Land. Routledge, Oxford
<https://pubs.iied.org/20731x>

MLHUD, 1998. The Uganda Land Act 1998.
https://mlhud.go.ug/wp-content/uploads/2019/03/Land-Act-Chapter_227.pdf

MLHUD, 2013. The Uganda National Land Policy 2018.
<https://www.jlos.go.ug/index.php/document-centre/land-justice/366-uganda-national-land-policy/file>

June 2020. The Second Voluntary National Review Report on the Implementation of the 2030 Agenda for Sustainable Development.
https://sustainabledevelopment.un.org/content/documents/26352VNR_2020_Uganda_Report.pdf

Jaldi A, 2021. The African Continental Free Trade Agreement (AfCFTA): legal overview. Policy Notes & Policy Briefs 1934, Policy Center for the New South.

African Development Bank, 2019. African Economic Outlook 2019. African Development Bank publication.
https://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/2019AEO/AEO_2019-EN.pdf

African Union, 2019. African Continental Free Trade Area (AfCFTA) Agreement.
https://au.int/sites/default/files/treaties/36437-treaty-consolidated_text_on_cfta_-_en.pdf

Oxfam in Uganda, 2019. Locked out. How unjust land systems are driving inequality in Uganda.
https://reliefweb.int/sites/reliefweb.int/files/resources/Land%20and%20inequality%20in%20Uganda_November%202019.pdf

Uganda Investment Authority, 2019. The Investment Code Act, 2019.
<https://www.ugandainvest.go.ug/wp-content/uploads/2019/03/Investment-Code-Act-2019.pdf>

NPA, 2020. National Planning Authority. National Development Plan 2020/21 – 2024/25

NEMA, 2006. State of Environment Report for Uganda, 2008. National Environment Management Authority, Ministry of Water and Environment.

MAAIF, 2010. Ministry of Agriculture, Animal Industry and Fisheries. Agricultural Sector Development Strategy and Investment Plan 2010/11-2014/15.

Annex 1: Data Collection Tools

Qualitative Tool, Focus Group Discussion Guide:

Instructions to Interviewer/Facilitator

Please make sure you have an attendance list and all those present signs it.

1. Make sure that your notes include the date and place where the discussion is taking place
2. This focus group discussion (FGD) is intended for men and women who have gone through the enrolment process, therefore the number of participants should be 8 to 12.
3. It is important to have a voice recorder. Check to make sure that the batteries are working and that the women are sitting in a manner that will help with voice recording.
4. If you do not have a voice recorder, then you will need to have two people to manage the focus group discussion: one of you will moderate and the other will take notes.
5. Moderation of this FGD should aim to have as many women as possible participate and provide information. Do not allow some women to dominate the conversation.
6. Please give the participants the official contact of ESAFF Uganda in case they need to follow up with any questions.

The objectives of the FGD are:

1. To understand the land tenure situation in the community: land governance, women's rights, tenure insecurities as well as aspirations for improving the situation.
2. To understand community to global actions that can affect improve land tenure security, especially for women in the face of increasing large scale land-based investment in the agriculture sector.

Consent

My name is _____ and I work for REVOLVE a professional consultancy firm hired by ESAFF Uganda to conduct a study on the country's potential and effectiveness in implementing and domesticating international frameworks, treaties and guidelines. Your participation has been selected purposively. Thank you for accepting to participate in this survey. We are interested in getting information on land rights, inequality, and responsible investment in agriculture and land governance in Uganda. This group discussion will take relatively 2 hours and the information from this discussion will be used for publicity or other purposes to influence land policy and governance in Uganda. Your participation in this study is entirely voluntary and you may refuse to participate or discontinue your participation at any time.

Please note that by registering on the registration form, you consent to take part in this study.

Date	
Number of participants	
District	
Sub-County	
Parish	
FGD Type 1) Men Only 2) Women Only	
Moderator	
Recorder	
Language of interview	
Time taken (start and end)	

Contact:

Name of responsible person:

Email address:


Phone number:

Part A: Current Situation

- 1). How is land managed (governed) in your community? Please explain the structures and their roles.
- 2). How many of you own land? What evidence do you have to prove your land ownership?
- 3). What do you think is the main problem in the land governance system in Uganda?
- 4). With examples, please explain insecure tenure situations associated with land that women and vulnerable members experience in this community?
- 5). With explanations, how easy or difficult is it for women and girls to overcome/ manage insecure tenure situations associated with the land?
- 6). With explanations, how easy or difficult is it for any investor to be given land in your community?
- 7). What is your perception of large scale land-based investors? Please share both positive and negative perceptions.

Part B: Knowledge On Land Policies, Laws and Treaties

- 1). What do you know about these policies and laws?
(please get responses from all the participants)
 - a). The Voluntary Guidelines on the Responsible Governance of Tenure (VGGT)
 - b). Uganda Land Act (1998)
 - c). The Uganda National Land Policy (2013)
 - d). The Principles for Responsible Investment in Agriculture and Food Systems (RAI) (2014)
 - e). The African Continental Free Trade Area (AfCFTA)
 - f). United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) 2018

- 
- g). Investment Code Act (2019)
- 2). What should be done (by whom) to improve community knowledge on land related policies, laws and treaties such as those discussed above?

Part C: Measures of Improvement in Tenure Security and Investment

- 1). How do you think Uganda can effectively implement and domesticate international frameworks and treaties?
- 2). How do you think communities can contribute towards responsible agriculture investments and social justice?
- 3). Can the current land governance system reduce inequalities within value chains? Explain.
- 4). What key actions should be taken by the government to recognize and respect all legitimate tenure right holders and their rights?
- 5). What key actions should be taken by the government to protect tenure rights holders against the arbitrary loss of their tenure rights?
- 6). What key actions should be taken by the government to ensure that women and girls have equal tenure rights and access to land?

Key Informant Interview Guide Instructions to Interviewer/Facilitator

When conducting the KII, please,

- Explain to the person being interviewed that this is an anonymous interview and ask them to read and sign the informed consent form.
- Conduct the interview in a team of two. One person will ask the questions, and the other will record the responses, both in writing and by the audio recorder.
- Do not read the instructions to the respondent. These instructions are meant to help you in completing the interview.
- Ask additional probing questions if needed and where indicated.
- Write responses word for word so that they are clear and understandable to others.
- Do not summarize. Continue writing. If the response is very long, or it was difficult to write quickly enough, write REFER TO AUDIO RECORDING on the interview form.

Introduction

This interview aims to understand the land tenure situation in Uganda focusing on land governance, women's rights, tenure security and agriculture investments. This interview will also identify key actions that can improve land tenure security for economic development, especially for women in the face of increasing large scale land-based investment in the agriculture sector.

Read the informed consent form to the respondent(s) and ask them to sign it.

My name is _____ and I work for REVOLVE a professional consultancy firm hired by ESAFF Uganda to conduct a study on the country's potential and effectiveness in implementing and domesticating international frameworks, treaties and guidelines. Your participation has been selected purposively. Thank you for accepting to participate in this survey. We are interested in getting information on land rights, inequality, and responsible investment in agriculture and land governance in Uganda. This interview will take relatively 2 hours and the information from this discussion will be used for publicity or other purposes to influence land policy and governance in Uganda. Your participation in this study is entirely voluntary and you may refuse to participate or discontinue your participation at any time.

Name of interviewee: _____

Signature: _____ Date: _____

Contact:

Name of responsible person:

Email address and Phone number:

Date	
Organization/Entity/ Company/Institution	
Position held	
Sex	
District	
Interviewer	
Recorder	
Language of interview	
Time taken (start and end)	

Questions

- 1). What significant roles do you think small-scale farmers play in the economic development of Uganda? What is your view about transitioning from subsistence agriculture to agriculture as a business?
- 2). Please describe according to your understanding how land is governed in Uganda, especially in the greater north and east of the country. Please probe for ownership issues, land policies, treaties and laws both locally and internationally.
- 3). What do you think is the main problem in the land governance system especially for rural communities in Uganda? Please give some examples if any.
- 4). With examples, please explain insecure tenure situations associated with land that women and vulnerable members experience?
- 5). With explanations, how easy or difficult is it for any investor in the agriculture sector to be given land in Uganda?
- 6). What is your perception of large scale land-based investors in the agriculture sector? Please share both positive and negative perceptions.
- 7). What is your entity/organization doing to contribute towards responsible agriculture investments, tenure security and social justice?
- 8). What key challenges do you face as an entity/organization/institution in your work around promoting responsible agriculture investments, ensuring tenure security and protecting social justice?
- 9). Can the current land governance system reduce inequalities within value chains? Explain.
- 10). What should be done (by whom) to improve the implementation of the land-related policies, laws and treaties such as those discussed above?
- 11). With explanation, what roles should be played by community members to protect their land tenure security?

Interviewer: Thank the participant for his/her participation and close the session.



Eastern and Southern Africa
Small Scale Farmers' Forum
ESAFF - UGANDA

CONTACT US



Physical Address:

Plot 266, Muvule Avenue, Buye – Ntinda, Kampala
P.O Box 34420 Kampala – UGANDA
Telephone: +256 393 347 195



Write to the National Coordinator:

Ms. Nancy M. Walimbwa
Email: coordinator@esaffuganda.org



Social Media:

Facebook: ESAFF Uganda
Twitter: @ESAFFUG
Instagram: [esaff_agroecology](https://www.instagram.com/esaff_agroecology)
YouTube Channel: ESAFF Uganda TV



Website:

www.esaffuganda.org