

## CSO CASE STUDY 12

**Title:** Advocating for pro-poor land laws: Uganda Land Alliance and the land reform process in Uganda

**Country:** Uganda

**Author:** Emmanuel Nkurunziza

### Introduction to the case

The Uganda Land Alliance (ULA) is an example of a civil society organisation that has recorded considerable success in its advocacy for pro-poor land policies. The success was, in no small measure, due to the organisation's ability to utilise research both to inform/empower the poor and other vulnerable groups, and to engage policy makers. ULA distilled relevant research findings and presented them in formats 'accessible' to the poor, thereby raising public awareness and empowering vulnerable groups to make their voices heard and demand accountability from their political representatives. At the other end of the spectrum, the organisation drew on its expertise to engage the more intellectually sophisticated policy makers. In engaging policy makers, ULA was able to use research to challenge the assumptions on which the government had based its land reform proposals. Aided by research-based arguments and information, ULA played a successful intermediary role, between the citizenry and the state elite, to arrive at a land law (Land Act, 1998) that is not just driven by economic imperatives but also addresses issues of equity.

### Type and extent of policy change

The policy change discussed in this cases study is the enactment of the Land Act in 1998, which includes considerations that protected children, women rights, and the poor, in general. Specially, the Land Act recognised customary land as a form of tenure and registration of women's interests on customary land; spousal and children's consent in any transactions on family land; and representation of women on all land management and dispute resolution institutions (Busingye<sup>11</sup>, 2002:25). Spousal co-ownership of land was pursued by CSA but was not included in the act.

The argument for spousal co-ownership of land had also been won as reflected by its support and passage in parliament but it got 'lost' in the final drafting of the Act. Because of the manner in which it was omitted, the provision is now referred to as 'the lost amendment'. ULA's campaign has since focused on 'recovering' this 'lost amendment'.

### Some thoughts on the explanation of the policy change

#### a) The Political context

Over the past 15 years, Uganda has been involved in wide ranging reforms aimed at rebuilding a country whose socio-economic and political fabric had been shattered by years of political instability and civil conflict. Being a predominantly agrarian economy, it was argued that to stimulate economic development, land reforms aimed at making the

---

<sup>11</sup> Harriet Busingye was the founder President of ULA and was heavily involved in the organisation's land reform lobbying efforts.

existing land tenure regime more efficient were crucial. Consequently, the government, in conjunction with the World Bank, commissioned a study of the existing landholding systems and their implications for agricultural development. The study was undertaken by the Makerere Institute of Social Research, in collaboration with the Land Tenure Centre, of the University of Wisconsin (MISR, 1989). Its findings provided a basis for drafting the Tenure and Control of Land Bill of 1990 whose main proposals largely exposed an economic agenda by seeking to remove all impediments to the land market through increased individualisation of tenure. The bill, however, never became law and was overtaken by events, particularly the process for a new national constitution.

During the constitutional process, debates over land issues figured prominently and, as Kawamara-Mishambi and Ovonji-Odida (2003:163) observe, discussions on land matters were 'extremely fractious, with several competing interests advanced'. For reasons of political expediency as there were impending presidential and parliamentary elections, the provisions for land reform included in the constitution were general in nature and major changes were deferred. The constitution, promulgated in 1995, therefore enjoined the next parliament to enact a new land law. The period between 1995 and 1998 was characterised by intense debate over a newly drafted land bill, with different interest groups lobbying parliament and the President. It was during this period that Uganda Land Alliance (ULA) was formed as an interest group advocating for land policies and laws that addressed the rights of the poor and protected access to land for the vulnerable and disadvantaged groups/individuals. ULA, which is a consortium of local and international NGOs including ActionAid and Oxfam started in 1995 as an informal group of interested individuals and evolved into an important framework for civil society engagement on the land issue. It is composed of over 45 NGOs, including women's rights advocacy groups, research institutes, charity organisations and environmental groups.

### **b) The ways ULA tried to effect policy change**

To achieve its objectives ULA adopted two simultaneous approaches. First, efforts were committed to raising public awareness about land issues and what was proposed in the land bill, focusing particularly on the primary groups they sought to represent – the rural poor and women. Several mechanisms were used, including simplifying and translating into local languages the key provisions in the bill, holding upcountry sensitisation workshops, and participating on local radio talks/phone-ins. The main aim of these sensitisation ventures was to empower the target groups so that they could mount pressure on their parliamentary representatives to whom the constitutional responsibility of debating the bill had been bestowed. For similar reasons, ULA also lobbied key international agencies, drawing on the connections and experiences of founder member international NGOs such as Oxfam. The second approach adopted by the Alliance was to engage policy makers (parliament and cabinet) and this was done through written presentations (memoranda and research publications), workshops, live radio debates, open letters to ministers, press releases, and meetings with members of parliament and other policy makers.

### **c) The nature of research-based evidence**

To support its arguments and engage with the government's proposals, ULA drew significantly on evidence provided by research either conducted in-house or commissioned. ULA relied heavily on the research capacities held by its constituent

organisations, particularly the Centre for Basic Research (Kampala) and Makerere Institute of Social Research (MISR). As pointed out earlier, early inputs into government proposals had been based on a World Bank-funded study, which recommended a tenure system aimed at stimulating the land market as a mechanism for transferring land from inefficient to efficient farmers. Countering government proposals therefore, demanded research evidence that challenged the findings and recommendations of the study on which they were based. To this effect, the Centre for Basic Research (CBR) mounted a full-scale research project covering 13 districts in all regions of the country. The findings from this project contradicted those adduced by the World Bank-funded study. A series of publications were produced out of the research, including Mamdani and Oloka-Onyango (1994) and numerous working papers<sup>12</sup>. In 1997 the Uganda Women Network (UWONET), one of ULA's member organisations undertook another study, which brought to the fore the extent of women marginalisation in the control of land despite being the main users of the resource. The study revealed that while women provide 70%-80% of agricultural labour, men own more than 90% of the land (UWONET, 1997). They argued that because of this, women had no control over the way land was used and how produce from it was utilised. ULA used these findings and accompanying qualitative accounts from women around the country to argue for co-ownership of land.

In its continued campaign for the co-ownership clause, the Alliance undertook a study entitled *Co-Ownership of Land by Women* (2000) and commissioned another one undertaken by MISR (MISR, 2001). A further study jointly undertaken by ULA and Action Aid (Uganda) in 2001 demonstrated how the provisions for inclusiveness in the Land Act had not gone far enough.

#### **d) The mechanisms used by ULA to get the evidence into the policy process**

As indicated earlier, the main channels through which ULA sought to get its evidence into the policy process was through policy briefings and memoranda, highlighting the key research findings and recommendations for policy. The submissions were mainly made to parliament and government ministers. ULA also used every opportunity to engage in debate with policy makers in various forums, such as workshops and radio shows.

This approach was supplemented by lobbying international development partners who are an influential voice in the country's policy making process. Most significant, however, is the pressure mounted on policy makers by ordinary citizens as a result of raised awareness and empowerment engendered by ULA's workshops and information dissemination.

#### **e) International factors**

Besides coming up against vested endogenous interests, some of the proposals made by ULA did not have the support of influential international development partners who argued for market-led neo-liberal policies. However, the Alliance also managed to garner support

---

<sup>12</sup> Examples of these include: Kafureeka, L. (1992) 'The dynamics of the land question and its impact on agriculture productivity in Mbarara district, Uganda', *Kampala: CBR working paper No. 25*; Mugisha, R. (1992) 'Emerging changes and trends in land tenure and use in Kabale and Kisoro districts', *Kampala: CBR working paper No. 26*; Ssenkumba, J. (1993) 'The land question and the agrarian crisis: the case of Kalangala district, Uganda', *Kampala: CBR working paper No. 34*; Otim, P. (1993) 'Aspects of the land question in Mbale district', *Kampala: CBR working paper No. 35*

of foreign NGOs such as Oxfam and Action Aid, who were among its initial founders, and these provided resources and support to the organisation.

## Conclusion

Having started as a loose umbrella organisation, primarily constituted of international NGOs that had strong interest in pro-poor policies, ULA has grown into a strong organisation that has made significant contribution to on-going land reform in Uganda. ULA made use of research evidence not only to inform and sensitise the public on the implications of proposed land reforms but also to engage and convince the political elite involved in making policy. The case illustrates the importance of packaging research evidence in a manner that is both comprehensible and appealing to different target audiences; and civil society capacity to engage in the more sophisticated aspects of policy when interfacing with policy makers.

## Sources of Documentation

Nyangabyaki- Bazaara (2000) 'Civil society and the struggle for land rights for marginalized groups: The contribution of the Uganda Land Alliance to the Land Act 1998'; *Civil Society and Governance Programme IDS* <http://www.ids.ac.uk/ids/civsoc/final/uganda/Uga3.doc>

## Other References

- Busingye, H. (2002) 'Ensuring Women's Land Access', Land Policy and Institutions Workshops CD-ROM Africa and the MENA Region, Kampala April 29 – May 2: The World Bank.
- Kawamara-Mishambi, S. and Ovonji-Odida, I. (2003) 'The 'Lost Clause': The Campaign to Advance Women's Property Rights in the Uganda 1998 Land Act', In Goetz, A.M. and Hassim, S. (Eds.) *No Shortcuts to Power: African women in Politics and Policy Making*, London: Zed Books.
- Mamdani, M. and J. Oloka-Onyango (1994) (eds.) *Uganda: Studies in living conditions, popular movements and constitutionalism*, Kampala Centre for Basic Research.
- MISR (1989) *Land Tenure and Agricultural Development in Uganda*, Kampala: Makerere Institute of Social Research.
- MISR (2001) *The justification for Co-ownership: A qualitative perspective*, Kampala: Makerere Institute of Social Research.
- Uganda Land Alliance (2000) *Co-ownership of land by spouses*, Kampala: Paradigm Consult and Policy Analysis Advocacy Centre (PACE).
- Uganda Land Alliance and Action Aid Uganda (2001) *Included Yet Excluded*, Kampala: ULA.
- UWONET (1997) *Women and Land rights in Uganda*, Kampala: UWONET.

## About the Author

Dr. Emmanuel Nkurunziza is a lecturer in the Department of Surveying, Makerere University. He holds a PhD (Public Policy) (University of Birmingham), an Msc. Urban Planning (Cardiff University) and a Bsc. Surveying (Makerere University). His research interests are: urban land policy, development planning, urban governance and urban poverty.