



USAID COUNTRY PROFILE

PROPERTY RIGHTS & RESOURCE GOVERNANCE

UGANDA

OVERVIEW

Uganda has undertaken a series of ambitious legal and policy reforms with regard to property rights and resource governance since 1995, with the intention of bringing about fundamental reforms in rights, tenure management and control of land. The Constitution (1995) and the Land Act (1998) redefined land rights, attempted to resolve old conflicts, and provided an institutionalized framework for land management with decentralization a key feature of that framework. More recently, a National Land Use Policy approved in 2008 provides guidelines for effective use of land for development, a draft (4th) National Land Policy was released in September 2009, and a controversial Land (Amendment) Bill was passed in November 2009. The Amendment, designed to curb eviction of tenants and squatters, is objected to by many groups on the grounds that it weakens the property rights of landowners. Continued reforms of laws and policies regarding land rights are likely to ensue as issues inevitably arise, particularly as urban areas expand, population densities in productive agricultural regions increase and populations displaced during the years of conflict in northern Uganda attempt to return to their home lands.

Uganda has fertile soils with 64.5% of its land area suited for agriculture and 27% cultivable. The country also has relatively abundant water resources for production and a thriving, increasingly market-oriented agricultural economy. Access to productive land and water, however, is highly variable in different regions of the country and among different population groups. Only 0.1 % of land is irrigated, so rainfall and land productivity are closely linked. It is widely believed, in part because of inequitable access to land and insecure tenure rights, that land is not used optimally or sustainably. Draining of wetlands, deforestation, overgrazing and erosion are causing degradation. Uganda's land management institutions, including the Land Commission, Land Registry and District Land Boards, are generally weak and have not facilitated rapid progress to the goals laid out in legislation and policy.

Means for securing property rights, though, are changing rapidly, especially in urban and peri-urban areas where rental became increasingly common in the 1990s. In the rural areas, landowners possessing "customary" tenure rights dominate, representing 70% to 80% of all land. Registration allows these landholders to convert these rights into freehold land rights, and there is a high demand for registration, although few have completed the process. Customary land tenure systems are biased against women.

Figures on forest coverage vary, but, according to the government, forests cover 4.9 million hectares (24% of Uganda's land). About 30% of the forestland is in protected areas and parks. Seventy percent of the forests are on private land. While private forests are an important source of construction materials and fuel, they are reportedly being replaced by agriculture and urban uses. There is also significant pressure on state-managed forests and concerns that current management approaches are not effective enough.

Finally, access to and exploitation of Uganda's mineral resources is moving into a new phase as commercially viable quantities of oil have been proven. The 1995 Constitution is silent on ownership of minerals, but a constitutional amendment (2005) vested all control of minerals and petroleum in the government. The Mineral Policy of 2000 lays out development goals for the mineral sector, recognizing the potential importance of mineral exploitation for national income and employment, and allowing for private (including artisanal) investments. The Mining Act of 2003 addressed the division of revenues from the exercise of mineral rights, with the national government claiming 80%. A series of Petroleum Acts provides guidance on the development of that sector; two new bills are being developed to address other matters, including revenue management and allocation.

KEY ISSUES AND INTERVENTION CONSTRAINTS

- **Policy Analysis and Public Dialogue** Uganda’s recent legislative and policy reforms, combined with a rapidly-evolving economic situation, are raising new land and resource governance issues that need to be resolved. Key issues include: 1) optimizing agricultural productivity for food security and economic growth, in part by ensuring tenure security in ways that promote investment in sustainable development; 2) ensuring equity of access to land for all Ugandans, regardless of gender; 3) development of land markets that are transparent, sustainable and appropriately-priced; 4) facilitating foreign investments in resource-based enterprises while assuring a fair and adequate return for all Ugandans and avoiding “land grabbing” and “speculation”; and 5) establishing functioning public institutions that ensure responsible governance on behalf of the Ugandan public. *Donors can help by: making experienced global analysts available for consultation with public and private organizations on property rights and resource governance issues; supporting local policy analysis and legislative drafting efforts; and ensuring that public education, outreach, and awareness initiatives are adequately supported.*
- **Institutional Development** As Uganda’s economy continues its rapid growth, land and natural resource conflicts will continue to emerge. The decentralized structure for land administration has only been in place a decade or so; support and training for its effective functioning in managing conflicts between customary tenure rules and those associated with freehold and *mailo* (a customary form of freehold land) tenure are essential. Strengthening of local courts’ capabilities to adjudicate disputes may also be important. Central government’s acquisition of land for mining, oil drilling, sugarcane (for bio-fuels) and other development activities is also coming under scrutiny. Development of independent institutions both inside and outside of the government that are capable of reconciling conflicting goals and providing for sustainable management of Uganda’s natural resources will be needed in the coming years. *There is a need to strengthen the capacity of Uganda’s public institutions to manage and resolve conflict over land and natural resources and, at the same time, to enhance the capacities of Uganda’s private citizens to understand, assert and defend their rights.*
- **Displacement and Resettlement.** With improved security in northern Uganda, displaced people have begun moving away from the refugee camps and returning to their home territories. In many cases, their traditional lands have been occupied by others who now claim the land, and competing claims need to be resolved. The abilities of the Land Registry, District land boards and land tribunals to support the peaceful resettlement of the refugees are likely to need strengthening. In other areas, combined pressures for forest conservation and agricultural cultivation have pushed indigenous groups off their land. The Batwa, Benet and other indigenous peoples have been dispossessed of their land in this fashion; adjudication of their claims may need to be accompanied by plans for compensation in the event that restitution is not feasible. *There is need for support to strengthen key government agencies with property rights responsibilities to address these conflicts, and to employ sound methods for arriving at appropriate land valuations and compensation plans to resolve unsettled claims.*

FOR MORE RECENT LITERATURE:

<http://usaidlandtenure.net/uganda>

Keywords: Uganda, tenure, agrarian, land law, land reform, property rights, land conflicts, water rights, mineral rights

SUMMARY

Uganda has fertile soils and abundant natural resources. Control of productive land is inequitably distributed across the regions, between income groups and by gender. The Constitution (1995) vests land in the citizens and recognizes four historic forms of land tenure—customary, leasehold, freehold, and *mailo* (a customary form of freehold land). Most rural people have rights to their land through customary tenure arrangements (representing 75%–80% of landholdings). Only 15%–20% of the land is formally registered.

Uganda has significant water resources, but these resources are not evenly distributed across the landscape. The Director of Water Development grants surface water and groundwater permits; discharge is prohibited without permit. Forests cover 4.9 million hectares (24% of land). About 30% of the forest—1.9 million hectares—is in the protected estate; 70% is on private land. All commercial operations in Central Forest Reserves must be licensed. Uganda’s leading mineral export is gold, although active mining activities extend to other minerals. Commercially-viable quantities of oil have recently been discovered in western Uganda. In 2005, a Constitutional amendment was passed that vests the ownership of minerals and petroleum in the government. The exploration and exploitation of minerals requires a license; a separate permit is required to utilize natural water resources for mining. Drilling for oil or natural gas requires a Petroleum Production License.

BOX 1. MACRO INDICATORS

	Year	Score
Population, total	2008	31,656,865
Population ages 0-14: 15-64: 65+ (% of total)	2008	49.0: 48.4: 2.6
Population growth (annual %)	2008	3.3
Rural population (% of total population)	2008	87
Population density (people per sq. km)	2008	160.6
Literacy rate, adult total (% of people ages 15 and above)	2007	73.6
Land area: Surface area (sq. km)	2008	197,100: 241,040
Arable land (% of land area)	2005	27.4
Agricultural land (% of land area)	2005	64.5
Permanent cropland (% of land area)	2005	11.2
Irrigated land (% of cropland)	2003	0.1
Forest area (% of land area)	2005	18.4
Nationally protected areas (% of total land area)	2006	31.9
Renewable internal freshwater resources per capita (cubic meters)	2007	1,272.9
Annual freshwater withdrawals, agriculture: domestic: industry (% of total freshwater withdrawal)
Crop production index (1999-2001 = 100)	2005	108.8
Livestock production index (1999-2001 = 100)	2005	112.6
GDP growth (annual %)	2008	9.5
Agriculture: industry: manufacturing: services, value added (% of GDP)	2008	22.7: 25.8: 7.6: 51.5
Ores and metals exports: imports (% of merchandise exports: imports)	2007	2.2: 1.2
Aid (% of GNI)	2007	14.8

Source: World Bank, 2009

I. LAND

LAND USE

Uganda covers 241,040 square kilometers—197,100 square kilometers of land. Arable land comprises 27.4%, and 11.2% is in permanent crops; only 0.1% of cropland is irrigated (World Bank 2009a). Uganda’s population is estimated to be 31,656,865 million people (see Box 1) (World Bank 2009a). In 2008, 13% of the population was urban with the remaining 87% rural (World Bank 2009a).

Uganda has abundant water, forests and other natural resources and ecosystems. In 2008, agriculture accounted for about 22.7% of GDP; industry for 25.8%; manufacturing for 7.6% and services for 51.5% (World Bank 2009a). Uganda has a total labor force of 14.5 million (2008); 82% is involved in agriculture; 5% in industry; and 13% in services (1999) (CIA 2009). Land is not used optimally or, in many cases, sustainably; land degradation is a major concern, caused by the draining of wetlands, deforestation, overgrazing, and soil erosion.

LAND DISTRIBUTION

The control of productive land is highly concentrated and unequally distributed across the regions, between income groups and by gender (see Box 2). Land inequality is highest in the central region, and is higher in urban

areas than in rural areas. *Mailo* land (a customary form of freehold land) given by the British colonialists to the Buganda kingdom resulted in inequity that remains today (Green 2005).

There are deeply-rooted gender biases in land ownership rights; male-headed households hold 80%–90% of the ownership rights of the land (Nayenga 2008). Central Uganda is characterized by unequal distribution of land inheritance, rural-rural migration, and active land markets; Gini coefficients range from 0.57–0.46 for migrant and indigenous farmers when considering inherited and purchased land (The Gini coefficient is a measure of statistical dispersion and is commonly used as a measure of inequality of income or wealth; 0 corresponding to perfect equality). The 4000–5000 indigenous Batwa (former hunters and gatherers) in Uganda have been almost entirely dispossessed of their land by the combined pressures of conservation and cultivators (MRG 2008). The uneven distribution of land has contributed to conflicts, especially involving pastoralists and internally-displaced people.

LEGAL FRAMEWORK

BOX 2. LAND TENURE INDICATORS	
	Score
<u>Millennium Challenge Corporation Scorebook, 2009</u>	
– Land Rights and Access (Range 0–1; 1=best)	0.633
<u>International Property Rights Index, 2009</u>	
– Physical Property Rights Score (Range: 0–10; 0=worst)	3.61
<u>World Economic Forum's Global Competitiveness Index, 2008-2009</u>	
– Property Rights (Range: 1–7; 1=poorly defined/not protected by law)	3.6
<u>World Economic Forum's Global Competitiveness Index</u>	
– Ease of Access to Loans (Range: 1–7; 1=impossible)	3
<u>International Fund for Agricultural Development, Rural Poverty Report, 2001</u>	
– Gini Concentration of Holdings, 1981-1990 (Range: 0–1; 0=equal distribution)	0.59
<u>International Fund for Agricultural Development, Rural Sector Performance Assessment, 2007</u>	
– Access to Land, 2007 (Range: 1-6; 1=unsatisfactory access)	3.8
<u>Food and Agricultural Organization: Holdings by Tenure of Holdings</u>	
– Total Number of all Agricultural Holdings, Year	
– Total Area (hectares) of all Agricultural Holdings, Year	
– Total Number of Holdings Owned by Holder; Year	
– Total Area (hectares) of Holdings Owned by Holder; Year	
– Total Number of Holdings Rented from Another; Year	
– Total Area (hectares) of Holdings Rented from Another; Year	
<u>World Bank Group, Doing Business Survey, 2009</u>	
– Registering Property-Overall World Ranking (Range: 1–181; 1=Best)	167
<u>World Bank Group, World Development Indicators, 2009</u>	
– Registering Property-Number of Procedures	13
– Registering Property-Days Required	227
<u>World Bank Group, World Development Indicators, 1998</u>	
– Percentage of Population with Secure Tenure	
• Entebbe	74
• Jinja	82
<u>Heritage Foundation and Wall Street Journal, 2009</u>	
– Index of Economic Freedom-Property Rights (Range 0-100; 0=no private property)	30
<u>Economic Freedom of the World Index, 2008 (2006 data)</u>	
– Legal Structure and Security of Property Rights (Range 0-10;0=lowest degree of economic freedom)	4.28
– Protection of Property Rights (Range 0-10; 0=lowest degree of protection)	4.31
– Regulatory Restrictions of Sale of Real Property (Range 0-10;0=highest amount of restrictions)	4.2

The Constitution (1995, amended in 2005) vests land in the citizens of Uganda: “Every person has a right to own property either individually or in association with others” (Section 26[1]). Some scholars and advocates have argued that the principle of public trust applies to all national resources and public land. Under the public trust doctrine, the government has an obligation to manage national lands and resources in a manner that doesn’t prejudice the interests of all Ugandans (Tumushabe 2003).

The Land Act (1998) recognizes the four historic forms of land tenure in Uganda (customary, leasehold, freehold, and *mailo*); grants all lawful and bona fide occupiers (legally defined) property rights; decentralizes land administration; and establishes land tribunals.

The (10-year) Land Sector Strategic Plan (2001) was developed to implement the Land Act. The National Land Use Policy (2008) provides guidelines on effective land use for socio-economic development and on minimizing land degradation. In January 2007, the government issued a third draft of the National Land Policy, which attempts to address all aspects of land in the national development context. The draft policy was vetted for review and comments, and a fourth

working draft was released by the Ministry of Lands, Housing and Urban Development in September 2009.

In 2007, the government prepared a Land (Amendment) Bill designed to curb rampant, often forced, land evictions of occupiers lacking full ownership rights (especially problematic in urban/peri-urban areas). The Land (Amendment) Bill enhances the security of bona fide and lawful occupants. Under the proposed bill, a person claiming an interest in land held under customary tenure can only be evicted by a court order; and tenants on registered land can only be evicted for non-payment of rent. The Bill has generated strong opposition from

landlords, some parliamentarians, the Buganda, Acholi and other ethnic groups, bankers, many churches, NGOs, and citizens who argue that it will weaken property rights and jeopardize the ability of landowner to use lands as collateral for loans. The bill was passed in November 2009.

TENURE TYPES

The 1995 Constitution states that “[l]and in Uganda shall be owned in accordance with the following land tenure systems—customary; freehold; *mailo*; and leasehold” (Section 237[3]). Customary tenure represents the bulk of landholdings—between 70% and 80% of the land. There is a considerable range of customary tenure systems among Uganda’s more than 60 ethnic groups—from strongly individualistic tenure patterns to highly communal systems. Customary systems also vary in how members access, use, manage, and transfer land. The Land Act recognizes that occupancy of customary land conveys legal rights without documentary evidence and provides for a “certificate of customary ownership.” Under Ugandan law, customary tenure is described as “a system of land tenure regulated by customary rules which are limited in their operation to a particular description or class of persons.”

Little land is held under registered freehold tenure and most of this land is found in the former Ankole, Toro, Kigezi, and Bugisu Districts. Transactions involving freehold land (as well as *mailo* land registration) are governed by the Registration of Titles Act. *Mailo* is a customary form of freehold. Land held under *mailo* tenure (about 9000 square miles) is confined to Buganda (central Uganda) and Bunyoro (western Uganda). The British colonialists allocated mile-square blocks of land to Baganda notables in exchange for political cooperation. Today, most people occupying *mailo* land are tenants (Green 2005; Place and Keijiro 2000).

A person or institution can obtain a lease from an owner of freehold, customary or *mailo* land or from the Uganda Land Commission (or the Crown of England before independence) for a period of 49 or 99 years. The grantee of a lease is entitled to a certificate of title. Leasehold tenure generally applies to grants of state land to urban holdings and to non-citizens (“Any lease which was granted to a Uganda citizen out of public land may be converted into freehold” [Constitution 1995, Section 237(5)]). Leases of private land often have conditions of payment of rent while leases over public land have conditions of use. Owners of freehold land have considerable rights to use or dispose of their land. There are also local restrictions on the use of customary land.

SECURING LAND RIGHTS

Most rural land acquisition is by inheritance following traditional customs (Tukahirwa 2002). The share of households renting land from others increased three-fold between 1992 and 1999, to about 33% of families (Deininger 2003). Much urban land for housing and business is acquired by lease. Limited access to serviced-industrial land (e.g., land with access to water, electricity and other services) and access to reliable/efficient infrastructure are constraints to investment (UNCTAD and JBIC 2005). Land for urban agriculture is accessed by squatting (46%), borrowing (34%), inheritance (11%), renting (5%), and co-ownership with spouses (4%). Local investors planning to develop on customary land first purchase the land from the holder, on terms recognized by the traditional authorities, and then apply for registration of new rights with the government. Foreign private entities can access land through leasehold but are restricted from owning land (Tukahirwa 2002).

Most rural people have security in their land through customary tenure. All citizens owning land under customary tenure may acquire certificates of ownership, and all customary land may be converted to freehold land by registration. More than 90% of land owners would like to receive a certificate of customary ownership, but few have been issued (ODI 2005). Only 15%–20% of the land in Uganda is registered. There are 13 steps to registering property which take 227 days to complete and cost several million Uganda Shillings (Ush) (World Bank 2009a; 2009b). Most unregistered land is undocumented customary land. The majority of poor people do not hold granted rights of occupancy, often because they lack the knowledge, capacity, and resources needed to navigate the application process and meet the title conditions. Unregistered land is vulnerable to expropriation by the government and grabbing by political and economic elites—an increasingly common occurrence.

INTRA-HOUSEHOLD RIGHTS TO LAND AND GENDER DIFFERENCES

Women head 26% of rural households and grow between 70% and 80% of the food crops, yet own less than 8% of the land (Nafula 2008). Women are handicapped by formal and customary land systems (see Box 3). Inheritance of property is governed by the 1995 Constitution, the Land Act and the Succession Act. These laws, however, do not adequately protect the property rights of women. Often these rights are over-powered

by cultural and traditional practices. Land is mainly lost in land-grabbing by relatives of the deceased husband, although other factors, such as distress sale, often come into play (Kafumbe 2009; Kabumbuli et al. 2008). The custom of male inheritance has resulted in 93% of women being locked out of ownership (Leistikow 2003). Moreover, the limited land that women hold under customary tenure is not secure and by traditional rules is vulnerable to expropriation (Leistikow 2003). In many communities, widows are an exception—their claims on land are often taken into account. This pattern of exclusion also operates with regard to freehold, *mailo* and leasehold land. In contrast, many women elite have purchased their land. Such land is often titled and secure.

The Land Act (1998) provides a legislative framework for equitable ownership of land. Under the Act: 1) all customs that prevent women and children from inheriting land are null and void; 2) Land Committees are required to protect the interests of women, children and persons with disabilities; 3) women are represented on the Land Committees and Land Tribunals; and 4) written consent of a spouse is required before transfer of land on which the family resides or derives sustenance. In 2003, Parliament passed an amendment to the Land Act that broadens the definition of spousal land and prevents a spouse's objection to a land sale from lapsing (Leistikow 2003). Implementation of this amendment has been weak and problematic. Critics argue that it does not ensure “co-ownership” and that the husband can essentially overrule any objections. The 2004 amendment of the Land Act removed the requirement for consent of land transfers from dependent children.

LAND ADMINISTRATION AND INSTITUTIONS

The Uganda Land Commission holds and manages all land vested in or acquired by the government. It maintains records of leases on state land, and is engaged in the acquisition and allocation of public land to the private sector for investment purposes. District Land Boards hold and allocate land that is not owned in the district, and facilitate the registration and transfer of interests in land. In urban areas, land committees play an advisory role to the District Land Boards. Several line ministries and government agencies are responsible for certain lands, such as the Uganda Wildlife Authority and the National Forestry Authority which have jurisdiction over protected areas.

The Uganda Land Registry (Ministry of Water, Lands and Environment) is responsible for registering land, issuing title deeds, and maintaining records of land transactions. In 2004, the government privatized land surveying. The government Surveyors' Registration Board is charged with the professional registration of surveyors. In 2008, Uganda had only 27 registered land surveyors (Bakama 2009). The limited number of registered surveyors and high costs of surveying have contributed to few rural land holders registering their land.

Land tribunals may be created at both the district and sub-county level, with appeal to the High Court (ODI 2005). Land tribunals have jurisdiction over disputes relating to: 1) the grant, lease, repossession, transfer or acquisition of land by individuals, the Uganda Land Commission or other land authority; and 2) the amount of compensation paid for land. A new Land Division at the High Court is responsible for supervising the work of the Land Tribunals (GOU 2009a). Due to problems of implementation and a long backlog of cases, all land tribunals were suspended in December 2007. The approximately 8000 pending land cases were handed over to the Magistrate Courts (GOU 2007a; 2006).

BOX 3. LAND AND GENDER INDICATORS

	Score
<u>OECD: Measuring Gender In(Equality)—Ownership Rights, 2006</u>	
— Women's Access to Land (to acquire and own land) (Range: 0-1; 0=no discrimination)	0.9
— Women's Access to Property other than Land (Range: 0-1; 0=no discrimination)	0.9
— Women's Access to Bank Loans (Range: 0-1; 0=no discrimination)	0.9
<u>FAO: Holders of Land Classified by Sex, 1993</u>	
— Percentage of Female Holders of Agricultural Land	16.3

LAND MARKETS AND INVESTMENTS

Productive land is scarce and land values are increasing. With the recent discovery of oil, land values are going up in western Uganda. The price of land free of tenants or squatters is higher than that of occupied land. Policymakers have proposed a land tax to curtail land speculation. Research shows that: 1) land markets are active in Uganda; 2) rental market activity has increased with economic growth; 3) land rental markets (more than sales markets) transfer land to poor producers and provide an opportunity for the landless to access land; and 4) sales markets do not appear to lead to land concentration (Baland et al. 2007; Deininger and Mpuga 2003). Fewer than 33% of families have deep knowledge of the Land Act; such knowledge leads to increased investment/productivity (+25%) and higher land values (+33%) (ODI 2005).

Major banks issue formal loans for freehold, leasehold, and *mailo* land titles. Certificates of customary ownership are proof of title, but in practice, most banks do not recognize them. The transaction costs of using land as collateral are high (UNCTAD and JBIC 2005); it takes about a year to register a mortgage (ODI 2005). The land markets are not guided by formal rules and regulations; there are few developers and real estates agents. Land markets are characterized by unstable (often inflated) prices, distress land sales, and considerable fraud. Customary practices are usually followed when land is transferred.

COMPULSORY ACQUISITION OF PRIVATE PROPERTY RIGHTS BY GOVERNMENT

The authority of eminent domain can be exercised when “the taking of possession or acquisition is necessary for public use or in the interest of defense, public safety, public order, public morality or public health” (Constitution 1995, Section 26(2)[a]). While the executive branch has interpreted “public interest” broadly, the courts have interpreted “public interest” narrowly, to mean that the targeted property must be used to promote the general interests of the community, not the particular interests of any private individuals or institutions (Veit et al. 2008). The government has sought (unsuccessfully, to date) to amend the Constitution and enabling legislation to grant the president the authority to acquire private land in a compulsory manner for economic development purposes (Sserwanga 2007).

“The assessment officer shall take possession of the land as soon as he has made his award” (Land Acquisition Act 1965, Section 6[1]). The government has sought (unsuccessfully, to date) to change the law to allow the president to acquire land without first paying compensation (GOU 2004b; Tumushabe and Bainomugisha 2004b). By law, any person aggrieved by the compulsory acquisition of land may petition the court for redress. In practice, few poor people have access to courts.

LAND DISPUTES AND CONFLICTS

Land conflicts are common throughout the country. Land cases are the most common disputes brought to local courts or legal assistance projects in many parts of the country (Levine and Adoko 2006). There is growing conflict between tenants and landlords. The 2007 Land (Amendment) Bill is designed to protect tenants from illegal evictions. There is conflict over the use of public lands, especially lands in the protected estate. The government is increasingly eyeing such land for economic development purposes. Land-grabbing and land speculation are on the rise in some parts of the country, including in the oil regions in western Uganda. There is a reassertion of interest in land by some ethnic groups, initially through struggles for restoration of properties to traditional authorities deprived of them by previous governments (Espeland 2006). Traditional authorities have always sought to maintain their control over land and resources, and tribe and clan-based claims to land remain strong throughout Uganda, yet there are renewed and stronger claims being made in many areas.

During the conflict in northern Uganda, the government ordered civilians into camps. With improved security, these people have begun moving away from the camps. The traditional lands of many of these displaced peoples were occupied by others. These occupiers now claim the land (Locke 2006; ANS 2004). Many of the old boundaries have been lost or forgotten. Others are making fraudulent claims to land; landowners in these areas say they face a growing threat from attempts to grab land illegally. The Uganda People’s Defense Forces, individual officers and soldiers as well as the institution, have been implicated in extensive land grabbing in the north. Conflict-resolution institutions are weak and dispute-resolution mechanisms are lacking. Traditional institutions resolve conflicts in many rural regions.

Pastoralists and tenure issues related to grazing are receiving growing attention (Hetz et al. 2006; Rugadya et al. 2005; Markakis 2004). There have been conflicts over pasture and water access in central Uganda, as landowners

have fenced their holdings, excluding herders who had access rights under customary agreements. Another area of chronic conflict involving nomadic and semi-sedentary herders is Karamoja where “36 percent of the area is designated game and forest preserves, and the remainder is a controlled hunting area” (MRG 2004). Expropriation by the state of customary grazing areas is a continuing point of contention and conflict with pastoralists’ communities.

KEY LAND ISSUES AND GOVERNMENT INTERVENTIONS

The government is leading a number of policy and legislative reform efforts, including the development of a new National Land Policy and a Land (Amendment) Bill. District land boards have been established and appointed but lack the experience and resources to function effectively. Parish land commissions and recorders are not in place. The government is constructing a land office in each district (*Ultimate Media* 2009). As noted, all land tribunals were suspended in December 2007 due to problems of implementation and a long backlog of cases. There have been calls to reinstate tribunals.

Registry offices are outdated and ill-equipped; most registration actions and measures must go to Kampala or Entebbe for approval. The Registry is inefficient and operates with little transparency; there is rampant land title forgery. Records are in a fragile/illegible condition, ambiguous, accessible only at a high cost, and insufficiently protected. This generates insecurity of property rights and makes it difficult to use land as collateral (UNCTAD and JBIC 2005). The government is making low-cost GPS receivers available to rural people/communities to demarcate and survey their land as a basis for registering land, securing a title, transferring land and using land as collateral for formal credit (ODI 2005).

DONOR INTERVENTIONS

In 2005, the World Bank developed a Second Private Sector Competitiveness Project to: 1) rehabilitate existing land records and upgrade un-surveyed *mailo* titles; 2) establish a Land Information System; and 3) strengthen the capacity of public institutions (World Bank 2009c). In 2008, USAID launched a new initiative to help resettle displaced people in the north; the project was halted for various reasons. A number of local NGOs (e.g., Advocates for Development and Environment, Centre for Basic Research) and international NGOs (e.g., Oxfam, CARE) are involved in various land matters. The mission of the Uganda Land Alliance, a consortium of individuals, and national and international NGOs, is to promote policies and laws that enhance access, control, and ownership of land by poor and marginalized people (ILC 2009).

2. FRESHWATER (LAKES, RIVERS, GROUNDWATER)

RESOURCE QUANTITY, QUALITY, USE AND DISTRIBUTION

Uganda has an abundance of water resources. Rivers, lakes and wetlands cover about 20% of the total surface area. Uganda has eight significant river basins: Lake Victoria, Lake Edward, Lake Albert, Victoria Nile, Albert Nile, Aswa, Kidepo, and Lake Kyoga. Lake Victoria, one of the world’s largest lakes (69,000 square kilometers) is the basis for all existing and planned major hydropower schemes, and provides water to Kampala, Entebbe, and Jinja (Garduño 1999). There are an estimated 200,000 protected and unprotected springs. Annual rainfall is in the range of 600–2500 millimeters (Syngellakis and Arudo 2006).

Groundwater is the main source of water for rural populations and is also important for livestock, particularly in dry regions. Aquifers are comparatively low-yielding with a limited areal extent and poor hydraulic characteristics. In some areas, groundwater extraction rates exceed recharge rates, resulting in the drying up of wells and boreholes (Garduño 1999). In 2002, total water withdrawal was 300 million cubic meters (m³) (0.4% of total available water). Domestic use accounted for 134 million m³; irrigation and livestock for 120 million m³; and industry for 46 million m³ (Syngellakis and Arudo 2006). The potential for irrigation is estimated to be over 400,000 hectares, but only about 5% has been developed. Small-scale irrigation is practiced in the east and northeast and is generally confined to paddy rice. High-value crops (e.g., flowers, horticulture crops) are grown under irrigation for export, but only to a limited extent and close to export gateways (GOU 2009b).

Total renewable water resources are estimated to be 66 cubic kilometers per year. Internal surface water resources are about 39 cubic kilometers per year, and groundwater is estimated to be 29 cubic kilometers per year. Recognizing overlap, the total internal water resources is 39 cubic kilometers per year. External resources of 27

cubic kilometers per year comprise inflow from Lakes Victoria, Edward and Albert (Syngellakis and Arudo 2006). In 2007, renewable internal freshwater resources per capita is 1272.9 cubic meters (World Bank 2009a). Average water use per capita is half the recommended amount, and 30% of constructed facilities are not functioning properly. National household latrine coverage is estimated by the government at 48%, but there is wide variation of coverage. Coverage of public latrines is 19% of public places, with most latrines located in schools, markets, and health units (GOU 2009b). In 2006, 33% of the population had access to improved sanitation facilities, including 34% of the rural population and 29% of the urban population (World Bank 2009a). Also in 2006, 64% of the population had access to improved water sources—60% of the rural population and 90% of the urban population (World Bank 2009a). In 2000, 35% of the organic water pollutant (BOD) emissions came from food industries, 17% from textile industries, and 13% from clay and glass industries (World Bank 2009a).

LEGAL FRAMEWORK

The Constitution states that “[t]he government...shall hold in trust for the people and protect natural lakes, rivers, (and) wetlands...” (Section 237(1)[b]) and “All Ugandans enjoy rights and opportunities and access to...clean and safe water...” (Preamble XIV[ii]). The Uganda Water Action Plan (1995) provides the overall guidelines and strategies for the management, development and protection of water resources. The National Water Policy (1999) objective is “[t]o manage and develop the water resources of Uganda in an integrated and sustainable manner, so as to secure and provide water of adequate quantity and quality for all social and economic needs of the present and future generations with the full participation of all stakeholders” (GOU 1999).

The Water Act of 1995 (2000) provides for the use, protection and management of water resources; the constitution of water and sewerage authorities; and the development of water supply and sewerage undertakings. The Water Resources Regulations (1998) and Water (Waste Discharge) Regulation (1998) prescribe the threshold and procedure for applications to construct any works that use or discharge water under the Water Act (Syngellakis and Arudo 2006). Uganda and nine other countries constitute the Nile Basin. The Nile Basin Initiative is a legal entity designed to promote development and enforce regulations on projects utilizing Nile River water. The Nile Basin Initiative supports several projects, but it is unclear how well it has enforced regulations.

The National Gender Policy (1999) recognizes women and children as the main carriers and users of water and seeks to mainstream gender in all the water sector activities (GOU 2005). Other relevant plans and policies include: National Environmental Action Plan (1994); Poverty Eradication Action Plan; Local Government Act (1997); National Environmental Management Act (1998); National Wetlands Management Policy; and Fish Farming Policy.

TENURE ISSUES

According to the Water Action Plan (1995), only water uses that may have an impact on the water resources should be regulated. The Water Resources Regulations (1998) authorize the Director of the Water Development to grant surface water and groundwater permits, and to attach conditions to the permits. The Regulations provide for easements, water charges, register of waterworks, and penalties. In practice, citizens make considerable use of water without formal authorization. The Water (Waste Discharge) Regulations (1998) prohibit discharge without a permit issued by the Director of Water Resources.

In 2009, the National Water and Sewerage Corporation introduced a pre-paid metering system (“pay as you drink”) to address water needs of the urban poor. The cost of 20 liters of water is Ush18, compared to costs ranging from Ush100 to Ush 200 at private kiosks (Kalyango 2009). After increasing water tariffs to finance standpipes and other works, the government reduced water tariffs in 2006 to extend services to the rural poor who were unable to pay the high prices for water (Muleme 2006). Poor services quality (i.e., unreliable supply, poor collection systems) is a principal reason customers do not pay water bills regularly and promptly (Mugabi and Kayaga 2006).

About 98% of Uganda is in the Nile Basin. Rights to the waters of the Nile River are formally governed by the 1959 Agreement for the Full Utilization of the Nile Waters. Water-flow in the Nile is estimated to be 84 billion cubic meters per year; the Agreement grants Egypt 55.5 billion cubic meters per year and Sudan 18.5 billion cubic meters per year. The other eight Nile Basin countries, including Uganda, are not allocated any water under the

Agreement (the British negotiated on behalf of their colonies). The Nile Basin countries are negotiating new arrangements regarding water rights and allocation.

GOVERNMENT ADMINISTRATION AND INSTITUTIONS

The Directorate of Water Development (Ministry of Water, Lands and Environment), established in 1993, is the lead government agency responsible for water resources management, the provision of water supplies in rural areas and urban centers (excluding the country's 15 large urban centers), the granting of water use permits, and the coordination and regulation of all sector activities (Syngellakis and Arudo 2006). The Directorate also provides support services to districts, towns, lower local governments and other service providers. Local governments and communities are responsible for implementing, operating and maintaining water supply and sanitation facilities in their area of jurisdiction (GOU 2009b). The Directorate and National Environment Management Authority (Ministry of Water, Lands and Environment) ensure that water resources are not over exploited or polluted—setting standards for water quality and discharge of effluent, granting wastewater discharge permits, setting limits on the use and development of lakes and riverbanks, and reviewing environmental impact assessments (Syngellakis and Arudo 2006).

The National Water and Sewerage Corporation, established in 1972, is an autonomous parastatal entity (Ministry of Water, Lands and Environment) responsible for water supply and sewerage services in 15 large urban centers, including Kampala, Jinja/Njeru, and Entebbe. The Ministry of Agriculture, Animal Industries and Fisheries affects water resources management: agriculture through irrigation and land use practices in relation to soil erosion; veterinary services through run-off of chemicals from cattle dips; and fisheries through the intake and discharge of fish ponds. The East African Community, Nile Basin Initiative, and other regional bodies have responsibilities for the management of transboundary water bodies and water ways.

GOVERNMENT REFORMS, INTERVENTIONS AND INVESTMENTS

High source development costs, rapid population growth, increased urbanization and industrialization, environmental degradation and pollution are leading to degradation and depletion of available water resources. Areas of concern include: 1) inadequate water quantity and accessibility; 2) poor water quality; 3) poor watershed management; 4) inadequate institutional capacity; and 5) international water rights (Syngellakis and Arudo 2006). There is also considerable spatial distribution of water resources. In some areas, flooding routinely displaces people and destroys property. In other areas, surface water resources are seasonal and exploitable groundwater is limited (GOU 2009b).

Access to improved water sources in rural areas rose from 20.3% in 1990 to 55% in 2002, and access to improved sanitation rose to 85% from 55.1%. In urban areas, access to safe water fell from 72% in 1990 to 63% in 2002, while access to sanitation rose from 71.2% in 1990 to 96% in 2002 (GOU 2005). The national targets for water are: 1) achieve 100% safe water coverage and 100% sanitation coverage in urban areas by 2015, with an 80%–90% effective use and functionality of facilities; and 2) achieve 77% safe water coverage and 95% sanitation coverage in rural areas by 2015, with an 80%–90% effective use and functionality of facilities (GOU 2005).

The government and donors have made substantial investments in the water sector. Donors include Denmark, France, Germany, Austria, Sweden, Britain, Netherlands, Japan, World Bank, European Union, UNICEF and a number of NGOs. Financial flows to the sector increased from \$30 million in 1998/99 to \$68.3 million in 2002/03. Many development partners finance the water sector through general budget support, which gives government a high degree of flexibility in allocating financial resources. The primary instrument for sector financing is budget support directly to local governments through inter-governmental grants.

Effective, efficient and sustainable delivery of water and sanitation services will require enhanced capacity of responsible institutions. Government is building the capacity of institutions and local governments and promoting increased private sector and community participation (GOU 2005). The Lake Victoria Environment Management Project, funded by the Global Environment Facility, aims to restore the lake ecosystem to maximize benefits to the riparian communities. The Operational Water Resources Management in the Nile Basin project, supported by Italy and the Food and Agriculture Organization (FAO), aims to facilitate the adoption of adequate, harmonized national water policies in the Nile Basin states for integrated river basin management and the allocation of transboundary water resources (GOU 2009b). The Mitigation of Lake Kyoga Flooding Project, supported by Egypt, aims to dredge sudds (floating land masses) from Lake Kyoga and restore the natural channel of flow.

3. TREES AND FORESTS

RESOURCE QUANTITY, QUALITY, USE AND DISTRIBUTION

Uganda's forests include natural forests and planted forests (pines, hardwoods plantations). Figures on forest coverage vary. According to the government, forests cover 4.9 million hectares (24% of land). Tropical high forests cover 924,208 hectares, woodlands 3,974,102 hectares, and plantations 35,066 hectares (GOU 2007). About 30% of the forest—1.9 million hectares (9% of land)—is in the protected estate (Central and Local Forest Reserves, National Parks, Wildlife Reserves); 70% is on private land. The 506 Central Forest Reserves—1,265,742 hectares—are available for various uses (GOU 2007). According to the World Bank, however, forests covered only 18.4% of the land in 2005 (World Bank 2009a). Uganda has more than 5,000 species of plants and 1592 species of amphibians, birds, mammals and reptiles (345 mammals, 1,015 birds)—1.1% are endemic and 3.1% are threatened (Tenywa 2008b).

Most plantations are in the Forest Reserves (GOU 2007); only about 6,000 hectares are well-stocked. There are an unknown number of on-farm plantations, agroforestry systems and private small-scale woodlots. Plantations have high returns on investment (15%–18%) and high yields (20–35 cubic meters per hectare per year) (GOU 2009c). The annual domestic consumption of wood is estimated at 25 million tons; about 95% is consumed as fuelwood (fuelwood accounts for about 90% of the energy consumed in Uganda) (GOU 2009c). Demand for poles outstrips supply by 15%; power transmission poles are being imported from South Africa. Most timber is consumed locally; a ministerial ban on timber exports was imposed in 1992 (Odokonyero 2005; Mwima et al. 2004).

From 1970 to 1990, forest cover was reduced by 50% (FAO, 1995). Forest cover declined by 25.7% between 1990 and 2000, and by 9.4% between 2000 and 2005 (an average annual loss of 1.8% since 1990). The major declines were in woodlands and plantations. The decline, expected to continue, is principally due to agriculture, cutting for fuelwood and, increasingly, to industrial activities (Tenywa 2008c). Most destruction is taking place on private land, although the government is increasingly looking at land in the protected estate for economic development purposes. According to the National Forestry Authority, Uganda loses about 80,000 hectares annually (Tenywa 2008a).

Several Reserves, including urban and peri-urban Reserves, are under threat of degazettement for foreign investment, industrial development and housing purposes (GOU 2009d). Forests have been lost in the Butamira Forest Reserve and several reserves on Bugala Island (GOU 2004a; Tumushabe and Bainomugisha 2004a; Manyindo 2003; Tumushabe 2003). The government's proposal to hand over some land in the Mabira Forest Reserve, the largest natural forest in the country, for sugarcane production led to riots and several deaths in 2008.

Various land conflicts are taking place in forested protected areas and many indigenous people have been evicted from their traditional forests. In the mid-1990s, many multiple-use Forest Reserves were uplifted into fully-protected National Parks. The Benet were removed from the Mount Elgon National Park and are now seeking to reclaim their traditional lands. The Batwa were moved out of the Mgahinga Gorilla, Bwindi Impenetrable and Semuliki National Parks in western Uganda. Cattle rustling by Kenyan Pokot and Karimojong is also occurring in Mount Elgon.

The use of Uganda People's Defence Force (UPDF) as part of efforts to evict "encroachers" and enforce demarcated boundaries of national parks and forest reserves remains a contentious issue characterized by violence. Numerous instances of violence and excessive use of force by soldiers and protected area enforcement personnel have been documented. In some cases, long-standing residents of areas are reclassified as "encroachers" following the clarification of the protected area boundaries. There are reports of combined forces of UPDF, Uganda police, local militia, and hired youth sweeping through an area, beating and threatening people in several communities. Eyewitnesses report that local police officials hire unemployed youths from outlying trading centers, issue sticks and clubs, and authorize the youth to participate in such sweeps. Several instances of beating and at least one rape have been reported. Arguably, the use of the military in what are essentially tenure disputes exacerbates the conflicts and fosters increasing resistance to any mediation.

LEGAL FRAMEWORK

The Constitution states that "[t]he government or a local government shall hold in trust for the people and protect natural lakes, rivers, wetlands, forest reserves, game reserves, national parks and any land to be reserved for

ecological and touristic purposes for the common good of all citizens” (Section 237(1)[b]). The National Forestry Policy (2001) established the goal of an integrated forest sector that achieves sustainable increases in the economic, social, and environmental benefits from forests and trees. The National Forest Plan (2002) objectives are to: 1) raise the incomes and quality of life of poor people through forestry developments; 2) increase economic productivity and employment in forest sector; and 3) achieve sustainable forest resource management.

The National Forestry and Tree Planting Act (2003) provides for the: 1) conservation, sustainable management and development of forests; 2) declaration of forest reserves for purposes of protection and production; 3) the enhancement of the productive capacity of forests; 4) promotion of tree planting; 5) consolidation of law; and 6) establishment of the National Forest Authority and the District Forestry Office (under the Forestry Inspection Division). Other forestry related legislation includes: the National Environmental Management Act (1998); the Uganda Wildlife Act (2000); and Local Government Act (1997). According to the Local Government Act, the District Local Councils receive 40% of all revenue collected from Central Forest Reserves located in the district and 100% of all revenue collected from the Local Forest Reserves (Banana et al. 1999).

TENURE ISSUES

About 70% of the forest is on private land, mostly woodland. The remaining forest is held in trust by the government for the citizens—15% in Central Forest Reserves and 15% in National Parks and Wildlife Reserves. Only a small area is in Local Forest Reserves. Unaccountable institutions (public and customary), population pressure and poor access to markets are causes of land conversion to agriculture and loss of trees (there are also numerous examples of customary management and sustainable use of forests in Uganda). However, private ownership of converted land promotes integration of trees and crops (agroforestry) (Place and Otsuka 1997). The government is encouraging private forest owners to register their forests—under the National Forestry and Tree Planting Act (2003)—in order to protect their rights of use (Mwima et al. 2004).

The National Forestry and Tree Planting Act (2003) requires that any operations undertaken in a Central Forest Reserve (e.g., timber harvesting, wood processing, tree farming) must be licensed under specific rights, conditions and fees. Renewable 25-year licenses are issued for small-scale private tree farming and 50-year licenses for large-scale commercial private tree farming in Central Forest Reserves (GOU 2009c). In 2004/05, the government introduced competitive bidding for the allocation of licenses for the harvesting of forest resources (principally for large-scale logging in Central Forest Reserves and government plantations). Logs are then publicly auctioned (GOU 2009d; Odokonyero 2005). The government has cancelled some planters’ licenses due to deviance from the approved management plan and for illegal tree-felling, charcoal-burning and sand-mining.

The National Forestry Authority (NFA) is promoting the development of Community Forest Management. Community groups must register as a Communal Land Association (CLA) under the terms of the Land Act. Registered groups can then apply to the NFA for a Declaration of a Community Forest under the National Forestry and Tree Planting Act. However, chief constraints in this process include the limited availability of NFA resources and staff to work with CLA groups and provide timely feedback on management plans, by-laws, and other documents required of CLAs intending to engage in forest management. District registrars are mandated to work with community groups to assist them in the process of establishing a CLA, but they often have insufficient resources or time to register all the groups requesting CLA status. In addition, remote and poor districts remain without registrars, due to the difficulty of attracting qualified candidates from urban areas. Without a registrar, the CLA registration process is unable to go forward.

GOVERNMENT ADMINISTRATION AND INSTITUTIONS

The National Forestry Authority, established in 2004, is an autonomous body with a mission to “[m]anage Central Forest Reserves on a sustainable basis and to supply high quality forestry-related products and services...” The National Forestry Authority and the military (Uganda People’s Defense Force) launch joint patrols to curb illegal activities and enforce the law in Central Forest Reserves. The Forestry Inspection Division (Ministry for Water, Lands and Environment) is responsible for policy making, standard setting, national planning, regulation, coordination, inspection and monitoring (from source to market), resource mobilization, and back-up technical support to districts. The District Forestry Services under the Local District Administration are responsible for forestry extension (although forestry extension is technically part of the National Agricultural Advisory Services extension under the Ministry of Agriculture Animal Industries and Fisheries). The Services are crippled due to lack of funding. The district forestry officials are responsible for regulating the cutting of trees on private land and

overseeing the management of Local Forest Reserves. The Environment Minister, however, has requested that district authorities—specifically, the district forestry officials—should no longer be allowed to grant permits for cutting trees because the permits are used by loggers to cut down trees in Central Forest Reserves (Tenywa 2008a).

The Uganda Wildlife Authority, established in 1996, is responsible for the management of 10 National Parks, 12 Wildlife Reserves and 14 Wildlife Sanctuaries, and provides guidance for five Community Wildlife Areas. These protected areas contain about 15% of Uganda’s forests. The National Forestry Resources Research Institute conducts forestry research; the Faculty of Forestry and Nature Conservation at Makerere University and Nyabyeya Forest College in Masindi provide higher education on forestry matters. The Uganda Forest Working Group is an informal network of civil society organizations, academic and research institutions formed in 2001. The Advocates for Development and Environment, Uganda Wildlife Society and Greenwatch are engaged in forestry research and advocacy. The Uganda Timber Growers Association advocates on behalf of the forest industries.

GOVERNMENT REFORMS, INTERVENTIONS AND INVESTMENTS

Key challenges include: 1) encroachment of the reserved forests; 2) poor management of the forested estate; 3) degradation of forests outside the protected estate; 4) illegal logging and trade; 5) limited planting and maintenance of trees; 6) weak technical assistance; 7) weak partnership with stakeholders; and 8) limited capacity of government agents (GOU 2009d). Only about 65% of the land in Central Forest Reserves is forested.

The demand for many forest products outstrips the supply. The government is encouraging people to plant trees on their farms and to invest in tree farming as a business. In 2006, the National Forestry Authority launched a campaign to plant millions of trees to restore forest cover to 30% of the country. The Authority is also working with the European Union to establish more quality plantations for timber production to meet the growing demand.

DONOR INTERVENTIONS AND INVESTMENTS

The government has worked closely with Britain, Norway, Germany, the United Nations Development Programme, the Food and Agriculture Organization, and the European Union to reform the forestry sector, implement new policies and plans, and build the capacity of government forestry agencies. USAID and the World Bank were instrumental in uplifting the legal status of several forest reserves into national parks in the mid–1990s. The World Bank supports the Uganda Wildlife Authority and other government bodies with forest management roles. USAID has made significant biodiversity conservation investments in western Uganda, and is currently designing a new initiative in this area.

World Bank and Global Environment Facility funds helped to establish the Mgahinga and Bwindi Impenetrable Forest Conservation Trust to support the two national parks and surrounding areas. The Trust has purchased 326 acres for the Batwa people. Several NGOs support the Batwa. The Forest Peoples Programme supported the establishment of the United Organization for Batwa Development in Uganda (Zaninka 2002). Several faith-based organizations have purchased land for the Batwa.

4. MINERALS

RESOURCE QUANTITY, QUALITY, USE AND DISTRIBUTION

Uganda’s leading mineral export is gold, although active mining activities extend to many other precious, semi-precious and industrial minerals, including copper and cobalt (Tuhumwire 2008; 2007). Interest in Uganda’s mineral potential has been increasing since the mid–1990s, when the government started to strengthen its mining and investment code. Uganda has the potential for world-class discoveries but its mineral potential remains untested due to little exploration. Large-scale mechanized commercial gold mining is underway in Tira and Mubende District, while smaller operations are underway at Buhweju and Kaabong (Adfero 2008). Gold is mined by artisans at a variety of locations. The Kilembe mines, the country’s largest copper/cobalt mine, were closed in the mid–1980s due to mismanagement and a fall in world copper prices. The mines will be sold and privatized this year (Sseppuya 2009). Limestone mining is underway in Dura in Queen Elizabeth National Park.

Commercially viable quantities of oil have been discovered in western Uganda. The country’s reserves have grown from 300 million barrels in 2006 to 2 million barrels in June 2009 (GOU 2009g). Nine oil prospecting

blocks have been established on the border with the Democratic Republic of Congo, from Sudan south to near the Rwanda border. Five blocks have been allocated to oil companies for prospecting purposes. A number of protected areas are partly or wholly inside the oil blocks and drilling is taking place in a number of parks. Western Uganda is part of the Albertine Rift, one of Africa's richest biodiversity areas and the site of many parks. Access to minerals and petroleum contribute to conflicts in the Great Lake Region. The international boundary in Lake Albert is in dispute and has led to the deaths of many people.

LEGAL FRAMEWORK

The Constitution (1995) was silent on the ownership of minerals, but the 2005 constitutional amendment declared that “[t]he entire property in, and the control of, all minerals and petroleum in, on or under, any land or waters in Uganda are vested in the Government...” (Section 244[1]). The Mineral Policy (2000) objectives are to: 1) stimulate private investment; 2) ensure that mineral wealth supports national development; 3) regularize and improve artisanal and small-scale mining; 4) minimize and mitigate the adverse social and environmental impact of exploitation; 5) encourage female participation in the mineral sector and discourage child labor; 6) strengthen national manpower and institutional capacity; and 7) increase mineral trade and exports (GOU 2009e). The Mining Act (2003) provides for the granting of mineral rights, and establishes that 80% of state revenue from mining goes to central government, 17% to local governments, and 3% to landowners. The Act is undergoing revision; proposals include increasing the duration of licenses and the size of exploration areas, and lowering royalty rates (Tuhumwire 2008). Other relevant legislation includes: the Mining Regulations A and B; National Environmental Management Act (1998); Energy Policy; and Power Sector Strategic Plan (1999).

The Petroleum (Exploration and Production) Act of 1985 makes provisions for the exploration and production of petroleum. The Act was brought into force by the Petroleum (Exploration and Production) (Commencement) Instrument of 2000 (Bainomugisha et al. 2006) and the Petroleum (Exploration and Production) (Conduct of Exploration Operations) Regulations of 1993. The Petroleum Supply Act of 2003 provides for: 1) the supervision, monitoring, importation, exportation, transportation, processing, supply, storage, distribution and marketing of petroleum products; and 2) the establishment of the Ministry responsible for the petroleum sector. The National Oil and Gas Policy (2007) guides the development of the oil and gas sector, the drafting of a bill, and establishment of an institutional authority to manage the sector. The Policy is designed to: 1) ensure efficient and effective management of oil and gas resources; 2) encourage transparency in the management and operations of the industry; and 3) ensure that oil revenues are properly managed and utilized to create new wealth (Museveni 2006). Two new petroleum bills that will address downstream petroleum matters, including revenue management and allocation are currently being developed by government.

TENURE ISSUES

All minerals and petroleum resources are vested in the government on the justification that it facilitates extraction and promotes national development. The exploration and exploitation of minerals can only be carried out after the granting of a license. A separate permit is required to utilize natural water resources for mining purposes. A Prospecting License is for any mineral exploration activities, is valid for a period of one year and can be area specific or mineral specific. An Exclusive Prospecting License can be issued with the authority of a Prospecting License for a maximum area of 20.48 square kilometers. The government can also grant a Special Exclusive Prospecting License for a minimum area of 76.8 square kilometers. Both licenses can be area or mineral specific, are valid for one year, and are renewable. A developer may apply for a Mining License either as a Location or Mining Lease. A Location Lease is issued for small-scale operators, limited to a maximum area of 16 hectares, and valid for one year (renewable). A Mining Lease is granted for areas not exceeding 256 hectares and is valid for a period of up to 21 years (renewable). The Mineral Dealers License allows a person or company to purchase, process and trade in specific minerals, and is valid until 31 December of the year of issue. The Mining Act requires exploiters to acquire exclusive rights to the land (ownership) by way of leases or other title-conferring interests (concessions for industrial mining).

Non-tax mineral revenues peaked at \$1.66 million in 2007, an increase from \$550,000 in 2003. In the same period, the government issued 229 mineral exploration and development licenses generating US\$22 million in revenue, up from 190 licenses generating \$5 million in 2003. The number of licenses given to artisanal and small scale miners has also risen to 221 in 2007 from 100 in 2003 (GOU 2009e).

Drilling for oil or natural gas requires a Petroleum Production License. Unlike for mining, the Petroleum Act (1985) requires the holder of a license to seek the consent of the lawful occupier of the land before the holder can exercise the rights enshrined in the license. The Minister is empowered to override the occupier and allow the licensee to exercise his rights where the consent is “unreasonably withheld.”

GOVERNMENT ADMINISTRATION AND INSTITUTIONS

The Ministry of Energy and Mineral Development is responsible for policy formulation and implementation. The Ministry includes four departments—Energy Resources, Geological Survey and Mines, Petroleum Exploration and Production, and Petroleum Supplies. The Geological Survey and Mines Department is mandated to: 1) collect, analyze and disseminate geoscience data; 2) monitor operators and enforce regulations; and 3) develop professionals capable of generating and utilizing available geoscience data. The Department also issues Prospecting, Mining and Mineral Dealers licenses. The Petroleum Exploration and Production Department is responsible for the promotion, initiation, regulation, and supervision of petroleum agreements, and the management of data relevant to upstream petroleum activities.

GOVERNMENT REFORMS, INTERVENTIONS AND INVESTMENTS

In 2004, the government launched the Sustainable Management of Mineral Resources Project to restructure and develop the mineral sector, address constraints that have hindered the sector’s progress, and double exports (GOU 2009f). The government is investing in the development of roads and power lines linking mineral deposits to enhance production for export.

DONOR INTERVENTIONS AND INVESTMENTS

The Sustainable Management of Mineral Resources Project is funded by the World Bank, the African Development Bank and the Nordic Development Fund. The project will: 1) acquire geoscientific data; 2) build institutional capacity; and 3) strengthen governance in mineral resources management (Tuhumwire 2007). In 2008, the World Bank approved an additional \$5 million to the Project.

Norway is supporting the Petroleum Exploration and Production Department. The project has three components: 1) policy, legal and regulatory framework; 2) capacity building; and 3) technical and economical studies (OFD 2008). Norway is designing a new investment to address certain aspects of the downstream petroleum sector (e.g., revenue management, environmental management).

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