LEDTAF WORKING PAPER 1 OF 2026

# Land Policy as a Climate Solution: LED Perspectives on Uganda's National Land Policy

A submission delivered by the Land and Environment Defenders Taskforce (LEDTAF) at COP 31 in Antalya, Turkiye


## EXECUTIVE SUMMARY

Land governance in Uganda is inextricably linked to climate change adaptation, mitigation, and ecosystem survival. While the Uganda National Land Policy (NLP) outlines frameworks for sustainable land utilization and natural resource conservation, structural gaps in tenure security, large-scale commercial land acquisitions, and institutional fragmentation severely compromise its effectiveness as an active climate response. Frontline Land and Environmental Defenders (LEDs) who include indigenous communities, grassroots activists, smallholder farmers, and civil society operate at the exact intersection of climate action and land protection.

Drawing directly upon documentation, project briefs, and policy submissions from the Land and Environment Defenders Task Force (LEDTAF), this working paper articulates how a modernized, human-rights-centered National Land Policy can serve as a robust climate mechanism. To realize this potential, the policy must secure customary tenure, recognize community-led stewardship, eliminate violent land grabs, and systematically safeguard the frontline defenders who preserve Uganda's vital carbon sinks and biodiversity corridors.


## 1. Land Governance as a Climate Imperative

Uganda experiences acute vulnerability to the impacts of global climate change. These manifest across varied agro-ecological landscapes as erratic and torrential rainfall patterns, prolonged and devastating droughts along the Cattle Corridor, accelerating soil erosion, and fatal landslides in highland zones like the Rwenzori and Mount Elgon sub-regions. Forests, wetlands, communal swamps, and savannah rangelands serve as the nation's primary carbon sinks, watershed regulators, and biodiversity buffers.

However, empirical and field evidence demonstrates that climate mitigation and adaptation strategies cannot succeed in isolation from foundational questions of land tenure, access, and stewardship. Ambiguous land tenure regimes and fragile legal protections incentivize short-term ecological exploitation over long-term conservation. Conversely, when local communities possess secure, legally enforceable land tenure systems then sustainable land management practices such as agroforestry, soil regeneration, and watershed protection naturally thrive. The ongoing review of Uganda's 2013 National Land Policy (NLP) presents a historic opportunity: transitioning the NLP from a traditional administrative registry into a proactive, rights-based climate solution.

## 2. The Frontline Context: LEDs and Grassroots Realities

LEDs are the de facto guardians of Uganda's climate resilience. These frontline actors encompass grassroots women defending community water sources, indigenous forest peoples, customary smallholder farmers, and localized civil society organizations such as NAVODA, BIRUDO, NAPE, and Friends of Zoka.

LEDs operate under escalating systemic hostility characterised by three primary pressures:

- **Extractive & Commercial Encroachment:** In critical ecological zones such as the Albertine Graben and Northern/Eastern Uganda, commercial land acquisitions for oil exploitation and large-scale agribusiness have resulted in encroachment upon delicate wetlands, gazetted central forest reserves, and community grazing lands.
- **Criminalization and Repression:** Duty bearers and commercial developers frequently mischaracterize lawful LED resistance as 'economic sabotage' or anti-development agitation. Activists face state surveillance, unlawful detentions, physical violence, cyber-harassment, and Strategic Lawsuits Against Public Participation (SLAPPs).
- **Institutional Isolation:** Protection mechanisms and human rights desks remain concentrated in Kampala and major urban centers, leaving rural grassroots defenders without rapid-response security, emergency legal aid, or digital protection infrastructure when facing imminent dispossession.

## 3. Critical Gaps in the 2013 National Land Policy

### 3.1 Insecurity of Customary and Communal Land Rights

Over 70% of land across Uganda is held under customary tenure. Although formally recognized by the 1995 Constitution and the 1998 Land Act, customary tenure in practice occupies a secondary status compared to freehold and leasehold titles. The statutory procedures for establishing Certificates of Customary Ownership (CCOs) and Communal Land Associations (CLAs) remain prohibitively bureaucratic, expensive, and centralized. Consequently, communal carbon sinks such as pastoralist rangelands and indigenous community forests are systematically targeted for speculative acquisition and deforestation.

### 3.2 Misapplication and Subversion of the Public Trust Doctrine

Under Article 237(2)(b) of the Constitution and the NLP, the central and local governments hold sensitive ecological resources such as forest reserves, national parks, lakeshores, and riverbanks in trust for the public. However, systemic boundary disputes, corrupt titling within gazetted wetlands, and controversial degazettement decisions undermine this doctrine, turning public ecological buffers into private real estate.

### 3.3 Absence of Binding Free, Prior, and Informed Consent (FPIC)

The 2013 NLP treats public stakeholder consultation as an administrative routine rather than an enforceable legal threshold. Without binding Free, Prior, and Informed Consent (FPIC) codified directly into land acquisition and investment procedures, rural and forest communities are systematically excluded from decision-making, resulting in forced displacement and the collapse of traditional conservation regimes.

### 3.4 Structural Gender Disparities in Tenure and Stewardship

Women in Uganda contribute over 70% of agricultural labor and shoulder the burden of climate-induced water and fuel scarcity, yet they own less than 20% of registered land. Customary inheritance norms frequently disinherit widows and female heads of household. Because sustainable land restoration, regenerative agriculture, and agroforestry require secure, multi-year land rights, gendered tenure insecurity acts as a severe structural barrier to household- and landscape-level climate adaptation.

## 4. Policy Reform Priorities: The LEDTAF / DPI Framework

The LEDTAF has developed actionable, community-grounded priorities for the ongoing National Land Policy Review. The comparative framework below aligns core land governance pillars with climate solutions:

| REFORM PILLAR | CURRENT POLICY LIMITATION | PROPOSED CLIMATE & LED SOLUTION |
|---|---|---|
| **Tenure & Carbon Sinks** | Customary tenure lacks institutional parity with freehold titles; high titling costs leave communal sinks unprotected. | Decentralize and subsidize registration of Certificates of Customary Ownership (CCOs) and Communal Land Associations (CLAs) protecting forests and wetlands. |
| **Consent & Investment** | Public consultations are predominantly non-binding and manipulated by speculative commercial interests. | Codify Free, Prior, and Informed Consent (FPIC) across all land acquisition, extractive concessions, and commercial agribusiness projects. |
| **Defender Protection** | Zero statutory recognition or protective mandates for LEDs facing retaliatory violence and criminalization. | Institutionalize community early-warning systems, rapid response legal networks, and statutory non-criminalization guarantees for LEDs. |
| **Institutional Coherence** | Severe jurisdictional conflict and siloed mandates between MLHUD, NEMA, NFA, and District Land Boards. | Harmonize land administration with the National Climate Change Act (2021) and establish unified environmental land dispute tribunals. |
| **Gender & Inclusivity** | Secondary, derivative land rights expose women and indigenous youth to immediate dispossession upon land transfers. | Mandate co-ownership provisions on customary certificates, enforce gender parity on land administration boards, and safeguard women LEDs. |

## 5. Strategic Recommendations

To establish Uganda's reviewed National Land Policy as a functional, forward-looking climate instrument, concrete interventions are required across state institutions, civil society coalitions, and international development actors:

### 5.1 For the Ministry of Lands, Housing and Urban Development (MLHUD)

- **Systematic Customary Adjudication in Climate-Fragile Zones:** Prioritize and subsidize the issuance of CCOs and CLA titles across the Albertine Graben, Mount Elgon slopes, and Karamoja rangelands to legally shield natural ecosystems from speculative alienation.
- **Comprehensive Cadastral Audit of Public Trust Lands:** Audit and publicly publish boundary delineations for all gazetted Central Forest Reserves, wetlands, and lakeshores, revoking titles fraudulently issued within ecological commons.
- **Inter-Ministerial Protocol on Defender Security:** Collaborate with the Ministry of Internal Affairs and the Uganda Human Rights Commission (UHRC) to guarantee protection against retaliatory eviction, harassment, or unlawful detention of community members reporting environmental breaches.

### 5.2 For Civil Society

- **Decentralized Early-Warning and Rapid-Response Hubs:** Expand CSO localized nodes to connect community paralegals, women elders, and environmental activists with real-time digital protection, legal defense desks, and emergency relocation support.
- **Capacity Building in Climate & Strategic Human Rights Litigation:** Equip LEDs with operational literacy in applying the National Climate Change Act (2021) and the Human Rights (Enforcement) Act (2019) to challenge destructive extractive concessions.
- **Grassroots Evidence Feeding into Policy Formulation:** Maintain unified, rigorous registries of land-grabbing incidents, wetland incursions, and defender threats to feed direct empirical data into MLHUD technical working committees.

### 5.3 For Development Partners and Climate Finance Mechanisms

- **Direct Financing for Frontline Ecological Stewards:** Restructure bilateral and multilateral climate finance mechanisms to provide direct grant facilities to grassroots defender networks and indigenous communities guarding intact forest and wetland assets.
- **Rigorous Human Rights & Tenure Due Diligence:** Mandate verifiable proof of FPIC and community tenure verification prior to financing large-scale green energy, carbon-offsetting, or agro-industrial ventures, guarding against 'green grabbing.'