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ENHANCING SUSTAINABLE LAND MANAGEMENT IN THE HIGHLANDS OF EASTERN AFRICA

The need for sustainable land management policies is more obvious at the local level, because land management issues vary from place to place and are not adequately addressed by national policies and legislation. It is thus necessary to utilize the mandate of local governments to formulate ordinances and bye-laws. Though there exists adequate policies, legal and institutional frameworks for sustainable land management but these have not been optimally facilitated because of a wide range of factors. The article below captures the key aspects of a study carried out under the auspices of PAAP between November 2009 and February 2010 in Bukwo and Kapchorwa districts in the north-eastern part of Uganda. The analysis presented in the report will be utilised by PAAP project partners to strengthen governance mechanisms and institutions, policies and practices that empower poor rural communities to better manage their natural resources for food and income security.

Land is a critical resource in the livelihoods of most Ugandans with more that 80% of the population relying solely on agriculture for their livelihoods. However, this is scenario is challenged by the fact that land degradation and population-related land pressures is one of the policy issues that need to be addressed. With limited land available for agriculture and subsequent implications on food security, it can be expected that issues of sustainable land management (SLM) should attract more attention in scientific, social and political approaches to development.

In the highlands in Bukwo and Kapchorwa districts, like in most parts of Uganda, increased land degradation and reduced productivity have been experienced. This has had a strong impact on the livelihoods of the local communities, who heavily rely on land for most of the income and food. Though individual communities appreciate the challenge of land degradation at hand, it is obvious that addressing most issues needs collective action, in addition to individual efforts. This requires support for putting in place policies and legislation targeted to SLM.

Evolution of Policy and Legislation Processes

Before the colonial government, access to land and land resources were traditionally not alienable and there was free access, with ownership and access guided by regulations formulated by the clan/cultural heads in different areas. During the colonial period, the British administration imposed bureaucratic regulations on society that were enforced in form of laws and policies that sought to regulate the indigenous people's relations with each other and their environment. Natural resources, including land, which had been

communally owned, became Crown Property, with guidance on ownership and access vested in the hands of the colonial masters. This was guided by some land management guidelines, prepared according to land uses in different regions. After independence, the colonial principles of land management were inherited, without much change. The implication was that there was no effort to update the policies with local concepts, borrowing experiences and lessons from implementation of the old regulations. There was also no consideration for changes in land and land resources as a result of increasing human population.

In the post-independence era, a number of laws have evolved along the forestry, soil, land, agriculture, livestock, fisheries, wildlife, environment and mining sectors, which have a direct bearing on SLM. However, most of these laws were developed without due consideration on their implementation. There is no specific act or statute for SLM in Uganda, but there are polices and legislation in different sectors, which contribute to implementation of SLM principles. Whereas there are clear policies at international and national levels, local level policies are not yet backed by formal legislation. The draft national land policy, which had specific provisions for SLM, has not been finalized.

It is noteworthy that the local level institutional government structures and planning framework are adequate enough to catalyze and facilitate the development and enforcement SLM policies and legislation. This has mainly been reinforced by the decentralized mandates accorded to local governments.

Policy Implications for Scaling Up SLM Innovations

SLM is variously understood at global, national and local scales. In Bukwo and Kapchorwa it is considered to include measures for addressing land degradation issues such as protection and controlling soil loss, improving soil fertility for good yields, soil water conservation measures, maintaining soil for future users, land utilization. This understanding addresses some of INRM technologies and innovations and therefore does not necessarily address SLM. It is therefore important to develop and apply a uniform definition based on realities on the ground to include other aspects such as land use planning, enhancing/maintaining soils fertility, pest management, in order to facilitate the scaling up of SLM in the two districts.

There are probable policy implications and these encompass those that promote, hinder or provide opportunities for scaling up SLM in reference to those technologies and innovations that have been evaluated to be suitable for the two districts. Development plans describe priority investments areas. Ideally, SLM issues should be prioritized, given the dependency of the livelihoods of local communities on land and land resources. However, a review of the Kapchorwa and Bukwo District Development Plans for 2009/10 – 2011/12 reveals that SLM issues are not adequately addressed as priorities.

Participation in policy development

The Constitution of Uganda provides for citizens' participation in decision making on matters regarding people welfare and development aspirations. Further, the Environment Act (Article 3), Local Governments Act (Article 36), Forestry Act (Article 28) provide for community and or stakeholders participation in NRM, including participation in planning at all levels. However, the practice to-date does not reflect effective participation of districts in central government planning and, sub-counties in district level planning. This is attributed to:

Planning procedures that do not favour capturing local level issues and priorities in national-level planning processes because of national-level political considerations and planning formats. Whilst districts are

represented in national level planning processes, their participation deemed ineffective when their priorities are not incorporated, as the case has been.

Incentives such as facilitation or recognition of local issues are weak. Participation is largely evaluated on "physical" attendance than actual contribution made during such planning sessions. The incentives may include measures and facilitation for ensuring that community issues are analysed and presented at policy formulation and development planning forums. It may also be attributed to limited staff capacities to effectively participate at national level scales and platforms due to language, skills, knowledge of subject matter and exposure.

Disincentives to participation, including inadequate considerations of gender roles and responsibilities and other cross-cutting issues. This can also be attributed to past bad experiences that affect participation in planning or uptake of field activities, whereby districts feel their contributions are not recognized and participation in planning is just a formality and waste of time.

Barriers to policy development

The following barriers are recognized and appreciated by both districts:

Limited livelihood alternatives: This limits the feasibility of some policy action proposals to address pertinent SLM issues. For example, it is difficult for a land user to set aside a strip of "cultivatable" land for stabilizing a river bank, due to land scarcity and such people will outright be opposed to development and enforcement of river bank regulations that require forgoing some land, which they consider as the only source of livelihood.

Traditional and cultural systems of land ownership and control: The Sabiny (who are the most predominant tribe in both Bukwo and Kapchorwa) practice polygamy and have a culture where male/men control land and take decisions with regards to land use and ownership. This is despite the fact that females and youth are the most active in SLM related activities and understand the problems and likely solutions more that the men. This scenario implies that any policy development must avoid being seen as a threat to retention or exercising this authority over control of land. The females also find traditional systems of land ownership a big disincentive to participate in policy development, since they will not have the opportunity to promote some policy options on land that they do not own or have control over.

Stakeholder participation: Issues of SLM are triggered off by actions of different stakeholders and usually affect a number of stakeholders. Policy development would therefore be most effective if a number of stakeholders are directly involved in the process. However, due to a number of reasons, including limited logistics and the traditional systems of planning, limited stakeholders are usually involved. This is also likely to be influenced by poor community mobilization and inadequate information as well as capacity to develop bylaws/ordinances due to levels of information on or knowledge about existing laws and process of developing these frameworks.

Low morale to participate in policy development: Though local governments are normally involved in the formulation of development frameworks, it was reported that their contributions are most times not included in the final documents. This sets precedence where they feel that the process is just a formality, whose inputs are not accurately reflected as reflected by past experiences whereby contributions were not recognized.

Wrong interpretation and unclear understanding of mandates: The process of policy development has not clearly outlined mandates of different actors. This at times brings in limited motivation for participation or conflicts, where participation is solicited with limited clarity on mandates.

Political interests and political considerations: Democratic principles bring in passionate considerations of the "voters". This makes the political leaders try to avoid strong policy actions that can make the voters have resentments against the system of governance and individuals, in effect compromising some strong decisions during policy development.

Justification for policy reforms

There is plausible justification for carrying out policy reforms in Bukwo and Kapchorwa District, aiming at providing enabling policy environment for SLM as described below.

SLM technologies and innovations are not being applied at landscape level: It is appreciated that a number of technologies have been developed by different research and development institutions that can adequately address SLM/INRM issues in Uganda and in Bukwo and Kapchorwa in particular. A number of innovations have also been developed and tested that can support delivery of the developed technologies to the beneficiary land users, including use of innovative platforms and clusters, use of telecentres and village information centres, use of champions and demonstration farmers, policy dialogue, collective action and bye law development and implementation among others. However, reports from the field indicate that these technologies and innovations have only been successful at demonstration farm level and have not been scaled up to landscape level. This calls for policy reforms geared towards enabling SLM to address this gap.

As noted, national policies do not adequately reflect local INRM priorities, issues and initiatives. During the process of developing and enforcing existing policies and legislation, local situations and people are not linked and vice versa. This has led to policy failure and implementation bottlenecks. Institutional and policy reforms at district and local level are thus needed to unlock these bottlenecks and provide an enabling environment for successful implementation of national policies as well as creating opportunities for integrating local issues into national policies.

There is continued reliance on traditional approaches towards policy reforms, including depending on central government to define implementation arrangements at district levels. The challenge with centrally initiated and implemented policy reforms is that they often address issues with a big scale approach and with a national outlook, which may not necessarily be suitable for uniqueness in the district, for example, topography and socio-economic conditions in Bukwo and Kapchorwa. Consequently, the policy reforms end up having limited impact on the issues, which they would have been designed to address. Therefore, reforms which consider local conditions and implementation arrangements are needed in order to scale up SLM.

Trans-boundary nature of SLM issues: Traditional approaches to institutional governance structures and planning are pegged on administrative boundaries of districts, and sub counties. However, impacts of SLM/INRM issues have a bearing that goes beyond specific administrative boundaries. This is characteristic for Bukwo and Kapchorwa, which border the Uganda and Kenya, and/or by the nature of their topography, upstream and downstream issues are unique as far as SLM/ INRM is concerned.

Proposed procedure/process for Policy Reforms

During the process of formulation and enforcement of policies and legislation, there is always a need for interpretation of the formal content, which will guide implementers to devise ways of managing the likely eventualities and actions of having the policies and legislation modified, deflected, contested, and resisted. This can be addressed by using participatory approaches during policy reforms.

Policy reforms, like any other transformation processes, are delicate and should be implemented in a prudent manner that secures ownership and participation by stakeholders. The following proposals, among others, provide the required procedural steps to be considered during the implementation of recommended reforms.

Agreeing on the reform process and assembling the requirements: The draft policy reforms will be presented and discussed at a multi-stakeholder workshop. This will include agreeing on the process of policy reform, the detailed procedure to be followed and identifying the basic requirements needed for the process. The proposed process will be presented to the relevant policy and institutional governance structures at the district, with the relevant council organ and in targeted sub-counties. The consultations will validate the process and the necessary requirements.

Mobilizing participation by relevant stakeholders: Representation will be according to the land use categories including representatives of the administrative, political and technical teams at both district and sub-counties representatives. A policy reform team will then be constituted that will collect views from the community and bring feedback from the process.

Initiating a convenor for the policy formulation dialogue and process: To have a consistent clearing house for coordination of the policy reform process, a convenor will be agreed upon. His/her role of the convenor will be to guide and coordinate the policy formulation dialogue and process. He/she will delegate most of the detailed activities to the Innovation Platform and Cluster, at district and sub-county levels respectively.

Identifying and gaining political acceptance: The policy reform team shall explore ways of gaining political support by working out clear linkages with the district and sub-county councils. This will be strengthened by having defined roles and full involvement of the relevant representatives from the district and sub-county councils. This is expected to attract a sense of ownership by the political organs of the relevant policy reforms.

Ensuring completeness of the process: The process of policy reform will be taken through from the sub-county and lower councils. Views and input from the sub-county will be taken up to district level. Efforts will be made to ensure that the finalised reform processes are made to completeness, including approval by the relevant district organs of council and finally publicising outcomes of the reform.

Strategy for policy reform implementation, monitoring and review: Local impact of policy largely depends on how they are portrayed to the local community levels and how they are put into practice. This is most important in aspects of participation in the development and implementation process, which creates a sense of ownership. The participation also allows for policies to be shaped by a variety of positive experiences and influences, both in their development and during implementation. This study proposes development of a framework with strategic actions for influencing policy reforms, which shall be developed

with involvement of relevant stakeholders. The focus of policy reforms and involvement of stakeholders shall avoid altering what had been intended in the original policies but targeted at factors which strengthen the good aspects and weaken the potential for negative policy influences.

Traditionally the state has always dominated the control over policy development and enforcement, with limited involvement of local communities. This creates a bias that policy reforms are a response to external influences meant to oppress the local people, leading to resentment and inability to comply. Over the recent years, decentralisation, including for SLM/ INRM roles, has occurred in many countries around the world. For the Uganda case, this has included mechanisms for policy development, though it is not specific on issues of SLM/ INRM related aspects.

The study reviewed by-law processes in the two areas, together with examples from other parts of the country (Kabale and Kisoro districts) and proposes a framework for use by districts and sub-counties. The recommended process is based on the premise that it has to involve the local community and leadership.

In the over-all assessment of the policy regimes, it is evident that there are policy gaps and shortcomings and, emerging issues that warrant reforms. The suggested policy reforms are likely to be influenced by various external and internal factors. Whilst the project or districts can tackle internal factors, factors such as political stability and processes, natural processes (for example, weather changes) remain a threat to the success of scaling up SLM.

Likewise, there is need for strengthening policy implementation and law enforcement. This assessment has identified implementation weaknesses such as policy failures, planning processes, institutional capacities, access to technologies and unclear mandates that should be addressed in order to succeed with scaling SLM.

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COMMUNICATION

Call for Research Proposals

The Centre for Environmental Economics and Policy in Africa (CEEPA) is mandated to enhance the capacity of African researchers to conduct environmental economics and policy inquiry of relevance to African problems and increase the awareness of environmental and economic managers and policy makers of the role of environmental economics in sustainable development. CEEPA will be continuing to implement a regional program to strengthen research capacity in environmental economics and policy in Africa over the next few years. Under this program, Research Grants for up to a maximum amount of US$15,000 per project are available to nationals of African countries who intend to remain in or return to Africa, following completion of their award, working in the field of environmental economics on Africa.

Ceepa.pdf

PAAP received the above announcements from Dr. Willis Kosura, who is gratefully acknowledged

Position Announcement

The Ford Foundation invites applications for the position of Program Officer, Women's Rights East Africa. He or she will develop a grant-making portfolio that advances work to protect, promote, and consolidate the enjoyment of women's human rights, as part of the Eastern Africa Office's Protecting Women's Rights initiative. Ideal candidates for the position will have significant professional experience in human rights advocacy and with gender equality movements. For more information and to apply for the position, visit www.fordfound.org/employment The application deadline is July 6, 2010.

Ford PO-Women's Rights.pdf

PAAP received the above announcements from Dr. Mumbi Kimathi, Farm Concern International,who is gratefully acknowledged

Doctoral Programme

The Sant'Anna School of Advanced Studies of Pisa (SSSUP) is about to start the 7th year of the International Doctoral Programme in Agrobiodiversity. This PhD Programme is run in collaboration with the National Academy of Sciences of Italy and is funded by the Italian Ministry of University and Research (MiUR). The course is aimed to enhance human resource capacities to study and conserve plant genetic resources and to utilise and manage biodiversity in agricultural systems as to improve their sustainability for the well-being of present and future generations. A minimum of four scholarships is granted to students from developing countries. The application must include description of a research project that the candidate would like to carry out during the three-year period of the Doctorate. Further information can be found at www.sssup.it/agrobiodiversity The deadline for receipt of online applications is 15 July 2010.

PAAP received the above announcements from Dr. Abebe Demissie, EAPGREN, who is gratefully acknowledged