Mathijs van Leeuwen

Localizing Land Governance, Strengthening the State? - Decentralization & land tenure security in Uganda

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The argument

In South-west Uganda, decentralization of land governance has had limited effects in securing tenure for the rural poor, yet reinforces the presence of the state at the local level in diverse ways.
Decentralization

• Decentralization is expected to result in more effective, better informed, and accountable institutions; and more legitimate and successful land governing practices. As such, it would enhance tenure security, by better protecting local assets, and reducing land-related disputes.

• How does it work out in practice?
Analyzing decentralization

• Land governance reform adds on to institutional + legal multiplicity
• Link between land and authority: reforms fuel institutional competition
• Continuity between local institutions
• State-formation: not just who is in charge and what rules apply, but also ‘ideas of state’: trust, expectations, notions of citizenship
Land governance reform and decentralization in Uganda

• 1995 Constitution + 1998 Land Act: focus on tenure security

• Decentralization of land governance

• In practice: limited devolution, ambiguity about autonomy of local institutions

• What are political motivations for decentralization?
Decentralizing land registration and administration

partial extension of land-registration facilities to the local level, in which selected community members participate, who generate their own resources to keep in operation, relatively independent from the state.

At the same time, significant consequences for local notions of tenure security and the roles of the state:

– Popularization of titles, role of state as protector.
– Titling also as protection against that state
Decentralizing land dispute resolution

Implementation still in progress: ineffective, disputed. Institutional multiplicity and ambiguity: unclearness for the population, institutional negotiability

At the same time:
- State-authorization of the decisions;
- disqualification non-state actors;
- state as defining the rules of the game
- Change state-citizen relation? deepening of patronage?
Conclusion

• Decentralization not so effective in improving land administration and dispute resolution
• Yet, impact in fuelling local institutional competition
• In the process, decentralization transforms imaginations of the state at the local level:
  – introduction of state legislation;
  – new notions of tenure insecurity;
  – de-legitimizing local land governance arrangements.