



Housing, Land and Property Rights northern Uganda

OHCHR Uganda
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HLP Rights in northern Uganda

- (1) Current land rights issues in northern Uganda,
- (2) Their impact on current humanitarian programming/interventions,
- (3) Their potential effect on humanitarian/early recovery programming in the future.

Housing, Land and Property Rights

Housing, land and property rights (HLP) include

- (a) the right to an adequate standard of living, including housing (Article 25, Universal Declaration of Human Rights),
- (b) the right to property (Article 17, UDHR),
- (c) the right to privacy and respect of the home (Article 12, UDHR),
- (d) the right to freedom of movement and choice of residence (Article 13, UDHR).



Current Concerns

- **The Right to Housing, Land and Property Restitution**

All refugees and displaced persons have the right to have restored to them any housing, land and/or property of which they were arbitrarily or unlawfully deprived, or to be compensated for any housing, land and/or property that is factually impossible to restore as determined by an independent, impartial tribunal (Principle 2 Principles on Housing and Property Restitution for Refugees and Displaced Persons ('Pinheiro Principles'))

Current Concerns - HLP Restitution

Legal Gap

- HLP restitution for IDPs not explicitly recognized as an enforceable right under Ugandan law (Article 50 Uganda Constitution, National IDP policy however refers to “*Local Governments shall endeavour to assist*”)
- Restitution under Uganda’s IDP policy is limited to the right to land, does not cover the housing and property rights of IDPs.
- Compensation
- Restitution process guided by customary law – concerns about equality of men and women

Current Concerns - HLP Restitution

Procedural Gap

- No specific process has been set up to ensure the right to restitution or monitor the process
- Lack of guidance to actors who should play a role in the restitution process
- Limited capacities/knowledge of actors involved in the restitution process

Current Concerns - Right to Property

Everyone has the right to own property alone as well as in association with others.

No one shall be arbitrarily deprived of his property.

(article 17 UDHR, article 14 African Charter on Human and Peoples' Rights)



Current Concerns - Right to Adequate Housing

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(Article 25 UDHR, article 11 ICESCR)

Directly enforceable elements of the right

- Protection against homelessness
- Protection against forced evictions

“the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or *land which they occupy*, without the provision of, and access to, appropriate forms of legal or other protection”



Current Concerns - Right to Adequate Housing

Procedural Protections in cases of evictions

- (a) an opportunity for genuine consultation with those affected;
- (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
- (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
- (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction;
- (e) all persons carrying out the eviction to be properly identified;
- (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;
- (g) provision of legal remedies; and,
- (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

(International Committee on Economic, Social and Cultural Rights, *General Comment No. 7: The right to adequate housing (art. 11 (1) of the Covenant): Forced evictions*)



Current/Future Early Recovery & Humanitarian Implications

Right to Housing, Land and Property Restitution

- Disputed land will not provide same levels of productivity and could delay former displaced persons reaching the level of self reliance.
- The gaps in the restitution process will deny persons restitution of their land and as such could create landless persons (both landowners and IDPs)

Current/Future Early Recovery & Humanitarian Implications

Right to Property

- Early recovery activities/humanitarian programming – particularly building activities in areas outside the camp (transit and return areas) – should recognize the property rights of the owners

Current/Future Early Recovery & Humanitarian Implications

Right to adequate housing

- Procedures and mechanisms to regulate Housing, Land and Property rights and other rights of those opting for local integration and resettlement to be established – currently affecting the free choice
- Early recovery activities / humanitarian programming - particularly building activities in areas inhabited – should ensure that the activities do not lead to forced evictions

Other Current Concerns

- High levels of anxiety surrounding land issues country wide
- Discussions surrounding the Land (Amendment) Bill
- Discussions surrounding the National Land Policy
- Speculations surrounding investments in northern Uganda, including transfer of land.
- Unclear how well the customary land system and mechanisms are able to adapt to the current needs

End

Any Questions?

