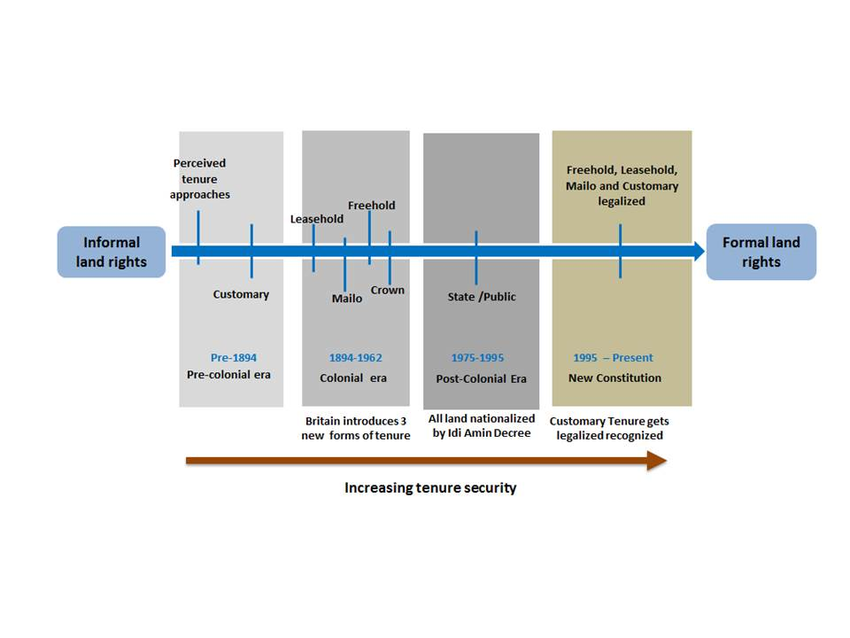
2023

kintu

5/14/2023

Land tenure system in Uganda



Land and land tenure systems in Uganda

# Land

Land, also known as dry land, ground, or earth, is the solid terrestrial surface of Earth not submerged by the ocean or another body of water

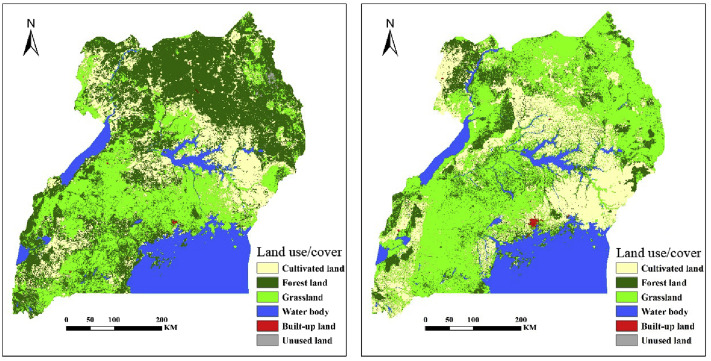
Land is the most basic resource in terms of the space it provides, the environmental resources it contains and supports, and the capital it represents and generates. It is a commercial asset that can be used and traded. It is a critical factor of production and an essential part of the national patrimony. It is a key factor in shaping individual and collective identity through its history, the cultural expressions and idioms with which it is associated. It also influences spirituality and aesthetic values of all human societies. Land is perhaps, the most essential pillar of human existence and national development and is usually a political issue with potential to be volatile. In this regard, its control, management and use, continues to be a critical factor in Uganda.

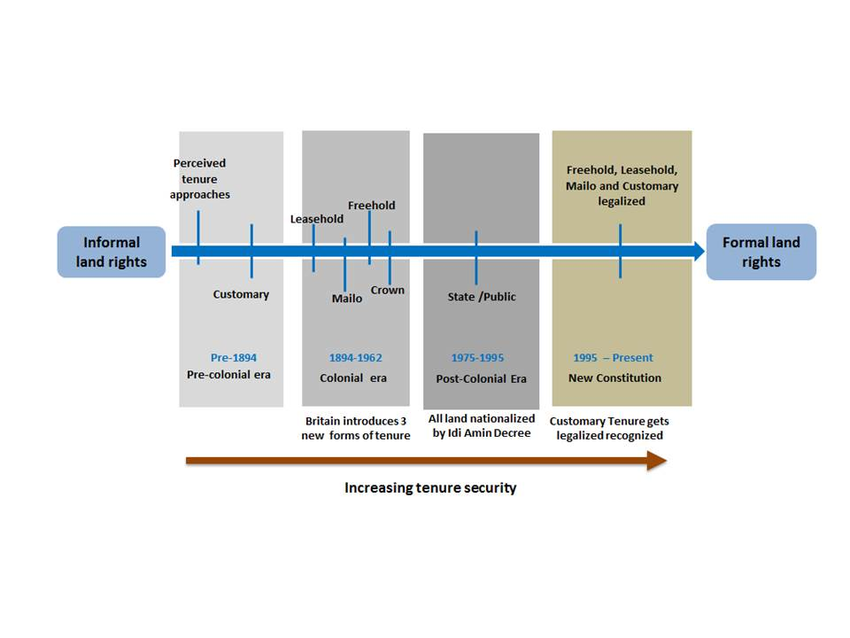
# uses of land

the land in Uganda and east Africa has general uses in each sector

# the land in UGANDA: the general facts

Uganda has vast land resource and that is t say we have 241,038 sq km2 in total and of it we have 39000 sq km2 of it covered with water and the rest of the resource is land and of the land [research] km2 of land is covered with forestry.

Land in Uganda has not fully been utilized and to this day the fact files state that of the land in Uganda

The worrying part that today the land is continuing to get scarcer because there are factors that continue to increase land demand. This has caused the current land turrum or call it the land chaos of this very day but the issue emanated from a long time ago and this is still haunting the present day and this needs to be solved so that it doesn’t affect he future generations. The land tenure system has its issues and the government is trying hard to see it can solve and implement its strategy as the ministry of lands was a key reference in this document or notes call it. Well, let’s see where this dreaded turrum is from

# the Ugandan land : how was land owned before the whites

the land before was owned by communal land tenure system. The land tenure system is the land is owned. In the factual sense the land is there owned by the co unity. Well, the village heads used to decide for the fate of the land e.g., the village head used to give or allocate land where necessary to the families and the village head was solely the owner of the land and the land disputes were settled by him and the land tenure was going pretty fine then.

The land was owned by the cultural systems by then and they knew how to solve land disputes. In the cultural systems there was a commission that was specially assigned to follow the land issues and the system was not corrupt and the people used to work for the land and the land was used as a commodity of exchange in the batter trade then.

## the land was acquired was though the following procedures

* though inheritance  
  the land in this case was passed on to the people when the father died the eldest son or the heir used to them assume the land rights. To this date this is still evident and the one of the preserved ways to attain a piece of land.
* Through winning battles  
  well this might sound stupid but it was way of importance in their days that is why cultural states like Buganda were large enough at the time of colonization.
* Through batter trade   
  the batter trade system enabled the exchange of literally anything let it be lands sheep cattle etc.
* By the jurisdiction of a leader  
  the earlier days had leader who would give out land to their people in case they had done extra marvelous deeds e.g., the best solider were rewarded with pieces of land by the cultural lands of their time. Even some prices were given areas of influence e.g., in Buganda the princes had their areas where they were told to administer.

## land administration

the traditional leader were completely responsible for this. And the heir were also equally responsible for the land also in their various sectors or call them tribal units. The land was well administered and the cultural leaders were responsible for the management of land affairs( call it the land resolution). The king had the advisers who wound be able to mange the land on his behalf. They passed resolutions as they were completely responsible for the land disputes in the communities. Places were well known and the natural boundaries marked the boundaries well this was great strategy for them.

## problems faced

* there were greedy heirs who would do anything to own the land
* some land had no exact owners e.g., when a kingdom could assimilate a certain a piece of land and then another kingdom was able to take it back so the settled people could not know who exactly owned the land.
* Some communities had no clear policies on how land was supposed to be transferred

## solutions

* the warring kingdoms could settle down and discuss who would own the land
* the communities had the elders decide who would own the land

# the colonial era: what went wrong

## Historical Background and Colonial Legacy

The advent of colonialism left a historical legacy structured around land relations and

management. Initially, colonialists introduced individualized ownership of property rights in

land previously held either communally or on the basis of sovereign trustees. In the process,

an intricate system of political relationships was legitimized. The newly introduced system

of property ownership was super-imposed to either supersede existing indigenous land rights

systems or formally confirm pre-existing customary arrangements as the case for kingdom

areas. In other parts of the country outside the kingdom areas, customary tenure was left to

continue existing with moderation but without a chance to evolve properly. This duality of

property rights systems resulted in land tenures, whose maintenance has turned cumbersome and confusing in the current social, economic and political circumstances.

Perhaps the most critical and challenging elements of Uganda’s land question, courtesy of

colonial legacy, are to do with disentangling the multiple and conflicting tenure rights and

interests often overlapping over the same piece of land. At the time of the creation of mailo

and native freeholds, pre-existing private interests of smallholder farmers particularly land

use rights were not legally recognized. An attempt to rectify this, with the enactment of the

Busuulu and Envujjo Law of 1928 for Buganda and similar laws in Ankole and Toro in 1938,

the multi-layered structure of rights persisted and has become a defining characteristic of the complexity of land relations in Uganda.

## the problem

The multi-layered system has been largely blamed for the escalating land conflicts and evictions in the central region were resolving dual interests of ownership between the registered owner and the lawful or bonafide occupants are common.

Also, conflicts arose out of the implementation of the Land Reform Decree, 1975 were

occupants on land became tenants at sufferance while land owners became lessees. Further

attempts to address the landlord-tenant relationship as enacted under the Land Act, Cap 227

became controversial around three issues: the definition of bonafide occupant, definition of

occupancy in terms of size of land utilized by occupants, and the rights conferred on the

tenants as well as the rent payable.

The Buganda Kingdom has been making persistent demands for the return of its public land,

estimated to be “9,000 square miles” the 1,500 square miles of forests, and the 160 square

miles of official estates at former Buganda County and sub-county headquarters taken over

by the central government in 1967 and vested in the Uganda Land Commission. The

Traditional Rulers (Restitution of Assets and Properties) Act 1993, which instantly returned

some assets and properties specified in the schedule of the Act. It also made provision that

the rest of the properties and assets not included in the schedule be returned following

negotiations between Government and the traditional rulers. The principles to govern these

negotiations were never detailed though they are necessary for attaining social harmony and

calm between the Central Government and the Buganda Kingdom.

The Kibaale land question, which should have been fixed by the 1964 Referendum over the

counties of Buyaga and Bugangaizi, became contentious in the Constituent Assembly (1993-

95) as the new Constitution of Uganda of 1995 was being debated. Government resettlement schemes in 1973 and 1992, and the incessant immigration and settlement by non- Banyoro further complicated what started off as a land question and turned it into a political question as the immigrants gained political control. The resentment to this turn of events bred political tension and ethnic conflicts, with violent clashes. The indigenous Banyoro are worried that they may never be able to regain their ancestral land, which is formally held by absentee landlords in mailo tenure and increasingly taken over by immigrants. Additionally, public lands especially forest reserves have been massively encroached by immigrants. The Government paid off some absentee landlords basing on the Land Act Cap 227, but due to limited budget allocations the bigger portion of the mailo land is yet to be bought out.

Land rights of pastoral communities and ethnic minorities have registered exploitation for a

long time. Many pastoral communities and ethnic minorities have lost their land rights to

conservation projects, mainly national parks, and other government projects including

government ranches. This has led to a depletion of their resources or landlessness.

Privatization of communal grazing lands and other pastoral resources has forced some

pastoral communities and ethnic minorities to invade other people’s land or to encroach on

protected areas in their neighborhood.

In Ankole, indigenous occupiers of the land were overlooked by colonialists and continued

to reside on former public lands. These areas were infested by tsetse flies in 1918 causing

entomological threats to both humans and animals. In 1958, the colonial government

relocated all the indigenous occupants in order to spray the area with chemicals.

Subsequently, in 1964 the use of land changed from nomadic pastoralism to ranching and the

land was subdivided into ranches in total disregard of the indigenous occupiers. However,

the process of subdivision was marred by irregularities and resulted in the political elite of

Ankole taking over tracts of land that previously belonged to indigenous occupiers. In the

Acholi region, the land question had similar manifestations, where changes in land use from

settlement to conservation, in the plains between Murchison Falls National Park and East

Madi Game Reserve, led to the loss of customary rights. In Karamoja, the colonial

government set aside extensive tracts of land for hunting and conservation. In 1962, 94.6 %

of the land in Karamoja was under reserved status. This status was reviewed by the Uganda

Wildlife Authority in 1998 and was reduced to 53.8 % of the total land area.

## how the land was then split

from the context I started with above it is notable that the colonialists caused the trauma that we are in because they way the they split it.

The land was divided like this:

1. the colonialists had their resettlement processes e.g. they would forcefully evict the indigenous people so as to use it for what they wanted e.g. in the Buganda kingdom the people there were evicted from their land in the name of crown land in addition to all of the conserved land for the projects like roads buildings etc. then these indigenous people would resort to going to the mailo land which was owned by the king legally as it was stated by the Buganda agreement and in addition to other private mailo owners
2. the chiefs and the private mailo land owners and the communal land owners passed the land and they sold some of the land at the time of the colonial era to specific individuals and they land was continuously passed on
3. the land was also set aside for projects like industry and construction and transport and other reservement issues
4. the communalists of some areas also remained with their land untouched as they also kept it

## what happened next

the confusion at the time was known by the leader and few literates at the time but the African literary were not able to d anything because there were restrictions to what they could do at the time

so back to the whites, these people left legal structures that even affect us to this date e.g. at the time the people who were specifically leaving at the land that was not yet designated to be the crown land were peacefully leaving as I had stated in the article of the pre-historic land because the land had fully been allocated them and belonged to their families but the colonialists in the quest of maximizing profits at all costs forcefully evicted them(**the indigenous people were wrongly evicted of their land** ) and they made it legal and fool proof for us not to regain our land by making us sign the Buganda agreement which stated that the land had t be divided to the whites and some be given to the kabaka. Further research states that the land that was given to the government hence keeping up with the legacy of the whites.

The resentful Africans were relocated to the mailo land which belonged to the king then these people were subjected to be tenants and to pay tax but the unfortunate bit is that the people are not owners f the land. So, the thing is that if some one was to buy the land from the king the person would get the land for ever and this has caused a lot of issues because the people may think that the land was their parents but there were wrong and the land was from the king

## how to deal with this

* well, the thing is that before you plan for the land first know the type of the land it is so as to escape the land problem and unawareness
* get clearance from the known bodies such as the Buganda Land Board so as t avid being trapped in case of any land issues.
* If possible, you can buy land from a trusted source and verify with the relevant bodies and also one can buy the land from the king s as to change the tenure from mailo land to customary land

# the present land tenure : problem half solved

When the politicians noticed the mentioned problem in 5.2 and therefore resolved to put the following the in place to solve the problems.

## The current land tenures include

### Private Mailo Tenure system is land held by a land owner which has its roots from the 1900 Uganda Agreement. It is mainly in the Buganda region, currently central Uganda. Both the land owner registered on the certificate of tittle and tenants by occupancy. Private Mailo land owners have the same rights as freehold land owners, the assignment of rights to a private party who may be an individual, a married couple, a group of people, or a corporate body such as a commercial entity or non-profit organization.

### Freehold Tenure system refers to land held/owned by an individual registered on the certificate of title as the land owner for life. Freehold land is the most popular for most Ugandans. For Leasehold and customary land titles can be changed to freehold land. (Sections 28 and 29 of the Land Act)

### Leasehold Tenure system is land which a land owner allows another person to take exclusive possession for a specific period of three years or more in exchange for rent. A lease may be created either under a contract between the parties or by law. The person granted a lease must use the land for the specific purpose as agreed with the land owner. (Section 3(5) of the Land Act

### Customary Tenure system refers to land that is owned based on the norms and traditions of a given community or society in Uganda. One can even own land individually under customary tenures long as it has been handed down from generation to generation using that society’s customs.

## Customary Land Tenure

Customary Tenure is a system of land ownership based on customary rules formed from norms and cultures of clans, families or communities. **Customary land** is land which is owned by indigenous communities and managed in accordance with their customs. Customary land tenure is widespread throughout Uganda and covers more than half of the country. Most of it is found in the east and northern parts of the country with some traces found in part of western Uganda. Most of the customary land in Uganda is privately owned either by individuals, families or by clans and is usually utilized for farming, grazing or hunting. People on customary land do not usually have or own land titles.

Although it is usually characterized by non-registration of interests, lack of registration does not invalidate a customary tenure.

However, a Certificate of Customary Ownership (CCO) can be issued and a freehold title obtained if the land is converted to freehold tenure.

Rights to control, use and ownership of customary land are derived from being a member of a clan, family, tribe or a given community. Membership is retained by fulfilling certain obligations in accordance to the clan, family tribe or community one is affiliated to.

In Uganda today, two general customary systems can be distinguished:-

– The communal land system where land is owned by the community where user rights are  guaranteed for  farming  and  seasonal  grazing,  access  to  water,  pasture,  burial  grounds, firewood gathering, and other community activities. No specific ownership rights of control are conferred on users. Control and ownership are through the family, clan, or community.  The system is predominant in Northern Uganda.

– Under individual/family or clan customary tenure where the family and clan rather than the whole community have control over land. In this system, land is normally allocated to the male children apart from a few cases where the girls/ women also benefit.

### Features of Customary Tenure System:

* Land is owned and disposed of in accordance with customs, norms and practices of a specific community.
* It is applicable to a specific area of land and a specific class of people.
* It is governed by rules and practices generally accepted as binding and authoritative by the class/group of people to which it applies BUT such rules and practices must not be discriminatory against women, children and persons with disability.
* It provides for communal ownership and use of land.
* Parcels of land may be recognized as subdivisions divisions belonging to a person, family or traditional institution.
* Land is owned in perpetuity.
* Customary land may be converted to Freehold Tenure by registration.
* Community leaders regulate internal management & transfers of land
* Restrictions on dealing with outsiders
* Common property resources (forests, pastures, etc.)

### Problems of this land tenure

* Regarded and treated as inferior in practice, to other forms of registered property rights, denying it opportunity for greater and deeper transformation;
* Assessed as lesser regarding dispute resolution and mediation compared to the statutory system;
* Assessed as lesser to other tenures that have titles for proof of ownership in courts of law in the administration of justice;
* Converted to freehold before it attains the totality of the bundle of rights inherent in all other registered tenures that are held in perpetuity;
* Disparaged and sabotaged in preference for other forms of registered tenures, denying it the opportunity to progressively evolve.

### Solutions to these problems

To facilitate the evolution and development of customary tenure in relation to social,

economic, political and other factors, Government shall take measures to:

* Design and implement a land registry system to support the registration of land
* rights under customary tenure;
* Issue Certificates of Title of Customary Ownership based on a customary land
* registry that confers rights equivalent to freehold tenure;
* Facilitate conversion of customary land which is already privatized and
* individualized into freehold tenure;
* Document customary land tenure rules applicable to specific communities at
* the district or sub-county levels;
* Promote systematic demarcation as a measure to reduce the cost of registering
* rights under customary tenure;
* Make an inventory of common property resources owned by communities and
* vest these resources in the communities to be managed under their customary law.

## Leasehold Tenure

Leasehold can be defined as holding land for a known time frame based on conditions in an agreement between the registered owner and the tenant.  Leasehold tenure involves a landowner giving another person, called a tenant/ lessee, the right to possess or control the land in exchange for payment.

The owner of the land grants another person undisturbed (exclusive) use of the land, usually for a specific period of time. Land may also be leased from the state to individuals for typical lease periods of 5, 45, or 99 years. In return, the tenant usually pays an annual rent or service under specified terms and conditions. Leaseholders may or may not hold formal contracts with the owner although it is highly recommended that formal agreements are signed.

Leasehold tenure is mostly evident on public land of which they are granted by the District Land Boards (DLB) and Uganda Land Commission (ULC) on behalf of Government. It can also be granted on customary, mailo and freehold. Leases granted on public land are called public leases while those granted on private land by private persons are known as private leases. A lease granted for 3 or more years is entitled to a certificate of title. Non-citizens of Uganda can acquire leases on land for a period not exceeding 99 years. Non-citizens must register a lease if it exceeds a period of five years.

Private leases can be converted to freehold with the consent of the land owners. Any lease (public lease) that was granted to a Ugandan citizen out of former public lands might be converted into a freehold.

A person can also acquire a lease on public land from the District Land Board. Such leases are usually granted for a duration of 49 years.

A registered lease is proved by possession of a Certificate of Title and an unregistered lease can be proved by a lease agreement between the lessor and the lessee.

**Note:**Non-Ugandans, whether individuals or companies, can only own land under leasehold tenure in Uganda.

### Features of Leasehold Land Tenure System:

* The lessor transfers exclusive possession to the lessee.
* Transfer is made upon payment of an agreed rent called premium.
* A lease is given for a specified period, the start and end of which is clearly stated in the lease agreement.
* It is the only form of land holding allowed to foreigners in Uganda.
* A non-citizen cannot be granted a lease of more than 99 years.
* It is common in urban areas such as towns, municipalities and the city where public land is held and managed by institutions like Uganda Land Commission (ULC) and the District Land Board (DLB).

### Policies on this land tenure

* Leaseholds granted to individuals under customary tenure before the 1995 Constitution and are not encumbered by bonafide or lawful occupants shall automatically convert to freehold;
* Leaseholds granted to customary owners in respect of their customary Holdings after the 1995 Constitution, shall automatically convert to freehold;
* Leaseholds granted out of former public land without any customary rights shall be converted to freehold on terms and conditions provided under the Land Act Cap 227.

### Improvements on this land tenure

Government will take measures to:

* Convert all leaseholds, issued to customary tenants over their personal land holdings before the 1995 Constitution, to freehold;
* Convert all leaseholds, issued to customary owners over their personal land holdings after the 1995 Constitution to freehold;
* Discontinue the conversion of leaseholds issued out of public land which was not owned under customary tenure at the time of the grant to freehold except for degazetted lands;
* Encourage the utilization of leasehold in respect of all registered tenure categories through the provision of simplified standard format
* Amend the Land Act Cap 227 to provide for the duration of 49 years in leasehold for non-citizens;
* Limit the duration of leasehold over public land not to exceed 99 years for Citizens of Uganda and 49 years for non-citizens, or periods consistent with specific development requirements whichever is lesser;
* Provide standards for exercise of reversionary rights to comply with first-option-of-renewal to the current lessee on public land;
* Protect the rights of any lawful or bonafide occupants on leaseholds out of public land; and impose periodic reviews to enforce compliance with use and development conditions in leasehold covenants upon renewal or extension.

## FREEHOLD TENURE IN UGANDA

The Land Act 1998 defines freehold tenure as a tenure that bestows upon someone ownership of registered land in eternity –which means “owning the land forever,”

This type of tenure was set up by the 1900 agreement between Buganda and the British colonial government.  
Most owners of land under this tenure acquired it as grants from the colonial government before independence and from the Uganda Lands Commission after independence –with only a few having bought it from the government.

The Land Act specifies that the holder of land in freehold has the full power of ownership, which means they can use it for any lawful purpose and sell, rent, lease, dispose of it by will.

The act also decrees that only citizens of Uganda can own land under freehold tenure, with non-citizens allowed only the alternative of leasing it for a period of up to 99 years.

Obtaining certificates of title under this tenure is pursued directly through the government authorities where the Sub- County land office, the district land office, and the zonal office of the Ministry of Lands are all involved.

### PROCESS OF ACQUIRING A FREEHOLD TITLE

### Step 1

The Applicant must have in his/her possession fully completed Forms 4, 10, 19, 23, a set of 3 authentic deed plans, 3 Passport Photographs, Receipts of Payment and a forwarding letter requesting for a Freehold title signed by the District Land Officer of the respective District where the land is located.

### Step 2

The Applicant presents the full set of original documents in duplicate and a photocopy of the same, to the Department of Land Administration for Checking. The Photocopy is stamped ‘Received’ and returned to the Applicant. The Applicant checks with the Department of Land Administration after 10 working days to confirm their approval or rejection.

### Step 3

Once approved, the documents are forwarded to the Department of Land Registration for issuance of a Freehold Land Title. The applicant checks after 20 working days.

### Step 4

The applicant presents the photocopy given to him/her by the Department of Land Administration stamped ‘Received’ and identification documents on collecting the Freehold Title. The applicant signs for the Title and the Photocopy is stamped ‘Returned’ on completion.

**What are the advantages of Freehold tenure?**

* the farmer can make improvements on the land such as fencing, sinking a borehole, constructing a dam, gully filling and terracing that improve farming
* the title deeds can be used as collateral security when the farmer wants to get loans from banks for farming purposes
* the owner has the freedom to make renovations on any property on the land

**What are the disadvantages of Freehold tenure?**

* All costs related to land improvement are paid off by the owner alone
* The system does not allow equitable distribution of land
* Farmers may pursue personal profitability in ways that are socially or environmentally unsound.
* All administrative costs of owning a full title property are paid by the land owner

# other issues : the other stuff which are necessary

## LAND RIGHTS OF ETHNIC MINORITIES

In Uganda, land rights of ethnic minorities as ancestral and traditional owners, users and custodians of the various natural habitats are not acknowledged even though their survival is dependent upon access to natural resources. The establishment of national parks and conservation areas managed by government, as well as large scale commercial enterprises such as mining, logging, commercial plantations, oil exploration, dam construction etc., often takes place at the expense of the rights of such ethnic minorities. Since minorities occupy land on the basis of precarious and unprotected land rights systems they are exposed to constant evictions, removals and displacements. In some cases, Government is non-compliant with the provisions of the Constitution, which provide for prompt, adequate and fair compensation prior to taking of possession.

### Policy Statements

(a) Government shall, in its use and management of natural resources, recognize and protect the right to ancestral lands of ethnic minority groups;

(b) Government shall pay prompt, adequate and fair compensation to ethnic minority groups that are displaced from their ancestral land by government action.

### Strategies

To redress the rights of ethnic minorities in natural habitats, Government will take measures to:

Establish regulations by Statutory Instrument to:

(a) Recognize land tenure rights of minorities in ancestral lands;

(b) Document and protect such de facto occupation rights against illegal evictions or displacements;

(c) Consider land swapping or resettlement or compensation in the event of expropriation of ancestral land of minorities for preservation or conservation purposes;

(d) Set terms and conditions for displacement of minorities from their ancestral lands in the interest of conservation or natural resources extraction;

(ii) Deliberate and specify benefit-sharing measures to ensure that minority groups benefit from resources on their ancestral lands rendered to extractive or other industries;

(iii) Educate and create public awareness on the benefits of conservation and protected areas for national development; and

(iv) Recognize the vital role of natural resources and habitats in the livelihood of minority groups in the gazettement or degazettement of conservation and protected areas.

## LAND RIGHTS OF PASTORAL COMMUNITIES

Pastoral communities occupy rangelands with harsh climatic and ecological conditions. The severity of competition for grazing and water resources with neighboring communities has increased as cultivators expand into areas suitable for grazing. Pastoral mobility is constrained, yet it is a key ingredient in managing the low net productivity, risk and unpredictability in the rangelands. Access to land resources has also progressively reduced, as successive individual, private and government agency actions, alienated grazing areas for the establishment of national parks, wildlife reserves, protected areas, government or military schemes and ranching schemes. Whereas nomadic pastoral practices are allegedly associated with land invasions or grabbing and “illegal” land buying in some areas, it is necessary to protect pastoral land rights, but not at the expense of non-pastoral community zing. Pastoral mobility is constrained, yet it is a key ingredient in managing the low net productivity, risk and unpredictability in the rangelands. Access to land resources has also progressively reduced, as successive individual, private and government agency actions, alienated grazing areas for the establishment of national parks, wildlife reserves, protected areas, government or military schemes and ranching schemes. Whereas nomadic pastoral practices are allegedly associated with land invasions or grabbing and “illegal” land buying in some areas, it is necessary to protect pastoral land rights, but not at the expense of non-pastoral communities.

### Policy Statement

Land rights of pastoral communities will be guaranteed and protected by the State.

### Strategies

To protect the land rights of pastoralists, government will take measures to:

* Ensure that pastoral lands are held, owned and controlled by designated pastoral communities as common property under customary tenure;
* Develop particular projects for adaptation and reclamation of pastoral lands for sustainable productivity and improved livelihood of communities;
* Protect pastoral lands from indiscriminate appropriation by individuals or corporate institutions under the guise of investment;
* Promote the establishment of Communal Land Associations and the use of communal land management schemes among pastoral communities;
* Establish efficient mechanisms for the speedy resolution of conflict over pastoral resources in pastoral communities and sedentary communities;
* Consider land swapping, resettlement or compensation for pastoral communities displaced by government from their ancestral lands.

### resolutions

To support pastoral development, Government shall:

* Prescribe clear principles for the ownership, control and management of pastoral lands in a policy by the Ministry responsible for livestock;
* Prescribe clear principles for voluntary resettlement of pastoral communities with approval of local governments in a resettlement policy;
* Ensure zoning to establish appropriate agro-ecological zones, pastoral resource areas and access, maintaining an equitable balance between the use of land for pasture, agriculture, energy, industry and for wildlife protection;
* Establish mechanisms for flexible and negotiated cross-border access to pastoral resources among clans, lineages and communities for their mutual benefit.

## LAND RIGHTS OF WOMEN AND CHILDREN

1. In Uganda, women are generally unable to own or inherit land due to restrictive practices under customary land tenure or are not economically endowed to purchase land rights in the market. In general, customary practices in some areas of the country continue to override statutory law in recognition and enforcement of women’s land rights, abating unnoticed land grabbing at family level. Attempts to redress this situation by outlawing discriminatory cultures, customs and practices in land ownership, occupation and use, and requiring spousal consent to transactions involving family land in the 1995 Constitution and the Land Act Cap 227 have not been effective due to failure in implementation and enforcement. While the Land Act (Cap 227) caters for a spouse to some extent, it does not tackle the land rights of widows, divorcees and children.  
   Strategic litigation in respect of the Divorce Act (Cap 249) and the Succession Act (Cap 162) nullified sections of the law charged with realization and ascertainment of land rights for vulnerable groups, especially women and children. This land mark court decision is yet to be translated into law. In addition, Uganda has ratified several international instruments on human rights in relation to women and children, however the gap between what is in law and what is in practice is clearly distinct.

**Policy Statements:**

1. **(a) Government shall by legislation, protect the right to inheritance and ownership of land for women and children;**

**(b) Government shall ensure that both men and women enjoy equal rights to land before marriage, in marriage, after marriage and at succession without discrimination.**

**Strategies:**

1. To review and regulate customary law and practices in access to and ownership of land, Government will:
   1. Ensure rules and procedures relating to succession do not impede transmission of land to women and children;
   2. Educate and sensitize the public on discrimination against women and children with respect to access, use and ownership of land;
   3. Review and regulate customary rules to avoid violation and abuse of family land held in trust for the family;
   4. Restore the power of traditional leaders in matters of land administration, conditional on their sensitivity to rights of vulnerable groups; and
   5. Ensure that the head of family is held to account on his/her fiduciary duties over family land held in trust.
2. To redress gender inequity and inequality to inheritance and ownership of land in statutory law, Government will:
   1. Design and implement a regime of matrimonial property law aimed at the protection of spouses;
   2. Make legal provision for joint or spousal co-ownership of family land and the matrimonial home;
   3. Amend the succession Act Cap 162 to provide for the right to succession and inheritance of family land by women and children;
   4. Amend the Land Act Cap 227 to restore the consent clause to protect children below 18 years; and
3. To ensure that women are fully integrated in all decision-making structures and processes in access to and use of land, Government will take special measures to:
   1. Mainstream gender into development planning so as to improve the status of women;
   2. Domesticate all international conventions ratified by Government of Uganda which outlaw discrimination against women and children and enforce all the principles therein;
   3. Support the implementation of the Equal Opportunities Commission as a specialized institution to advocate for and, where relevant, implement strategies in the National Land Policy; and
   4. Solicit the support of faith-based institutions and cultural leaders to accept and implement measures in the National Land Policy designed to protect the rights of women and children.

## LAND RIGHTS OF DWELLERS IN INFORMAL SETTLEMENTS AND SLUMS

1. Slum dwellers form an important part of the urban fabric and make a substantive contribution to the urban economy; however, it is common for them to settle in marginal areas with high environmental concerns and health hazards under precarious conditions.

**Policy Statement**

1. **Government will ensure the supply of affordable land in urban areas and provide a framework for regularizing land tenure for dwellers in informal settlements and slums.**

**Strategies**

1. Government will take measures to:
   1. Facilitate negotiations between registered land owners, the government and dwellers of informal settlements and slums to regularize their land rights;
   2. Promote public -private partnerships to enhance tenure security and stem the growth of slums and informal settlements;
   3. Regulate the sub-division of land in urban and peri-urban areas to guarantee the maintenance of economic security in the land sector;
   4. Promote and confer legitimacy to the land use activities of the urban poor especially in relation to agriculture and silviculture;
   5. Regulate and regularize settlement to conform with health, safety, sustainable environment and public order standards;
   6. Set aside serviced land for housing development for the poor at affordable rates;
   7. Accord statutory security to informal sector activities without compromising physical planning standards and requirements;
   8. Provide basic infrastructure for informal sector developments; and
   9. Provide affordable infrastructure for self-improvement for the urban poor.

## LAND RIGHTS OF OTHER VULNERABLE GROUPS

1. Persons infected and affected by HIV/AIDS, the terminally ill, persons-with– disability, elders and internally-displaced persons are prone to loss of land rights and are threatened by landlessness due to poverty-induced asset transfers, distress land sales, evictions, land grabbing and abuse of land inheritance procedures.

**Policy Statements**

1. **(a) Legislation and management practices shall accord all vulnerable groups equal land rights in acquisition, transmission and use of land;**

**(b) The State shall regulate land markets to curtail distress land sales and ensure that the land rights of the vulnerable groups are protected.**

**Strategies**

1. To protect the rights of all vulnerable groups, Government will take legislative and other measures to:
   1. Guarantee that access to land, by way of transfer or transmission, is not denied on the basis of gender, disability, ethnicity, social or economic status;
   2. Prevent the appropriation of the land rights of vulnerable groups through regulation and control of the land markets;
   3. Mitigate the distress land sales involving persons infected and affected by HIV/AIDS and terminally ill persons;
   4. Sensitize and encourage vulnerable groups to hold their ownership rights and interests in family or community trusts; and
   5. Mainstream gender, HIV/AIDS and disability interventions in strategic land sector activities.
2. To protect the land rights of internally-displaced persons, Government will take special measures to:
   1. Consider restitution of land, housing and property or adequate compensation or resettlement; and
   2. Put in place mechanisms and structures for claiming restitution, compensation or resettlement.

## RESTORATION OF ASSETS AND PROPERTIES TO TRADITIONAL RULERS

1. The Traditional Rulers (Restitution of Assets and Properties) Act, 1993 returned assets and properties specified in its schedule to Traditional Rulers. It stipulated that those not included in the schedule, be returned following negotiations between the government and the traditional rulers. In the case of the Buganda Kingdom, the properties being negotiated for return include: the estimated „9,000 square miles‟, the 1,500 square miles of forests, and the 160 square miles of official estates at county and sub-county headquarters in Buganda confiscated by the central government in 1967 and vested in the Uganda Land Commission. It is necessary to expedite the conclusion of this legal process based on agreed principles with the central government, not only for the Kingdom of Buganda, but for all the Kingdoms including Bunyoro and Busoga, that have put forward demands. There is also need to streamline the ownership and management of properties returned to the institution of the traditional rulers.

**Policy Statements**

1. **(a) Government, upon proof of claims, shall conclusively return all properties of traditional rulers confiscated in 1967, as provided for under the Traditional Rulers (Restoration of Assets and Properties) Act (Cap 247);**

**(b) Land and properties restored to Traditional Rulers, on behalf of their subjects, shall be used and managed for the common good of the subjects of the Traditional Ruler as public trust properties.**

**Strategies**

1. For all properties returned to Traditional Rulers, measures will be taken to:
   1. Draw a clear distinction between Traditional Rulers‟ personal land and property and that belonging to the Institution which is held in trust for their subjects;
   2. Ensure the observance of a fiduciary relationship as trustees in respect of properties returned to Traditional Rulers for the common good of their subjects;
   3. Ensure that occupiers of restored lands are protected from illegal evictions; and
   4. Prepare an inventory showing the location of such land restored and the nature of any beneficial interest held by persons in occupation thereby.
2. For all properties yet to be returned to Traditional Rulers, Government will take legislative and administrative measures to:
   1. Develop principles on which negotiation for the conclusive return of properties of Traditional Rulers will be based;
   2. Negotiate conclusively with Traditional Rulers for the return of assets and properties confiscated in 1967;
   3. Expedite the negotiation process for the return of 160 square miles of official estates, 1,500 square miles of forests and “9,000 square miles” to the Kingdom of Buganda; and
   4. Expedite the negotiation process for Kingdoms that have articulated claims for the return of their properties.

## LAND FRAGMENTATION

1. Excessive fragmentation of land affects production potential as estates of land shared amongst beneficiaries are divided into uneconomic sub-units and un-productive dimensions. Fragmentation hinders consolidation, organization and/or appropriate acreage in farming. In densely populated areas such as highlands, it has led to land degradation as land is used every season without replenishing the soil nutrients. Land fragmentation has decreased the land per capita in an environment where productivity is not rising fast enough to maintain the production needs of Uganda’s fast-growing population. It is important that an awareness and understanding of the causes, trends and impacts of fragmentation is created. There is need to put in place mechanisms to prevent fragmentation and its negative consequences.

**Policy Statements:**

1. **a) Government shall regulate the practice of land fragmentation and mitigate its negative consequences.**
2. **Government shall set minimum land sizes for rural and urban land to promote orderly development;**

**Strategies:**

1. To regulate land fragmentation, Government will take measures to:
   1. Develop guidelines to:
      1. Control land fragmentation by setting minimum acreage to be subdivided;
      2. Regulate sub-division of land in urban and rural areas to optimize use, taking into account ecological and orderly development;
      3. Facilitate the periodic consolidation and re-adjustment of land parcels for optimal use in rural and urban areas;
   2. Provide incentives and rewards that encourage maintenance of optimal land sizes on privately-owned land;
   3. Ensure compliance with the laws and regulations for land use, both in urban and rural areas through sanctions and penalties;
   4. Institute public education on the consequences of land fragmentation and sensitize the public on the value of land as a wealth producer and a factor of production;
   5. Regulate land sizes in rural and urban areas by setting minimum sizes as a measure for controlling sub-divisions; and
   6. Promote farming systems and land-use practices that conserve and enhance land productivity in an environmentally sustainable manner.

## MEASURES FOR PROTECTION AND PROMOTION OF LAND RIGHTS

1. The vast majority of Ugandans may not be able to afford the cost of formally securing land rights under any of the tenure regimes recognized by law. Land rights delivery mechanisms and agents alone cannot be entrusted to guarantee tenure security to land users, especially the vulnerable. It is therefore necessary to put in place a framework that would ensure that land rights held by all Ugandans are fully and effectively enjoyed, even in the event of resettlement.
2. It is necessary to set minimum land sizes to avoid excessive sub-division of land, in rural and urban areas for orderly development.
3. The Land Act (Cap 227) allows for non-citizens to acquire interest in land under leasehold tenure for a maximum term of 99 years. The period is considered to be too long and a shorter lease period of 49 years is proposed as sufficient for most forms of investment to bear returns.

**Policy Statements**

1. **(a) Government shall develop and implement measures for effective assurance of enjoyment of all land rights by all citizens;**
2. **Non-citizens shall be granted interest in land only under leasehold tenure for not more than 49 years.**

**Strategies**

1. To support land rights, measures will be put in place to;
   1. Ensure land rights and land administration are integrated in the national school curriculum;
   2. Regulate the cost of land services delivery with regard to demarcation and registration;
   3. Ensure land delivery services are delegated to the local authority level as part of taking services closer to people;
   4. Ensure community management structures relating to land under customary tenure are strengthened;
   5. Promote participation of non-state actors and stakeholders in the protection of land rights and tenure security of communities and vulnerable groups;
   6. Ensure non-state actors involved in activities of the land sector are certified by the Ministry of Lands in accordance with the NGO policy; and
   7. Regulate land ownership by non-citizens by converting all rights and interests in land granted to non-citizens to leaseholds of not more than 49 years with the option to renew.

## LAND DISPUTES RESOLUTION

1. The land dispute management system does not recognize the inherent differences between disputes over land held under customary tenure and those held under other tenure regimes. There is no specific recognition given to traditional mechanisms for dispute processing or customary law as a normative framework for the processing of disputes under customary tenure. The Land Act (Cap 227) established an elaborate structure of land tribunals; however, the operation of these has since been suspended by the Judiciary due to limited resources and duplication of services with Magistrate Courts. Overlaps in dispute resolution institutions and the absence of a clear hierarchy have resulted in fora shopping by aggrieved parties. Access to timely, efficient and affordable dispute resolution mechanisms for efficient land markets, tenure security and investment stability in the land sector is imperative to realizing the vision and objectives of this policy.

**Policy Statements**

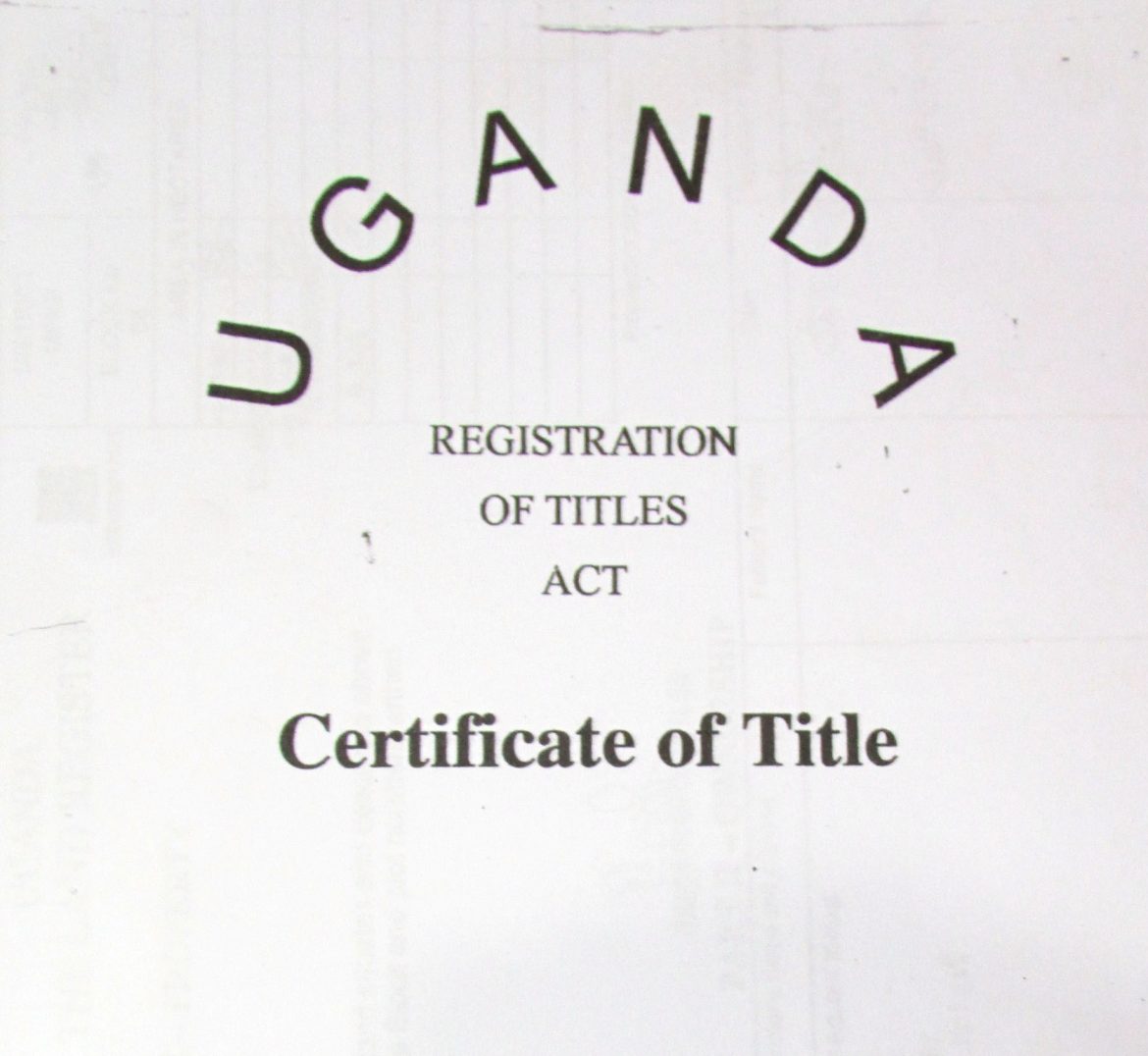
1. **(a) Administrative Land Tribunals will be reinstated, adequately resourced and facilitated to enable them carry out their constitutional mandate;**

**(b) Land disputes resolution mechanisms will be reformed to facilitate speedy and affordable resolution of land disputes.**

**Strategies:**

1. Legislative and other measures will be taken to:
   1. Ensure the operations of Land Tribunals are devoid of complex jurisdiction and litigation procedures usually associated with ordinary courts of law;
   2. Land Tribunals, shall in their administrative functions, be supervised by the Ministry responsible for Lands;
   3. Provide clear rules for application of law by land tribunals to permit hierarchal application of state and customary law depending on the circumstances, facts and characteristics of the dispute in question;
   4. Accord precedence to indigenous principles and practice in dispute management institutions in respect of disputes over land held under customary land tenure;
   5. Empower customary/traditional institutions to keep proper written records of all disputes dealt with under their jurisdiction;
   6. Define a clear hierarchy for dispute resolution structures to guarantee the finality and authoritativeness of decisions, subject to appeal to higher levels of jurisdiction;
   7. Provide free legal aid to the vulnerable sections of society through a system of partnerships and incentives to private and civil society organizations to deal with the ever-increasing land litigation; and
   8. Encourage and build capacity for alternative dispute resolution on land matters and application of principles of natural justice.

# [Procedure of acquiring a Land Title in Uganda](https://lubaproperties.ug/procedure-of-acquiring-a-land-title-in-uganda/)



Acquiring land and a valid land title is very easy when you follow the right procedure.

**Visit the Site**

The first step you need to take when purchasing land and acquiring land is a visit to the site and verify if the plot you are buying exists.

This visit also helps you appreciate the neighborhood, the geography, and other preferred features.

**Use a professional surveyor**

You have to verify the property size before executing the acquisition of the land title.

Get a professional registered surveyor to carry out a topographic survey of the land and confirm to you the size and shape as indicated on the title.

The surveyor will also identify the land boundaries and mark stones. And he will issue to you a survey report in that respect to avoid future conflicts with the neighbors.

**Payment of land title**

You must know if the payment rate for the title is a legitimate requirement and the seller should clear any pending debts on the property before completing the transaction.

The seller should present a clearance certificate for the land before it is transferred to the buyer, including the original land title, transfer documents if any, and consent to transfer. The seller organizes transfer documents to be executed by both parties.

These documents will only be accomplished following an issued consent to transfer by the commissioner of lands.

**Requirements for transfer**

When the registration course is done, the lawful possession of the land shall have legally changed hands there and then and have independent ownership.

For a legal transfer of ownership to take place, one needs:

* The original title deed of the land.
* Original stamp duty assessment forms, and receipt
* Duly stamped transfer documents.
* Clearance certificate.
* Stamp duty valuation report.
* Original land rates clearance certificate.
* Consent to transfer plus application for registration.