

A Fit-for-Purpose Approach to Register Customary Land Rights in Uganda

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SUMMARY

With about 43 million citizens and a rapid population growth, Uganda is densely populated. Much of the country features lakes, rivers and extensive wetland areas; these natural resources cover about 25% of the territory. Uganda's economy is agriculture-based, which has led to incessant conflicts over land and with protection of natural resources.

Approximately 80 % of the available land area is administered as customary land and only about 5 % of all the plots are registered with a land title. In the past, the implementation of land rights has been impaired by civil conflicts, demographic and sociocultural changes. Violent conflicts over land use and ownership still exist today.

The 1995 Constitution restructured the legal framework regarding land and has harmonized the statutory law on freehold and leasehold with established patterns of customary tenure. Insofar, customary tenure is at par with freehold tenure with the same degree of legality, but requires less registration effort. One could consider the procedures for customary land registration in Uganda already a Fit-for-purpose approach.

However, some provisions enshrined by the Constitution and the 1998 Land Act have not yet been implemented. This has mainly been due to lack of resources and the Government remains committed to actively implement parts of the Land Act, particularly with regard to customary tenure all over the country and tenancy by occupancy on Mailo land.

The users of both land right forms have been offered the possibility of Certificates of Customary Ownership and Certificates of Occupancy respectively. Unfortunately, the issuance of these certificates is associated with challenges. There are high levels of insecurity amidst the population

as the land legislation is not well-known. Consequently, the rural population do not have a secure access to land which, however, is a key factor in the fight against poverty and hunger.

The German Federal Ministry of Economic Cooperation and Development (BMZ) created the Special Initiative “One World, No Hunger” with the objective to eradicate extreme hunger and poverty. A component of this project is currently being implemented in northeastern Uganda as well as in central Uganda. Customary ownership rights and occupancy rights of tenants on Mailo land are documented by an inventory of the land claims using informal “land inventory protocols”.

Subsidized by the project, systematic mapping and documentation of land rights is carried out at sub-county level by teams comprising members of the respective Area Land Committees, village councillors, clan leaders, elders and field assistants. In view of the very intricate land issue sensitization and awareness creation of the community is paramount.

The process of data capturing and management of land rights data is based on open source software. Although the Land Inventory Protocols are a legally not binding evidence of the right to land they are supposed to trigger the recognition and registration of land claims by formalization of customary ownership respectively tenancy rights under the provisions of the Land Act. The project includes components of capacity development, sensitization and mobilization of communities, alternative land dispute resolution, recording and mapping of rights.