

**PILOTING OF SYSTEMATIC
ADJUDICATION, DEMARCATION
AND REGISTRATION FOR
DELIVERY OF LAND
ADMINISTRATION SERVICES IN
UGANDA**

KEY CONSTITUTIONAL AND LEGISLATIVE PROVISIONS ON LAND

Constitution of Uganda, 1995

- Land in Uganda belongs to the citizens of Uganda, and can be owned under customary, mailo, freehold or leasehold tenure.
 - Government may acquire land in the public interest.
 - Government or a local government shall hold in trust and protect natural lakes, rivers, wetlands, forest reserves, national parks and land reserved for ecological and touristic purposes.
 - Non-citizens may acquire leases.

KEY CONSTITUTIONAL AND LEGISLATIVE PROVISIONS ON LAND (Contd)

- Parliament is to make a law regulating the relationship between lawful or bona fide occupiers of land and registered owners of land
- Parliament is also to make a law providing for the acquisition of registered interest by lawful or bona fide occupants
- The Uganda Land Commission is to manage Government land
- District Land Boards and District Land Tribunals are to be established.

KEY CONSTITUTIONAL AND LEGISLATIVE PROVISIONS ON LAND (Contd)

- **Land Act, 1998**

Defines land tenure systems (customary, mailo, freehold, leasehold)

- Customary land owners may acquire a certificate of customary ownership for their land as conclusive evidence of their rights
- A person may apply for a freehold, or may convert their customary ownership to freehold
- Communities may form Communal Land Associations and manage common land under a Common Property Management Scheme

KEY CONSTITUTIONAL AND LEGISLATIVE PROVISIONS ON LAND (Contd)

- Tenants on registered land have security of occupation and can apply for a certificate of occupancy for the land they occupy.
- Spouses and children must consent to transactions in land where they usually live. For orphans, the Land Committee must give consent.
- A Land Fund is to be established to assist people to acquire registrable interests in land,
- Operationalises ULC, DLBs, Tribunals
- Requires establishment of DLOs, Sub-county Land Tribunals, and Parish Land Committees

KEY ISSUES FOR THE LAND SECTOR

- *Population growth*
- *Low rate of land utilisation*
- *Land Tenure Insecurity*
- *Low awareness of land issues*
- *Incomplete policy framework*
Inadequate capacity for service delivery

LAND ADMINISTRATION INSTITUTIONS

- **District Level:** District Land Boards, District Land Offices (Each with 5 professionals: Surveyor, Registrar of Titles, Land Officer, Valuer and Physical Planner), District Land Tribunals
- **Sub-County Level:** Recorders (Sub-County Chiefs), Sub-County Land Tribunals
- **Parish Level:** Parish Land Committees

GOVERNMENT ACTION

- Land Act Implementation Study
- Submission of Recommendations to Cabinet
- Development of a SAP for nationwide consultations
- Development of the LSSP

Amendments to the Land Act

- Land (Amendment) Act, 2001
- Land (Amendment) Act, 2004

SYSTEMATIC ADJUDICATION AND DEMARCATION

- the decision to demarcate will be based on local demand, not on central dictate
- where demand exceeds the capacity to deliver, areas will be selected according to agreed criteria of environmental, social or economic benefit
- the level and nature of rights to be demarcated will be determined at local level by affected communities in order to reflect local circumstances
- all those affected will have the right to equal protection throughout the adjudication and demarcation process

SYSTEMATIC ADJUDICATION AND DEMARCATATION (Contd)

- the process will be transparent and accountable and communities and individuals will have the right to contest decisions of the adjudication team
- The systematic demarcation approach will be piloted during Phase One and outcomes monitored carefully. Where appropriate, the approach will be broadened to incorporate other techniques including land readjustment, participatory land use planning, valuation.
- SD has to be justified in the National Dev. agenda

SYSTEMATIC ADJUDICATION AND DEMARCATION – Procedure in Pilots

- Baseline Studies
- Mobilisation and Sensitisation
- Training
- Adjudication and Demarcation
 - Notification for Conducting Exercise
 - Sensitisation (Continuous)
 - Adjudication and Dispute resolution

SYSTEMATIC ADJUDICATION AND DEMARCATATION – Procedure in Pilots

- Clearing of Boundaries
- Marking of Boundaries
- Equipment Selection (*)
- Measurement
 - Data to be collected on Data Collection Form

Other Activities

- Topographic Survey of Trading Centres for Physical Planning purposes
- Editing of Information
- Public Display after drawing of cadastral maps

Achievements

- Developed Guidelines and Training Manual for Systematic Demarcation
- Developed Sensitisation materials for SD, including translations
- Trained personnel in GPS applications for SD in Univ. of Florida
- Together with Datagrid Inc., customized GPS equipment for use in SD
- Started the process of development of a database management system to ease data collection and management of SD data

Achievements (Contd)

- Most of the land disputes were resolved
- Topographic surveys were carried out for physical planning of the TCs
- Exposed to stakeholders including policy makers the need to come up with guidelines on for example: Restriction on parcel sizes, provision of access to parcels,
- Finally the SD in Rukarango enabled the staff of MWLE acquire vital learning experiences that is being studied and bettered to enable SD in the other parts of the country

Challenges

- Capacity both in terms of personnel and equipment to deliver services for SD
- Inheritance issues in areas where Land Registers are not up to date
- Ability of all stakeholders take up their roles and responsibilities
- Sorting out complex issues related to previously unsurveyed parcels
- Addressing the legal and regulatory framework

Future Plans

- Development of a database management system
- 6 new pilots, baselines carried out, ready to start
- Certification or Registration of land rights
- Possibility of scaling up under WB project – private sector involvement