



CIVIL SOCIETY POSITION PAPER ON AMENDMENT OF THE LAND ACT CAP 227

Introductions

This paper was developed after a consultative meeting with different stakeholders including Civil Society Organizations, Religious Leaders, Traditional Leaders. The consultative meeting was organized under the auspices of the National Land Coalition with financial support from OXFAM Uganda, PELUM Uganda and Food Rights Alliance.

The meeting was organized with the purpose of generating comments from the different stakeholders to input into the on-going amendment of the Land Act Cap 227.

Special Acknowledgment

The culmination of this CSO position paper has been a rigorous participatory process involving Action Aid Uganda, OXFAM in Uganda, Uganda Community Based Association for Women and Children's Welfare(UCOBAC), , Participatory Ecological Land Use Management Uganda (PELUM Uganda) , Food Rights Alliance(FRA) , Shelter and Settlements Alternatives(SSA), Africa Center for Media Excellency(ACME), Action For Awakening For Women In Rural Environment(AWARE), Central Archdiocesan Province Caritas Association(CAPCA), Eastern Archdiocesan Development Network(EADEN), Transparency International Uganda(TIU), Resource Rights Africa(RRA) , Karamoja Development Network (KDN), LANDnet Uganda, Land Justice Network, Land and Equity Movement Uganda (LEMU), Eastern and Southern Africa Small Scale Farmers Forum (ESSAF), Safer World Uganda, Witness Radio, Network for Public Interest Litigation(NETPIL), Oil Refinery Resident Association Hoima , Local Sustainable Communities Organization(LOSCO), Uganda Land Alliance(ULA), Uganda Parliamentarians Land Management Forum(UPLMF)



, Legal Aid Service Providers Network, Life Concern, Women Land Rights Movement, Stand For Her Land , Youth Plus Policy Network with technical guidance and stewardship from the National Land Coalition Uganda .

We further acknowledge the participation of representatives from Traditional Institutions who included; Alur Kingdom, Buganda Kingdom, Iteso Cultural Union and Ker Kal Kwaro Acholi

The Civil Society Fraternity would like to thank the Government of Uganda through the Ministry of Lands Housing and Urban Development for undertaking the initiative to amend the Land Act Cap 227 to meet up the current land situation in Uganda.

In light of the centrality of land in the lives of Ugandans, we welcome the amendment of the Land Act Cap 227 especially given the fact that it attempts to put land rights of Ugandans at the center of the Amendment.

The Amendment of Cap 227 especially the 8 priority issues for reform is very critical and will enable the protection of land rights of Ugandans.

GENERAL OBSERVATIONS

- Concerns were raised by the participants in regards to the lack of context in the areas highlighted by the Ministry as being considered for amendment or initial inclusion in the Land Amendment Act. Although they were informed by their experience as practitioners, there was some room left for speculation.
- Participants also requested that particular attention is paid to the extracting and including grassroots women voices and ensuring that they are at the center of all reform processes.
- Concerns were raised that previous mistakes in the law reform process were being repeated. Good practice demands that policy informs law review and reform. Members noted that the National Land Policy having been in place for ten years, it is prudent to have a review of the policy prior to commencing the amendment process of the Land Act so that the right order is followed.
- It was highlighted that traditional leaders play a very critical role in customary land management and dispute resolution and the



Ministry needs to utilize this process as an opportunity to address the gaps and anomalies within the law.

- The Ministry was commended for recognizing the centrality of CSOs in ensuring diverse views and opinions were collected however, it was noted that there is still need to emphasize participation and consultation of the people who are the subject of the enforcement of the law. It was proposed that the Ministry of Lands, Housing and Urban Development devise a strategy to inform consultation, participation and inclusion of the views of the people given the sensitivity of the issue.

ANALYSIS AND RECOMMENDATIONS ON THE PROPOSED AREAS OF REFORM IN THE LAND ACT, CAP. 277

Proposed area of reform	Problem	Proposals/Recommendations	Justification for recommendations
<p>1. Proposals to strengthen the rights and obligations of lawful and bona fide occupants on registered land to curb illegal land evictions by amending the Act to provide for the following-</p>			
<p>i. Where to deposit nominal ground rent (Busuulu) in instances where the landlord is absent; rejects the ground rent; and where the landlord cannot be found.</p>	<p>Elusive landlords who refuse to accept nominal rent.</p>	<p>Deposit money with the recorder at the sub county and be issued with a receipt.</p> <p>Additional Notes</p> <p>There is a need to provide a clear definition of an absentee landlord.</p>	<ul style="list-style-type: none"> • Policy statement 46(2) National Land Policy • Presidential directive April 10th, 2019, on payment of Busuulu to the sub county. https://www.monitor.co.ug/uganda/news/national/museveni-asks-landlords-to-get-busuulu-at-sub-counties-1819108 • Section 6 of the Local Government Act makes the sub counties corporate bodies that can open accounts.



		<p>Guidelines be put in place for the management of the funds and create a process of due diligence at the sub county to handle payments.</p> <p>The government should give a deadline for all absentee landlords to appear and register or risk losing all their land.</p>	<ul style="list-style-type: none"> ● According to Section 26 (k), Local Government Councils can or may carry other functions which may be imposed by law. ● The Sub County is more accessible.
<p>ii. The Registration of landlords and their respective tenants through a register that shall be kept at the Sub-County.</p>	<p>Documentation of land transactions is weak thereby affecting land administration and dispute resolution.</p>	<p>Establish a landlord and tenant register.</p> <p>Make it mandatory for tenants and Landlords to be registered.</p> <p>The recorder shall update the register annually and notify the</p>	<ul style="list-style-type: none"> ● The register will support the administration of transactions on mailo land that affect lawful and bonafide occupants. ● The Land Inventory Protocol Project by GIZ. ● Take a leaf from 'Kyapa MuNgalo' and the Certificate of Ownership (COO). ● https://www.newvision.co.ug/category/news/bibanja-holders-receive-certificate-of-occupa-133083



		<p>registrar of titles of changes.</p> <p>The register should be synced to the NLIS.</p> <p>We suggest that the register include information such as acreage of land, developments on the land, location, marital status, next of kin, telephone number, email.</p>	<ul style="list-style-type: none"> ● Presentation on the “UNLOCKING THE IMPASSE IN MAILO TENURE THROUGH ISSUANCE OF CERTIFICATES OF OCCUPANCY (COO) IN UGANDA: THE CASE OF MITYANA, MUBENDE AND KASANDA DISTRICTS UNDER THE GIZ- RELAPU MAILO PROJECT BY NAOME KABANDA.” Available at https://archive.uneca.org/sites/default/files/uploaded-documents/CLPA/2019/presentations/naome_justine_bakanansa_kabanda.pdf
<p>iii. Establishment of Mediation Committees in Landlord-tenant areas to mediate disputes.</p>	<p>Court cases take too long for judgements to be made in addition to existing structures that are non functional.</p> <p>There is political influence of the RDC office in mediation.</p>	<p>Incorporate mediation in existing structures e.g., ALC.</p> <p>The government shall institute LC II courts as mediation committees and co opt parish chiefs.</p>	<ul style="list-style-type: none"> ● Access to justice because of the proximity of the Local councils. ● Refer to the Parish Development Model. ● Policy statement 44 Strategy 45(3) National Land Policy.



<p>iv. The mandatory visiting of locus by judicial officers in all cases before an order of eviction is granted.</p>	<p>The Locus is not legally provided for, only upon the discretion of the judicial officer.</p>	<p>Make mandatory locus visits for all cases issuing an eviction order.</p> <p>The fees for this be standardized, reasonable and paid in the bank.</p> <p>The costs of the locus visits should be footed by both parties.</p> <p>Include a requirement for notice of the locus visit in conspicuous places in the area within which the land is situated.</p>	<ul style="list-style-type: none"> ● Provide evidence-based judgements. ● This will provide uniformity in practice. ● Practice Direction No.1 of 2007 already provides guidance for courts to visit the locus in quo during the hearing of land disputes although it is not mandatory. There is a need to make this compulsory.
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<p>v. Reviewing the provisions on ground rent to provide for economic rent in urban areas as opposed to nominal rent in rural areas.</p>	<p>Landlords are not benefitting from their land</p>	<p>The Act should retain nominal rent while economic rent should cut across rural and urban areas.</p> <p>Implementation of the section for the revision of the nominal rent should reflect the realities of current times.</p>	<ul style="list-style-type: none"> ● Make the socio-economic relationship of land interest and provide economic incentives to the landlords. ● National Land Policy Strategy 46(1).
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2. Amending the Land Act to streamline the functionality of Land Management institutions namely; District Land Boards, City Land Boards, Areas Land Committees, District Land offices and traditional land management institutions in respect to the following:



<p>i. Inspection, allocation, and management of land in districts and cities.</p>	<p>Unregulated creation of new administrative units.</p> <p>Power struggle between the District Land Boards and City authorities in the inspection, allocation, and management of land in Districts and cities.</p> <p>Undefined land of the land owned by the Districts and the Uganda Land Commission.</p> <p>Information gap on the allocation, inspection, and management of land in the face of creation of cities and town councils</p> <p>Church, schools, social amenities/institutions being prone to land grabbing.</p>	<p>An inventory of land under districts and cities should be created and published.</p>	<ul style="list-style-type: none"> ● Policy statement 26 (v) of the National Land Policy ● Policy statement 27(1) of the National Land Policy ● Sec 4 (a) of the Local Government Act. ● The cities are created from the district lower local council. The Land remains the same, the cities do not expand the land and thus the District Land Boards could still handle land matters. Therefore, the mode of operation should be like that of Municipal councils with districts. <p>Institutions have lost land due to lack of inventory in formal structures such as districts thus are prone to grabbing.</p>
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<p>ii. Reviewing membership and qualifications for members of Land Management Institutions taking into account the new administrative boundaries of cities and districts.</p>	<p>There is social and gender exclusion in the current land management committees' composition with at least one being a woman. This limits the number of women on the committee and other stakeholders.</p> <p>Limited participation of other interest groups, cultural institutions and CSOs with experience in land management</p> <p>Lack of a well-defined selection criterion for the selection of the</p>	<p>We propose to have at least 2 slots be held by women of the committee for equity and fairness.</p> <p>We propose the amendment of the constitution to increase the number of the team from 7 as a minimum to 9 to include other interest groups, cultural institutions and CSOs with experience in land management.</p> <p>We propose a well-articulated criteria and</p>	<p>This will ensure equal representation of women in all structures.</p> <p>Section 64 of the Land Act.</p> <p>Section 65(2) of the Land Act.</p> <p>The practice of the members of the DLB being recommended by the District Executive Committee and approved by the district council is currently not backed by law.</p>
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	<p>land management committees.</p>	<p>qualifications for the committee members and Constitute a technical committee to oversee the selection and vetting process of those who meet the qualifications.</p> <p>For the DLB:</p> <p>The Chairperson-Graduate (DLB)</p> <p>Members- At least UACE with some knowledge on the local context of land.</p> <p>FOR THE ALC:</p> <p>Review Section 67 of the Act to provide for the secretary of the ALC, the committee shall among themselves appoint this secretary.</p>	
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		<p>Review Section 65(1)(c) to provide the qualifications of the Chairperson and Secretary. The chairperson and secretary should have a minimum of UACE or its equivalent.</p> <p>They should have knowledge on the local context of land.</p> <p>Amend the law to increase the number of women representatives to at least 2 women.</p> <p>The law should prioritise the remuneration for the ALC, DLB.</p>	
<p>iii. Establishing City Land Boards and their membership.</p>	<p>There is Power struggle between the District and</p>	<p>Enhanced working relationship between district and municipal councils. This</p>	<p>Section 4 of the Local government Act</p>



	City interim land management authorities	could be replicated where cities have been established	
iv. Providing for approval of District/City Land Boards by the Minister responsible for Lands upon appointment by District Councils. (In printing of the Land Act Section 58(1) was inadvertently omitted yet it was passed by parliament).		Set timelines within which the districts appoint, and the Ministry gives final approvals.	
V. Reviewing the qualifications, roles, and responsibilities of	Lack of secretaries to the District/City Land Boards in some Districts	Include the Secretary Land Board as mandated by	<ul style="list-style-type: none"> The secretary land board should be a full-time officer who from day-to-day handles matters of land. This will enable timely outcome of land processes.



<p>the Secretary to the District/City Land Board.</p>		<p>law in Districts without.</p> <p>The secretary should be a technical person, minimum of a graduate with knowledge and experience in land matters.</p> <p>Roles of the Secretary</p> <p>He/she should be able to give technical advice where the board may go astray. Disseminate in a timely manner, the</p>	<ul style="list-style-type: none"> • The fact that the technical officers are graduates, the secretary needs to be one who can match the standards. • Taking minutes is a small function for a graduate. Additionally, there is a lot that is required in administrative management of the board. Therefore, the secretary and board must be able to plan, budget and coordinate the day to activities of the board. The budget and workplan can be embedded in the district work plan.
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		<p>minutes or the report.</p> <p>Take responsibility for planning and budgeting for the land board.</p> <p>Ensure minutes are ready, mobilise the quorum, and technical guidance in terms of governance.</p>	
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<p>Vi. Reviewing the role of City/District Land Boards in relation to compensation rates.</p>	<p>The evaluation team has never been seen on ground and the community is ignorant on how to get compensated.</p>	<p>The law should provide for the DLB and ALC to conduct consultations in determining the compensation rates.</p>	<ul style="list-style-type: none"> • Just like the planning process is from lower councils upward, compensation rate procedure could be a process that begins with the communities every year.
<p>Vii. Providing for the role of Chief Government Valuer in approval of compensation rates.</p>	<p>Human and financial resource constraints at the CGV office.</p> <p>Some districts take more than a year when their rates have not been reviewed.</p>	<p>The function of approval of rates by the CGV should be decentralized at the level of the MZO.</p> <p>The CGV should be left with the role of approval.</p> <p>The timelines for approval should be three months.</p>	<ul style="list-style-type: none"> • 2014 report by the CGV shared their incapacities so the more we pile work unto them, yet they do not see how big their mandate is; the technical aspect, for the international projects, government has ceded its responsibility the compensation to the IPs and so they take on the role of valuation. • The Compensation policy talks about an assessor and this one can be appointed co-opted to determine the valuation leading to compensation. So, is there a way of reducing the role of the CGV, it would help. • https://www.acode-u.org/uploadedFiles/PRS75.pdf



			<ul style="list-style-type: none"> • https://laspnet.org/joomla-pages/reports/research-reports/527-report-on-situational-analysis-on-compulsory-land-acquisition-management-in-uganda/file
Viii. Reviewing the mandate of technical officers at the District Land office vis-a-vis the technical officers at the Ministry Zonal Offices.	Having created MZO's and some district positions like cartography being taken to the zonal level, the Act remained silent on the roles of the MZO though in practice is operational.	Provide for the composition and functions of the District Land Office and MZOs.	<ul style="list-style-type: none"> • The creation of the zonal offices brought some changes that are not reflected in the Act
Ix. Providing for the Role of Chief Administrative Officer/Town clerk in the management of Land under their jurisdiction as provided for under the Public Finance	The CAO's role seems unseen in the Act yet they are the head of civil service at district level and the accounting officer.	His roles should be as follows: To ensure that the provisions of the law and policies are well implemented and made	<ul style="list-style-type: none"> • The Physical Planning Act 2010 makes CAO the chair of the physical planning committee. This should be reflected in law. • The secretary land board reports to CAO so the roles of the CAO should be indicated clearly.



<p>Management Act., 2015.</p>		<p>known to the district council.</p> <p>Advise the council on matters relating to land administration regarding ALC and DLB</p> <p>To supervise and appraise the secretary land board</p>	
<p>3. Amending the Act to provide for establishment of a Customary land register and create the proposed Customary Certificate of Title in the National Land Policy 2013 as a form of registration</p>	<p>The Land Act and regulations place very low requirements on the capturing of spatial data, survey and mapping of customary land and do not take into consideration advancements in technology.</p>	<p>Provide for the establishment of the customary land register.</p> <p>Amend the Act to repeal Sec 9 on conversion of customary tenure to freehold tenure for individual land.</p>	<p>Participation of traditional leaders or recognised elders will lighten the burden on the traditional court system’s labour and cost.</p> <p>A halt on conversion of customary land will facilitate the evolution of customary tenure and eliminate chances of its elimination.</p> <p>Including a restriction on sale on the CCT allows for the land to be preserved for future generations and eliminates the possibility of creating a large landless class of people.</p>



<p>for land held under Customary Tenure.</p>	<p>Fit-for-purpose approaches that have been piloted facilitate documentation of land rights. However, there is a lot of disparity in data collected, making its integration not the national land information system difficult.</p> <p>Currently there is no unique identifier used for customary ownership, such as block, folio, and plot numbers.</p> <p>Traditional and cultural leaders do not have specific roles and responsibilities in the administration of customary land.</p> <p>The current system cannot provide adequate tenure security to the occupants.</p>		<p>The National Land Policy, statement 39 and strategy 40(ii) provides for the issuance of customary certificates of title based on a customary land register.</p> <p>There is need to elevate the CCO to a CCT backed by state guarantee to ensure similar safeguards enjoyed by those under other tenure systems equally benefit those with customary land.</p> <p>There is a need to improve the current land records management system for customary land to ensure the Customary Tenure Register is an accurate portrayal of the state of the land at all times.</p>
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	<p>High chances of land fragmentation due to population growth and inheritance.</p> <p>High prevalence of land conflicts because of ill-defined boundaries.</p> <p>The need to manage increasing externalities such as urban development.</p>		
<p>4. Providing for the management, allocation, renewal, surrender and variation of leases under the Management of Uganda Land Commission, District Land Boards and City Land Boards.</p>	<p>There is an overlap in the implementation of the activities involved in the issue.</p> <p>The Uganda Land Commission does not have an inventory thus makes it hard to execute the roles mentioned in the issue.</p> <p>Lack of independence of the Uganda Land Commission.</p>	<p>Amend the constitution and the Land Act to provide for the appointment of the members of the ULC, approval by the service commission and approved by parliament.</p> <p>Provide for the establishment of independent city land boards for better implementation.</p>	<p>Looking at the establishment of the cities, there is a need to plan and have in place the specific structures to ensure the people have the services that are needed.</p> <p>(Kampala Capital City Authority v Kampala District Land Board and 4 Others (Civil Miscellaneous Application 332 of 2019) [2021] UGHCLD 30 (21 January 2021))</p> <p>https://www.monitor.co.ug/uganda/news/national/hundreds-evicted-as-land-disputes-escalate-1702668.</p> <p>ULC will now be able to execute the roles identified in the issue and this will reduce cases of land evictions.</p>



		<p>The law should create an inventory as per the NLP 2013, strategy 27 subsection 3 that provides for establishment and maintaining an inventory of government and public land.</p> <p>Three years public notice be given on the expiring leases.</p>	<p>https://www.business-humanrights.org/en/latest-news/uganda-families-violently-evicted-land-rights-defenders-criminalised-to-make-way-for-plantations/</p>
<p>5. Providing for land use planning in Land Administration.</p>	<p>. Development control has become a challenge due to plot subdivisions that do not conform to physical planning standards and guidelines.</p> <p>. The designed standards of roads, water systems, space sizes of schools, land requirements,</p>	<p>. Provide for offences/ penalties for any land transactions by DLBs, landowners/ investors that do not conform to the physical development plan of that areas. These penalties should be levied on the individuals and not DLB as an entity.</p>	<p>Section 51 of the Physical Planning Act 2010 forbids the subdivision, consolidation of land, renewal, or extension of leases by the District Land Boards without approval by the relevant Physical Planning Committees.</p> <p>The physical planning act 2010 as amended declares the entire country a planning area under section 3.</p> <p>It was also noted that there is need for a coordination mechanism between the Physical Planning Committees, the District Land Boards and the Uganda Land Commission to</p>



	<p>community open recreational spaces and other lee ways for other infrastructure such as drainage, power and communication channels are in most cases not followed by developers and landowners.</p> <p>. Delays in physical development plan processing and approval due to issues related to land ownership. This has led to many people constructing houses not following physical development plans of the area.</p> <p>. The landowners are reluctant to surrender land for communication channels and recommended plot sizes.</p> <p>. Much as the physical planning (amendment) Act 2020 declares the entire country a planning area,</p>	<p>. Provide for the roles of the physical planning committees in land administration processes.</p> <p>. Provide landowners' and ALC embracing participatory planning to reduce cases of compensations and engage other stakeholders to mobilise resources for road opening activities, since this is one of the key stages in achieving well-planned neighbourhoods.</p> <p>. Provide for mechanism of tracking submitted development applications to avoid unnecessary delays and endeavour to approve development requests within 30 days. Local governments should also</p>	<p>ensure that land administration decisions are informed by physical planning. (Auditor General's report 2015)</p> <p>The public constitutes mainly potential developers and residents of the different towns. These potential developers must ensure that developments they undertake are in line with the approved PDPs and development permission given by the physical planning committees. The town and city residents on the other hand participate in planning activities through attending sensitization meetings, commenting on draft plans before approval, furnishing the planning authority with public planning expectations, and expecting well planned and well-developed neighbourhoods, towns, and cities.</p> <p>Section 12(a) of the Physical Planning Act 2010 requires urban physical planning committees to detail the physical development plans. The detailed plans operationalize the provisions of the main PDPs. Physical development plans are detailed in order to come up with smaller, integrated plans which are implementable in a shorter time in order to realise the long-term objectives of the main physical development plans.</p> <p>According to the circular issued to all urban authorities on the implementation of the Physical Planning Act (circular ref ADM/45/02), one of the cardinal functions of the Physical Planning Committees is control of developments which</p>
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	<p>many landowners are not aware of this and have continuously referred to only the constitutional provision of “land belongs to the people” thereby disregarding the physical planning act.</p> <ul style="list-style-type: none"> . The institutions are weak and are not implementing the laws. - DLBs and ULC allocate Municipal and urban lands in disregard of the Municipal land use plan, a situation that has created illegal developments. . Many land developers have acquired land on environmentally sensitive areas. . Although the municipalities have approved Physical Development Plans (PDPs), these plans have not been detailed to translate them 	<p>consider establishing minimum criteria for acceptance of development applications at the time of submission.</p> <ul style="list-style-type: none"> . The Ministry of Local Government should liaise with other stakeholders to expedite efforts to address physical planning capacity gaps and raise the significance of physical planning in the local government land administration structures. . There should be a designation for land for agriculture, pastoralism, and food production in the design of the land use plan, regardless of the land size. . The government should have land use 	<p>includes: Dealing with development applications for grant, refusal or deferment of development • permission, Subdivision or consolidation of land, • Enforcement.</p> <p>In a circular (ADM/45/2) issued to all Town Clerks on the implementation of the Physical Planning Act, the Permanent Secretary (MLHUD) called for coordination mechanisms among the District Land Boards (DLBs) and Area Land Committees (ALCs) on one hand and the Physical Planning Committees on the other hand to ensure that land administration decisions are informed by physical planning.</p> <p>Section 97 of the Local Government Act mandates the Ministry of Local Government to provide technical and other forms of support to urban authorities during the implementation of the Physical Development Plans by the different Urban Authorities. The technical support provided by the Ministry includes: technical guidance, training, and technical support in the implementation of the Physical Development Plans.</p>
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	<p>into smaller and implementable plans to guide developments in the different parts of the urban authorities. In some cases, the municipalities had detailed less than 20% of the total planning area.</p> <p>Uganda is predominantly an agricultural country and when taking land use planning, agriculture is assumed will happen. If we are in some towns and LGs like Wakiso to approve a structural plan, we must indicate parking lot, but this is not mandatory to indicate the green spaces eg front or backyard gardening and this is why people are invading all lands to cut small pieces because land for agriculture is not mandatory in our physical plans</p>	<p>contracts to use land on conditions (Refer to Contract and Block farming Bill)</p>	
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<p>6. Providing the role of traditional leaders in land dispute resolution.</p>	<p>The Land Act sec 88 provides for the role of traditional leaders as mediators and those that settle land disputes only. Sec 3(e) is also too broad and needs to be broken down into subsections.</p> <p>The traditional guidelines are not recognised as legally binding documents.</p> <p>Forum shopping, the decisions of the traditional systems are not binding in the state systems.</p>	<p>The law should be explicit on the role of traditional leaders to include not only mediation but also adjudication of land cases.</p> <p>Section 88(2) should be amended to provide for adjudication by the traditional justice before referral to formal courts as an appeal.</p> <p>Development of guidelines for the traditional leaders to use during adjudication.</p> <p>Harmonisation of the state and traditional justice systems- The traditional justice systems should be the court of first instance in</p>	<p>The Traditional leaders can only mediate land disputes and yet they can do more under land dispute resolution.</p> <p>The Rules and regulations have been documented by the different customs and in use However, they are not legally binding and are overruled by the formal justice systems. Eg; The ICU and Ker Alur has PPRR,</p> <p>There is an overlap of the two systems that causes forum shopping, conflicts, and wastage of finances.</p> <p>Whereas Sec 88 provides for the role of traditional authorities in mediation and settlement of land issues arising from the customary tenure, the hierarchy and authority is not provided for.</p> <p>As of now the law in Sec 88 only provides for traditional authority to handle matters arising from customary tenure.</p> <p>The traditional leaders should be in position to enforce their decisions, this will cure forum shopping e.g., on eviction cases.</p>
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	<p>The traditional leaders do not have jurisdiction.</p> <p>Traditional leaders are only restricted to handling issues of customary tenure.</p> <p>The decisions of traditional leaders are not enforced.</p>	<p>customary land matters (ADR and Settlement)</p> <p>The law should provide jurisdiction of traditional leaders in determining matters of civil nature.</p> <p>The law should provide for the traditional authorities to have the powers to enforce their decisions because Sec 88 limits them from exercising their decisions.</p> <p>We propose that the law should make it mandatory for the</p>	<p>The provision in Sec 3(e) is not being enforced to include traditional leaders in all land transactions.</p> <p>The National Land Policy strategy 66 sub section (IV) that provides for 'Restore the power of traditional leaders in matters of land administration conditional on their sensitivity to the rights of vulnerable groups/women.'</p> <p>The Uganda Law Reform Guidelines on harmonization of the formal and informal justice mechanisms.</p> <p>These are spontaneous in nature, and this defeats the principles of equity and fairness and encourages corruption.</p>
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	<p>Unregulated fees structures in the traditional systems.</p>	<p>involvement of traditional authorities in all customary land transactions.</p> <p>The law should provide a stand-alone section providing for the involvement of traditional institutions in all land transactions. -</p> <p>Any land transaction without the involvement of traditional authorities should be null and void.</p> <p>The law should provide for a reasonable fee structure for resolution of land disputes by the traditional leaders.</p>	
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		<p>There should be set standards since customs are diverse and so a conversation about how to have different customs procedures standardised should be held in relation to land management.</p> <p>There is a need to look at the commonalities in culture that can be adopted in the national law.</p>	
<p>7. Reviewing membership, powers, and regulations on Communal Land Associations.</p>	<p>The Act provides incorporation of officers at managing committee, and the names of 9 members reflected in the certificate gives them a legal right to land.</p> <p>The Act provides that an association can be formed when not less than 60% of</p>	<p>Amend section 18, to read incorporation of the association not the managing committee.</p> <p>The Land Act should be amended to provide for not less than 80% of the group forming the CLA</p>	<p>Vesting more powers to the association is to ensure that the interests of the community are taken into consideration than for managing committee.</p> <p>Community inclusion and involvement in decision making is one of the key tenets of good governance.</p> <p>Requiring the majority of Quorum ensures that input into the</p>



	<p>the group forming the CLA determines to incorporate themselves. 40% of landowners who may not be willing to be part of the CLA and will be subjected to a model of governance they did not agree to.</p> <p>Section 17 of the land Act provides for preparation of a constitution of an association by elected committee, The risk is that the members have the power to include anything in the constitution, since there is no involvement of the community.</p> <p>Section 19 vests a lot of power in the committee members</p>	<p>and development of the constitution.</p> <p>Quorum level to be provided in the Act to provide input into the constitution.</p> <p>The Act should provide for term limits for the elected committee members.</p> <p>Powers should be vested in the association not the managing committee.</p>	<p>constitution is representative of the collective will and interests of the people.</p> <p>The association represents the collective interests of its members and decisions should be made through consensus.</p> <p>Registrar of titles roles and responsibilities will be clearly defined</p>
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	<p>Registrar of Titles are given too much power and many districts do not have registrars.</p>	<p>Create under the Act a supervisory body for registrar of titles within the districts.</p> <p>We propose regular (Annual) updating of the members register.</p>	
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LEMU SELECTED PUBLICATIONS ON CUSTOMARY LAND.

<https://land-in-uganda.org/wp-content/uploads/2022/06/Land-and-Equity-Movement-in-Uganda-Policy-Doc-2-Titling-customary-land.pdf>

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