



**REPORT ON CUSTOMARY LAND
STAKEHOLDERS' CONTRIBUTION TO THE
REVISION OF THE 2025 NATIONAL LAND
POLICY
HELD ON 15TH AUGUST 2025 AT
HOTEL AFRICANA, KAMPALA**



Prepared by: The National Land Coalition Uganda



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INTRODUCTION.

In February 2023, the National Land Policy (NLP) reached its tenth anniversary, thereby becoming subject to review in accordance with policy requirements. The Ministry of Lands, Housing and Urban Development initiated the review process and engaged a team of consultants to undertake the assessment and revision of the 2013 National Land Policy. Several drafts of the revised policy were subsequently produced, accompanied by a series of stakeholder consultations. At the time of this engagement, the revised National Land Policy had progressed to the 7th draft.

A broad spectrum of stakeholders contributed to the review process, including women's organizations, civil society actors, government ministries, departments and agencies, and representatives of various tenure systems such as the Mailo Land platform. These contributions were shaped by diverse institutional and constituency interests. Given that an estimated 70 – 80 percent of land in Uganda is held under customary tenure, it was considered imperative that customary landowners and holders participate meaningfully in the process to ensure that their perspectives were adequately reflected in the revised policy.

Against this background, the National Land Coalition (NLC) Uganda, at the request of the Ministry of Lands, Housing and Urban Development, undertook the mobilization of stakeholders on customary land matters. In partnership with Oxfam Uganda, NLC Uganda convened a one-day stakeholder meeting dedicated to the provisions on customary tenure in the revised National Land Policy. The primary objective of the meeting was to mobilize and facilitate contributions from actors engaged in customary land governance and to critically analyze the proposed policy provisions on customary tenure.

The meeting brought together a wide range of stakeholders, with the six consultants responsible for revising the National Land Policy invited to present the proposed provisions on customary tenure. The forum provided an opportunity to identify priority areas for intervention and to consolidate stakeholder input into the ongoing policy review process.

Objectives of the Meeting

The overall objective of the meeting was to mobilize stakeholders and actors on customary land and tenure to review and make contributions to the provisions on customary tenure in the revised National Land Policy.

Specific Objectives

1. To convene a one-day meeting of stakeholders and actors on customary land and tenure to provide inputs into the provisions on customary tenure in the revised National



Land

Policy.

2. To identify priority areas for intervention and action under customary tenure for consideration by stakeholders.

KEY REMARKS

The meeting was opened by Dr. Doreen Kobusingye, the facilitator representing the National Land Coalition (NLC) Uganda. She thanked participants for attending, including those who had travelled from distant parts of the country. She provided a brief introduction to the NLC in Uganda and its relationship with the International Land Coalition (ILC). She further noted that the day's deliberations would focus on the provisions of the revised National Land Policy relating to customary tenure and encouraged participants to actively contribute to the discussions.

Dr. Auma Theresa, the Executive Director of LEMU Uganda and host organization of the NLC, welcomed participants and highlighted that LEMU had hosted the NLC for the last three years. She explained that the NLC was a loose coalition of entities working on land governance issues in Uganda. It was governed by a steering committee of 11 members and focused on promoting people-centered land governance. She noted that the coalition supported national and international discourses on land and contributed to global processes. She extended appreciation to Oxfam Uganda for convening the meeting and creating the space for stakeholders to provide input into the policy review.

Mr. Jimmy Ochom, Land Rights Coordinator at Oxfam Uganda, welcomed participants and expressed appreciation for the presence of the consultants who had been central to the revision of the National Land Policy. He emphasized that the review of the National Land Policy had been the most consultative process to date and thanked the team for prioritizing discussions on customary tenure, which represented the largest proportion of landholding in Uganda yet remained inadequately regulated. He expressed hope that the discussions would generate practical solutions to inform the ongoing policy revision.

The opening session therefore set the stage for the technical presentations and deliberations that followed.

PRESENTATION OF REVISED NATIONAL LAND POLICY (Provisions on Customary Tenure)

A two part presentation on the proposed clauses on customary tenure within the NLP done by Dr. Margaret Rugadya. (See Annex 1 below)

PROPOSAL IN REVISED NLP 2025	PARTICIPANTS FEEDBACK.
Problem Statement Pg 6	None
Gaps and Outstanding issues	None
Policy Rationale	None
Section 3.2: Revenue Generation.	Participants observed that while revenue generation from land registration appeared beneficial in principle, it risked disproportionately affecting women, who were the primary users of land under customary tenure. It was noted that individuals with financial means might rush to register land, thereby disadvantaging women, children, and other vulnerable groups who lacked the resources to do so. Participants further cautioned that registration could expose such groups to subsequent taxation, creating additional burdens. It was also proposed that cultural leaders be meaningfully consulted prior to the introduction of registration and taxation measures. Their involvement was considered essential in safeguarding community interests and ensuring that such processes did not marginalize vulnerable land users.
Section 3.4.3 Mining and Minerals Development.	Participants noted that obtaining consent during negotiations between landowners and mining companies had been a major issue in Karamoja. They questioned whether the draft National Land Policy (NLP) recognized stakeholders such as the State House Anti-Corruption Unit who were illegally driving these deals. The example cited was the allocation of 500 hectares to Tororo Cement as an example of non-transparent deals. Concerns were also expressed regarding land restoration, with participants querying how the draft NLP addressed post-mining land rehabilitation and the responsibilities of

	mining companies in restoring degraded land. It was proposed that the NLP advocate for the integration of the Mining Cadastre, available on internet portals, with the National Land Information System (NLIS) to enhance transparency and accessibility of mining data. Participants advised the consultants to monitor the ongoing review of mining and minerals policies and regulations to ensure alignment and avoid contradictions with the revised NLP. Participants further recommended that the policy pay specific attention to large-scale land-based investments for agriculture on customary tenure, particularly given projections of increased activity under the National Development Plan IV (NDPIV).
Section 3.4.5 Refugee Settlements	Participants emphasized the inclusion of traditional leaders in negotiations to identify land from host communities for the establishment of refugee settlements. They proposed that the revised National Land Policy (NLP) specify which entities bear the costs of mapping, demarcation, and surveying of land allocated for refugee camps. It was also noted that the national Refugee Policy was under review, and consultants were advised to cross-check provisions to ensure alignment and avoid contradictions with the revised NLP.
Section 5.2: Public Land	Participants raised questions regarding the implications of the recent court ruling that declared only lands designated for conservation and tourism purposes as public land. They queried how this ruling affected the functions of the District Land Boards (DLBs) in holding and managing unowned lands, noting that public land still exists in areas such as Bowa in Luwero. Participants inquired whether the revised National Land Policy (NLP) had considered the court's decision. It was noted that consultants had addressed this matter by clarifying in the draft NLP that former Crown land continues to be classified as public land.

	Participants further asked whether the policy addressed the intersection between customary land and public land in light of the court ruling. Questions were also raised on how the NLP dealt with land gazetted as protected areas but occupied by indigenous and marginalized communities. Additionally, participants highlighted that the court ruling had required communities to challenge titles wrongly issued by DLBs on customary land considered public within one year; however, no action had been taken, and the timeframe had lapsed. They emphasized the need for the revised NLP to provide mechanisms to address these outstanding issues, citing cases such as Amuru, where thousands of such titles exist.
Registration	Participants proposed that the revised National Land Policy (NLP) provide mechanisms for conflict resolution during mass land registration exercises. A contested proposal was made to criminalize non-registration of land in Uganda, with arguments that such a measure would support national development objectives under NDP IV by compelling land registration. Some participants, however, expressed concern that this approach could undermine recognition of customary land interests and non-documentary evidence. Questions were raised regarding whether the NLP considered corruption in titling on customary land. Participants inquired how the policy would address situations such as the Balaalo in Acholi, who, following executive orders, had been evicted but claimed to hold land titles previously negotiated with landowners. Concerns were also raised about challenges associated with Certificate of Customary Ownership (CCOs), which had been problematic in attracting investment, and the management of Communal Land Associations (CLAs), where committee members had, in some cases, hijacked community land interests, as observed in Karamoja. It

	was emphasized that the NLP should reflect these challenges when considering registration mechanisms for customary land. Participants recommended that language in the policy highlight that non-registration of land hinders economic growth as opposed to what is currently stated. They also queried the status of prior proposals, such as those during Hon. Migereko's tenure, to register 75,000 plots in eastern and northern Uganda. It was further proposed that the government assume responsibility, including the costs, for initial land registration, with funding subsequently recovered through future land transactions.
Cultural Institutions	Participants emphasized the need for the revised National Land Policy (NLP) to provide for the capacity building of cultural institutions, stressing that recognition of their role should extend beyond mere acknowledgment. It was highlighted that traditional leaders interact with vulnerable groups, such as women, and in some areas, including Karamoja, they have been implicated in perpetuating discrimination and exclusion. Participants recommended that the NLP explicitly recognize and address these issues. The role of cultural leaders in land management prior to registration was noted, with participants questioning whether the NLP intended to recognize their authority only to facilitate registration or to ensure they retain some form of control thereafter. It was proposed that the policy clarify their roles before, during, and after land registration. Some participants suggested that cultural leaders could serve as courts of first instance in conflict resolution. Participants further observed that cultural leaders often lacked proper documentation, which undermined the reliability of their judgments and pronouncements in formal courts of law. They recommended that the NLP include provisions to support cultural leaders in documenting positive customary practices and in strengthening their capacity to manage land disputes effectively.
Awareness creation	Participants emphasized that effective consultation with

	local communities required accessible channels of communication, noting that radio programs were frequently used to reach remote populations. They recommended that the revised National Land Policy (NLP) explicitly recognize the use of such media as a tool for community engagement. It was further proposed that the policy replace the term "sensitization" with "awareness creation," which was considered more appropriate and politically correct in the context of public engagement on land matters.
More Material to read	Asked the consultants to read materials on Acholi land
Section 6.2 Customary Tenure	Participants highlighted the widely held notion that customary land is owned collectively by the deceased, the living, and those yet to be born. In light of this, they recommended that the establishment of a Customary Land Registry could not be achieved through an amendment of the Land Act alone. Instead, they proposed a separate Act of Parliament to allow for detailed analysis and appropriate legislation of customary tenure. It was suggested that the consultants study the Kenyan Customary Land Act extensively to identify practices and provisions that could be adapted to Uganda. Participants emphasized the importance of recognizing the peculiarities of customary land among different communities. For example, despite owning nearly 16 percent of land, the Acholi people left their land en masse during the war, and current returns to these areas require registration processes that consider these historical and social contexts. Participants further recommended that the NLP explicitly recognize important customary sites, such as shrines and places of worship, as communal and non-transferable. They cited instances, such as in Atyak, where a new settler purchased part of a forest that was also a shrine, denied community access, and subsequently experienced misfortunes, underscoring the need to safeguard such sites. It was also proposed that the amendment of the Land Act

	to allow conversion of individual land be eliminated, as it reinforces the presumption that customary tenure is inferior, contrary to the principle of equality among tenure systems. Finally, participants noted that the role of Area Land Committees (ALCs) in customary land registration was not adequately highlighted and recommended that the NLP explicitly recognize their function.
Section 6.5 Holding of Land by Non Citizens.	A participant from Tororo observed that several Kenyan citizens had acquired freehold titles in the area with the assistance of land management institutions, including Area Land Committees (ALCs) and District Land Boards (DLBs). It was recommended that the revised National Land Policy (NLP) explicitly acknowledge this practice and provide guidance to regulate land holdings by non-citizens.
Section 7.1 Land Rights for Women.	Participants noted that the phrase "joint participation of spouses in registration" used in the draft National Land Policy (NLP) was vague and open to interpretation. They recommended that the policy explicitly provide for joint registration and ownership of land by spouses to safeguard women's rights. It was further emphasized that the policy should reflect local customary nuances. For instance, in the Acholi community, both girls and boys have claims to family land. Girls retain their land rights even after marriage, and in the event of marital breakdown, they are entitled to return to their family land with their children. Participants suggested that the NLP incorporate such provisions to ensure that women's land rights are protected under both customary and statutory frameworks.
Section 7.4 Land Rights for Pastoralists	Include the details of the conflict that exists where pastoralists exist side by side with cultivators and when conflict arises
Section 4.2 Pastoralism	Participants emphasized the need for the revised National Land Policy (NLP) to explicitly recognize the unique features of pastoral production systems, including seasonal mobility and shared grazing arrangements across administrative boundaries and cross-border routes. They recommended legal protection for dry

	season grazing reserves, livestock corridors, and watering points, to be held as common property resources under community custodianship. Registration of communal grazing areas under Communal Land Associations (CLAs) was proposed, with rights accorded at par with freehold tenure. It was suggested that the NLP prohibit alienation of pastoral rangelands without the Free, Prior, and Informed Consent (FPIC) of pastoral communities and their representative institutions. Communal grazing lands, stock routes, and water sources should remain vested in communities, with strong safeguards against allocation to investors, large-scale farming, or conservation without clear resettlement and benefit-sharing agreements. Participants recommended that the NLP explicitly require restitution of rangelands taken for public interest if the intended purpose fails or changes. Participants highlighted that pastoral customary tenure is not purely sedentary and must accommodate flexible, overlapping, and seasonal rights. They recommended documentation of pastoral customary laws, including mechanisms for dispute resolution reflecting inter- and intra-clan grazing agreements. Cross-sector integration was emphasized, with pastoral lands recognized as critical for climate change mitigation, biodiversity conservation, and national food security. Alignment of land, environment, water, and livestock policies was deemed necessary to protect rangeland ecosystems from fragmentation due to mining, oil and gas, and agricultural expansion. Finally, participants proposed specific provisions for restitution and redress for historical injustices. This included restoring or compensating pastoral communities for loss of grazing land through ranch restructuring (e.g., Ankole) and gazettement of reserves (e.g., Karamoja). They further recommended earmarking a dedicated share of the Land Fund to resolve pastoralist historical land injustices.
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Section 8.7: Land Dispute Resolution	Participants recommended that the land dispute guidelines developed by the Ministry be referenced and cross-referenced within the revised National Land Policy (NLP) to ensure consistency and alignment with existing regulatory frameworks.
Wetlands	Participants observed that certain communal or culturally significant lands in eastern Uganda had been encroached upon and were nearing extinction. They recommended that the revised National Land Policy (NLP) address strategies for protecting these lands, taking into account the complex political dynamics surrounding them.
Preamble	Participants encouraged that the revised National Land Policy (NLP) consider the historical formation of the state and how shifts in political power impact territorial integrity. They further recommended that the policy examine the economics of land, particularly exploring models such as leasing registered land for productive use. Such mechanisms could promote land development and economic utilization without dispossessing existing landholders.
Consultant comments	The consultants noted that the role and participation of cultural leaders should be recognized, and that the leaders themselves should guide what their role ought to be in the land administration process. They explained that this would depend on whether the RTA is reviewed to include customary tenure or whether a new registry is created. They observed that double titling had largely been resolved in mailo and freehold land, but participants shared that it also occurs in customary tenure. On the issue of the Balaalo, the consultants reported that while the fifth draft contained a section on this, the NLP working group advised that the tenure challenges could not be addressed by the policy due to the social, political, and moral complexities. They stated that the policy instead sought to recognize pastoralism as a land use and suggested that integration with the Rhinelands policy could be another solution. They further noted that threats of eviction were not a prominent issue in customary tenure, though they

	acknowledged that evictions could occur in rural areas as part of conservation measures by NEMA affecting forests, reserves, and wetlands. The consultants explained that territorial integrity had initially been highlighted, but the working group pointed out that, as a republic, Uganda does not face territorial claims. They added that seasonal and cross-boundary mobility would be addressed in the section on pastoralism. They indicated that a full section on corruption exists and could be shared. They also stated that historical injustices against ethnic minorities, dating back to the 1950s, were recognized in the revised NLP, though they observed that even where court rulings exist, such as in the case of the Ik, implementation has been lacking. Finally, they reported that a recommendation had been made for local councils to be managed by local government. They emphasized that payments to LCI remain illegal, though legitimized in practice, and that the policy recommends amendments to the LCCA and the LGA to formalize these charges.
Other remarks from participants.	Participants inquired how the NLP intends to address land conflicts in post-war and post-conflict communities such as Acholi. They emphasized the need for an additional framework tailored to vulnerable communities, which would also protect them from distress land sales. They recommended the inclusion of strong and punitive measures against land grabbers to safeguard vulnerable Ugandans. They further proposed the introduction of limitations on landholding sizes and the number of parcels that an individual can own, noting that the focus should be on scrutinising the process of acquisition and the source of financing. Participants also observed that the persistent role played by LCIs in all land transactions should be addressed in the policy, especially given how widespread and normalized



	the practice has become. It was also emphasized that women land rights issues were not new and should be a carry on in the revised policy from what is currently stated in the NLP
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CLOSING REMARKS.

Frances Birungi – Chairperson, NLC

The Chairperson of the NLC, Frances Birungi, thanked participants for representing their constituencies and acknowledged the consultants for their patience and for ensuring that diverse opinions were reflected in the policy. She noted that, as part of the ILC, the NLC focuses on putting people at the center of decision-making and had facilitated several processes around the NLP. She further appreciated Oxfam for its financial and technical support, the NLC team for mobilizing participants, and the MLHUD for providing space for CSO engagement.

Harrison Irumba – Senior Policy Analyst, MLHUD

Irumba, the Senior Policy Analyst at MLHUD, expressed appreciation to the NLC, Oxfam, and the consultants, emphasizing that unlike the 2013 NLP process, the current review team was entirely local. He assured participants that their views would be captured in the meeting report, which would be forwarded to MLHUD and then shared with the consultants for consideration. He also noted that MLHUD had undertaken a wide range of consultations, including regional engagements, discussions with a Gambian delegation, and the preparation of issue papers. He added that the Mailo Land platform had similarly requested such engagements with Oxfam.

Jimmy Ochom – Land Rights Coordinator, Oxfam

In his message, Jimmy Ochom, the Land Rights Coordinator at Oxfam, expressed hope that participants' contributions would be reflected in the revised NLP. He noted that donors now require an audit process to confirm that discussions from such consultations are integrated into the policy, a practice referred to as "outcome harvesting." He hoped these expectations would be met.



Annex 1

PRESENTATION OF REVISED NATIONAL LAND POLICY (Provisions on Customary Tenure)

CUSTOMARY TENURE

REVISED NATIONAL LAND POLICY 2025

ASSOCIATES RESEARCH TRUST UGANDA, 2024

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Introduction

- **Process of Review and Revision:**
 - MLHUD
 - The NLP Evaluation Study Report, 2023
 - National Land Policy Platform, Oct 2023 at Hotel Africana.
 - MLHUD and Consultants:
 - Identification of Issues in 8 MDAs Consultations + 1 for CSOs.
 - Issues Paper developed and presented to the NLPRWG.
 - Aligning with NDP IV – presentation to NPA for the Land Management Sub Programme
 - SMM and TMM
 - Panel of Experts
 - Regional Consultations (total 7)
 - Lira – West Nile, Acholi and Lango
 - Soroti – Teso, Bukedi, Sebei and Karamoja
 - Jinja – Busoga and Bugisu
 - Draft Versions: up to 7

Outline of Presentation

1. Customary Tenure in Revised NLP 2025
 - Problem Statements
 - Gaps and Outstanding Issues
 - Policy Rationale
2. Specific Frameworks and Sections of NLP
 - Revenue Generation
 - Land Acquisition
 - Mining and Mineral Development
 - Refugee Settlements and Transit Centres
 - Public Land
 - Customary Tenure
 - Land Holding by Non-Citizens
 - Land Rights for Women
 - Land Rights for Pastoralists
 - Pastoralism
 - Land Disputes Resolution

Customary Tenure in Revised NLP 2025

- **Problem Statements**
 - Pg 6: The revised NLP 2025 addresses the growing demand for demarcation, mapping, surveying, and titling of government land and individual land holdings, particularly those under customary tenure.
 - Pg. 10: The NDP IV aims at accelerating the social and economic transformation of Uganda, forecasting a potential for tenfold economic growth by 2040. The land subsector is anticipated to play a significant role in this transformation. However, with over 70% of the total land area still unregistered, the expected growth contribution is unlikely to materialise.
 - Pg. 51: Section 8.5 Para 165: “...It is urgent to extend land registration to over seventy per cent of the land that is still held under customary tenure in many parts of rural Uganda...”
 - IAP 2025 recommends actions to c) Promote massive land registration
 - Activities: upscale SLAAC across customary land areas and sensitise the public on the benefits of land registration.

Customary Tenure in Revised NLP 2025

- Recognised as one of the Key Outstanding Issues and Gaps:
- Pg. 9: c) For customary tenure, the 2013 NLP proposed the establishment of the Land Registry and the issuance of a Customary Title. However,
 - none of these were implemented; instead, freehold titles and CCOs have been issued with challenges in accurately documenting the different rights and interests held by individuals, households/ families, clans, and communities on the same parcel of land.
 - Such interests often include secondary rights held by various individuals within families and households.
 - Innovative approaches, such as beneficiary lists and Land Inventory Protocols (LIP), which are meant to validate these interests, are not integral components of the land register or land title documents.

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Customary Tenure in Revised NLP 2025

- Policy Rationale notes that:
 - Pg. 14: Section 2.6.1: The revised NLP 2025 ensures the continuity of land reforms initiated under the 2013 NLP.
 - A solid foundation was laid in the 2013 NLP for the titling of customary tenure, with successful pilots of communal land associations (CLAs) and certificates of customary ownership (CCOs).
 - The revised NLP 2025 paves the way for scaling up these efforts, with further refinements needed in the legal and regulatory framework.
 - To attain scale, the revised NLP 2025 emphasises the adoption of cost-effective, fit-for-purpose approaches through systematic land registration processes, such as Systematic Land Adjudication and Certification (SLAAC).

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Customary Tenure in the Policy Frameworks

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Section 3.2: Revenue Generation

- Customary tenure is key source of revenue for the land sector
 - Pg. 17: Section 3.2: Paragraph 6: By increasing demand for existing services in land registration and conveyancing; for example, by increasing the issuance of Certificates of Customary Ownership (CCOs), Certificates of Occupancy (COOs), leases, freeholds and customary titles, the land sub-sector could generate significant additional revenue, especially from the ongoing large-scale land registration initiatives (e.g. SLAAC), particularly on customary tenure.
 - Furthermore, the land sub-sector should consider reviewing existing fees, many of which are still too low, and suggest reasonable increases to better reflect the value of these evolving services designed to meet the community's demands effectively.
 - Due to budgetary constraints, the land sub-sector has been unable to develop new revenue streams and reinvest in expanding essential land services.
 - IAP 2025 – In actions: 3.2 a)(iii): Stimulate demand for land registration, especially on customary tenure as a basis to improve revenue generation.
 - a) Sensitisation on the benefits of land registration.
 - b) Provide incentives for land registration (subsidise costs).
 - c) Undertake massive land registration (SLAAC).

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Section 3.4.3: Mining and Minerals Development

- Pages 20 - 21: Para 26: According to the Mining and Minerals Act (Cap 159), all license applications must provide proof of consent for surface rights on the land in question. However, the procedure for obtaining such consent is not clearly outlined, and the specified evidence of consent is left to the discretion of both the applicant for the license and the land rights holder. It is also challenging for license applicants to compute appropriate compensation costs for all rights, interests, and claims held under customary tenure, as land prices are hiked in anticipation of extracting the mineral value.
- IAP 2025 – Section 3.4.4: Protect and safeguard the land rights of customary owners, individuals and communities in areas where minerals exist or are discovered.
 - i. Develop guidelines and standardised formats for obtaining consent over surface rights.
 - ii. Develop a public portal on exploration and extraction licenses granted over privately owned land or community land.
 - iii. Amend the Mining and Minerals Regulations to specify activities that are permissible and can co-exist in areas where minerals are extracted.
 - iv. Undertake Monitoring to observe compliance with the Laws of Uganda by applicants for mineral rights in the process of acquiring surface rights.
 - v. Respect and observe the principles of Free, Prior, Informed Consent (FPIC) in securing surface rights.

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Section 3.4.5: Refugee Settlements

- **Pg. 22 Para 36:** The Prime Minister's Office (OPM) needs guidance from the Ministry responsible for lands on the legal process for setting up refugee settlements on customary tenure.
 - It is also observed that local governments are neither consulted nor involved in establishing transit centres and refugee settlements, even though they are best positioned to guide this process.
 - When the purpose for settlement expires, there is no legal provision to address the status of social and public infrastructure that has been developed on individually or communally owned customary land.
 - In addition, there are persistent conflicts between refugees and host individuals and communities over boundaries and encroachment on host communities' lands.
 - There is a need to map, survey and demarcate land hosting transit centres and refugee settlements.
- **Para 37: Policy Statement:** The Government shall protect the land rights of host communities during the establishment and closure of transit centres and refugee settlements.

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Section 3.4.5: Refugee Settlements

- Para 38: Policy Strategies: (a) Government shall review the Refugee Act (CAP 312) and the Draft Refugee Policy (2024) to provide for the establishment of transit centres and refugee settlements on customary land.
 - i. MLHUD supports OPM to conduct an audit, demarcation, survey and mapping of all land for Refugee settlements.
 - ii. Review the Regulations of the Refugee Act Cap 2006 to provide for the establishment of Refugee Settlements on customary land. In Regulations, provide for:
 - iii. Support to customary landowners to issue leases to OPM for the setup of transit centres and refugee settlements (not exceeding 49 years).
- Strategy 38 (b) Government shall define the role of local governments and traditional/cultural institutions in the setup and closure of transit centres and refugee settlements.
 - i. Clarify the process for identifying customary landowners with support from traditional/cultural institutions in the process of land acquisition for the set-up and closure of transit centers and refugee settlements.
 - ii. Conduct capacity building for traditional/cultural institutions to participate in the processes.
 - iii. MoUs between OPM and host communities to guarantee ownership for customary landowners upon closure of refugee settlement camps.
 - iv. Provide guidelines to the local governments on how to acquire land with public infrastructure upon closure of transit centres and refugee settlements.
- Strategy 38 (c) Provide for communities to form Communal Land Associations in respect of communal lands alienated from Refugee Settlements.
 - i. Carry out sensitisations on CLAs.
 - ii. Facilitate communities to form CLAs.

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Section: 5.2: Public Land

- Para 83: The 1995 Uganda Constitution repealed the 1975 Land Reform Decree and permitted customary tenants to acquire customary ownership.
 - Articles 237 (4)(a) and 237 (4)(b) allow the conversion of customary tenure to freehold by registration.
 - Article 237(5) allows conversion of leases granted out of public land to freehold and
 - Article 237(6) includes Statutory Leases to urban authorities as part of public land, which is open to conversion to freehold.
 - Article 241 (1)(a) allows District Land Boards to hold and allocate land in the district which is not owned by any person or authority.
- The following challenges arise:
 - a) Recognising Customary Land as a legal tenure, while in practice it is fused with Public Land, and their separation is currently a complex task.
 - b) Constitutional Petition No. 28 of 2019, in which the petitioners seek courts declaration and orders that, "(b) public land as a tenure system in Acholi Sub-region (and indeed in Uganda) and de-gazetted land and former public land vests in communities and not District Land Boards by operation of Article 237 (1) and (3) of the Constitution of Uganda"
 - c) The court ruled that "the expression 'public land' with reference to land that is not owned by any person or entity, is not only misleading but has no legal basis." The ruling therefore nullified Article 241 (1)(a) of the 1995 Constitution and Section 59 (1)(a) of the Land Act.
 - d) The ruling expressly declared that: 'there is no public land in Uganda except land held by the government and local governments in the public interest'. Therefore, this ruling only recognises public land as a category of land that is defined under Article 237 (2)(b).

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Section 6.2: Customary Tenure, Pg.38 – 40

- Para 103. Most of the land in Uganda is held under customary tenure. It is also important to recognise that customary tenure varies across regions and communities, and customary norms and practices in land administration are not uniform. Customary land is held at the individual, household, family, clan and community level. Customary land can also be classified according to use: grazing, hunting, migration corridors, sacred sites (spiritual), and other uses.
- Para 104. The 1995 Constitution under Article 237 (3)(a) recognises Customary Land ownership as one of the legal tenures, and Article 237(4)(a) provides for the acquisition of 'certificates of ownership'. These articles are operationalized by Section 4 of the Land Act Cap 236, and Section 4 (3) provides for application for a 'Certificate of Customary Ownership'.
 - a) Customary landowners and traditional/ cultural institutions holding this tenure question whether the reference to 'Certificates of Ownership' under Article 237 (4)(a) means a 'Customary Title (CT)' or it refers to a 'Certificate of Customary Ownership (CCO)' as prescribed in Section 4 of the Land Act Cap 236.
 - b) Despite the procedures prescribed in Section 9 of the Land Act Cap 236 for the issuance of Certificates of Customary Ownership, after a decade of implementation, the ministry responsible for lands has instituted procedures (including survey standards) that match the requirements for the issuance of a title under the RTA Cap 240, but continues to issue CCOs.
 - c) The ministry responsible for lands, in partnership with civil society organisations and development partners, has issued a significant number of CCOs using Fit for Purpose approaches. These have been integrated into the Ug. NLS, but are not universally recognised and accepted by banks and other financial institutions as collateral to guarantee financial transactions.

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Section 6.2: Customary Tenure, Pg.38 - 40

- Para 105. Under Article 237(4)(b) the constitution provides for conversion of customary tenure to freehold by registration and is operationalized by Section 9 of the Land Act Cap 236. This conversion raises a number of issues:
 - a) Both customary tenure and freehold tenure have equal quantum of estate (land rights) held in perpetuity. This is a contradiction and connotes inferiority for customary tenure.
 - b) The conversion envisaged in both the Land Act and the Constitution is realised under the Registration of Titles Act (RTA Cap 240), which only recognizes the person(s) whose name(s) is registered on the certificate of title as conclusive evidence of ownership of the land described therein. This leads to dispossession especially where customary tenure is not fully individualized and the existing systems of land registration are incapable of capturing all the tenets (including rights and interests) of customary tenure. Innovations in the registration process such as the Land Inventory Protocol and the beneficiaries list are not exhaustive and do not form an integral part of the CCO or the freehold title as these are not prescribed by the law.
 - c) Under section 15 of the Land Act Cap 236 a process for the registration of communal land rights under customary tenure in Communal Land Associations for issuance of CCOs or Freeholds is provided. Customary owners and traditional/ cultural institutions have expressed concern that the process is lengthy, costly and not easily understood. This has affected the completion rates with fewer CLAs registered to date and their land remains undocumented.
 - d) Under Section 5 (1)(f) of the Land Act Cap 236 only the Area Land Committee is mandated to advise the District Land Board on customary law, and in Section 5 (2)(d) Area Land Committees may refer to customary institutions within the location. These provisions do not adequately recognize the role of traditional/ cultural institutions in land administration with respect to facilitating the registration of customary land rights.

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Section 6.2: Customary Tenure, Pg.38-40

- Para 106. Over the past 10 years, the Government has facilitated the evolution of customary tenure with the issuance of Certificates of Customary Ownership, the formation of Communal Land Associations, and conversions to freehold through initiatives such as Systematic Land Adjudication and Certification (SLAAC) projects.
 - These processes have created interest and demand for the formalization of land rights.
 - However, customary landowners have expressed fear that these registration initiatives threaten the continuity and sanctity of customary tenure, hence the overwhelming demand for a 'customary title' that fully captures the entirety of land rights and interests.
- Para 107. A Land Registry is already in existence governed by the RTA Cap. 240, and it comprises of the Mailo Register, Freehold Register, Leasehold Register and the Trustees incorporation Register.
 - There is no register for customary tenure, however, CCOs are currently issued and entered into the Ug. NLS without recognition and provision under the RTA Cap 240 as an independent Register.
 - The issue for this policy is whether to establish a separate Land Registry for Customary Tenure or to amend the RTA Cap 240 to provide for a Customary Register.
- Para 108. To establish a Customary Land Register would involve:
 1. Either the direct registration of customary land by issuing a Customary Title rather than a Freehold Title.
 2. Or Upgrade the CCO or convert it into a Customary Title under the current system of land registration governed by the RTA Cap 240.
 3. Or, on the other hand, establishing a Customary Land Registry would require an Act of Parliament that separately operationalises Article 237 (4)(a) of the Constitution
 4. Or amending the Land Act Cap 236 to detail the legal, regulatory and institutional framework responsible for customary tenure to ensure its continuity and sanctity.

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Section 6.2: Customary Tenure, Pg.38 -40

- **Para 109. Policy Statement:** The Government shall facilitate the registration of land rights under customary tenure.
- **Para 110. Policy Strategies:** Government shall:
 - a) Review and streamline the legal and regulatory framework for the registration of customary land rights.

Specific IAP 2025 – Actions

 - i. Amend the Land Act, Cap 236 provide for the issuance of a customary title as opposed to a CCO.
 - ii. Amend the Land Regulations (2004) to provide for processes and procedures for the issuance of a customary title as opposed to a CCO.
 - iii. Popularise the Customary Title through sensitisation to create demand, build community knowledge and awareness.
 - b) Regulate and limit the conversion of customary tenure only to land that is already privatised and individualised.

IAP 2025 – Actions:

 - i. Amend Section 9 of the Land Act (Cap 236) to permit only individually owned customary land to be converted to freehold.

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Section 6.2: Customary Tenure, Pg.. 38 -40

- **Para 109. Policy Statement:** The Government shall facilitate the registration of land rights under customary tenure.
- **Para 110. Policy Strategies:** Government shall:
 - c) Design and implement a Customary Land Register for the registration of all interests and rights under customary tenure. Actions include:
 - i. Amend the Registration of Titles Act (Cap 240) to provide for the Customary Land Register.
 - ii. Amend the Land Act Cap 236, to provide for the issuance of a Customary Title.
 - iii. Amend Section 4 of the Land Act Cap 236 to stop the issuance of CCOs.
 - iv. Amend the Land Act Cap 236 to provide for the replacement of CCOs with a Customary Title.
 - v. Amend the Land Regulations to accommodate these changes.
 - d) Alternatively, establish a Customary Land Registry for the appropriate registration of all interests and rights under customary tenure. Actions include;
 - i. Undertake a study to establish the feasibility and viability of a Customary Land Registry
 - ii. Document customary rules, norms, traditions/ customs and practices on land across different cultures and communities.
 - iii. Formulate the principles and codify rules, norms, traditions/ customs and practices that can form part of an Act of Parliament or a set of provisions in the Land Act Cap 236 to establish a Customary Land Registry.

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Section 6.2: Customary Tenure, Pg.38 -40

- e) Provide for the role of traditional /cultural leaders and institutions in the registration of customary land.
 - i. Amend the Land Act Cap 236 and The Local Council Courts Act (Cap 18) to recognize the role of traditional institutions and cultural leaders in applying customary land rules, adjudicating and validating claims in the process of customary land registration and providing advisory services to district land boards and to document and periodically update norms and practices in their respective communities.
 - ii. Amend Land Regulations (2004) to involve Traditional institutions and cultural leaders in the issuance of Customary titles and Freehold titles
 - iii. Build the capacity of cultural leaders and traditional institutions to perform their land administration and management functions.
- f) Simplify the process and procedure for the registration of Communal Land Associations.
 - i. Amend the Land Act Cap 236 (sections 15-26) to simplify the registering of Communal Land Associations.
 - ii. Review the process and procedure for registration of CLAs
 - iii. Provide model documents to guide registration of CLAs.
 - iv. Amend land regulations to incorporate changes
 - v. Undertake massive sensitisation and public awareness on Communal Land Associations.

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Section 6.5: Holding Of Land By Non-citizens

- Pg. 42, Para 119. Article 237 (2)(c) of the Constitution 1995 states that "non-citizens may acquire leases in land in accordance with the laws prescribed by Parliament."
- Section 40 of the Land Act (Cap 236) allows non-citizens to acquire an interest in land under leasehold tenure for a maximum term of 99 years...
- Section 40 (4) of the Land Act (Cap 236) further provides that non-citizens shall not acquire or hold mailo or freehold land but is silent on customary tenure.
- IAP 2025 recommends amending the relevant section 40
 - i. Amend Section 40 of the Land Act Cap 236 to explicitly exclude customary tenure.
 - ii. Amend Section 40 of the Land Act Cap 236 to extend all restrictions provided for in this section to Mailo, Freehold and Customary tenure.

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Section: 7.1 Land Rights For Women

- Para: 122. There is remarkable progress in legislating for equal land rights for women, as the legal framework is designed to protect women...
- Para: 123: Secondly, translating the progressive provisions for the recognition of women's land rights provided for in land policy, law and regulations is inhibited by the predominance of traditional/cultural practices and norms that limit women's ability to claim rights.
 - Women have access and use rights under customary tenure, which are usually stripped away when ownership is transferred to individuals upon registration.
 - The registered individual becomes the absolute owner of the land compared to the notion of stewardship and usufructuary rights emphasised under customary tenure by the clan and extended families.
- Para 127: Policy Statement: Government shall, promote, protect and enforce the land rights of women.
- Para 128: Strategies
 - (a) iii) exclude ancestral lands from the definition of matrimonial property.
 - c) Government will undertake public education, awareness creation and sensitisation on women's land rights. - i) Develop a holistic sensitisation strategy on women's land rights to address, among others, social norms, practices, inheritance, succession, etc.
 - d) Government will promote joint spousal participation in all land registration processes.
 - e) Government will promote access to justice for women whose land rights are violated.

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Section: 7.4 Land Rights For Pastoralists

- Para 136. Pastoralists thrive on communal customary lands that should be secured by collective registration under Communal Land Associations.
 - Communal or customary land ownership allows livestock mobility, especially in the context of climate change, and improves the sustainability of the pastoral production system.
 - The significant reduction of collective communal land for pastoralists in Uganda, particularly in Karamoja, through individualisation has increased exposure to risk by depriving them of benefits derived from the range, such as access to common grazing land, water and dry season resources.
- Para 137. Policy Statement: Government shall recognise, protect and promote the land rights of pastoralists.
- Para 138. Policy Strategies: Government shall, promote the titling of pastoralists' lands as individual and collective holdings under customary tenure as appropriate.
 - i. Expedite registration of communal land associations for pastoralists.
 - ii. Simplify the process of registering communal land associations.
 - iii. Sensitise CLAs to register their lands for the issuance of titles.
 - iv. Sensitise pastoralists on the benefits of registering their land.

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Section 4.2: Pastoralism

- Para 46. Pastoralism is a land use which depends on the secure tenure of water points, livestock tracks for movement, pastures, and campsites for herders.
 - It is recognised in the draft Rangelands Management and Pastoralism Policy (2023) as a form of land use and source of livelihood. However, the draft policy does not provide for mobility within the cattle corridor, particularly in Karamoja.
 - Mobility is essential for optimally taking advantage of the variable and unstable climatic conditions of the rangelands. It promotes agroecological zoning based on production potential and does not address the need for tenure security for customary-communal lands, including the role of traditional institutions in managing communal land use and enhancing the productivity of pastoral rangelands.
 - The seasonal movement of herds is threatened by the expansion of cultivation, tourism, conservation, mining, and the allocation of tenure rights to individuals, among others.
 - All other agricultural policies promote sedentary livestock production on large-scale farms and advocate for a model of four acres per household for crop cultivation. This approach may not serve herders in pastoral rangelands well, especially under unstable climatic conditions.
- Para 47. Policy statement: Government shall promote pastoralism as a viable land use in the rangelands.

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Section 4.2: Pastoralism

- Para 48. Policy Strategies: Government shall:
 1. Recognise pastoralism as a land use in the relevant policy, legal and regulatory frameworks.
 - i. Amend the relevant policies, laws and regulations to provide for pastoralism as a land use (National Physical Development Plan (2021) and The National Land Use Policy)
 - ii. Recognise pastoral land use in agro-ecological zoning in the Draft Rangelands Management and Pastoralism Policy (2023)
 - iii. Provide for the participation of pastoralists in land use planning.
 2. Secure pastoral lands through registration of customary-communal lands.
 - i. Expedite registration of communal lands under communal land associations to cater for grazing areas.
 - ii. Encourage communities to demarcate grazing areas, water points and movement tracks.
 - iii. Protect pastoral communities from evictions without due compensation for their surface rights.
 - iv. Establish mechanisms for flexible and negotiated cross-border access to pastoral resources among clans, lineages and communities for their mutual benefit.
 3. Recognise the role of traditional/ cultural institutions in managing land use and registration of communal pastoral lands.
 - i. Protecting rangelands from irresponsible investments that exacerbate environmental degradation and put their land tenure at risk;
 - ii. Protecting pastoral lands from indiscriminate appropriation by individuals or corporate institutions under the guise of investment.
 - iii. Land registration and land use planning.

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Section 8.7: Land Dispute Resolution

- Para: 177. Under sections 88 and 89 of the Land Act Cap 236, there is specific recognition given to traditional mechanisms for resolving land disputes and conflicts under customary tenure, specifically through mediation.
 - These provisions are not fully operationalised to make traditional/ cultural institutions courts of first instance in resolving land disputes and conflicts on customary land.
 - In practice, the Judiciary discretionally involves traditional leaders/ institutions in the mediation of land disputes and conflicts as promoted by the Alternative Dispute Resolution (ADR) framework.
- Para 180: Policy Strategy
 - c) Review and amend the regulatory framework to recognise and functionalize traditional/ cultural institutions as courts of first instance over customary land.
 - Actions:
 - i. Amend Sections 88 and 89 of the Land Act Cap 236 to provide for traditional institutions as mediators over matters arising out of customary tenure.
 - ii. Amend Section 89 (1) to define who appoints the mediators.
 - iii. Develop guidelines for informal justice mechanisms to deliver land justice.

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