



10th EASTERN AFRICAN LAND ADMINISTRATION NETWORK 2018 AGM & CONFERENCE 23-25 July, 2018 KAMPALA, UGANDA

FIT-FOR-PURPOSE USER RIGHTS DOCUMENTATION: THE CASE OF PRIVATE MAILO LAND IN UGANDA

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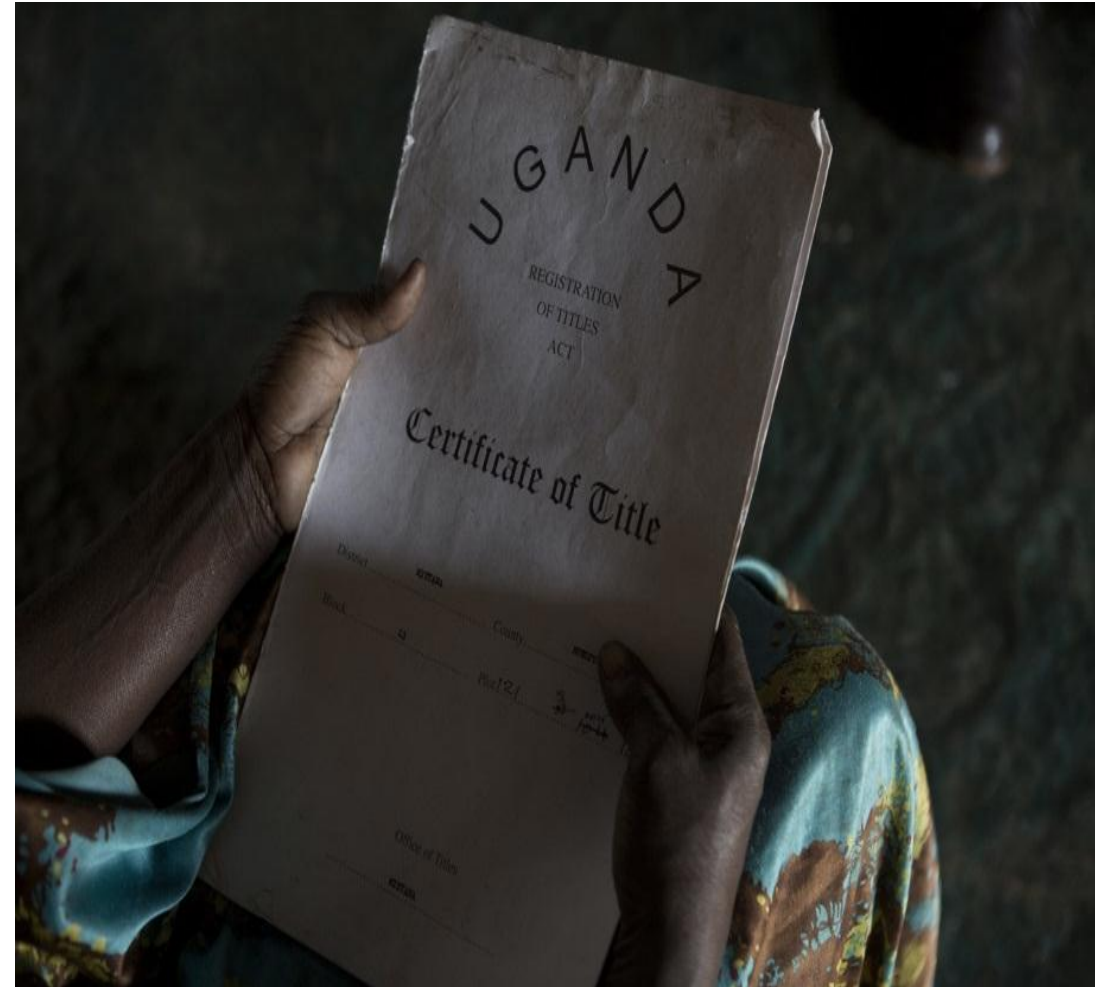




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Land Tenure Systems

- The Uganda Constitution provides for 4 Land tenure systems
 - Freehold Tenure
 - Leasehold Tenure
 - Customary Tenure
 - Mailo Tenure (Central Uganda)





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Evolution of Mailo Land Tenure System

Precolonial period:

- Land in Buganda was managed by the “Kabaka”
- Individual plots were conferred upon peasants by local chiefs.
- Could neither mortgage nor sell land
- This symbolic authority presided over his political and legal rights.

Colonial period:

- 1900 Buganda Agreement, Introduced the *Mailo* Tenure System
- Land surveyed in square miles
- Total *Mailo* land allotted estimated at 19,600 square miles
- Private *Mailo* allotted to Chiefs (1000) + private land owners was equivalent to 8,000 sq. miles



A tenant in her field.



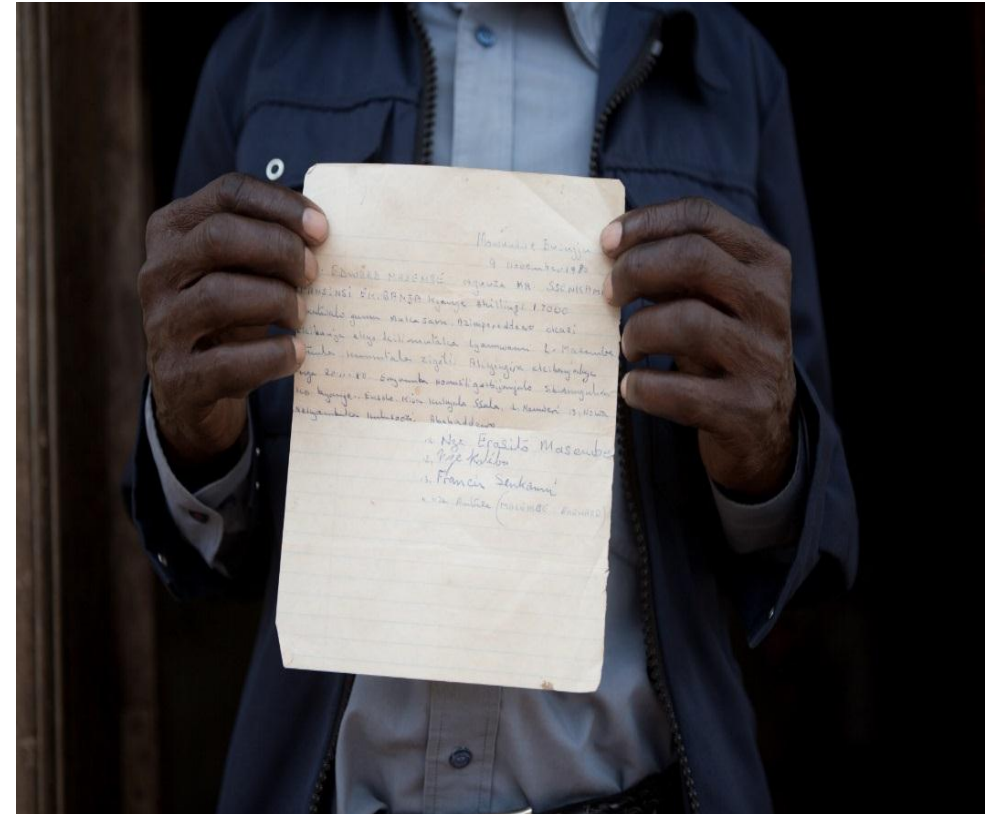
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The Private Mailo Land Problem

- Customs were codified
- Created multiple rights on the same piece of land (*Mailo* owners with titles and Tenants no titles)

Holder of *Mailo* title;

- Perpetuity;
- Absolute ownership
- Transferable
- Mortgage /pledge & Title is state guaranteed
- Tenants
 - Tenancies not registered
 - Minority of the tenants either have a signed agreement (not with landlord) or tickets of ground rent.



Written tenant land agreement often without consent of the landlord.



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The Problem of overlapping rights

- Over 80% of *Mailo* land is tenanted
- Land ownership rights versus land use rights
- Inheritance - new *Mailo* owners – no social relations
- land markets - new land owners
- New land owners view tenants as squatters- forced evictions
- Non-payment of ground rent versus refusal to accept ground rent

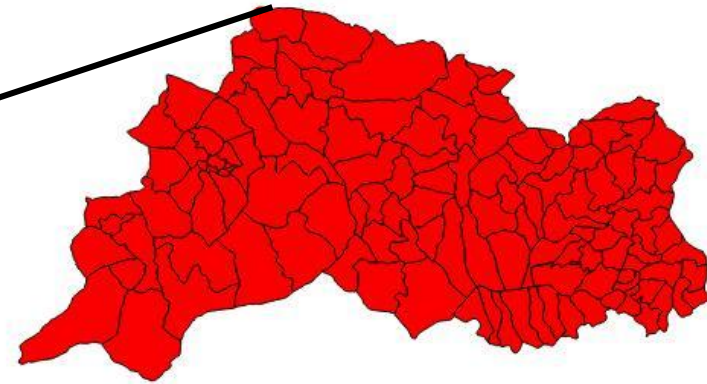


A tenant with her old receipts for "busulu"



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The Improvement of Land Governance in Uganda Project approach

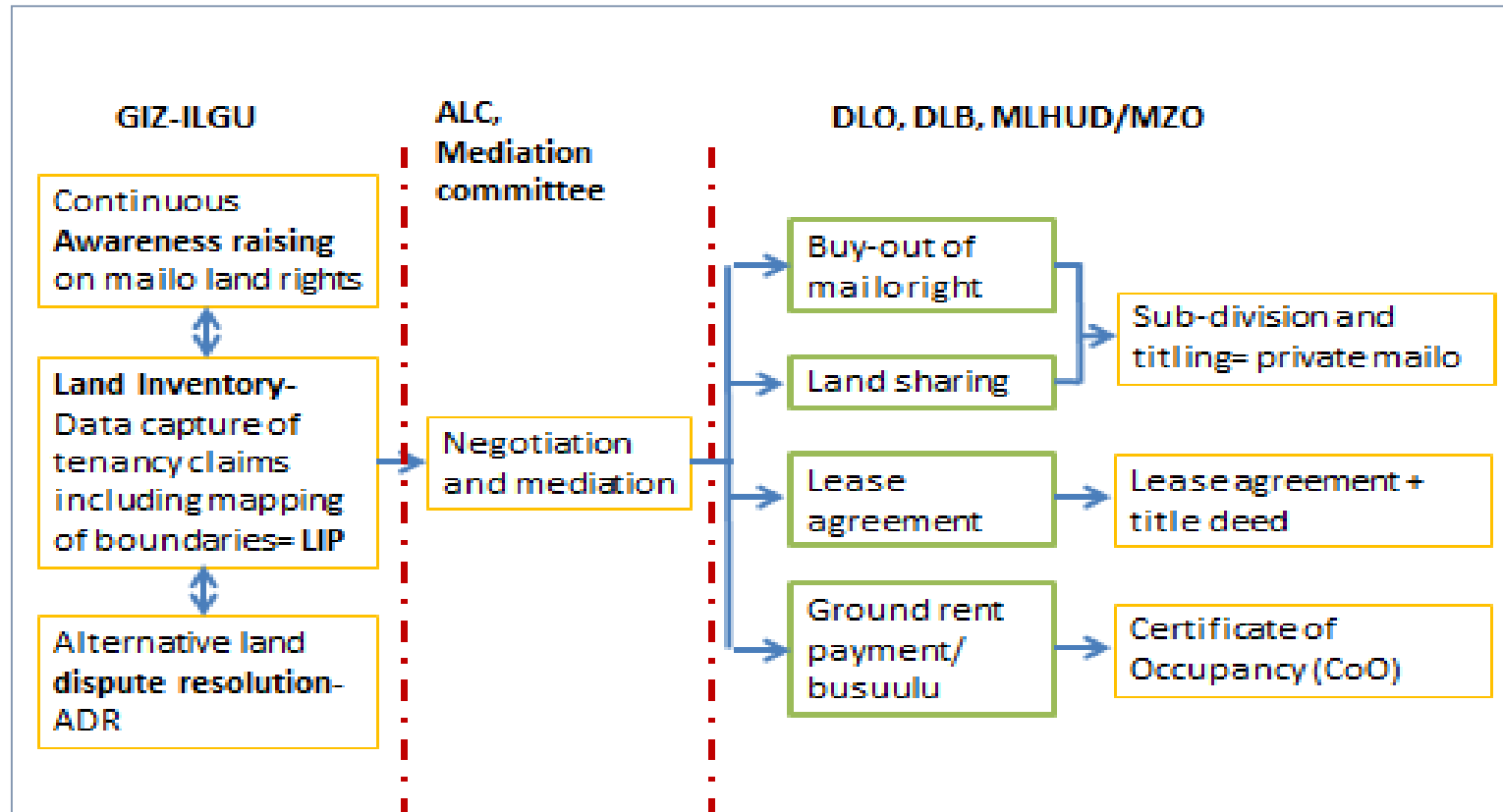


Mityana – (6 subcounties)
and Mubende districts (4 sub
counties)
Funded by BMZ & EU



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Project approach



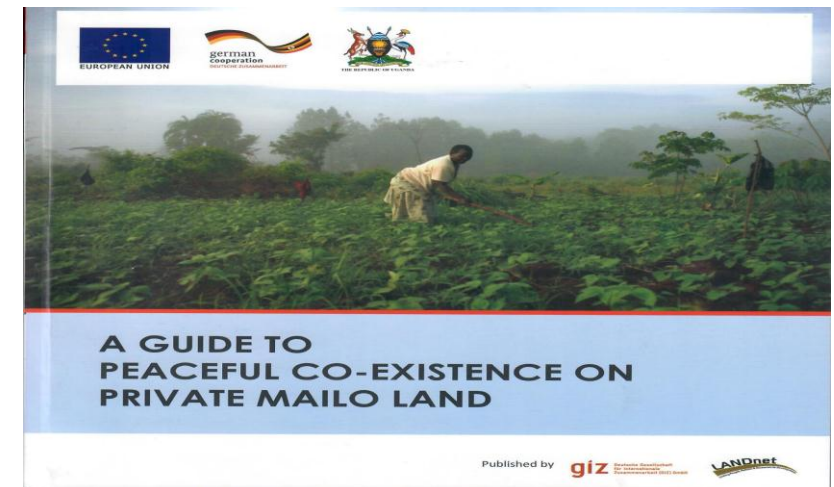
- *Pilot Phase implemented in cooperation with Makerere University*
- *Civil society organisations*



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Fit-for-purpose solution for Mailo Tenure in Central Uganda

- **Awareness Raising**
 - Community sensitization
 - Development of EIC materials-illustrate-translated into Luganda
 - Development of a guide to peaceful co-existence on private Mailo-translated into local language.
 - Mailo land platform meetings at national level.





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Fit-for-purpose solution for Mailo Tenure in Central Uganda

• Conflict Mediation

- Using paralegals and ALC to conduct on-site mediation.
- Unresolved disputes to be referred to a mediation committee.
- Nevertheless, parties are encouraged to pursue harmonious co-existence.

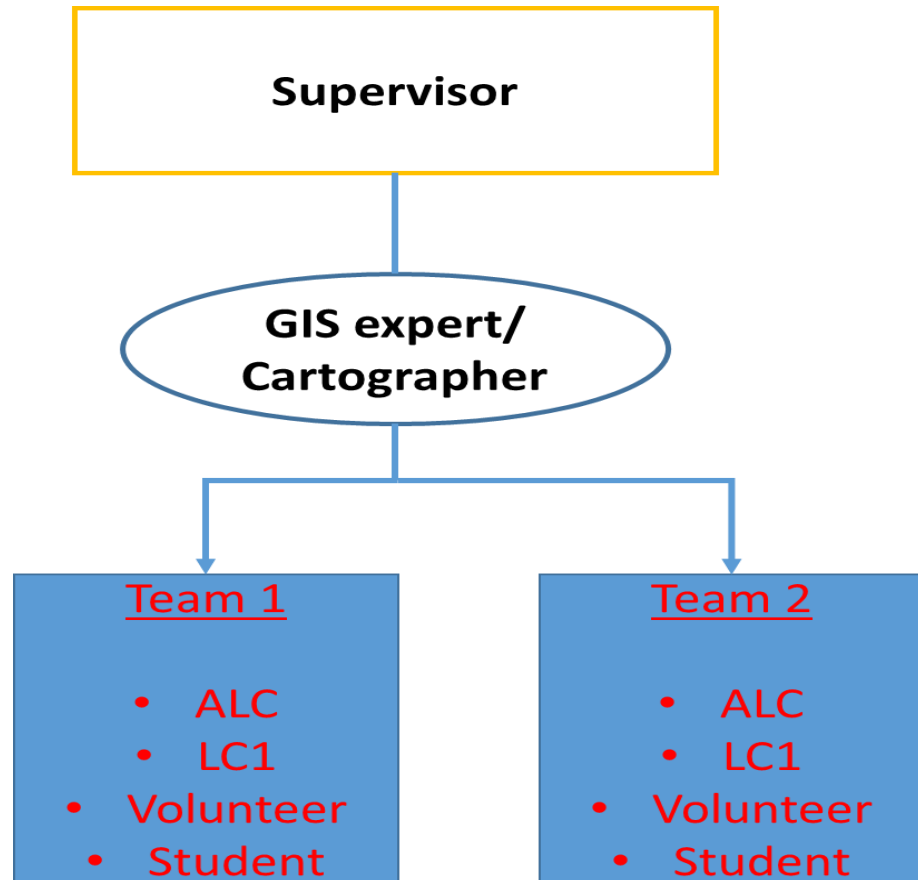
Capacity Development

- Training of Trainers (ToT) for land managers, Conflict Resolution, ALC, DLB chairpersons, UCOBAC, CDOs
- District level trainings-Pilot Land Inventory teams.
- Training land administration structures (ALC and DLB members
- Training in GIS.
- Equipping sub county offices



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Mapping teams and equipment

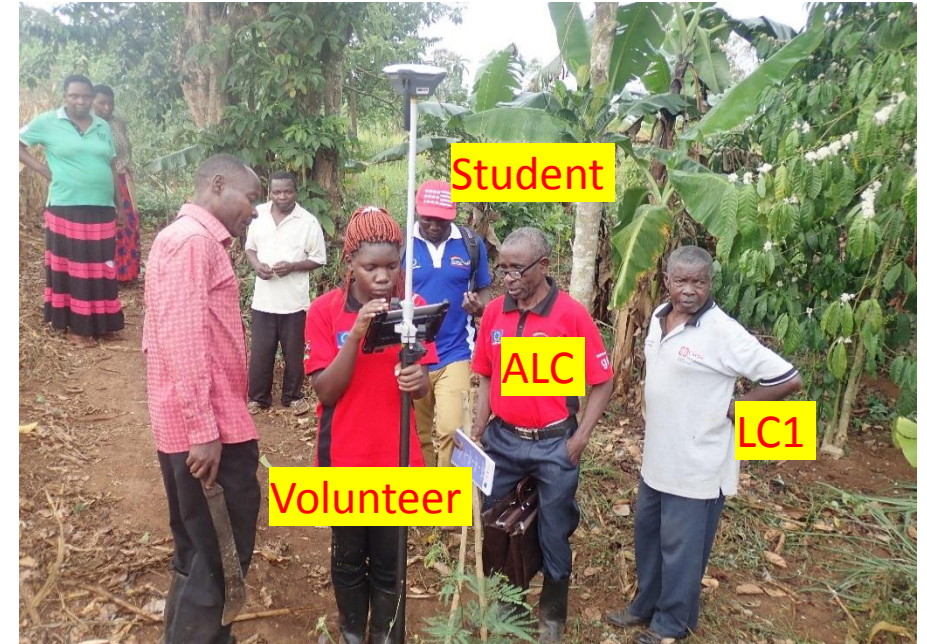




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Pilot Mapping

- Makerere University - bibanja rights holders documentation and mapping exercise - CRISP Software
- The pilot mapping process started January 2018, initially - slow (sporadic) pace - more farmers now calling back the field teams.
- Geo-referencing and Digitization of *Mailo* parcels and Data processing in QGIS
- Display of village maps for validation by community members.





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Parcel summary

Sub county	No. Parcels	Area (ha)	Males	Females	Married	Widowed	Aged
Myanzi	3,739	2107.777	2450	1281	2456	338	621
Kakindu	667	434.09	454	210	439	90	157

Total tenancy parcels mapped as of 14/06/18- is **4,406** in two sub counties. 10-15 parcels per day. 0.8 – 1.5 acre average parcel size



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• Land Inventory Protocol

LAND INVENTORY PROTOCOL

PART I: DESCRIPTION OF THE LAND

Occupancy Identification Number (OIN): 1151030504.005

District	County / Municipality	Sub-county / Town Council / Division	Parish / Ward	Village / Cell	Parcel Number
Mityana	Busujuu	Kakindu	Vvumbe	Mawanda-Kyengeza	5

Coordinates of Parcel's Centroid (Reference System: WGS 84)	Latitude: 0,34208 Longitude: 32,14976
Approximate Area (1 ac = 4047 m ² = 0,4047 ha // 1 ha = 10,000 m ² = 2,4710 ac)	0.0420 hectares (ha) 0.104 acres (ac)
Use	Rural Agriculture



Sketch parcel map

All distances are given in metres (m) on a horizontal plane.

Note: This Land Inventory Protocol is a comprehensive documentation of land tenure data as claimed by the person(s) indicated in this document. It is not a legal document as provided for in the Land Act but provides for social evidence of land use or ownership rights. This document serves the purpose to facilitate further steps in securing land tenure rights according to provisions made in the laws and regulations of the Republic of Uganda.

II.1 Overview of Occupants

No.	Surname	First name	Date of birth
1	NAKACWA	TEO	1966-04-02
2	NAKACWA	TEO	1966-04-02

II.2 Claim

CLAIM		Other sources of claim?	
Documents to prove claim	Yes	Name of presumed Mallo land owner	YES
Desired kind of holding	COO		Ahmed Kyeyune

II.3 Personal Details of Occupants

OCCUPANT (1)			
Name	Surname Nakacwa	Date of birth	1966-04-02
	First name(s) Teo	Sex	Female
Marital status	Single	Nationality	Ugandan
Married to	--	ID number	CF66068100EVBH
		ID type	ID card
Father's name	Paul Muwonge	Clan	Ngabi
		Tribe	
Mother's name	Rittah Nabakooza	Postal address	Box 66, Kakindu
		Mobile phone	0775-123456



OCCUPANT (2)			
Name	Surname Naswiri	Date of birth	1971-08-03
	First name(s) Abdul	Sex	Male
Marital status	Single	Nationality	Ugandan
Married to	--	ID number	CM71068102FT4G
		ID type	ID card
Father's name	Haruna Sitakange	Clan	Njovu
		Tribe	
Mother's name	Zahara Nangoye	Postal address	Box 66, Kakindu
		Mobile phone	0750-985937



IV.2 Boundary points

- All boundaries are straight lines between adjacent corner points.
- Boundary points were demarcated by boundary marks commonly used in the presence of the applicant(s), the registered owner(s), occupant(s) of adjacent land and witnesses.

BOUNDARY POINTS (WGS 84 COORDINATES)		
No.	Easting	Northing
0	405379,3	37822,2
1	405377,7	37795,7
2	405398,6	37808,5
3	405395,3	37826,7

All coordinates were captured with EMLID Reach RS RTK GNSS Receiver (L1).

Data capture and compilation of Land Inventory Protocols supported by





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Computation of Cost per parcel

ITEM	COST (\$)
Transport per team	US 20 per day
Field allowances (ALC, Volunteer)	USD 20 per day
Supervisor- surveyor	15
Cartographer	7.5

- **Cost per parcel : USD 19.30**
**(Excluding costs of equipment,
training, awareness raising, conflict resolution, map processing and editing)**
- **Cost will come down when fully rolled out!**



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Challenges

- Community resistance in some areas.
- Political interference at grass root levels.- anticipated hidden agenda of Project.
- Long lasting in-family disputes.
- Varying mapping technologies (plain table Vs GNSS) make map overlays challenging.

Lessons learnt

- Involvement of charismatic champions
- According land owners the respect due to them – ethnicity and cultural values.
- Emphasis on harmonious living.



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Conclusions

- Increase transparency on land use and land right situation on private Mailo through land inventories.
- Create win-win situations as both landlord and tenants' rights are secured.
- Ensure compatibility with national policies of the GoU.
- Establish enduring, cost effective, sustainable (fee for LIP) and fit-for-purpose solutions



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