



2019 CONFERENCE ON
LAND POLICY IN AFRICA



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

HEAD NATIONAL LAND POLICY SECRETARIAT

MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT UGANDA

Presentation outline



- Introduction
- Demographics of Uganda
- Background on Mailo Land in Buganda
- Policy and legal frame work on land ownership and protection of women's land rights in Uganda.
- Implementation of the RELAPU Project
- Key processes
- Key achievements of the project
- Challenges
- Conclusion

Uganda's Demographics



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- Uganda has a total **population of 40 million** people and an average population growth rate of **3.2 % per**
- Approximately **85.2 % live rural areas** and **14.8%** of the population live in urban areas.
- 51% are Women.
- Uganda's economy heavily **relies on agriculture** which accounts for 22.5 % of Uganda's GDP.
- **48 % of the exports** come from agriculture.
- **68%** of Uganda's population household livelihoods are **dependant on agriculture**.

Source: (Uganda Bureau of Statistics, (UBOS), 2010.)

Background on Mailo Land in Buganda



- ▶ In Uganda approximately 80% of the land area is administered as customary land;
- ▶ In central Uganda the system of Mailo land is predominant;
- ▶ Mailo is derived from the English word "Mile", is a feudal land tenure system where the state and private land was surveyed in square miles;
- ▶ Mailo land tenure originates from an agreement between the Buganda King and the British Government in 1900

Policy and legal framework on land ownership and protection of women's land rights in Uganda



1995 constitution of Uganda

- **Article 237 of the 1995 Uganda Constitution provides land belongs to the citizens of Uganda**
- **Four Tenure systems: Freehold, Leasehold, Mailo Land and Customary land tenure system**
- **Article 26** everyone has a right to own property
- **Article 33** women to be accorded same dignity with men
- **Article 32(2)** laws, cultures and customs that discriminate against women are null and void.
- **Article 237(9)** provides for a law regulating the relationship between tenants and registered owners
- **Provides for registrable interest on mailo land by tenants**

Land Act Cap 227

- **S.39** provides for consent of a spouse before transacting on family land
- **S.33** a tenant by occupancy can acquire a **Certificate of Occupancy**
- **land management institutions to have a membership of at least a third being woman**

National land policy of 2013

- **Puts in place four options to address the mailo impasse;**
- **Land sharing**
- **Land renting or leasing**
- **Outright purchase**
- **Acquiring a Certificate of occupancy**

Implementation of the Responsible Land Policy Uganda- project (RELAPU)

The RELAPU project is founded on the four options in the NLP

The project is documenting ownership and land use rights on customary land and private Mailo land

- **Land sharing**- land lord goes into a sharing agreement with the tenant
- **Land renting/ leasing**- land lord leases his land to the tenant
- **Outright purchase**- the tenant purchase their reversionary interest
- **Acquiring COO**- tenant acquire a COO and it is registered on land lord title as an encumbrance

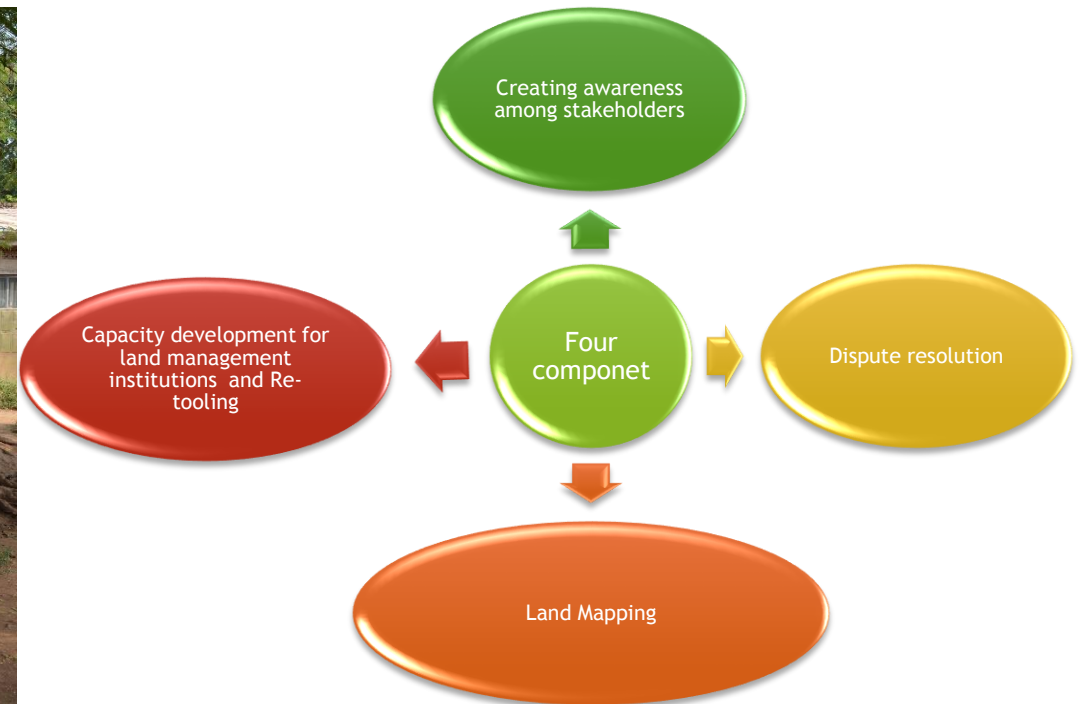
The objective of the project is to “*Contribute to improved food security, improved livelihoods and poverty alleviation for small-scale farmers and other users of natural resources, in particular for women and marginalized groups in Central Uganda.*”

- **The specific intervention is in the rural district of Central Uganda called Kasanda, Mityana and Mubende** these area are predominantly with the **Mailo tenure**
- The project targets improving land governance and productivity of small holder farmers on Mailo land.

The implementing partners of the project ;
GIZ -Uganda ;Ministry of Lands , Housing and Urban development &Civil Society Organisations

- The project target is to document land use rights of 75,000 HH
- The project maps tenancy land rights and aims to improve the relationships between land lords and tenants

Key activities of the project



Key processes



Mapping using Fit -For Purpose approach .

Map land rights at minimal cost while achieving the ultimate purpose of land administration .



Data entry and storage .

This involves the process of capturing and management of land rights data using a software called CRISP



Land Inventory Protocol

Captured user rights data which will form basis to increase transparency on Private Mailo and a basis upon which the options under NLP will be negotiated



Key achievements of the project



- ▶ Bridging the gap between land lords and tenants through Mapping 75000 HH's.
- ▶ Building strong ADR mechanism in dispute resolution in the communities as opposed to formal court systems
- ▶ Including the women's name of COO
- ▶ Creation of a land Inventory on Mailo land in the Project area through issuing land Inventory Protocol (LIP)
- ▶ So far 34,604 issued , 22,574(65%) are men, 11,229 (33%) are women , 798(2%) having wife and husband, 922(2.7%) are people with disabilities and 5,162 (15%) are elderly.
- ▶ Payment of ground rent as set by law which is a recognition of the land lord's rights.
- ▶ Increased agricultural productivity and income due to tenure security



Challenges of the project



- ▶ Resistance by some Land Lords;
- ▶ Discriminatory cultures and customs on inheritance by women;
- ▶ Land disputes; and
- ▶ Absentee land lords
- ▶ Lack of infrastructure

Conclusion

- ▶ This project has **shown opportunities and learning lessons for unlocking Mailo tenure impasse in Uganda** as it offers the required options under the NLP which include among others issuance certificates of occupancy on Mailo tenure.
- ▶ **The success factors which have contributed to the achievement of the project objectives include:**
 - The political support from both the central Government and Local Governments.
 - **Existence of the clear legal and policy framework which guides the implementation of project activities.**
 - The financial support from development partners.
 - **Appreciation of the project by the project beneficiaries and overwhelming demand for COO by the local people.**
 - **Willingness of landlords to embrace the new changes.**



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