MAKERERE UNIVERSITY

APPRAISING THE RELATIONSHIP BETWEEN THE LAW ON LAND REGISTRATION AND LAND GRABBING IN UGANDA: A CASE STUDY OF KAYUNGA DISTRICT

BY

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LLB (UDSM); LLM (UCT)

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DIRECTORATE OF RESEARCH AND GRADUATE TRAINING
FOR THE AWARD OF THE DEGREE OF DOCTOR OF
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DEDICATION

To my parents and my children.

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LIST ABBREVIATIONS

ALCs	Area Land Committees
CCO	Certificate of Customary Ownership
CESR	Committee on Economic Social and Cultural Rights
COREQ	Consolidated Criteria for Reporting Qualitative Research
CR	Critical Realism
DLBs	District Land Boards
EAC	East African Community
EMCAD	Empowerment for Career Development
FAO	Food and Agriculture Organisation
FGD	Focus Group Discussions
FPIC	Free, Prior and Informed Consent
HURIPEC	Human Rights and Peace Centre
IDB	International Development Bank
IFPRI	International Food Policy Research Institute
KCCA	Kampala Capital City Authority
KII	Key Informant Interviews
LASPNET	Legal Aid Service Provider's Network
LCs	Land Committees
LIS	Land Information System
LL.M	Master of Laws
LLB	Bachelor of Laws
LPU	Land Protection Unit
LRD	Land Reform Decree
LTs	Land Tribunals
MoLHUD	Ministry of Lands, Housing and Urban Development
NAPE	National Association of Professional Environmentalists
NFA	National Forestry Authority
NGO	Non-governmental Organisation
NRM	National Resistance Movement
PCs	Provisional Certificates
PEAP	Poverty Eradication Action Plan
PLA	Public Land Act

PWDs	Persons with Disabilities
RDC	Resident District Commissioner
RTA	Registration of Titles Act
SLAAC	Systematic Land Adjudication and Certification
STDM	Social Tenure Domain Model
UCT	University of Cape Town
UDSM	University of Dar es Salaam
UGCA	Court of Appeal of Uganda
UGCC	Uganda Constitutional Court
UGHC	High Court of Uganda
UGHCLD	Uganda High Court Land Division.
UGSC	Supreme Court of Uganda
ULC	Uganda Land Commission
UNEP	United Nations Environment Programme
UPDF	Uganda People's Defence Force
USAID	United States Agency for International Development

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Asaph Kakuru v Uganda (HCT-05-CR-CM-0028-2003) UGHC 84

Attorney General & Anor v Kamoga & Anor (Miscellaneous Application No. 1018 of 2015) [2016] UGHCLD 2

Attorney General v Henley property Developers Limited (Civil Appeal No. 421 of 2021) UGCA 1

Atunya v Okeny (Civil Appeal No. 0051 of 2017) [2018] UGHCLD 69

Bale & 2 Ors v Okumu (Civil Appeal No. 21 of 2005) UGHC 271

Commissioner Land Registration & Anor v Lukwajju [2017] UGSC 5

Fr. Narsensio Begumisa and Ors v Eric Tibebaga UGSC 18

Ganafa v Wasswa (Civil Appeal No. 44 of 2016)

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Maduka v Rupiyazita (Civil Appeal No. 12 of 1971) UGHC 1

Magote v Magote and Another (HCT-03-CV-MC 11 of 2023) UGHC 181

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Mukasa v Wambedde & Ors (Civil Suit No. 459 of 1998) UGHCLD 1

Muwonge v Salongo (HCT – 14 – LD – CA – 0098/2018.) UGHCCD 269

Nafula v Kayanja & Anor (Civil Suit No. 136 of 2011) [2017] UGHCLD 2

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Land Act, Cap. 236

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LIST OF NATIONAL POLICIES

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The Ankole Agreement, 1901

The Buganda Agreement, 1900

The East Africa Order - In -Council, 1897, later renamed the Uganda Order -In- Council, 1902 and Amended in 1920

ABSTRACT

Uganda's legal framework governing land recognises four tenure systems namely customary, freehold, leasehold, and mailo. Theoretically, these tenure systems provide for security and effective land administration. They are, however, insufficient to eliminate all forms of land insecurity such as land grabbing and violent land evictions in Kayunga District. The study investigated the link between land registration laws and land grabbing in Kayunga District in central Uganda.

The study identified and interrogated the challenges and opportunities in preventing and resolving land-related conflicts in the area of study. Theoretically, the study relied heavily on the Production Theory and Conflicts, and Property Theories. Methodologically, the study was guided by the interpretivist research philosophy and employed a cross-sectional qualitative case study design complemented by a doctrinal legal approach.

The study established that Uganda's land registration system was not specifically enforced due to institutional inefficiencies. Local communities perceived the registration process as both a potential safeguard and instrument capable of exploitation by the corrupt individuals and land market speculators. High transaction costs and complex procedures further marginalized vulnerable groups, especially women and customary landholders. Vivid contradictions between statutory and customary tenurial systems and the failure of courts and alternative dispute resolution mechanisms deepened tenure insecurity and conflict. The study revealed that while land registration in Uganda was intended to enhance tenure security, transparency, and fairness, weak enforcement, institutional failure, and corruption have instead transformed it into a mechanism that facilitates land grabbing and deepens tenure insecurity, particularly among vulnerable groups in Kayunga District.

The study recommended that land governance be strengthened through legal and institutional reforms, including amending key land laws, integrating customary tenure, enforcing gender protections, improving valuation and acquisition processes, reviving District Land Tribunals, completing digitisation, tightening corruption controls, and safeguarding communal land. The study also recommended that non-legal measures such as parish-level legal literacy and community land monitoring committees be adopted to boost awareness, oversight, and protection against land grabbing in Kayunga District.

CHAPTER ONE

INTRODUCTION

1.0 Introduction

Ugandans are people living in the Eastern part of Africa. These people regard land as the foundation of life and community identity[1]. This implies that land to Ugandans is fundamental to community survival and their well-being. In Uganda, however, despite the central importance of land to people's livelihoods and identity, land grabbing has become a widespread challenge, particularly in rural and peri-urban areas, where insecure land rights have left many communities vulnerable to powerful actors who seize land without consent, disrupting livelihoods and eroding cultural foundations.[2] Land is generally vital for livelihood, identity, and culture among various communities.[3] It is a factor in the country's social and economic growth. Land rights are insecure and disputed, especially in rural areas where customary and statutory tenure regimes coexist and clash. This means that many Ugandans do not have clear and legal rights to their land, which exposes them to the risk of land grabbing.[4] Land grabbing arises when powerful people or companies take land without the consent of those living on it, leading to conflicts and fights over land ownership and use[5]. Land grabbing jeopardizes the land rights and welfare of local communities. [6] It is prevalent in most parts of Uganda, from the acquisition of land in Bugiri by the Mehta Group[7], through the eviction of smallholder farmers in Amuru, the development of an oil palm plantation in Kalangala by the German company in Uganda to constant land evictions in Kayunga districts.[8] Land grabbing hurts the people who lose their land, as they rely on it for their livelihoods and culture. [9]

---

[1] Harriet Busingye, Customary Land Tenure in Uganda: Legal Aspects and Policy Implications (Kampala: Makerere University, 2002).

[2] Noel Kishaija and Balint Heil, Rural Land Rights, Market, and Structural Transformation: A Review of a Ugandan Case, Preprints, 2025, https://www.preprints.org/manuscript/202503.0885.

[3] Neimark, B., Toulmin, C., & Batterbury, S. (2018). Peri-urban land grabbing? Dilemmas of formalising tenure and land acquisitions around the cities of Bamako and Ségou, Mali. Journal of Land Use Science, 13(3), 319-324. ; Chu, J. (2011). Gender and 'Land Grabbing' in Sub-Saharan Africa: Women's land rights and customary land tenure. Development, 54(1), 35-39.

[4] Ibid.

[5] The acquisition of land by illegal, coercive, or fraudulent means.

[6] Mwesigye, F., & Matsumoto, T. (2016). The effect of population pressure and internal migration on land conflicts: Implications for agricultural productivity in Uganda. World Development, 79, 25-39.

[7] Robert Ojambo, (2023), Sugarcane Plantations and Alienation of Land from Smallholder Farmers through Out -grower Schemes in Busoga Sub- Region in Eastern Uganda,10.

[8] A Repot on A Conservation Project in the Toro Semiliki Wildlife Reserve, (2021) A wildlife conservation project displaced communities without consultation or compensation, sparking media and parliamentary scrutiny.

[9] Batterbury, S. P. J., Palmer, L., Reuter, T., De Carvalho, D. D. A., Kehi, B., & Cullen, A. (2015). Land access and livelihoods in post-conflict Timor-Leste: no magic bullets. International Journal of the Commons, 9(2), 619.

Land registration has been advocated for as a legal mechanism to enhance land security and reduce land grabbing. It involves the recording and documentation of land rights in an official registry.[10] It purports to provide legal recognition and protection to landholders, as well as facilitate land transactions and management. Land registration can also inadvertently or unintentionally impact land rights, such as by generating or exacerbating inequalities, conflicts, or dispossession. Consider the case of a rural community where land has traditionally been held under customary law without formal documentation. The introduction of the land registration system was intended to formalize property rights and enhance tenure security. The process has inadvertently marginalized individuals without official documentation or the financial means to obtain it. This has created inequalities, as those with registered land have gained legal recognition and access to socio-economic benefits such as credit, while others continue to struggle to prove ownership of their land. Conflicts have emerged as land registration has revealed overlapping claims or been influenced by individuals with greater economic or political power. Consequently, cases of dispossession have occurred through denial of rights, covert manipulation, expropriation, or forceful eviction.[11] The Law on land registration in Uganda tries to protect rights of land owners who register their land but majority of the land owners in Kayunga District do not have registered interests in land which exposes their land to grabbers.

The Department of Land Registration in the Ministry of Lands Housing and Urban Development is responsible for issuance of certificates of titles, general conveyance, keeping custody of the national land register, coordination, inspection, monitoring and back-up technical support relating to land registration and acquisition processes to local governments

Land registration has varying effects on land rights. Land registration serves to safeguard ownership rights and deter land grabbing; however, it paradoxically facilitates dispossession when manipulated by influential actors to unlawfully displace rightful landowners.[12] For instance, some of the contentious issues in section 3 of the Land Act (Cap 236) include the lack of clarity on how to identify and protect customary rights holders, especially women, children

; German, L., Mandondo, A., Paumgarten, F., & Mwitwa, J. (2014). Shifting rights, property and authority in the forest frontier: 'stakes' for local land users and citizens. The Journal of Peasant Studies, 41(1), 51-78.

[10] Mathew, G., & Jain, L. C. (2005). Decentralisation and Local Governance: Essays for George Mathew. Orient Blackswan Private Limited.

[11] An Ansoms and Thea Hilhorst (2014). Losing Your Land: Dispossession in the Great Lakes, https//www.jstor.org/stable/10.7722/j. tt6wp9mv at Pg. 25

[12] Deininger, K., Byerlee, D., Lindsay, J., Norton, A., Selod, H., & Stickler, M. (2011). Rising Global Interest in Farmland: Can It Yield Sustainable and Equitable Benefits? World Bank Publications.

and minorities;[13] the difficulty of converting customary land into freehold tenure without undermining the collective rights and interests of the community; and the challenge of ensuring that customary land is used in accordance with environmental laws and regulations.[14] Even though the Land Act attempts to provide a framework for such conversion, Section 60(2) explicitly renders any freehold titles issued irregularly on customary land null and void, underscoring the legal tension between formal titling and customary ownership. This complexity continues to pose a significant barrier to equitable land governance, as the process often benefits individuals with greater knowledge, financial capacity, or political connections, thereby marginalizing poorer community members. In addition, there are also laws and policies in place that allow for the acquisition of land for development and investment purposes.[15] All the same, there is a mismatch between the law and the realities on the ground. The increasing needs for land and weaknesses in the law and the inability of some landowners from using the protections given by the law has led to conflicts between local communities and investors or government entities over the ownership and use of land.[16]

This study investigated the link between Uganda's laws on land registration and incidents of land grabbing in Kayunga District, where agriculture is the mainstay of the rural population. It explored how these laws have evolved and their impact on various land rights, with a focus on Kayunga.[17] This study examined into local perceptions of the role of land registration in perpetuating or deterring land grabbing, identifies the primary factors driving land grabbing, and examines the challenges and prospects for resolving related conflicts. Recommendations are offered for legal reforms to bolster land rights security and prevent land grabbing in

[13]Mitchell, M. I. (2022). Indigenous Land Rights and Contentious Politics in Africa: The Case of Uganda. Ethnopolitics, 1-21. ; The Uganda National Land Policy, 2013.
[14] The Land Act, Cap. 236.
[15] The Investment Code Act (2019) establishes the Uganda Investment Authority and its functions to promote and facilitate investment in Uganda; The Land Acquisition Act (cap. 235) (1965) gives the government the power to acquire land for public purposes and provides for compensation and appeals; The Guidelines for Compensation Assessment under Land Acquisition (2017) set out the principles and methods for valuing land and properties affected by compulsory acquisition; The National Land Policy (2013) outlines the principles and objectives of land governance and administration in Uganda; The Constitution of Uganda (1995) guarantees the right to property and requires prompt payment of fair and adequate compensation for the compulsory acquisition of land; The National Environment Act (2019) provides for the protection and management of the environment and natural resources; The Physical Planning Act (2010) provides for the preparation and implementation of physical development plans at national, regional, and local levels; The Land Regulations (2004) provide for the procedures and forms for land transactions and administration.
[16] Nyeko, O. (August 20, 2021). Uganda Moves to End Longstanding Land Conflict: Government Should Consult Community, Respect Rights. Human Rights Watch. Retrieved February 20, 2023 from https://www.hrw.org/news/2021/08/20/uganda-moves-end-longstanding-land-conflict

Kayunga, providing insights for stakeholders engaged in land rights protection and sustainability in Uganda.

In a nutshell, the study findings revealed that the relationship between land registration and land grabbing in Kayunga District is complex. While land registration is intended to safeguard ownership and provide tenure security, in practice it has not fully eliminated land grabbing. Registered land was generally less vulnerable to illegal takeovers because it provided legal proof of ownership; however, loopholes in registration processes, corruption, and manipulation of records still allowed powerful individuals to acquire registered land unlawfully. In contrast, unregistered land, particularly under customary tenure, was found to be highly prone to fraudulent claims, forced evictions, and speculative acquisitions, as owners lacked formal documentation to defend their rights. The findings further indicated that communities viewed land as central to their survival and identity, yet insecurity persisted due to weak institutional enforcement and limited awareness of legal protections. Even though the Systematic Land Adjudication and Certification (SLAAC) program had been implemented successfully in districts like Mbarara, Kiruhura, and Ibanda to strengthen land ownership and reduce disputes, it had not yet been introduced in Kayunga District, leaving most landowners dependent on sporadic and costly registration processes that continued to expose them to land grabbing and tenure insecurity. The study established that although land registration in Uganda was designed to safeguard ownership, promote transparency, and ensure tenure security, weak enforcement, institutional inefficiencies, and corruption have instead turned it into a system that enables land grabbing and undermines the rights it was meant to protect. Chapter one of this study presents the study's background, objectives, research questions, scope, significance, and key definitions.

1.1 Background

1.1.1 The Development of Land Law in Uganda

a. Precolonial period

Uganda's land laws have transformed over time from customary arrangements to formal statutory systems influenced by historical, political, social, and economic changes.[18] The development of land law in Uganda is a complex and dynamic topic that involves historical, political, and social factors. Before colonialism, land law was based on customary norms and practices that varied among different ethnic groups and regions. Land was mainly held

[18] Businge, Customary Land Tenure in Uganda: Legal Aspects and Policy Implications.

communally by clans or families, with some individual rights of use and occupancy.[19] Land rights were acquired through inheritance, allocation by elders or chiefs, or settlement by permission.[20] Land use was regulated by customary rules and obligations such as paying tribute, offering services, or observing rituals. Land disputes were resolved by traditional authorities or mediators using customary laws and principles. Customary tenure was flexible and adaptable to changing circumstances and needs.[21]

Customary tenure systems were diverse and complex, reflecting the socio-cultural diversity of Uganda's pre-colonial societies.[22] Some examples of customary tenure systems were: The Bantu-speaking kingdoms of Buganda, Bunyoro, Toro and Ankole had centralized political structures that regulated land matters.[23] The kings owned all the land in their kingdoms and granted it to chiefs who administered it on their behalf. The chiefs allocated land to peasants who paid tribute in return. The peasants had usufruct rights but not ownership rights over the land they occupied. The Nilotic-speaking peoples of Acholi, Lango, Teso and Karamoja had decentralized political structures that relied on clan-based governance.[24] The clans owned the land collectively and distributed it among their members according to need. The clan elders were responsible for managing land affairs and resolving disputes. The clan members had permanent rights over the land they occupied as long as they remained loyal to their clan. The Sudanic-speaking peoples of West Nile had a mixed system of centralized and decentralized governance. The kings owned some lands that they granted to chiefs who administered them on their behalf. The chiefs allocated lands to subjects who paid tribute in return. The subjects had usufruct rights but not ownership rights over the lands they occupied. Other lands were owned by clans who distributed them among their members according to need. The clan elders were responsible for managing land affairs and resolving disputes. The clan members had permanent rights over the lands they occupied as long as they remained loyal to their clan.

The Buganda Agreement of 1900 marked the beginning of Uganda's formal land alienation, transforming land from a communal resource into a political and economic tool of control.[25]

[19] Wabineno Oryema, L. M. (2014). Changing face of land tenure in Uganda: Period before 1900 to date. Journal of Land Administration in Eastern Africa, 2, 134-148.
[20] Oloka-Onyango, J. (2017). Land injustice, impunity and state collapse in Uganda: causes, consequences and correctives.
[21] Mabikke, S. B. (2016). Historical continuum of land rights in Uganda: a review of land tenure systems and approaches for improving tenure security. Journal of Land and Rural Studies, 4(2), 153-171.
[22] Ibid.
[23] Miti, J. K. (1991). A Short History of Buganda, Bunyoro Busoga, Toro and Ankole. Makerere University College Library, Photographic Department.
[24] Nyeko, B. (1996). Uganda. Clio Press.
[25] Samwiri Lwanga-Lunyiigo, The Struggle for Land in Buganda: 1888-2005 (Wavah Books Limited, 2013).

The Agreement institutionalised a dual system of ownership that privileged chiefs and collaborators while marginalising peasants, effectively creating a landed elite whose interests became intertwined with colonial administration.

b. During Colonialism

During colonialism (1894-1962), land tenure in Uganda was transformed by the British administration which introduced new categories of land ownership and tenure security that undermined customary rights and practices.[26] The British thought that customary land holding was not a good system of land rights ownership. They signed several agreements in line with distribution of land in Uganda. In 1900, they signed the Buganda Agreement with the kabaka of Buganda, which divided land in Buganda into four categories: mailo land (owned by Buganda chiefs and notables),[27] crown land (owned by the British),[28] freehold land (owned by individuals or institutions with full rights of ownership) and leasehold land (rented from other owners for a fixed period).[29] Mailo land was divided into three parts: Kabaka's mailo,[30] official mailo,[31] and private mailo.[32] Freehold tenure was set up by agreements between the respective kingdoms and the British and at the onset; it was peculiar to the then Kingdoms of Toro and Ankole in Western Uganda. This agreement granted freehold titles to some chiefs and notables while leaving most of the land under customary tenure. This created a dual system of land tenure in Buganda. Land problems in Uganda have had their roots in the colonial era, which resulted in pluralistic forms of property rights that created problems for land reform.[33] Under the mailo land tenure, dual ownership of land was birthed with the landlords or bibanja holders having interests in land concomitantly with tenants.[34] The emergence of the 'landed' class of collaborators, local leaders and the wealthy, and the 'landless' class of predominantly peasants, women and children created land inequality where one class was doomed to forever

[26] Land tenure is about the relationship between people and the land, and how local laws and customs define that relationship, Land tenure determine who can use land, for how long and under what conditions.
[27] Mailo land was created by allocating 9,000 square miles of land to about 1,000 chiefs and notables who became landlords. The peasants who occupied mailo land became tenants who had to pay rent or provide labor to their landlords. The tenants had no security of tenure and faced eviction if they failed to pay rent or displeased their landlords.
[28] The remaining 8,000 square miles of land were declared crown land.
[29] Mailo land was created by allocating 9,000 square miles of land to about 1,000 chiefs and notables who became landlords. The peasants who occupied mailo land became tenants who had to pay rent or provide labor to their landlords. The tenants had no security of tenure and faced eviction if they failed to pay rent or displeased their landlords.
[30] Kabaka's mailo represents the 350 square miles of land that were given to the Kabaka.
[31] Land owned by the Kabaka, Katikkiro, Omulamuzi and the Ssaza chiefs.
[32] Land owned by private individuals.
[33] Mwebaza, E. (2017). A historical perspective of the land problem in Uganda.
[34] Sabiiti, O. (2014). Understanding the Evolution of Property Rights to Land in Uganda: 1900-2010. The University of Manchester (United Kingdom).

receive crumbs in land reform and policies, and the other a lion's share.[35] Additionally, colonialism undermined the customary and traditional land tenure that had existed before the arrival of the British, despite customary tenure forming the bulk of land tenure in Uganda.[36] It is a land tenure system based on a community's cultural values, traditions, and practices. It may be vastly different from what many countries have in terms of legal and economic systems. All these challenges have always been at the nucleus of land reform that the new Ugandan republic was bound to take on.

Furthermore, in Uganda, a series of laws were enacted to manage land affairs, notably the Crown Lands Ordinance (1903),[37] Land Acquisition Act (1915),[38] Registration of Titles Act (1922),[39] and *Busuulu* and *Envujjo* Law (1928).[40] Collectively, these laws diminished customary land rights, paving the way for a land ownership and tenure system that aligned with colonial and subsequent governmental interests.

According to Wabineno, the origin of the existing land tenure systems dates to 1900 when the British made their first attempt to formalise the means of holding land in Uganda.[41] The 1900 Buganda Agreement changed the agrarian ethos notably in three ways. First, all land was shared out and allocated in perpetual ownership, ceasing to be held in trust for the people. Second, landlords emerged, and they began leasing out their land, and later selling it off completely. Last, with the subsequent enactment of the *Busuulu* and *Envujjo* Law of 1928 by the colonial government to alleviate the plight of the peasants, the dual nature of the land rights, that is, the *kibanja* and holder and title deed holder, was confirmed. The documentation being the most accepted indication and claim of ownership, the Buganda Agreement thus birthed registration and documentation of land, as we know it. This was later consolidated by the enactment of the Registration of Titles Ordinance in 1922. As a result of the Agreement, only three types of land tenure were recognised in Buganda. Under the mailo land tenure, the land was held in perpetuity, and it permits the separation of ownership of land from the ownership

[35] Cliffe, L. (2005). Imperialism & African Social Formations.Review of African Political Economy, 32(103),5-7.
[36] Wily, L. A. (2011). Customary land tenure in the modern world. Rights to Resources in Crisis: Reviewing the Fate of Customary Tenure in Africa (Brief #1 of 5, Issue.
[37] It declared all unoccupied land to be Crown land, thereby vesting ownership in the British monarch.
[38] It empowered the colonial government to compulsorily acquire land for public purposes, often without adequate compensation to the original owners.
[39] It introduced a system of land registration, making it easier for the colonial government to issue titles to land and undermining customary land holding practices.
[40] It aimed to regulate the relationship between landlords and tenants, but ultimately favored the interests of landlords and further eroded customary rights.
[41] Wabineno Oryema, L. M. (2014). Changing face of land tenure in Uganda: Period before 1900 to date. Journal of Land Administration in Eastern Africa, 2, 134-148.

of developments on land made by a lawful or bonafide occupant. It also enables the mailo owner, subject to the customary and statutory rights of lawful or bonafide tenants to own land with a freehold title and exercise all its rights as an owner.

The Crown Lands Ordinance 1903 extended the concept of crown land[42] to other parts of Uganda.[43] The British claimed ownership over all crown lands and could alienate them for public purposes or grant leases to private individuals or companies. Customary occupants on crown lands had no legal recognition or protection. They had a right to occupy any land (outside Buganda and urban areas) not granted in freehold or leasehold under their customary law.[44] The Governor had the power to sell or lease such land to any other person without reference to the customary occupants. Compensation was payable to the displaced occupants at the discretion of the Governor. The only right the customary occupants had was to remain in occupation until arrangements, approved by the Governor, were made to relocate them. In addition, under the Crown Ordinance of 1903, the British granted adjudicated freeholds to a small number of people and religious institutions.

The 1908 Busoga Agreement recognised customary tenure and allowed leasehold and freehold grants.[45] The Crown Lands Ordinance of 1919 declared all unoccupied lands as crown lands under British control but faced resistance from some African chiefs and nationalists.[46] The Ordinance was amended in 1928 to address some concerns. The same year, the Busuulu and Envujjo Law fixed the annual rent at 10 shillings and tax for tenants on mailo land in Buganda and gave them some rights and restrictions.[47] The 1928 Toro Agreement and the 1933 Ankole Agreement also recognised customary tenure and gave powers to native authorities. The Busuulu and Envujjo Law of 1928 in Buganda and the Toro Landlord and Tenant Law of 1937 regulated the rent rates for tenants who were supposed to pay their landlords by law.[48] These

[42] Crown land was defined as any land that was not mailo, freehold or leasehold.
[43] Akena, F. A. (2018). Customary Land Tenure and Ecological Sustainability in Acholi Land, Northern Uganda. In J. McIntyre-Mills, N. Romm, & Y. Corcoran-Nantes (Eds.), Balancing Individualism and Collectivism: Social and Environmental Justice (pp. 221-237). Springer International Publishing.
[44] Mugambwa, J. (2007). A comparative analysis of land tenure law reform in Uganda and Papua New Guinea. Journal of South Pacific Law, 11(1).
[45] Peter FB Nayenga, "Chiefs and the" Land Question" in Busoga District, Uganda, 1895-1936," International Journal of African Historical Studies, JSTOR, 1979, 183–209.
[46] Ahluwalia, D. P. (1993). Contradictions in Uganda's Development: The Case of the Sugar Industry. The African Review: A Journal of African Politics, Development and International Affairs, 20(1/2), 81-93.
[47] New Vision, "The State Responds Buganda on Land," March 2007, https://www.newvision.co.ug/news/1193512/responds-buganda-land [accessed on 23/04/2023].
[48] Mwebaza, E. (2017). A historical perspective of the land problem in Uganda.

laws displaced local knowledge and relations to land and replaced them with alien notions of property and ownership.[49]

The 1937 Land Boards Ordinance established District Land Boards to administer crown lands and grant leases for up to 99 years. The boards were composed of British officials and appointed Africans who ignored customary laws and practices. The boards could also cancel leases if they deemed them contrary to public interest or welfare. The terms of the tenancy between the tenants on freehold land and the titleholders were fixed by law in 1937. The 1958 Registration of Titles Act introduced a system of registration of titles for all lands except customary lands, which conferred legal ownership and security of tenure on registered owners. The registration was costly and inaccessible for most land owners who lacked formal documents or surveys. These changes during colonialism resulted in a dualistic system of land tenure that favoured private ownership over communal rights; formal law over customary law; cash economy over subsistence economy; and foreign interests over local interests.[50] They also created inequalities, conflicts, and grievances among diverse groups over access to and control over land resources. Colonialism changed the land tenure and management system in Uganda, creating 'haves' and 'have-nots' in land ownership.[51] The colonial government entered into agreements with the Buganda, Ankole and Toro Kingdoms for increased individualized ownership of land. This supported the industrial revolution in Europe and America with raw materials from Africa.[52] The goal was to place a premium on private property rights with a focus on individual ownership. This was achieved through laws that divided the land into distinct categories and granted titles to some individuals while leaving others without legal recognition. The land reforms by the British created a grossly unequal land tenure system. The Buganda Agreement, for example, gave large tracts of land to the political elite but turned most of the people of Buganda into tenant farmers.[53] The Buganda Agreement undoubtedly led to the first major displacement of Ugandan people from the land

[49] Kajura, Y. S., & Lule, B. B. (2017). Land Injustice in Central Uganda: Select Studies from Kayunga, Mukono and Kampala. Human Rights and Peace Centre.
[50] Ibid. Mamdani, M. (2013). The Contemporary Ugandan Discourse of Customary Tenure: Some Theoretical Considerations [MISR Working Paper](No 13). ; Ntsebeza, L., & Hall, R. (2007). The land question in South Africa: The challenge of transformation and redistribution. HSRC press.
[51] Mwebaza, E. (2017). A historical perspective of the land problem in Uganda.
[52] Ibid.
[53] Green, E. D. (2006). Ethnicity and the Politics of Land Tenure Reform in Central Uganda. Commonwealth & Comparative Politics, 44(3), 370-388.

they had occupied. The mailo land system created a situation where both Baganda peasants and immigrants on large tracts of undeveloped land were legally rendered landless.[54]

c. Post-Independence

Uganda became independent in 1962 and adopted a Constitution that recognised four land tenure systems: freehold, leasehold, mailo, and customary. After independence, political and economic factors changed land tenure in Uganda.[55] In 1966, Obote's regime restored freehold and mailo titles and made customary tenure equal to other systems. In 1967, the Republican Constitution abolished the kingdoms and their lands and gave all land to the president. It also created district land boards to manage public land and protect customary rights. The Public Land Act of 1969 protected customary land rights and reinstated customary land ownership.[56]

The post-independence reforms merely reconfigured the colonial inequalities rather than dismantling them. The state's continued control over land through legal instruments such as the Land Reform Decree of 1975 reproduced the colonial logic of domination, where the government became the new custodian of land at the expense of customary holders. This trend persisted even after 1986, with land reform policies framed as modernization projects yet often reinforcing central authority and weakening community autonomy.[57]

In 1975, the Government of Uganda under President Idi Amin issued the Land Reform Decree which nationalized all land and declared it public land held by the state under a 99-year leasehold system.[58] The Decree abolished the four existing tenure systems of freehold, leasehold, mailo, and customary, thereby placing all land under direct state ownership and administration. It further established District Land Committees to manage land at local levels and repealed the Busuulu and Envujjo Law of 1928, which had previously safeguarded tenants from arbitrary eviction. While the reform was introduced under the guise of promoting equality and efficiency in land management, it instead concentrated land control in the hands of the state and stripped customary landholders of their ownership rights. This centralization of authority weakened community autonomy, encouraged administrative corruption, and laid the

[54] Mwebaza, E. (2017). A historical perspective of the land problem in Uganda.
[55] Though, these changes often faced resistance, corruption, and inefficiency.
[56] Mwebaza, E. (2017). A historical perspective of the land problem in Uganda.
[57] Muhamed Lunyago, "Kyapa Mu Ngalo and the Land Question: Understanding the Politics and Dynamics of Land Reform in Uganda" (PhD Thesis, Makerere University, 2024).
[58] Uganda. (1975). The Land Reform Decree. Government Printer.

groundwork for tenure insecurity and land grabbing practices that later emerged in Uganda's land governance system.[59]

In 1986, the Government of Uganda initiated policy reforms that recognised customary rights of occupancy on public lands and permitted mailo owners to reclaim land upon proof of ownership or occupation before 1975.[60] The 1995 Constitution later reaffirmed the four land tenure systems, freehold, leasehold, mailo, and customary, and introduced provisions on spousal co-ownership and certificates of customary ownership, marking a major institutional and legal shift in Uganda's land governance framework.[61] Prior to the 1995 Constitution, customary landholding lacked legal recognition, often overlooked and undermined by colonial authorities,[62]leaving customary tenants vulnerable and considered tenants at sufferance, who could be evicted arbitrarily, especially under the Land Reform Decree of 1975.[63] The Constitution established district land tribunals to adjudicate land disputes and protect human rights related to land, thereby providing a crucial safeguard for the rights of landholders. Despite Uganda's history of political and constitutional instability, the 1995 Constitution aimed to address land tenure issues. It recognises property rights, including land ownership, subject to limitations in the public interest.[64] According to the Constitution, land in Uganda is held and disposed of under the following systems: customary, freehold, leasehold, and mailo.[65] Discussions during the 1990s involved former mailo owners seeking restoration of their rights, while customary tenants demanded secure tenure. The Constitution provides a framework for these four tenure systems to coexist, although challenges persist.[66]

[59] Mastewal Yami and Katherine A. Snyder, "After All, Land Belongs to the State : Examining the Benefits of Land Registration for Smallholders in Ethiopia," Land Degradation & Development 27, no. 3 (2016): 465–78, https://doi.org/10.1002/ldr.2371.
[60] Ogenga Otunnu, The History of Political Crisis in Uganda: The Legacy Facing the Museveni Regime, 1986 to the Present, Halifax, NS: Saint Mary's University, 1989, https://library2.smu.ca/handle/01/22697.
[61] Mwebaza, R. (1999). How to integrate statutory and customary tenure: the Uganda case (Vol. 83). International Institute for Environment and Development.
[62] Nakayi, R. (2015). Marginalized but not discarded: Customary land rights in post-conflict Acholiland of Northern Uganda. East African Journal of Peace and Human Rights, 21, 22-49. ; Home, R. (2013). Culturally Unsuited to Property Rights?: Colonial Land Laws and African Societies.Journal of Law and Society, 40(3), 403-419.
[63] Businge, H. (2002). Customary land tenure reform in Uganda: Lessons for South Africa. International Symposium on Communal Tenure Reform. PLAAS, Johannesburg,
[64] Constitution of Uganda 1995, Article 26.
[65] Constitution of Uganda, 1995, Article 237.
[66] Mwebaza, E. (2017). A historical perspective of the land problem in Uganda.

The Land Act was enacted in 1998 to implement the 1995 Constitution's provisions on land. The Land Act reaffirms the four land tenure systems (customary,[67] leasehold,[68] freehold,[69] and mailo[70]) and grants property rights to all lawful and bona fide occupiers; decentralizes land administration; and establishes land tribunals, among others.[71] The Land Act has been reformed and amended over time to address old and new land problems for example, in 2004, it was amended to improve women's rights and the family, [72] and in 2010 it was amended to deal with land evictions by increasing security of tenure.[73] The Land Regulations of 2004 were issued under the Land Act and provide more details on how to implement the law, including procedures for registering land titles and conducting land transactions. The Land Act and the Land Regulations of 2004 also provide that customary land can be converted to freehold land by registration (Section 10 of the Land Act). The Land (Amendment) Acts of 2004 and 2010[74] amended some aspects of the Land Act such as security of occupancy for lawful and bona fide occupants, compulsory acquisition of land by the government, and conversion of leaseholds into freeholds, among others. Some of the amendments include compulsory registration of all interests in customary lands; certificates of occupancy for bona fide occupants on registered land; and district registries for recording transactions involving interests in customary lands; among others. All these amendments have been consolidated in the revised Land Act Cap 236. Other land reforms to land governance have included: The Land Sector Strategic Plan (2001-2011),[75] which was developed to implement the Land Act; and, the National Land Policy[76] was developed to ensure efficient, equitable and sustainable use and management of Uganda's land and land-based resources for poverty reduction, wealth creation and overall socio-economic development.[77] The Uganda Land Use Policy of 2006 provides guidelines for managing and using land resources in Uganda. Nevertheless, much as all these land reforms have attempted

[67] Supra Note 14, Section 3(1)
[68] Supra Note 14, Section 3(5)
[69] Supra Note 14, Section 3 (2)
[70] Supra Note 14, Section 3(4)
[71] Supra Note,14 Section 75

[72]Supra Note 14, Section 27
[73] Supra Note 14, Section 29
[74] Supra Note 14, Section 9
[75] Ministry of Water Lands and Environment. (2001). Land Sector Strategic Plan 2001-2011: Utilizing Uganda's Land Resources for Sustainable, Pro-Poor Development. Kampala: Ministry of Water, Lands and Environment
[76] Ministry of Lands Housing and Urban Development. (2013). The Uganda National Land Policy. Kampala: Ministry of Lands, Housing and Urban Development
[77] Ministry of Lands Housing and Urban Development. (2015). The Uganda National Land Policy Implementation Action Plan 2015/16 – 2018/19. Kampala: Ministry of Lands, Housing and Urban Development

to find solutions to the land question, several challenges continue to punch holes into the security of tenure, especially for the vulnerable and marginalized. Despite the Constitution guaranteeing the security of tenure, flaws and loopholes in its implementation have led to widespread evictions.

Uganda has enacted laws to regulate land ownership and use, acknowledge its role in economic development.[78] The land tenure laws have changed since the colonial era, especially after the 1998 Land Act.[79] This Act implemented the 1995 Constitution and introduced new mechanisms such as systematic demarcation and registration of customary land; conversion of customary tenure into freehold; creation of communal land associations; regulation of landlords and tenants; and protection of bona fide occupants; among others. It defined customary tenure as a system governed by rules accepted by a particular community; it granted security of occupancy to bona fide occupants on mailo land; it provided for conversion of leaseholds into freeholds; it regulated sub-division of land; it prohibited evictions without due process; it created certificates of customary ownership; it established a Uganda Land Commission Fund; it provided for dispute resolution mechanisms. The Land Act, Cap. 236 governs the ownership, management, and registration of land in Uganda. It also establishes the Land Fund,[80] which is used to acquire land for public purposes. Section 3(1) (a) (i) of the Land Act defines customary tenure as a system of land holding regulated by customary rules that may differ from community to community. The Land Act provides that any person, family or community holding land under customary tenure on former public land may acquire a certificate of customary ownership in respect of that land.[81] Buule argues that land ownership under customary tenure varies accordingly from area to area and owners do not know their rights to register their customary tenure or convert it to freehold and most of them cannot afford the costs of registering their customary ownership or converting it to freehold.[82] The Land Act defines mailo land tenure as the holding of registered land in perpetuity and having roots in the allotment of land according to the 1900 Uganda Agreement and subject to statutory qualifications under Section 3. The Land Act defines freehold tenure as land held in perpetuity

[78] The Constitution of Uganda, 1995 as severally amended, the Land Act, Cap. 236, Registration of Titles Act Cap 240, the Land Regulations of 2004, the Uganda National Land Policy, 2013, and the Uganda Land Use Policy 2006, which provide for different land tenure systems in Uganda.
[79] Mugambwa, J. T. (2002). Principles of Land Law in Uganda. Fountain Publishers.
[80] Section 41 of the Land Act.
[81] Mwebaza, R. (1999). How to integrate statutory and customary tenure: the Uganda case (Vol. 83). International Institute for Environment and Development.
[82] Buule, G. (March 24, 2021). What you should know about your land title. Nation Media Group. Retrieved February 20, 2023 from https://www.monitor.co.ug/uganda/magazines/homes-and-property/what-you-should-know-about-your-land-title-3334846.

with full ownership rights, subject to statutory and common law qualifications.[83] Leasehold tenure is a system where the owner grants the tenant exclusive use of the land for a specific period[84] and under certain terms and conditions. [85] A lease may be created by contract[86] or by law and may involve payment of rent, services or no return. [87] The lessee may exercise some powers of a freehold owner as appropriate and possible. A person or institution can obtain a lease from an owner on freehold, customary or mailo land or the Uganda Land Commission. Leases of public land have conditions of use and grant a certificate of title.[88] Leasehold is the only tenure system open to non-citizens. Customary tenure is a system by which communities operate to express and order ownership, possession, access, use and transfer of land and natural resources according to their customs.[89] It is usually collectively owned land under the authority of traditional leadership or large families or clans. [90]

The Registration of Titles Act, Cap 240 provides for the registration of land titles and the creation of a land registry. It establishes a system for the transfer and transmission of land titles and provides for the resolution of disputes related to land ownership.[91] Land grabbing, landlessness,[92] and land disputes[93] are some of the contemporary land problems that are deeply embedded in Uganda's history. Around 10% of Uganda's land on the surface is held under mailo and is predominant in the central region of Uganda and parts of western Uganda in Bunyoro and Toro, as well as Mbale.[94] Customary tenure represents the bulk of landholding in Uganda – between 70% and 80% of the land.[95] The Ministry of Lands, Housing and Urban

[83]Supra Note 14, Section 1.
[84] Supra Note 14, Section 5 (e).
[85] Supra Note 14, Section 5 (b).
[86] Supra Note 14, Section 5 (a).
[87] Ibid.
[88] Registration of Titles Act Cap 240, Section 36 (3).
[89] Wily, L. A. (2011). Customary land tenure in the modern world. Rights to Resources in Crisis: Reviewing the Fate of Customary Tenure in Africa (Brief #1 of 5, Issue.
[90] Chimhowu, A. (2019). The 'new'African customary land tenure. Characteristic, features and policy implications of a new paradigm. Land use policy, 81, 897-903.
[91] Registration of Titles Act 1924 (Cap. 240) https://mlhud.go.ug/wp-content/uploads/2019/03/Registration-of-Titles-Act-Chapter_240.pdf
[92] Landlessness refers to a lack of access to land for certain groups of people.
[93] Land disputes occur when there is a lack of clear land ownership or when different parties have conflicting claims to the same piece of land.
[94] Nac Estates. (June 03, 2021). Mailo Land Tenure in Uganda. Retrieved February 21,2023 from http://www.nacestates.com/posts/s/60b8b4a1bd700330ecd08739; Ali, D., & Duponchel, M. (2018). Shortcomings to overlapping land rights and a way forward: the case of Mailo land in Central Uganda [Case Study]. Development Research Group World Bank. https://documents1.worldbank.org/curated/en/383591528728458648/pdf/127047-PN-P095390-PUBLIC-Uganda-PN-mailo.pdf.
[95] Brady, L. (March 01, 2023). Lessons learned from Uganda on Citizen Action to improve Customary Land Tenure for rural women and men. Trócaire Retrieved March 03, 2023 from

Development estimates a larger surface, 30,000 square miles, under mailo tenure, affecting 15% of the total population.[96] Unlike under the other land tenure systems, there are no new titles created under mailo tenure because all titles therein were issued before 1928. This was confirmed by the Court of Appeal in the case of *St. Mark Educational Centre Ltd v Makerere University*.[97] In this case, mailo plots had been fraudulently created on the suit land in 1990. The Court of Appeal ruled that no mailo land could be created that year, emphasizing that the last mailo land certificates were issued in the 1920s. Therefore, today, the existing titles are either subdivided or the names on titles are changed in cases where ownership is being transferred.

The changes after independence reflected different ideologies and interests of different regimes and actors over land issues. They also created challenges such as multiple claims over land; unclear boundaries; weak institutions; corruption; conflicts; displacement; and insecurity. These incidents often vary from community to community.[98] There is a considerable range of customary tenure systems among Uganda's more than sixty ethnic groups – from strongly individualistic tenure patterns to highly communal systems. The underlying commonality in all these customary law systems is that rights are derived because of membership in a community and are retained because of the performance of reciprocal obligations in that community.

The point of understanding land crises today is best located in the 1900 Buganda Agreement.[99] The Agreement led to the division of the 19,600 square miles, which was estimated to be Buganda's land mass at the time, into two broad types of land.[100] One-half of 'waste, uncultivated and forest land' was 'given' to the colonial government and this came to be known as Crown Land. The other half was given to a select few of about 3700 people of the estimated population of one million people at the time. These included the Kabaka, the regents, senior and junior chiefs, and private landowners in the form of freehold estates – the so-called 'Mailo'.[101] The current legal framework for land governance in Uganda is based on these laws

https://www.trocaire.org/news/lessons-learned-from-uganda-on-citizen-action-to-improve-customary-land-tenure-for-rural-women-and-men/; FAO. (2023). Uganda: Prevailing systems of land tenure. Retrieved February 23, 2023 from https://www.fao.org/gender-landrights-database/country-profiles/countries-list/land-tenure-and-related-institutions/prevailing-systems-of-land-tenure/en/?country_iso3=UGA.

[96] Oput, R. (2013). FIG-WB forum on land administration and reform in Sub-Sahara Africa: Uganda (FIG Working Week 2013: Environment for sustainability, Issue.

[97] CA No. 40 of 1997.

[98] Mwebaza, E. (2017). A historical perspective of the land problem in Uganda.

[99] Kajura, Y. S., & Lule, B. B. (2017). Land Injustice in Central Uganda: Select Studies from Kayunga, Mukono and Kampala. Human Rights and Peace Centre, working paper No????

[100] Ibid.

[101] Ibid.

as well as other policies and regulations that deal with specific issues such as environmental protection, urban planning and mineral rights.[102] There are still many challenges and gaps that need to be addressed such as overlapping mandates among institutions, inadequate resources and capacity, corruption and fraud and gender inequality. The development of land law in Uganda has been influenced by historical factors such as colonialism, independence movements, political regimes, civil conflicts, constitutional reforms, and socio-economic changes. According to Payne, land tenures are a product of historical and cultural factors reflecting relationships between people and society.[103] Land tenure is defined as the relationship, whether legally or communally defined, among people as individuals or groups, concerning land and associated natural resources.[104] The land tenure systems in Uganda, as we have them today, are a reflection of Uganda's history, a history characterised by insecurity, power struggles from different groups of people, different cultures and norms in different parts of the country and the introduction of a foreign system of land ownership by the colonial government.[105]

Historically, land in Uganda has been a key source of livelihood and wealth and has often been a source of conflict and tension, particularly between different ethnic groups and clans[106]. This has led to the emergence of diverse land tenure systems, ranging from customary systems to statutory systems. Socially, the land is considered a crucial cultural and social asset in Uganda, with strong linkages to identity, social status, and community cohesion.[107] This has implications for the way land is managed, as well as for the rights and responsibilities of different groups and individuals in relation to land.[108] Economically, land is a key factor of production and is critical to the development of various sectors such as agriculture, industry, and tourism. This has led to competition over land, as well as issues related to land use planning

[102] Nakayi, R., & Kirya, M. T. (2017). The legal, policy and institutional framework of land governance in Uganda: a critical analysis. Human Rights and Peace Centre.
[103] Payne, G., & Durand-Lasserve, A. (2012). Holding on: security of tenure-types, policies, practices and challenges. United Nations High Commissioner for Human Rights. https://www.ohchr.org/sites/default/files/Documents/Issues/Housing/SecurityTenure/Payne-Durand-Lasserve-BackgroundPaper-JAN2013.pdf.
[104] FAO. (2007). The State of food and agriculture. Paying farmers or environmental services. FAO.
[105] Gibb, R. (2013). The politics of land reform in Uganda [Doctoral Dissertation, University of Kansas].
[106] Wabineno Oryema, L. M. (2014). Changing face of land tenure in Uganda: Period before 1900 to date. Journal of Land Administration in Eastern Africa, 2, 134-148.
[107] Mayiga, C. (June 26, 2017, January 30, 2021). Reasons land conflicts are rampant in Uganda. Nation Media Group. Retrieved February 24, 2023 from https://www.monitor.co.ug/uganda/oped/commentary/reasons-land-conflicts-are-rampant-in-uganda-1707788; Aslihan, K., Krista, J., & Sophie, N. (2011). Gender Land and Asset Survey Uganda: Gender Differences in Asset Rights in Central Uganda. https://www.icrw.org/wp-content/uploads/2016/10/Gender-Land-and-Asset-Survey-Uganda.pdf.
[108] Acidri, D. (2014). Women's Rights to Land Ownership in Uganda: Policy and Practice. Critical Social Thinking, 6.

and management. Politically, the land is a sensitive issue in Uganda,[109] with implications for power relations and governance. The government plays a key role in land administration and management,[110] and there have been concerns about the transparency and accountability of the land governance system,[111] as well as the protection of the rights of vulnerable groups such as women and local communities.[112] The laws and policies related to land tenure systems in Uganda operate in a complex environment that is shaped by various historical, social, economic, and political factors, which have implications for the way land is managed and the rights and responsibilities of different groups and individuals concerning land.

The Uganda National Land Policy of 2013 established a framework for equitable access and secure tenure, and it is currently under review by the Ministry of Lands to address emerging issues such as land-based investments and natural resource management.[113] It aims to ensure equitable access, secure tenure, sustainable management, and efficient delivery of land services. The laws and policies related to land tenure systems in Uganda were developed through a consultative and participatory process that involved various stakeholders and drew on international best practices and standards.[114] The laws and policies have been amended and revised over time to address emerging issues and challenges related to land management and administration. For example, the Land Act, Cap. 236 and the Registration of Titles Act, Cap 240 have been amended several times to address issues related to land ownership, registration, titling, and digitalization. The policy, as of October 2023, it is currently under review by the Ministry of Lands, Housing, and Urban Development. The ongoing review process, which includes national stakeholder consultations, aims to update the policy to better address issues related to land-based investments, the rights of vulnerable groups, and natural resources management[115]. In 2021, the government proposed a Land Amendment Bill that seeks to

[109] Taylor, L. (October 15, 2021). How Land Reform Became Uganda's Most Controversial Problem. Retrieved February 20, 2023 from https://foreignpolicy.com/2021/10/15/uganda-buganda-kingdom-land-reform-debate-museveni-colonialism-indigenous-power/

[110] GAN Integrity. (October 14, 2020). Uganda risk report. GAN Integrity Inc.

[111] Maira, M. (2013). Uganda: overview of corruption and anti-corruption. Transparency International. https://www.transparency.org/files/content/corruptionqas/379_Uganda_Overview_of_corruption_and_anticorruption.pdf.

[112] GAN Integrity. (October 14, 2020). Uganda risk report. GAN Integrity Inc.

[113] Including the principles of equitable access to land, transparency, and accountability in land administration, and the protection of the rights of vulnerable groups such as women, children, and local communities.

[114] Ministry of Lands Housing and Urban Development. (2013). The Uganda National Land Policy. Kampala: Ministry of Lands, Housing and Urban Development.

[115] National Land Coalition Uganda, "Civil Society Position Paper on the Review of the 2013 Uganda National Land Policy," October 2023, https://nlcuganda.org/wp-content/uploads/2024/03/civil-society-position-paper-on-the-review-of-the-2013-uganda-national-land-policy-final.pdf.

streamline mailo land tenure and its associated problems, such as difficulty for public agencies in accessing land and absentee landlords.[116] The proposed reforms include providing a suitable way for payment of dues by a kibanja holder, protecting the rights of the mailo landowner, and paying ground rent (Busuulu) through sub-county chiefs in cases where the mailo land is unavailable.

d. Land Registration in Uganda

Land registration and the attendant processes for documenting land ownership in Uganda are enshrined in Registration of Titles Act, Cap 240, which enables landowners to obtain titles as proof of land ownership upon registration. The Registration of Titles Act applies to all forms of land tenure in Uganda save for customary tenure.[117] Owners of land under the customary tenure who wish to have their land registered under the Registration of Titles Act, Cap. 240 must convert their tenure to freehold first, as provided for under section 10 of the Land Act.[118] The Land Act, Cap. 236, together with the Land Regulations, 2004 (as amended in 2017), allows an owner of customary land to apply for and obtain a Certificate of Customary Ownership (CCO). The 1995 Constitution, under Article 237(4)(a), places customary tenure at the same level as other tenure systems, affirming its legal validity. Nevertheless, while the CCO provides formal recognition of customary rights, it does not grant the holder the indefeasibility of title that is accorded to registered proprietors under the Registration of Titles Act, Cap. 230. Importantly, registration under the Titles Act does not itself create rights but rather records and protects rights that already exist under law. The Registration of Titles Act, Cap 240 provides a legal framework for the registration of land ownership in Uganda. Once a title is registered, the title holder is recognised as the legal owner of the land, and they have certain rights and privileges. These include the right to use the land,[119] the right to transfer the land,[120] the right

[116] Wafula, P., Seebe, R., Mukaaya, O., Wandera, D., Ashaba, A., & Emwamu, S., Peter (August 03, 2021). Mailo land tenure debate sparks storm. Daily Monitor. Retrieved January 16, 2023 from https://www.monitor.co.ug/uganda/news/national/mailo-land-tenure-debate-sparks-storm-3497228.
[117] Hon. Rtd. Justice Okello Omoro & 4 Others v. Attorney General of Uganda & 8 Others, Constitutional Court of Uganda ___ (2023), https://ulii.org/ug/judgment/constitutional-court-uganda/2023/107.
[118] Mugambwa, J. T. (2002). Principles of Land Law in Uganda. Fountain Publishers.
[119] The title holder has the right to use the land as they see fit, subject to any restrictions that may be imposed by law or other legal instruments.
[120] The title holder has the right to transfer the land to another person, either through sale, gift, or other legal means.

to lease the land,[121] the right to develop the land,[122] and the right to seek legal redress.[123] Under the Land Act, Cap. 236, a certificate of customary ownership (CCO) is a document that certifies the ownership of customary land by an individual or community. The CCO is issued by the Recorder and provides the holder with certain rights and privileges. These include the right to use the land,[124] the right to protect the land,[125] the right to inherit the land,[126] and the right to compensation.[127] This provision does not seem to have made a difference as applications for CCOs are still low.[128] Nevertheless, it is important to note that the Certificate of Customary Ownership (CCO) does not provide the holder with the same rights as a registered proprietor under the Registration of Titles Act, Cap. 240, such as the indefeasibility of title or the guaranteed acceptance of the document as collateral by financial institutions. Nonetheless, the CCO offers a legally recognised form of tenure that affirms and protects customary land rights in Uganda, even though its enforceability remains weaker compared to registered titles.[129] Nonetheless, the CCO provides a form of recognition and protection for customary land rights in Uganda. The system of registration under the Registration of Titles Act revolves around a centralized register book. The register book embodies certificates of title kept in a running order, each representing a separate parcel of land described therein and registered under the Act.[130] The titles are produced in duplicate with the owner of the land (registered proprietor as referred to in the Act) being given the duplicate copy which has to be produced at the land registry every time a transaction is to be done on that parcel of land.[131]

The essential features of land registration under the Registration of Titles Act, Cap. 240 are that title is by registration, and once registered, the title is indefeasible. Section 64 (1) of the

[121] The title holder has the right to lease the land to another person, subject to any restrictions that may be imposed by law or other legal instruments.
[122] The title holder has the right to develop the land, either by constructing buildings or engaging in other forms of development, subject to any applicable laws and regulations.
[123] The title holder has the right to seek legal redress in case their rights to the land are violated or infringed upon by other parties.
[124] The holder of a CCO has the right to use the land for any lawful purpose, subject to any applicable laws and regulations.
[125] The holder of a CCO has the right to protect the land from any illegal or unauthorized use or occupation.
[126] The holder of a CCO has the right to pass on the land to their heirs or successors in accordance with customary law and practices.
[127] The holder of a CCO has the right to compensation in case of any involuntary loss or damage to the land, as provided for under the Land Act Cap 236.
[128] National Association of Professional Environmentalists (NAPE), Land Grabbing and Its Effects on Customary Land Tenure and Livelihoods in Uganda (Kampala, Uganda: National Association of Professional Environmentalists, 2012).
[129] LandNet Uganda, "Land Registration in Uganda: Issues Paper," 2022, https://www.landnet.ug/landwatch/wp-content/uploads/2022/02/LandRegistration_IssuesPaper.pdf accessed March, 20th 2024.
[130] Supra Note 77, Section 38 (3).
[131] Supra Note 77, Section 38 (2).

RTA is to the effect that title is indefeasible except in circumstances of fraud. To have the security of tenure on land in Uganda, the same must be registered under the Registration of Titles Act, Cap. 240. Once this is done, the registered proprietor's title cannot be defeated except in circumstances of fraud as laid out in section 77 of the Registration of Titles Act, Cap. 240 which makes any title or entry on the register procured by fraud void against all parties or privies to the fraud. The security of title as provided for under the Act comes at a premium due to the taxing process before registration, the corruption at the land registry office, and not to mention the inflated costs involved. These impediments in the registration process exclude many landowners from the security of tenure granted by the Registration of Titles Act hence exposing the vulnerable to land grabbing.[132] From the foregoing, it is evident that land titling which has worked in most of the developed countries is yet to be fully utilised in Uganda.[133] Only 20% of land owners in Uganda have their interests registered, which leaves many landowners vulnerable to the vice of land grabbing.[134] Uganda's land question cannot be understood outside its historical continuum of power, control, and reform. From colonial mailo allocations to contemporary land registration programs, land reform has reflected struggles between state authority, local autonomy, and economic interests. Each phase of reform from colonial, post-colonial and contemporary has been shaped less by the pursuit of justice and more by efforts to regulate power through land.

1.1.2 Prevalence of Land Grabbing

a. Conceptualising Land Grabbing

Land grabbing refers to the unlawful or unjust acquisition of land by public or private actors through manipulation of legal, administrative, or political processes for private rather than public benefit. [135] At the global level, it is commonly understood as the acquisition or control through ownership, lease, concession, contract or political influence of land areas larger than locally typical holdings by public or private, domestic or foreign actors. It may occur through lawful or unlawful means and is principally driven by commercial agriculture, resource extraction, speculation or large-scale infrastructure, with significant implications for tenure

[132] Wabineno, O. M. L. (2016). A real property register to support the property and credit market in Uganda KTH Royal Institute of Technology]. Stockholm.
[133] Nakayi, R., & Kirya, M. T. (2017). The legal, policy and institutional framework of land governance in Uganda: a critical analysis. Human Rights and Peace Centre.
[134] Alobo, S. T., & Apio, R. (2019). The step-by-step guide to customary land registration in Uganda.
[135] Baker-Smith, K., & Attila, S. (2016). What is land grabbing?: A critical review of existing definitions. Eco Ruralis, Cluj-Napoca, Romania.

security and community livelihoods.[136] In Uganda, it occurs when land is taken without the consent of legitimate occupants, when compensation is inadequate or delayed, or when rights are transferred through coercion, deception, or abuse of authority.[137] It manifests as direct land grabbing, where occupants are forcefully evicted or displaced without fair compensation; indirect land grabbing, where owners are deceived into unknowingly transferring ownership through fraudulent documentation; and institutional land grabbing, where state officials or agencies misuse public authority to allocate or lease land for private or political gain.[138] While compulsory acquisition under Article 26 of the 1995 Constitution and the Land Acquisition Act Cap 235 is lawful when it follows due process and serves a genuine public purpose, it becomes land grabbing when legal safeguards are ignored or manipulated for private enrichment. Large-scale land acquisition, which involves extensive transactions by governments, corporations, or individuals for agricultural, industrial, or extractive purposes, also constitutes land grabbing when it disregards due process, transparency, or community rights.[139] Nonetheless, there are situations in Uganda where land contains mineral deposits such as gold, limestone, oil, and phosphates, and these areas may be lawfully accessed for exploration or extraction under the Mining and Minerals Act Cap 159.[140] In such cases, the process is not considered land grabbing but rather the lawful exercise of the State's constitutional authority over mineral resources, provided that the licensing, compensation, and consultation procedures prescribed under the Act are observed. The Mining and Minerals Act Cap 159 vests all minerals in the State irrespective of land tenure or ownership, granting the government authority to license exploration and extraction activities even on privately held or customary land. This legal arrangement, though framed as a developmental policy, continues to generate tension where communities perceive exclusion, inadequate compensation, and limited transparency. The existence of weak accountability mechanisms, centralized authority, and limited community participation has transformed some lawful mineral acquisitions into institutionalized forms of dispossession.[141] Land grabbing therefore exists when the purpose, intent, and process of acquisition result in dispossession, exploitation, or violation of human

[136] Ibid.
[137] Mabikke, S. B. (2011). Escalating land grabbing in post-conflict regions of Northern Uganda: A need for strengthening good land governance in Acholi region. International conference on global land grabbing,
[138] Muriisa, K., Roberts, Mbabazi, P., & Twinamatsiko, M. (2014). Land Deals in Uganda. An Invisible Hand in Land Grabbing and Rural Development.
[139] Mabikke, S. B. (2011). Escalating land grabbing in post-conflict regions of Northern Uganda: A need for strengthening good land governance in Acholi region. International conference on global land grabbing,
[140] "The Mining and Minerals Act, 2022 (Act No. 6 of 2022),"
[141] Klaus Deininger, Land Policies for Growth and Poverty Reduction (Washington, DC: World Bank and Oxford University Press, 2003).

rights, reflecting the intersection of legal manipulation, economic exploitation, administrative failure, and social injustice within Uganda's land governance framework.[142]

b. A Historical Perspective on Land grabbing in Uganda

Today's contemporary land challenges are intertwined with Uganda's political history.[143] Thus, for a more vivid context of land grabbing, one must look at the history of Uganda and how land reforms have evolved.[144] Before colonialism, the land was available for communal use, held for grazing purposes and small-scale subsistence agriculture. No single individual owned land in many pre-colonial African societies, including those in Uganda, the land was considered a community resource that was held and managed collectively for the benefit of all members.[145] The community elders or chiefs typically had authority over land use decisions, but ownership was not vested in any one person or group[146]. For instance, the king of Buganda known as the Ssabataka was the traditional ruler of the Buganda kingdom, which was one of the most powerful political entities in Uganda before colonialism.[147] While the Buganda kingdom had a system of communal land ownership and use rights, the *Ssabataka* and other chiefs did have some authority over land use decisions and allocation. Nonetheless, the Ssabataka and other chiefs did not own land outright, and the land was still considered a community resource that was held and managed collectively. It is also worth noting that the specific role of the *Ssabataka* and other traditional rulers varied depending on the specific context and region within Uganda, tenure and management were perpetually customary.[148] Mafeje states that the notion of ownership of land, and land as property in sub-Saharan Africa are western borrowings. [149] The study also notes that in European jurisprudence, these two concepts confer jurisdiction as well as exclusive control on the holder, a condition which is not true about African land regimes.

[142] Lisk, F. (2013). 'Land grabbing' or harnessing of development potential in agriculture? East Asia's land-based investments in Africa. The Pacific Review, 26(5), 563-587.
[143] Carolin Dieterle, "Global Governance Meets Local Land Tenure: Legal Pluralism and Land Formalisation in Uganda," Journal of Development Studies 58, no. 12 (2022): 2230–47, https://doi.org/10.1080/00220388.2021.1983165.
[144] Dieterle, "Global Governance Meets Local Land Tenure: Legal Pluralism and Land Formalisation in Uganda."
[145] Rose Nakayi, "Certificate of Title: A Discussion of Contemporary Challenges to the Protection of Land Interests in Uganda," Journal of African Law 67, no. 3 (2023): 433–52, https://doi.org/10.1017/S0021855323000250.
[146] Henry W. West, Land Policy in Buganda (Cambridge: Cambridge University Press, 1972).
[147] J. A. Okuku, "The Land Act (1998) and Land Tenure Reform in Uganda," Africa Development 31, no. 1 (2006): 1–26.
[148] Tukahirwa, J. M. B. (2002). Policies, people and land use change in Uganda: a case study in Ntungamo, Lake Mburo and Sango Bay sites [Working Paper].
[149] Mafeje, A. (2003). The agrarian question, access to land, and peasant responses in sub-Saharan Africa.

It is also difficult to provide an exact estimate of the prevalence of land grabbing in Uganda since there are no official statistics tracking the exact amount of land that has been taken. Nevertheless, it is widely acknowledged that land grabbing is a significant problem in Uganda.[150] According to a report,[151] land grabbing in Uganda is a significant problem that has led to the displacement of thousands of people and the loss of their livelihoods. The report states that many of the land deals in Uganda have been carried out without the consent of local communities. In addition, the government has often failed to enforce[152] laws and regulations designed to protect people's land rights. Additionally, a study by Burns found that the co-existence of customary and formal land tenure systems in Uganda has led to many conflicts and disputes, particularly in areas where the formal system is imposed on the customary system.[153]

Land grabbing has become rampant in recent times and has resulted in fights, evictions and in extreme cases, murder. Due to increased demand for land resulting from the unprecedented changes in the demographics, land grabbing has become rampant, especially in developing countries like Uganda, where 33% of the landowners are affected by land-related conflicts.[154] It has far more negative implications than positive on rural livelihoods.[155]

The Government, keen to attract foreign investment, has allowed foreign companies to move into large areas of land for a range of projects, including the development of large-scale oil palm plantations, carbon offset tree plantations and following the recent discovery of oil, for drilling.[156] Capitalists with connections to high-ranking members of the government have equally forcefully taken over and deprived the citizens of their land. Most land acquisitions in Uganda, whether by nationals or foreigners, qualify as land grabbing. This growing trend of acquisition of ownership rights to large areas by investors to produce agricultural commodities,

[150] Bamwesigye, D., Chipfakacha, R., & Yeboah, E. (2022). Forest and Land Rights at a Time of Deforestation and Climate Change: Land and Resource Use Crisis in Uganda. Land, 11(11), 2092.
[151] AFSA, GRAIN, & Witness Radio. (2020). Land grabs at gunpoint: Thousands of families are being violently evicted from their farms to make way for foreign-owned plantations in Kiryandongo, Uganda. https://grain.org/en/article/6518-land-grabs-at-gunpoint-thousands-of-families-are-being-violently-evicted-from-their-farms-to-make-way-for-foreign-owned-plantations-in-kiryandongo-uganda.
[152] Ministry of Lands Housing and Urban Development. (2022). Stakeholder Engagement Plan (SEP). https://mlhud.go.ug/wp-content/uploads/2022/10/SEP-26-October-2022_Vr1.pdf.
[153] Burns, T. (2007). Land Administration Reform: Indicators of Success and Future Challenges (Agriculture and Rural Development Discussion Paper, Issue. The International Bank for Reconstruction and Development & The World Bank.
[154] Ibid.
[155] Stenberg, E., & Rafiee, V. S. (2018). Land grabbing and its implications on rural livelihoods in Ghana and Ethiopia : a comparative study.
[156] Carmody, P., & Taylor, D. (2016). Globalization, land grabbing, and the present-day colonial state in Uganda: ecolonization and its impacts. The Journal of Environment & Development, 25(1), 100–126.

forests or provision of amenities thus attracts considerable research interest. In Uganda, high cases of land grabbing have persisted; for instance, in 2024, 362,452 people were reported evicted between January and June due to land grabbing.[157]

c. Land Grabbing in Kayunga District

Kayunga is currently grappling with a subtle agrarian revolution,[158] which has seen thousands of small-scale farmers being driven off their land to create room for large-scale farmers. It has witnessed the use of armed force, mob justice, enclosures, forcible evictions, and other forms of violent exchanges over ownership and use of land. Moreover, evictees are often offered no viable alternative means of subsistence. According to a study by Kajura, Bbale sub-county, which is located 50 km from Kayunga district headquarters, has been the epicentre of land conflict and land-related violence, in Misenga, Kinawanga and Kayonza parishes.[159]

There is a plethora of perpetrators some of whom use money as a tool and others their public office positions, all from both the private sphere and public sphere. For example, in 2017 Kajura investigated a case involving the district chairperson who allegedly evicted over 2,000 peasant bibanja holders compensating them at extremely low rates personally determined or none.[160] Even worse, district land officials also collude and steal land because of their knowledge of where and which land is easy to steal, both public and private.[161] Furthermore, area land committees, in addition to being complicit in land grabs, because the most confusion in land matters. For example, it is not uncommon for an area land committee chairperson to sign three different land sale agreements for the same plot of land.[162] On the other hand, in the private realm, there are cartels of land grabbers, investors and predatory money lenders among others who collude with district land officials to steal land.[163]

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[157] Habitat International Coalition – Housing and Land Rights Network (HIC-HLRN), "360,000 Ugandans Evicted in Land Grabbing Cases between January and June 2024," 2024, https://www.hlrn.org/activitydetails.php?id=qGpqbA%3D%3D.

[158] An agrarian revolution refers to a momentous change or transformation in agricultural practices or systems, which can have a significant impact on the way societies produce and consume food and can have broader social, economic, and political consequences. Agrarian revolutions have occurred throughout history and have been driven by a variety of factors, including technological advances, changes in social and political systems, shifts in economic conditions, and environmental factors.

[159] Kajura, Y. S., & Lule, B. B. (2017). Land Injustice in Central Uganda: Select Studies from Kayunga, Mukono and Kampala. Human Rights and Peace Centreworking paper No. 40.

[160] Ibid.

[161] Inspectorate of Government, "Land Fraudsters Manipulating Courts, Says IGG," March 2023, https://www.igg.go.ug/updates/media/land-fraudsters-manipulating-courts-says-igg/.

[162] Supra Note 145

[163] Pius Gumisiriza, "Corrupt Networks and the Land Grabbing Crisis in Uganda," in Global Encyclopedia of Public Administration, Public Policy, and Governance, ed. Ali Farazmand (Cham: Springer International Publishing, 2018), 1–10, https://doi.org/10.1007/978-3-319-31816-5_3740-1.

Land being a fundamental factor of production, Uganda sought to regulate the ownership and use of this key resource by putting in place a legal and institutional framework for land registration. Under Article 237 of 1995 the Constitution of the Republic of Uganda, the land belongs to the citizens of Uganda. The constitution further provides for four land tenure systems under which land can be owned namely through mailo tenure, freehold tenure, leasehold tenure, and customary tenure. The dominant land tenure system in Kayunga district is mailo land, which was introduced under the 1900 Agreement. Nevertheless, inhabitants are also settled on freehold, Kabaka's land and customary tenure.[164] Kayunga is therefore at the nucleus of the land question. Moreover, it is a hotbed for land wrangles in which several people have reportedly lost their lives in addition to property.[165]

Existing scholarship and government frameworks indicate that Uganda's land registration system, particularly through the Registration of Titles Act and the Land Act, was intended to provide tenure security, enhance transparency, and minimize disputes.[166] These laws, alongside reforms such as the 1995 Constitution and the National Land Policy of 2013, created mechanisms meant to protect landowners, including the recognition of customary tenure, certificates of customary ownership, and protections for bona fide occupants. Scholars have also documented that such legal frameworks have improved land registration in some areas, though challenges remain.[167] Nevertheless, the persistence of land grabbing in specific contexts such as Kayunga District despite the existence of these laws and reforms remains insufficiently understood. This persistence suggests gaps between the formal legal framework and the practical realities of implementation, particularly in relation to corruption, inefficiencies, and local power dynamics. This lack of clarity necessitated a focused investigation into the contradictions between the legal framework's intent and its actual impact on land governance, land rights, registration, tenure security, and the protection of landowners, including vulnerable groups, in Kayunga District.

[164] Kayunga District Local Government. (2018a). Kayunga District Local Government statistical abstract 2017/2018.
[165]Mukiibi, E. (July 04, 2013, January 22, 2021). Kayunga: A hotbed of land wrangles. Daily Monitor. Retrieved December 19, 2022 from https://www.monitor.co.ug/uganda/news/national/kayunga-a-hotbed-of-land-wrangles-1546702
[166] Nakayi, "Certificate of Title: A Discussion of Contemporary Challenges to the Protection of Land Interests in Uganda."
[167] Denis N. Kobusingye et al., "Where Do I Report My Land Dispute? The Impact of Institutional Proliferation on Land Governance in Post-Conflict Northern Uganda," The Journal of Legal Pluralism and Unofficial Law 52, no. 3 (2020): 293–324, https://doi.org/10.1080/07329113.2020.1769073.

1.2 Problem Statement

In principle, an efficient land registration and administration legal framework should safeguard ownership rights, enhance transparency, and bring land grabbing and related disputes to a halt or substantially reduce them.[168] A number of strategies have been put in place to halt land grabbing in Kayunga District and across the country through the efforts of the Government of Uganda, local governments, humanitarian agencies, and traditional leaders. Such strategies include, but are not limited to, the enforcement of Uganda's Registration of Titles Act (RTA), supported by the Department of Land Registration and the Uganda National Land Information System, which was designed to promote orderly land management, ensure transparency, and secure land transactions. Additional, measures such as the creation of zonal land offices, public sensitization on land rights, translation of land laws into local languages, and collaboration with cultural institutions have been adopted to strengthen tenure security and enhance accountability in land administration.[169]

Despite these strategies adopted, land grabbing continues to be a major challenge in Kayunga District Local Government for several years, as evidenced by continued cases of unlawful evictions, fraudulent land transactions, boundary disputes, and conflicts between customary landowners and registered title holders that have left many residents landless and vulnerable.[170] This persistence points more to failures in enforcement and implementation than to deficiencies in the law itself. Weak monitoring systems, corruption, administrative inefficiency, and limited institutional capacity have undermined the effectiveness of the existing legal framework, allowing land grabbers to exploit enforcement gaps and weaken accountability.[171] Further more, such as inefficient administration, corruption, and lack of transparency undermine the systems' effectiveness, leading to land grabbing and the disenfranchisement of vulnerable groups such as women, children, persons with disabilities and other minority groups.[172] The customary land tenure system's informal nature further complicates ownership proof, which makes landowners vulnerable to land grabbers. The law on land registration, while comprehensive on paper, has been undermined by weak enforcement mechanisms and poor administrative practices that compromise its intended purpose of protecting legitimate

[168] Mugambwa, J. T. (2002). Principles of Land Law in Uganda. Fountain Publishers.
[169] Ibid.
[170] Kayunga District Local Government, Kayunga District Local Government Inclusive Multi-Hazard Contingency Plan (2023/24 – 2024/25) (2024).
[171] Kayunga District Local Government, Kayunga District Local Government Inclusive Multi-Hazard Contingency Plan (2023/24 – 2024/25).
[172] Alobo, S. T., & Apio, R. (2019). The step-by-step guide to customary land registration in Uganda.

landholders.[173] The law has been plagued by loopholes, inefficiency, fraud, and corruption that undermine the integrity of the title registry and the rights of legitimate title holders.[174] The process of bringing land under the Registration of Titles Act is also costly, cumbersome and inaccessible for some landowners, especially the rural poor who mainly depend on customary tenure, which accounts for about 75–84% of land in Uganda.[175] Furthermore, the anticipated number of people expected to be affected by land conflicts in Kayunga District is 147,578, as highlighted in the Kayunga District Local Government Inclusive Multi-Hazard Contingency Plan.[176] These conflicts are expected to result in internal displacement, destruction of crops and vegetation, loss of lives, increased risk of notifiable livestock diseases, reduced agricultural production, and heightened community disputes[177].

Kayunga District faces high levels of land grabbing due to population growth, urbanization, commercial agriculture and mining.[178] Land registration in Kayunga has been a contentious issue and might indeed be one of the factors contributing to land grabbing. The processes to bring land under the Registration of Titles Act (RTA) have been ongoing, with the government initiating projects to issue freehold titles to strengthen land ownership.[179] Nonetheless, these efforts have faced significant challenges, including delays in implementation, which have caused leaders and residents to lose hope in the system.[180] The issues stemming from land registration in Kayunga are complex. For instance, allegations have surfaced of the Kayunga District Land Board unlawfully selling land, resulting in conflicts and the potential displacement of over 20,000 residents.[181] This indicates the extent to which land grabbing has taken root in Kayunga District, showing that the problem is not merely a land conflict but a

[173] Noel Kishaija and Bálint Heil, "Rural Land Rights, Markets, and Structural Transformation: A Review of a Ugandan Case," Land 14, no. 5 (2025): 967.
[174] Kajura, Y. S., & Lule, B. B. (2017). Land Injustice in Central Uganda: Select Studies from Kayunga, Mukono and Kampala. Human Rights and Peace Centre.
[175] Nakabuye, J. M. (2018). Social tenure domain model as one of the mechanisim for reducing land disputes in Kayunga District [Masters Thesis, Makerere University]. Kampala.
[176] Kayunga District Local Government, Kayunga District Local Government Inclusive Multi-Hazard Contingency Plan (2023/24 – 2024/25).
[177] Ibid.
[178] SupraNote 142.
[179] Muzaale, F. (October 05, 2021). Kayunga leaders, residents lose hope in govt free land title project. Nation Media Group. Retrieved February 25, 2023 from https://www.monitor.co.ug/uganda/news/national/kayunga-leaders-residents-lose-hope-in-govt-free-land-title-project-3573312.
[180] Ibid.
[181] Monitor. (December 11, 2016, January 18, 2021). Ministers knock heads over land wrangles in Kayunga. Retrieved April 01, 2024 from https://www.monitor.co.ug/uganda/news/national/ministers-knock-heads-over-land-wrangles-in-kayunga-1679456.

violation of land rights and a structural crisis in land governance.[182] Problems such as corruption, administrative inefficiency, and opacity aggravate land disputes. [183]

These challenges have left vulnerable groups such as women, children, persons with disabilities, and rural customary landowners increasingly exposed to disenfranchisement, displacement, and violent disputes. If this contradiction between the law's intent and practice remains unresolved, the consequences will include weakened social cohesion, erosion of trust in governance and the rule of law, reduced agricultural productivity, and loss of livelihoods. This paradox raises critical research questions: why has land grabbing remained pervasive despite the existence of a legal and institutional framework intended to eliminate it, how does the law on land registration in Uganda influence this persistence, and what reforms are necessary to realign the system with its intended objectives of tenure security and equitable land governance?

1.3 Purpose of the Study

To examine the link between the law on land registration and land grabbing in Uganda with reference to Kayunga District. The study also examines the land rights and suggests legal reforms to protect land rights and prevent land grabbing.

1.4 General Objective

The study aimed to investigate the relationship between the law on land registration and land grabbing in Uganda to understand the impact of this relationship on local communities and identify legal challenges and opportunities for addressing land grabbing in the Kayunga district.

1.4.1 Specific Objectives

i. To critically assess how the law on land registration in Uganda has developed and how it influences the diverse types of land rights in the country, focusing specifically on Kayunga District.
ii. To analyse the perspectives of local communities in Kayunga District on the relationship between land registration and land grabbing.
iii. To identify the nature and main drivers of land grabbing in Kayunga District.
iv. To identify and interrogate the challenges and opportunities in preventing and resolving conflicts arising from land grabbing in Kayunga District.

[182] Kishaija and Heil, "Rural Land Rights, Markets, and Structural Transformation."
[183] Landnet: Establishment of a customary Land Registry in Uganda: Issues and Position Paper, at page 19.

v. To formulate possible for legal and policy reforms that can improve the security and sustainability of land rights and prevent land grabbing in Kayunga District.

1.5 Research Questions

i. How has the law on land registration in Uganda evolved and what are its implications for the diverse types of land rights in the country, particularly in Kayunga District?
ii. What are the views and experiences of local communities in Kayunga District on how land registration and land grabbing impact their land rights and livelihoods?
iii. What are the characteristics and main causes of land grabbing in Kayunga District and how does it affect the local landowners and users?
iv. What are the challenges and opportunities in preventing and resolving conflicts arising from land grabbing in Kayunga District?
v. What are the possible legal and policy reforms that can enhance the security and sustainability of land rights and curb land grabbing in Kayunga District?

1.6 Scope of the Study

The study scope is categorised under three aspects that include the content, geographical and time scope.

1.6.1 Content Scope

In the context of this study, the law on land registration is considered the independent variable because it is the factor that is presumed to influence or determine the occurrence of land grabbing, which is the dependent variable. This means that the study is examining how changes or differences in the law on land registration may affect the incidence of land grabbing in Kayunga District. Keeping the core objective in mind, the study is focused on evaluating how the legal framework governing land registration can impact the prevalence of land grabbing. The 'gist' or central theme of this research is the assessment of this relationship. Under this primary objective, there may be other related goals, such as identifying specific legal loopholes that facilitate land grabbing or proposing legal reforms to mitigate this issue. Nevertheless, all these objectives tie back to the main aim of understanding the connection between the law on land registration and the instances of land grabbing, ensuring that this remains the central focus throughout the study.

The content scope of this study includes a review of the existing literature on the law on land registration and land grabbing in Uganda and other relevant countries. Specifically, the content scope includes the historical and legal development of land registration in Uganda and it's how it shaped the several types of land rights in the country. In addition, it includes the definition, characteristics and causes of land grabbing. Furthermore, the views and experiences of local communities on how land registration and land grabbing affect their land rights and livelihoods. Moreover, the challenges and opportunities in preventing and resolving land grabbing disputes considering the legal, social, and economic aspects of land rights are also reviewed. Finally, this study reviews the literature on the possible legal and policy reforms that can enhance the security and sustainability of land rights and curb land grabbing.

1.6.2 Geographical Scope

The study was conducted in Kayunga district, where there have been several cases of land grabbing presented in the media and Research Reports. Kayunga is one of the districts in Uganda, located in the Central region, North of Lake Victoria, West of and along the river Nile, and South of Lake Kyoga. Geographically, the district borders Buikwe in the Southeast, Mukono in the South, Jinja in the East, Buyende, Kamuli, and Luuka in the East, Lake Kyoga and/or Amolatar and Apac in the North, Luweero in the West, and Nakasongola in the Northwest. It lies between latitudes 0042'12" N320 54'13" E, with an average altitude of 1000 – 1200 m above sea level. Kayunga District headquarters are situated in Kayunga Town Council- Ntenjeru Ward, which is on a tarmac road – about 70 km from Kampala, the capital of Uganda. Its total area is 1,816, 9 sq. km of which the land area is 1,702.4 sq. km. The district is surrounded by water bodies namely, river Ssezibwa in the east, river Nile in the west and Lake Kyoga in the northern part of the district (Kayunga Local Government, 2020). As of 2014, the population density of Kayunga had increased from 78 persons per sq. km in the year 2002 to 204 persons per sq. km in the year 2014 and was projected to grow even further by 2020.[184] Administratively, Kayunga District has two counties, eight sub-counties and 5 Town councils.[185] The sub-counties include Kayunga, Busaana, Nazigo, Kangulumira, Kayonza, Kitimbwa, Bbaale, and Galiraya. The 5 Town Councils are of Kitimbwa, Busaana, Kayunga, Nazigo and Kangulumira Town Council.

[184] Kayunga District Local Government. (2018b). Kayunga district profile. Retrieved December 23, 2022 from https://kayunga.go.ug/about-us/district-profile.
[185] Kayunga District Local Government. (2018a). Kayunga District Local Government statistical abstract 2017/2018.

The choice of Kayunga District as a case study is informed by the land tenure systems (mailo, freehold, and customary) in the district,[186] the population density, and its geographical location, particularly its proximity to the greater Kampala Metropolitan Area and the Jinja Industrial City which can influence land value and demand. By focusing on Kayunga District, this study aims to capture the perspectives and experiences of the different stakeholders[187] in relation to land registration and land grabbing. Furthermore, Kayunga District has become increasingly attractive to investors,[188] which can lead to competition for land between local Ugandans and foreign investors. There has been a significant increase in the demand for land in Kayunga District over the last decade, with prices rising due to factors such as government hints at oil exploration.[189] This increased demand for land in Kayunga District has pitted the rural local people who are mostly peasants against the rich and powerful who use their resources and weaknesses in the legal and institutional framework for land registration to deprive the rural local people of their land. The researcher also chooses to focus on Kayunga District because the district has a high incidence of land grabbing making it an interesting case study.[190] Other than Kayunga District, cases of land grabbing are prevalent in Apaa, Amuru, Kalangala and Katosi districts.

[186] Kayunga District Local Government. (2018b). Kayunga district profile. Retrieved December 23, 2022 from https://kayunga.go.ug/about-us/district-profile.

[187] In Kayunga District, a diverse array of stakeholders plays pivotal roles in land registration and the complex issue of land grabbing. The Kayunga District Local Government and the District Land Board oversee land management and transactions, while the Uganda National Land Information System (UgNLIS) manages crucial data. Civil Society Organizations and Development Partners advocate for land rights, and Local Community Members are directly affected by land issues. Religious Leaders and the Media contribute to public discourse, Policy Implementers enforce regulations, and the Kayunga District Police address legal disputes. Together, these stakeholders form a dynamic network that shapes the land registration landscape and the ongoing challenge of land grabbing.

[188] Monitor. (June 23, 2018, January 12, 2021). Mad rush for Kayunga land as government hints at oil exploration. Kampala. Retrieved April 27, 2024 from https://www.monitor.co.ug/uganda/news/national/mad-rush-for-kayunga-land-as-government-hints-at-oil-exploration-176394.8.

[189] Ibid.

[190] Monitor. (September 22, 2013, February 02, 2021). Kayunga is not only about land wrangles. Retrieved February 03, 2023 from https://www.monitor.co.ug/uganda/special-reports/kayunga-is-not-only-about-land-wrangles-1553612; Malaba, T. (May 09, 2019, September 17, 2020). Kayunga residents name State House staff in forest land grab. Retrieved April 22, 2024 from https://www.monitor.co.ug/uganda/news/national/kayunga-residents-name-state-house-staff-in-forest-land-grab-1824764; Mukiibi, E. (July 04, 2013, January 22, 2021). Kayunga: A hotbed of land wrangles. Daily Monitor. Retrieved December 19, 2022 from https://www.monitor.co.ug/uganda/news/national/kayunga-a-hotbed-of-land-wrangles-1546702; Muzaale, F. (December 29, 2023). Mengo, Kayunga leaders replant trees uprooted by gunmen on disputed land. Retrieved April 22, 2024 from https://www.monitor.co.ug/uganda/news/national/mengo-kayunga-leaders-replant-trees-uprooted-by-gunmen-4477498.

1.6.3 Time Scope

The study considered the available literature from similar studies carried out on land conflicts from the year 2000 to 2023 to examine the trends in the cases of land grabbing which have been steadily increasing over time. This period is considered key because it is when cases of land conflicts increased.[191] The study was carried out for three years between 2022-2025 and in this timeframe, the researcher was able to gather data, analyse it and write a research thesis.

1.7 Significance of the Study

The study is significant to the legal fraternity, researchers, community members, and policymakers as indicated:

This study is significant for the legal field as it delves into the evolution of the law on land registration in Uganda and its impact on the spectrum of land rights. Centering on Kayunga District, it appraises the relationship between the law on land registration and the prevalence of land grabbing, highlighting the legal framework's role in either curbing or contributing to this issue. The research identifies existing challenges within the law and explores opportunities for legal enhancements to safeguard the rights and interests of all stakeholders in land matters, particularly in Kayunga District.

This study is significant to researchers by adding to the existing knowledge on land law and policy and land grabbing in Uganda. It also suggests how to solve a major social and economic problem in the country. The study explored the causes and types of land grabbing in Kayunga District.

This study matters to community members. It examines their views on how land registration affects land grabbing. It also looks at the causes and effects of land conflicts. This study offers suggestions for improving their involvement and empowerment in land governance and dispute resolution.

This study matters to policymakers. It offers evidence-based suggestions for enhancing the security and sustainability of land rights and preventing land grabbing in Kayunga District. The study also identifies the problems and challenges in the current land registration system and recommends how to solve them.

[191] Mukiibi, E. (July 04, 2013, January 22, 2021). Kayunga: A hotbed of land wrangles. Daily Monitor. Retrieved December 19, 2022 from https://www.monitor.co.ug/uganda/news/national/kayunga-a-hotbed-of-land-wrangles-1546702.

1.8 Justification of the Study

Land as an asset is not only a cultural representation of the people but also an economic tool, a governance strategy, and a political process. Land rights and titles may therefore be valued not only in terms of the use or exchange value of land but also for what they represent in terms of political rights, resources and belonging. Despite the law on land registration that aims to guarantee the security of tenure, land grabbing is widespread in Uganda, where land is a vital but scarce resource for production and is subject to demographic pressures. Land is vital for most Ugandans and the country's economy. Most Ugandans depend on land for their livelihoods and economic activities, especially agriculture. This study addresses the urgent problem of land grabbing in Uganda. Uganda's Vision 2040 is to transform the country's economy from a peasant one to a modern and prosperous one. This cannot be achieved with the high cases of land grabbing. The study also aligns with Sustainable Development Goal 1 (No Poverty), particularly Target 1.4, which aims to ensure that by 2030, all men and women, especially the poor and vulnerable, have equal rights to ownership and control over land and other forms of property. Nevertheless, the continued land grabbing in Kayunga threatens the realization of this global goal by weakening land tenure security and deepening rural poverty.

In addition, the study draws on the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007), which in Article 26 mandates states to recognise and protect the land rights of indigenous and customary communities. The situation in Kayunga, where many residents occupy land under customary tenure, reflects a serious gap between domestic practice and international land governance standards. This study therefore highlights the need for Uganda's land registration system to uphold international obligations by ensuring recognition, protection, and access to legal remedies for all land users.

The need to understand and address the problem of land grabbing in Uganda arises from its significant impact on the livelihoods, rights, and dignity of millions of people. As a complex phenomenon involving multiple actors, interests, and underlying factors, land grabbing demands a thorough investigation to inform responsive interventions and safeguard affected communities. Land grabbing is a complex phenomenon that involves multiple actors, interests, and factors. It is also influenced by the legal framework that governs land rights and registration in the country. This study aims to critically assess how the law on land registration in Uganda has evolved and how it affects the several types of land rights, especially in Kayunga District, where land grabbing is prevalent. This study also seeks to identify the nature and main drivers of land grabbing in the district, using qualitative methods. The study also explores how local

communities view and deal with land grabbing and land registration. It identifies the obstacles and opportunities for preventing and resolving land grabbing disputes in the district.

The study further aligns with Africa's Agenda 2063, particularly Aspiration 1, which envisions a prosperous Africa based on inclusive growth and sustainable development, and Aspiration 3, which emphasises good governance, democracy, and respect for human rights, justice, and the rule of law. Securing land rights and eliminating land grabbing directly contribute to the continental agenda of inclusive development, peace, and shared prosperity. It proposes legal reforms based on evidence to secure and sustain land rights and prevent land grabbing in the district. The study adds to the knowledge of land law and policy in Uganda. It also helps various people who care about land issues in the country.

1.9 Definition of Concepts

Land registration: Land registration refers to a system by which the ownership of estates in land is recorded and registered to provide evidence of ownership of land and to facilitate deals. Land registration aims to provide legal certainty and security to landowners and buyers, as well as to prevent fraud and disputes over land rights.

The law on land registration is the set of rules and procedures that govern how land ownership and transactions are recorded and verified by the government.

Land grabbing: This is the acquisition of land by a public or private enterprise, or individual in a manner that is illegal, fraudulent, or unfair, taking advantage of existing power differences, corruption, and breakdown of law and order. As per this study, land grabbing refers to the acquisition of land, often by wealthy individuals or companies, in a way that is illegal or unethical. This can be done by using force or coercion, or by taking advantage of vulnerable people who may not understand their rights or be able to defend them.

Land grabbing conflicts: These are disputes that arise from land grabbing, either between the land grabbers and the original landowners or users, or among diverse groups of land grabbers. Land grabbing conflicts can involve violence, displacement, human rights violations, and environmental degradation.

Local communities are groups of people who live in a common location and interact with each other. They may share common values, beliefs, resources, preferences, needs, risks, or other conditions that affect their identity and cohesion. Local communities can be organized around varied factors such as geography, culture, ethnicity, religion, occupation, or interest. For

example, in Kayunga district, several tribes form local communities based on their ethnic and cultural backgrounds. Some of these tribes are Baganda, Basoga, Baruli and Iteso.

Customary tenure means a system of land tenure regulated by customary rules which are limited in their operation to a particular description or class of persons the incidents of which are described in section 3 of the Land Act.[192]

Freehold land tenure means the holding of registered land in perpetuity subject to statutory and common law qualifications the incidents of which are described in section 3 of the Land Act.[193]

Leasehold land tenure means the holding of land for a given period from a specified date of commencement, on such terms and conditions as may be agreed upon by the lessor and lessee, the incidents of which are described in section 3 subsection 5 of the Land Act, cap 236.

Mailo land tenure means the holding of registered land in perpetuity and having roots in the allotment of land pursuant to the 1900 Uganda Agreement, and subject to statutory qualifications, the incidents of which are described in section 3 subsection 4 of the Land Act, cap 236.

Torrens System: The Torrens system is the statutory process through which land registration occurs. This system was introduced in Uganda around 1910 through the Ordinances that were enacted by the colonial masters, the British. Nevertheless, the Ordinance came into force on 1st May 1924[194] thus importing the Torrens system of land recording in Uganda.[195] As a method of land registration and conveyancing,[196] it was implemented to make land transactions more efficient, secure, and transparent. It supplies a reliable and accessible record of land ownership. Torrens is based on the principle of "indefeasibility of title," which means one cannot challenge or dispute ownership of a piece of land once it is registered with the government.

1.10 Research Synopsis

This study aims to examine the relationship between the law on land registration in Uganda and the phenomenon of land grabbing, using Kayunga District as a case study. This thesis has seven (7) chapters.

In Chapter one, the researcher introduces the topic for the study and gives a detailed background from which the research problem is derived. The chapter also discusses the

[192] The Land Act, Cap. 236
[193] Ibid.
[194] West, H., W. (1972). Land policy in Buganda.
[195] West, H., W. (1972). Land policy in Buganda.
[196] Garner, B. A. (2004). Black's Law Dictionary 7th Edition. St. Paul, MN: West Group.

research problem and the general objective. Furthermore, five specific objectives are delivered to guide this study to answer the research question "How does the law on land registration in Uganda affect land rights and land grabbing in Kayunga District, and what legal reforms are needed to prevent and resolve land grabbing conflicts in the district?" The study contributes to the literature on land governance and human rights in Uganda and beyond.

Chapter two presents the literature and theoretical framework that underpins this study. This study adopts three theories that attempt to explain land grabbing and the law on land registration. They include the production theory, the conflict theory, and the property theory. The theories provide a framework for this study and their critical examination helps the study reach meaningful conclusions. The literature review is specifically discussed in relation to the themes developed from the specific objectives of this study. The first theme presents how the legal framework on land rights has evolved and how it affects the diverse types of landholders. The second theme identifies the main causes and actors of land grabbing, as well as the views and experiences of the local communities affected by it. Moreover, the third theme explores the challenges and opportunities for preventing and resolving land grabbing conflicts, and the fourth theme proposes legal reforms that can enhance the security and sustainability of land rights and protect them from land grabbing.

Chapter three presents the methodology employed in this study. This study uses a doctrinal legal research method. The research design adopted a mixed-methods approach that combines qualitative and quantitative data sources and techniques. The qualitative data consists of legal texts, historical records, semi-structured interviews, and focus group discussions. The quantitative data comprises numerical and statistical information derived from official documents and surveys. The data analysis methods include content analysis, legal hermeneutics, historical contextualization, thematic coding, and descriptive statistics.

Following on, the researcher in chapter four presents the evolution of the law on land registration and its impact on the land rights in Uganda with a specific focus on Kayunga district. The chapter presents the different evolution stages from pre-colonial to date indicating the rights of people during the different levels of development.

Chapter five, the researcher presents the findings and analysis of the data collected from the participants in Kayunga District on the relationship between land registration and land grabbing. The data was collected through focus group discussions and interviews with various

groups and categories of people affected by land grabbing and those engaged in land registration in Kayunga District.

Chapter six presents information on the nature and main drivers of land grabbing in Kayunga District. The nature of land grabbing describes its characteristics, while the drivers highlight the key factors that participants identified as the reasons behind land grabbing. The chapter also examines the consequences of land grabbing, analysed from a legal perspective.

Chapter seven presents the challenges and opportunities of land registration in Kayunga District. The challenges reflect participants' views on the factors that limit their access to land registration, while the opportunities highlight the available avenues for landowners to register their land.

Finally chapter eight, proposes targeted recommendations for legal reforms that aim to enhance the security and sustainability of land rights while preventing land grabbing in Kayunga District.

CHAPTER TWO

THEORETICAL AND LITERATURE REVIEW

2.1 Introduction

This chapter is divided into two main parts, the theoretical review and the literature review. The theoretical review discusses the key theories that explain the phenomenon of land grabbing and its limitations, and how these theories relate to the law on land registration and cases of land grabbing. The literature review is organized according to the specific objectives of the study. Each objective is addressed by reviewing existing empirical studies, highlighting the gaps, and showing how the current study seeks to address them. This structure ensures that the reviewed literature directly corresponds to the study objectives and provides a clear foundation for the analysis.

2.1 Theoretical Review

This study was guided by three theories, which attempt to provide explanations for the land-grabbing phenomenon. These were the production theory, the conflict theory, and the property theory of land rights. These theories as explored hereunder, provided direction to this study and their critical examination helped draw meaningful conclusions from the study findings.

2.1.1 Production Theory

The production theory was developed by Wolman in 1921; it is concerned with how firms, individuals, and other organizations decide on how much to produce, what inputs to use, and how to allocate resources to maximize profits or achieve other goals.[197] Land is a crucial resource that has various uses and functions. The theory of production informs this study's examination of how land is allocated and used as a resource for various activities such as agriculture, mining, and real estate development. The theory of production describes how resources, including land, are applied to produce goods and services. Land grabbing happens when large areas of land are taken over by outsiders or authorities for commercial purposes, which may displace the local communities and limit the traditional uses of the land. The massive accumulation of wealth among a few elite stakeholders (politicians, military planners, managers, and investors) who hold power over the stakeholders in production (community members and laborers) defines a major component of the production theory.[198] The political-

[197] Wolman, L. (1921). The Theory of Production. The American Economic Review, 11(1), 37-56.
[198] Foster, J. B. (2005). The Treadmill of Accumulation: Schnaiberg's "Environment" and Marxian Political Economy. Organization & Environment, 18(1), 7-18.

economic system is dominated by the elites, who have the most power and influence because they have the most capital. Corporations often influence the creation of policies in favour of deregulating protected resources.[199] The ability of elites to have control over the social construction of ecosystems in politics and by the public defines the root of the problem in the production theory.[200] Another major problem defined by the production theory includes the financial and material control over people and resources by the elites of society.

Production theory has evolved through the contributions of numerous scholars over time. For instance, Adam Smith, wrote about the concept of the division of labor, which describes how the specialization of labor can increase productivity and efficiency.[201]As per this study, Adam Smith's theory of production was used to understand how the division of labor and specialization of production can affect land grabbing in Kayunga District. For example, this study examined how the specialization of commercial agricultural production affects land use and land grabbing in the district. It also explored how market forces and the invisible hand influence land allocation and land grabbing. The theory of comparative advantage was developed by David Ricardo.[202] It explains how countries can benefit from specializing in goods and services in which they have an advantage. The marginal product of labor, which Marshall wrote about, describes the increase in output from hiring more people. In the marginal productivity theory of distribution, John Bates Clark explained how income distribution is determined by the productivity of factors of production (labor, capital, and land).[203]

The production theory provides an ecological critique of capitalism and how political-ecological conflicts may arise out of the capitalist economic system.[204] Elites are compelled to expand production to expand their wealth and capital, while they force laborers to participate in production because of their need for a wage job to survive, thus leading to the exploitation of wage-earning laborers.[205] The production theory implies that the achievement of sustainability can only occur through a united democratic participation of the working class and consumers, and asserts that only a successful revolution waged on the political elite from

[199] Sbicca, J. (2012). Elite and marginalised actors in toxic treadmills: challenging the power of the state, military, and economy. Environmental Politics, 21(3), 467-485.
[200] Schnaiberg, A. (2015). Why Does the Theory Focus on Production Rather Than on Consumption? In Treadmill of Production (pp. 37-46). Routledge.
[201] Smith, A. (1776). An inquiry into the nature and causes of the wealth of nations: Volume One. In. W. Strahan and T. Cadell.
[202] Ricardo, D. (1821). On the Principles of Political Economy and Taxation. John Murray.
[203] Clark, J. B. (1908). The distribution of wealth: a theory of wages, interest and profits. Macmillan.
[204] Schnaiberg, A. (1980). The Environment: From Surplus to Scarcity. Oxford University Press.
[205] Foster, J. B. (2005). The Treadmill of Accumulation: Schnaiberg's "Environment" and Marxian Political Economy. Organization & Environment, 18(1), 7-18.

the bottom results in future sustainability.[206] As societies move toward a market economy, family or household land becomes an asset and land transactions become common. In addition, privatization and market-oriented policies have tended to benefit some individuals and increase inequalities in society. Thus, some individuals are at risk in the transition to private property and unable to fully participate in the market system.

The production theory is limited by several factors, including its simplified assumptions about rationality, neglect of power imbalances, and failure to consider environmental and sustainability concerns. It assumes that all economic agents act rationally to maximize profit, disregarding the social, cultural, and political influences that shape decision-making.[207] Additionally, it does not account for the significant role of power dynamics, where elites such as politicians, corporations, and investors control land allocation and influence policies in their favor, often leading to land grabbing and displacement of local communities. The theory also overlooks the environmental consequences of production, such as deforestation, soil degradation, and loss of biodiversity, as it prioritises efficiency and output over sustainability[208]. Moreover, it assumes that markets are perfectly competitive and efficient, failing to acknowledge monopolies, corruption, and policy-driven distortions that affect land pricing and access. The static nature of the theory, which does not fully integrate technological advancements, changing land policies, or evolving labor dynamics, further limits its applicability in analyzing real-world economic activities.[209]

The production theory operates on several key assumptions that may not always align with real-world conditions. It assumes that all economic agents aim to maximize profits, whereas in reality, many small-scale farmers and landowners may prioritise subsistence, cultural values, or environmental conservation over financial gain.[210] The theory also presumes perfect information and market efficiency, suggesting that all participants have equal access to information and that markets allocate resources optimally, while in practice, land markets are often plagued by information asymmetry, speculation, and corruption. Another assumption is

[206] Gould, K. A., Pellow, D. N., & Schnaiberg, A. (2015). Treadmill of Production.
[207] George A. Akerlof, "The Market for 'Lemons': Quality Uncertainty and the Market Mechanism*," The Quarterly Journal of Economics 84, no. 3 (1970): 488–500, https://doi.org/10.2307/1879431.
[208] Aaron Pollack, "Harvey, D. (2003), The New Imperialism, Oxford University Press, Oxford, 253 p. ISBN: 01 9926 4317," 2012, http://132.247.70.148/index.php/rig/article/view/30102.
[209] Daniel Kahneman and Amos Tversky, "Prospect Theory: An Analysis of Decision Under Risk," in World Scientific Handbook in Financial Economics Series, by Leonard C MacLean and William T Ziemba (World Scientific, 2013), 4:99–127, https://doi.org/10.1142/9789814417358_0006.
[210] James M. Buchanan and Gordon Tullock, The Calculus of Consent: Logical Foundations of Constitutional Democracy, vol. 100 (University of Michigan press, 1965), https://books.google.com/books?

the homogeneity of inputs, meaning that land, labor, and capital are uniform and interchangeable, which ignores variations in land fertility, accessibility, and ownership structures[211]. Additionally, it assumes diminishing returns to inputs, implying that adding more labor or capital will eventually yield lower additional output, though technological innovations and economies of scale sometimes defy this principle. The theory assumes that resource allocation occurs without government intervention, overlooking the impact of policies, subsidies, land reforms, and international trade agreements that significantly influence land use and production decisions.[212]

Despite its contributions to economic analysis, the production theory has notable gaps that limit its ability to fully explain land use and allocation issues. It does not adequately address land grabbing, forced evictions, or socio-political conflicts over land, failing to account for how power struggles shape land ownership and resource distribution. Additionally, it lacks a political-ecological perspective, as it does not examine how capitalist production leads to environmental degradation, inequality, and conflicts over land rights. The theory also overlooks indigenous and customary land rights, making it difficult to apply in societies where traditional and formal land tenure systems coexist. Furthermore, it does not sufficiently incorporate the impact of technological advancements, such as precision agriculture, digital land mapping, and technology driven land management, which can enhance productivity and reshape land use. Furthermore, the theory does not address issues of gender and social equity, as it fails to consider how systemic barriers prevent women and marginalized groups from accessing land and production resources, reinforcing economic disparities.[213]

In the context of this study, the theory of production was used to understand the effects of land registration on the productivity and profitability of land users in Kayunga District and the disruptions caused by land grabbing to their production function. The study applied the production theory to examine the role of power imbalances in land allocation, recognizing the influence of political and economic elites on land distribution at the expense of local communities. Additionally, it incorporated an ecological perspective by evaluating the impact of land-intensive production methods on sustainability and environmental degradation. The

[211] Ludwig Von Mises, Human Action: A Treatise on Economics (H. Regnery Company, 1949).
[212] Milton Friedman, Essays in Positive Economics (University of Chicago press, 1953), https://books.google.com/books?
[213] Joseph E. Stiglitz, Information and the Change in the Paradigm in Economics, 2003, https://direct.mit.edu/books/edited-volume/chapter-pdf/2317332/9780262267342_cbg.pdf.

study also used the production theory to identify the factors influencing the demand and supply of land in Kayunga District and the effects of land registration and land grabbing on market equilibrium and efficiency. Furthermore, the study assessed the trade-offs and complementarities between diverse types of land rights in Kayunga District and the conflicts or resolutions arising from land registration and land grabbing. Importantly, the study acknowledged the role of technology in land management and registration, analyzing advancements such as digital land mapping, geographic information systems (GIS), blockchain for land records, and precision agriculture, which may improve land administration, increase transparency, and enhance productivity. Finally, the study used the production theory to propose legal reforms that may improve the security and sustainability of land rights and prevent land grabbing in Kayunga District by considering the production incentives, constraints of land users, and the integration of modern technological solutions in land governance.

2.1.2 Conflict Theory

Conflict theory has its roots in the work of Karl Marx who argued that capitalist societies are characterized by a fundamental conflict between the *bourgeoisie* (the owners of the means of production) and the *proletariat* (the working class).[214] This conflict has a cause. Marx says it is the bourgeoisie's exploitation of the proletariat's labor. The bourgeoisie gets richer and more powerful while the proletariat suffers.[215] Conflict theory is a way of looking at society. It says society is always in conflict. The reason is the competition for limited resources.[216] Conflict theory says social and political systems have conflicts. The conflicts are between rival interests. Conflicts affect power and resources in a society. It means social order is not based on agreement or collaboration. It is based on conflict and competition among diverse groups in a society.[217]

Other sociologists, such as Ralf Dahrendorf and Lewis Coser, have also contributed to the development of the conflict theory.[218] Conflict is natural and unavoidable in social life. It happens not only between social classes but also between other groups with different interests. It also happens between individuals with different goals and values. Conflict theory says social

[214] Marx, K. (1848). The Communist Manifesto. John Smith.
[215] Ibid.
[216] Hayes, A. (June 22, 2022). Conflict Theory Definition, Founder, and Examples. Investopedia. Retrieved February 25, 2023 from https://www.investopedia.com/terms/c/conflict-theory.asp
[217] Ibid.
[218] Lewis A. Coser, "Social Conflict and the Theory of Social Change," The British Journal of Sociology 8, no. 3 (1957): 197–207; Ralf Dahrendorf, "Toward a Theory of Social Conflict," Journal of Conflict Resolution 2, no. 2 (1958): 170–83, https://doi.org/10.1177/002200275800200204.

systems have conflicts. The conflicts are between groups with different interests. The conflicts can be many kinds. They can be wars, revolutions, and violence. They can also be lobbying, negotiating, and compromising. Conflict theory says social change is from these conflicts. Societies change as these conflicts are resolved or escalated. Land grabbing is an example of conflict theory. It is when outside investors or the government take land from local communities. The local communities use the land traditionally. The outside entities use the land for business. They have a conflict over power and resources.

The proponents of this theory consider that competition is a constant, which becomes overwhelming in most human relationships and interactions. Resources in a society are scarce. This causes competition. The society has classes of haves and have-nots. The haves are rich and powerful. They have power over the have-nots. The law favours the haves more. They have more say. It is on this basis that governments try to prevent and/or manage conflict by distributing resources evenly. The government gives out the resources. It does not care about the people. It wants to avoid conflict. Max predicted the class struggles. He said the proletariat would defeat the bourgeoisie. There would be no classes. There would be no conflict.

Class formation and struggle are shown to deal mainly with the period after 1962 when the country became formally independent.[219] The two major high-tides of class struggles are, firstly the rising resentment and conflict between the Asian commercial bourgeoisie and the African petit-bourgeoisie seen as a focal point of the crisis of the colonial system and secondly, the growing division within African petit-bourgeoisie itself as a focal point for the crisis of the neo-colonial system in the period since independence. Nabudere further asserts that the process of competition and adjustment to the dynamic environment contributes towards the instability of the global system; the rich and powerful adopt tactics to secure their present and future interest to obtain satisfactory gains over the rest.[220] Regardless of the dynamics, the land is an indispensable factor of production, which remains inelastic as Uganda's population continues to grow, leading to much competition for land for agriculture, settlement, and business.

Some scholars have criticized conflict theory for overemphasizing conflict rather than cooperating and collaborating in social relationships.[221] Conflict theory contends that social

[219] Nabudere, D. W., & Velthuizen, A. (2013). Restorative Justice in Africa: From trans-dimensional knowledge to a culture of harmony. Africa Institute of the South Africa.
[220] Dani Wadada Nabudere and Andreas Velthuizen, Restorative Justice in Africa: From Trans-Dimensional Knowledge to a Culture of Harmony (Africa Institute of South Africa, 2013), https://books.google.com/books?
[221] Hayes, A. (June 22, 2022). Conflict Theory Definition, Founder, and Examples. Investopedia. Retrieved February 25, 2023 from https://www.investopedia.com/terms/c/conflict-theory.asp; Drew, C. (January 18, 2023). Conflict Theory in Sociology: Assumptions and Criticisms. Retrieved February 25, 2023 from

relationships are primarily driven by competition and struggle, while functionalist theory contends that collaboration and cooperation are influential factors as well. The theory is limited by its assumption that power is equally distributed across society, which is not the case in reality. It often fails to account for the fact that certain groups or individuals hold more power than others. The theory is also limited by its narrow focus on economic and class conflicts, overlooking other important sources of social tension such as race, gender, and nationality. Additionally, the theory is limited by its neglect of social stability, as it emphasises conflict while underestimating the existence and importance of cohesion and order in society.[222]

The theory, however, did not fully consider factors beyond class struggles, such as ethnicity, gender, and historical land tenure systems, which significantly influence land conflicts. It also did not adequately address the role of legal and institutional frameworks in either exacerbating or mitigating land disputes, limiting its ability to explain how governance structures shape land ownership and control. Additionally, the theory did not sufficiently account for the ways different social groups mobilize resistance, negotiate compromises, or adapt to changing land policies and economic pressures. Moreover, it did not incorporate the impact of foreign investments and corporate interests in shaping land conflicts, particularly in rapidly developing regions. The role of technology in land management and dispute resolution was also not considered, as advancements such as digital land mapping, blockchain-based land registries, and geographic information systems (GIS) may enhance transparency and reduce conflicts related to land ownership. This study addressed these gaps by analyzing land conflicts in Kayunga District, incorporating ethnicity, governance structures, and legal frameworks to provide a more comprehensive understanding of land struggles and possible solutions.

2.1.3 The Property Theory

Property theory is a legal theory subfield that examines the functioning, recognition, protection, and regulation of property rights by law.[223] It covers a broad field of subfields such as real estate law and intellectual property law, and both tangible and intangible property such as land,

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https://helpfulprofessor.com/conflict-theory-criticisms-assumptions/; LibreTexts. (Dec 16, 2020). 1.3C: The Conflict Perspective. In Sociology (Boundless). ; Stolley, K. S. (2005). The basics of sociology. Greenwood Publishing Group.

[222] Hayes, A. (June 22, 2022). Conflict Theory Definition, Founder, and Examples. Investopedia. Retrieved February 25, 2023 from https://www.investopedia.com/terms/c/conflict-theory.asp; Von Billerbeck, S. B. K., & Gippert, B. J. (2017). Legitimacy in Conflict: Concepts, Practices, Challenges. Journal of Intervention and Statebuilding, 11(3), 273-285.

[223] Merrill, T. W., & Smith, H. E. (2001). What happened to property in law and economics? The Yale Law Journal, 111(2), 357-398.

buildings, and private property.[224] Property theory also explores issues related to property rights allocation, transfers, and benefits and burdens. Property theory posits that inadequate regulation and protection of property rights results in land grabbing by external investors or government entities.[225]

In property theory, property plays a crucial role in protecting individual freedom and promoting economic efficiency.[226] As a result of property rights, people can engage in economic transactions freely and maintain their autonomy and independence.[227] Nevertheless, the focus on property owners has been criticized. This approach ignores other people's property rights. In the view of some, the liberal approach fails to deal with social justice issues like the dispossession of local communities and natural resource extraction.[228] Property is an instrument of exploitation and oppression, according to Marxists.[229] It is argued, however, that the Marxist approach oversimplifies property's role in society by stealing surplus value from the working class. They fail to recognise how property can also be a source of security and stability for individuals and communities.[230]

Property theory has a long history, and many scholars and legal theorists have contributed to its development. Some notable figures who have advanced the field of property theory: John Locke argued that individuals have a natural right to property, which is derived from their labor and the natural world.[231] Adam Smith argued that the division of labor and the pursuit of self-interest are the driving forces behind economic growth and prosperity.[232] He also developed the concept of the "invisible hand," which posits that the pursuit of self-interest by individuals leads to the optimal allocation of resources in a market economy. The study of law and property theory has been greatly influenced by Hart's work.[233] According to Hart, the law is a system of rules that are made and enforced by the state, which is distinct from morality. Changing or modifying property rights can be influenced by this idea, as well as how property rights are recognised and protected by law. Patricia Kameri Mbote is known for her work on

[224] Alexander, G. S., & Peñalver, E. M. (2012). An Introduction to Property Theory. Cambridge University Press.
[225] Singer, J. W. (2000). The relational origins of property. Michigan Law Review, 98(8), 2075-2096.
[226] Dagan, H. (2021). Liberal Property. In A Liberal Theory of Property (pp. 1-12). Cambridge University Press.
[227] Dagan, H. (2021). Liberal Property. In A Liberal Theory of Property (pp. 1-12). Cambridge University Press.
[228] Singer, J. W. (2000). The relational origins of property. Michigan Law Review, 98(8), 2075-2096.
[229] Wood, E. M. (2002). The Origin of Capitalism: A Longer View. Verso Books.
[230] Jurkevics, A. (2022). Land Grabbing and the Perplexities of Territorial Sovereignty. Political Theory, 50(1), 32-58.
[231] Locke, J., & Laslett, P. (1967). Locke: Two Treatises of Government. Cambridge University Press.
[232] Smith, A. (1901). The wealth of nations. In A. Edwin, Seligman (Ed.), An Inquiry into the Nature and Causes of the Wealth of Nations (Vol. 11937). J. M. Dent.
[233] Hart, H., & Green, L. (2012). The Concept of Law (J. Raz & P. Bulloch, Eds. 3rd ed.). OUP Oxford.

environmental law[234] and property theory.[235] A leading writer on land and resource management, Mbote uses property rights to promote social justice and sustainability. Mbote examines the legal and institutional frameworks that govern land and resource use in Africa, as well as how these frameworks are shaped by social, economic, and political factors. Moreover, she explores how property law can be used to address environmental degradation and resource depletion.

This theory argues that ownership of property is usually conceived as being the highest form of "property" or relationship with the thing or land being considered.[236] In land titling, one can hold diverse types of "property" such as possession, a security interest, and a leasehold interest over land or a life estate over land (interest in fee simple). Property confers upon the holder a bundle of rights for example a right to possess the property, control it, exclude others from it, and dispose of it at will. Ownership of property is evidenced through the title, which is acquired through registration. The person who is registered on the title as the proprietor has a legal interest in the property and controls the property, which means they can sell or transfer the property.[237]

In summary, property theory is a multifaceted field that studies the legal and social aspects of property, and how property rights are recognised, protected, and regulated by the law. Having title to the land ideally ensures the security of tenure, protects the landowner from challenges caused by having unregistered land such as the practice of land grabbing, and makes it more valuable, as it can easily be transferred. Nevertheless, there is a likelihood that many people experience registration challenges for instance the complexity of the registration process and the costs involved. As a result, people become reluctant to register land.[238] The property theory is relevant to this study because it is a theory of abstract entities that can be predicated on things.[239]

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[234] Kameri-Mbote, P. (2006). Women, Land Rights and the Environment: The Kenyan experience. Development, 49(3), 43-48.
[235] Kameri-Mbote, P. (2005). Land tenure, land use and sustainability in Kenya: towards innovative use of property rights in wildlife management. International Environmental Law Research Centre.
[236] Okoth-Ogendo, H. W. O. (1975). Property theory and land use analysis: a theoretical framework. Journal of Eastern African Research & Development, 5(1), 37-53.
[237] Baron, J. B. (2013). Rescuing the bundle-of-rights metaphor in property law. University of Cincinnati Law Review, 82, 57.
[238] Wabineno, O. M. L. (2016). A real property register to support the property and credit market in Uganda KTH Royal Institute of Technology]. Stockholm.
[239] Cocchiarella, N. B. (1998). Property theory. https://www.rep.routledge.com/articles/thematic/property-theory/v-1.

Property theory does not fully account for the challenges associated with land registration, including the complexity of the process, high costs, and bureaucratic inefficiencies that discourage many individuals from securing formal land titles. Disparities in access to property rights, particularly among marginalized groups such as women, indigenous communities, and low-income individuals, remain insufficiently addressed, as legal and structural barriers continue to hinder land ownership. Political and economic interests significantly influence the formulation and enforcement of property laws, often favoring elites and external investors over local communities, yet this aspect receives little attention. Additionally, customary land tenure systems and their interaction with formal land laws create conflicts in ownership and usage, an issue that remains underexplored.

This study addressed these gaps through a critical analysis of the evolution of Uganda's land registration laws and their implications on various land rights in Kayunga District. A legal assessment of community perspectives provided insights into how land registration is linked to land grabbing, highlighting socio-economic and procedural barriers that impede equitable access to land ownership. The study further identified the fundamental nature and principal drivers of land grabbing in Kayunga District, examining statutory and customary land tenure systems and their intersection with legal and policy frameworks. Challenges and opportunities in mitigating and resolving land grabbing conflicts were examined within the context of existing legislation, judicial interventions, and community-led dispute resolution mechanisms. Legal reforms were proposed to enhance the security and sustainability of land rights, ensuring that land registration procedures are more accessible, transparent, and effective in preventing unlawful land appropriation in Kayunga District.

2.1.4 Interaction of Theories and Contribution to Theory

The three theories applied in this study, namely the production theory, the conflict theory, and the property theory, collectively provide a coherent framework for explaining the relationship between the law on land registration and land grabbing in Kayunga District. These theories interact through their shared concern with ownership, power, and control over productive resources. The production theory, advanced by Wolman and further developed through the works of Smith and Ricardo, explains how land functions as a fundamental factor of production that attracts political and economic elites seeking to expand their wealth through formal acquisition. Conflict theory, explains that this economic drive generates social tension and competition between powerful actors and ordinary land users. Property theory, rooted in the

writings of Locke[240] and refined through contemporary scholars connects both perspectives by showing how legal frameworks and institutional mechanisms for registration define, allocate, and protect ownership, thereby shaping access and exclusion.[241]

The interaction among these theories becomes clear in the process through which the law on land registration can either reduce or intensify land grabbing. Production theory highlights that economic expansion and investment are the principal motivations behind large-scale land acquisition. Conflict theory adds that unequal access to registration and enforcement mechanisms creates disputes between elites and communities, often resulting in dispossession. Property theory ties these economic and social processes to the functioning of legal and institutional systems that govern property rights. Together, they explain that land registration is not merely a neutral legal reform but a practice shaped by the interplay between economic interests, political power, and institutional capacity. The integration of these theories, therefore, provides a holistic understanding of how market forces, social competition, and legal frameworks interact to determine land ownership outcomes in Uganda.

The findings of this study both support and challenge the assumptions of these theories. The study revealed that while land registration in Uganda was intended to enhance tenure security, transparency, and fairness, weak enforcement, institutional failure, and corruption have instead transformed it into a mechanism that facilitates land grabbing and deepens tenure insecurity, particularly among vulnerable groups in Kayunga District. This finding partially agrees with the production theory, which assumes that those who control productive resources dominate economic outcomes.[242] In Kayunga District, elites and investors with capital and political influence have used registration laws to consolidate control over land, confirming the theory's emphasis on the concentration of production power. Nevertheless, the study contradicts the assumption that increased formalization and efficiency naturally lead to optimal resource use.[243] In practice, formal land registration has encouraged speculative ownership and the displacement of smallholders, showing that economic efficiency without social equity leads to instability and exclusion.

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[240] John Locke, Two Treatises of Government (London: Awnsham Churchill, 1690).
[241] Patricia Kameri-Mbote, Property Rights, Climate Change and Land Use Planning in Africa (Geneva: International Environmental Law Research Centre, 2002).
[242] Adam Smith, An Inquiry into the Nature and Causes of the Wealth of Nations (London: W. Strahan and T. Cadell, 1776).
[243] David Ricardo, On the Principles of Political Economy (J. Murray London, 1821), http://www.econ.ucdavis.edu/faculty/gclark/210a/readings/Ricardo.pdf.

The findings also align closely with conflict theory, which argues that competition over scarce resources produces inequality and social struggle.[244] The evidence from Kayunga District supports this argument, as land registration has become a contested process where elites secure legal titles while marginalized groups lose ancestral land. The study, however, extends conflict theory by showing that land-related struggles are not solely determined by economic class but also by gender, ethnicity, and institutional weaknesses. The role of corruption and administrative inefficiency introduces a bureaucratic dimension that traditional conflict theory does not fully capture, suggesting that modern land conflicts in Uganda are shaped not only by capitalist exploitation but also by failures in public governance and accountability.

The findings further challenge the assumption within property theory that legal recognition of ownership automatically ensures tenure security.[245] While the law provides for registration as a mechanism to protect property rights, weak enforcement and corruption have undermined its implementation. The findings indicate that legal frameworks have been manipulated to legitimize unlawful land acquisitions, allowing elites to use formal titles to displace communities. This disagreement highlights the gap between the theoretical ideal of property rights and the institutional realities of land governance. The study refines property theory by showing that effective property protection depends not only on the existence of legal clarity but also on the integrity, capacity, and transparency of enforcement institutions. It also extends the work of Kameri, who emphasizes that property rights should serve both social justice and sustainability, by showing that in Uganda, these goals remain largely unachieved due to systemic weaknesses.[246]

Through this synthesis, the study contributes to theoretical advancement by demonstrating that the relationship between law and land grabbing can only be fully understood through an integrated framework combining economic, social, and legal dimensions. The interaction among production, conflict, and property theories reveals that land grabbing in Kayunga District is a structural outcome of unequal power relations, weak institutional enforcement, and the politicization of legal processes. The study therefore advances theoretical understanding by proposing that sustainable land governance in Uganda requires a balanced approach that aligns

[244] Ralf Dahrendorf, Class and Class Conflict in Industrial Society (Stanford, CA: Stanford University Press, 1959).
[245] H. L. A. Hart, The Concept of Law (Oxford: Clarendon Press, 1961).
[246] Kameri-Mbote, Property Rights, Climate Change and Land Use Planning in Africa.

economic incentives, social justice, and legal safeguards within a transparent and accountable institutional framework.

2.2 Literature Review

This section presents the literature review from books, journal articles, different websites, electronic documents, and reports. The literature is based on the themes developed from the specific objectives that guide this study. These themes include the historical and legal context of land registration, the concept and dynamics of land grabbing, the perspectives of local communities on land registration and land grabbing, the challenges, and opportunities for preventing and resolving land grabbing conflicts, and the recommendations for legal reform that can improve the security and sustainability of land rights and prevent land grabbing.

2.2.1 The Historical and Legal Context of Land Registration

Globally, land registration has a long history rooted in fiscal and administrative practices.[247] In Europe, systems of fiscal cadastres such as those developed under Napoleon were designed to record land holdings for purposes of taxation, efficient administration, and securing property rights.[248] These early systems laid the foundation for modern land registration by emphasizing accurate documentation, centralized records, and enforceable legal claims. Over time, land registration evolved into a tool not only for revenue collection but also for promoting investment, reducing disputes, and facilitating land markets.[249] In Africa, land registration has a colonial origin and was introduced to facilitate land alienation and taxation.[250] Nevertheless, colonial land registration systems often ignored or undermined customary land rights and created dual systems of tenure that persist to this day.[251] After independence, many African countries attempted to reform their land policies and laws to recognise customary land rights and decentralize land administration. Nonetheless, these reforms were often incomplete, inconsistent, or poorly implemented.[252] Land registration in Africa faces various challenges

[247] Peter Dale and John McLaughlin, Land Administration (Oxford: Oxford University Press, 1999).
[248] Jesper M. Paasch, "The Napoleonic Cadastre and Its Influence on Modern Land Administration Systems," Nordic Journal of Surveying and Real Estate Research 1, no. 1 (2004): 25–43.
[249] Ian Williamson et al., Land Administration for Sustainable Development (Redlands, CA: ESRI Press Academic, 2010).
[250] Bewaji, O. (2019). Strengthening land administration institutions: A tool to curb corruption in land sector in Nigeria. Conference on Land Policy in Africa,
[251] Myers, G. W., Sund, A., Bruce, J. W., Barnes, G., Dickerman, C. W., Green, J. K., Stienbarger, D., & Polishuk, R. (2014). Security of Tenure and Land Registration in Africa: Literature Review and Synthesis. https://landportal.org/node/99062
[252] Ibid.

and gaps in the legal framework, institutional capacity, and socio-cultural context.[253] Some of these include low coverage and accessibility of land registration services; high costs and delays in land transactions; corruption and fraud in land administration; conflicts and disputes over land boundaries; lack of recognition and harmonization of customary and statutory land rights; weak enforcement of land laws and policies; overlapping and conflicting mandates of different institutions involved in land matters.[254] Nevertheless, it has also been advocated as a pro-poor legal empowerment strategy that can protect smallholders' rights of access to land, enhance tenure security, and promote agricultural productivity.[255] These challenges undermine the security and efficiency of land rights and affect the social and economic development of the continent.

Land registration in Africa has been associated with a wide range of outcomes, both positive and negative. On the positive side, land registration can provide recognised evidence of title, thereby reducing disputes over land ownership.[256] It can also reduce transaction costs in land markets, increase access to formal credit by using land as collateral, improve land management practices through clearer boundaries and documentation, and stimulate investment by providing tenure security that encourages both smallholder and commercial farmers to make long-term improvements.[257] Furthermore, secure land tenure is often linked to broader economic growth, as it enables individuals and institutions to make productive use of land and contributes to national development goals. On the negative side, however, land registration can also produce unintended outcomes. Formal systems may increase tenure insecurity by undermining customary arrangements, especially where registration processes are poorly understood or inconsistently applied. They can exacerbate conflicts, particularly in plural legal contexts where customary and statutory rights overlap. Vulnerable groups such as women, children, persons with disabilities, and minority communities may be marginalized when their rights are not adequately recognised in registration frameworks. Land registration can also contribute to land concentration, whereby elites and politically connected actors accumulate

[253] Ibid.
[254] Bewaji, O. (2019). Strengthening land administration institutions: A tool to curb corruption in land sector in Nigeria. Conference on Land Policy in Africa, ; UN-HABITAT, GLTN, & CASLE. (2008). Land registration in Africa: A report of the Expert Group Meeting of Land Registrars in Africa.
[255] Bewaji, O. (2019). Strengthening land administration institutions: A tool to curb corruption in land sector in Nigeria. Conference on Land Policy in Africa; UN-HABITAT, GLTN, & CASLE. (2008). Land registration in Africa: A report of the Expert Group Meeting of Land Registrars in Africa.
[256] Myers, G. W., Sund, A., Bruce, J. W., Barnes, G., Dickerman, C. W., Green, J. K., Stienbarger, D., & Polishuk, R. (2014). Security of Tenure and Land Registration in Africa: Literature Review and Synthesis. https://landportal.org/node/99062.
[257] Ibid.

large tracts of land at the expense of smallholders, leading to landlessness and social inequality. In addition, registration processes may induce environmental degradation where short-term commercial exploitation of land is prioritised over long-term sustainability. Beyond these general risks, land registration faces further challenges including corruption and fraud in the registration process, weak institutional capacity, high costs and delays in titling, and limited access to registration services in rural areas. Registration systems have also been criticized for excluding or displacing marginalized groups and for enabling land grabbing when powerful actors manipulate institutional weaknesses. These reservations suggest that land registration is not inherently positive or negative but is instead highly dependent on the design of the system, the quality and accuracy of data, the capacity and integrity of institutions, the degree of stakeholder participation, and the alignment of the system with local socio-cultural realities.[258]

Between 1901 and 1908, land registration in Uganda was primarily shaped by colonial policies, particularly the 1900 Buganda Agreement, which introduced formal land ownership and individual land rights for the first time.[259] The agreement divided land into Mailo land, which was granted to the Kabaka (King of Buganda), chiefs, and other elites, and Crown land, which remained under British control. This arrangement disrupted customary tenure systems, as large portions of land were allocated to the colonial administration and a select group of Buganda elites, leaving many indigenous communities without legal recognition of their land rights.[260] The British introduced a rudimentary system of land registration, mostly for Mailo and freehold tenure, where landowners received certificates of title as proof of ownership. Nevertheless, customary land tenure remained largely undocumented, creating a dual system that led to inequalities and disputes. The introduction of the Registration of Titles Ordinance in 1908 marked the first formal legal framework for land registration, establishing the Torrens system, which provided for the issuance of indefeasible titles. This ordinance laid the foundation for

[258] Ibid.

[259] Yokana Ogola, "Colonial Period, 1900-1962" (PhD Thesis, Kenyata University, 2015), https://ir-library.ku.ac.ke/bitstream/123456789/13325/1/chiefs%20and%20local%20government%20administration...pdf.

[260] Estates Na, Mailo Land Tenure in Uganda. Retrieved February 21,.2023 from Http://Www.Nacestates.Com/Posts/s/60b8b4a1bd700330ecd08739; Ali, D., & Duponchel, M. (2018). Shortcomings to Overlapping Land Rights and a Way Forward: The Case of Mailo Land in Central Uganda [Case Study]. Development Research Group World Bank., June 3, 2021, https://documents1.worldbank.org/curated/en/383591528728458648/pdf/127047-PN-P095390-PUBLIC-Uganda-PN-mailo.pdf.

Uganda's modern land administration system but also reinforced colonial land policies that prioritised formal registration over customary landholding practices.[261]

Land registration in Uganda is the official documentation of rights in the land through deeds or titles. [262] It is meant to provide evidence of title, facilitate transactions, and prevent unlawful disposal. The law on land registration in Uganda has evolved from the colonial era to the present day, with different laws and systems governing diverse types of land rights. Uganda has a long history of conflict over land, water, and pastures. These conflicts have been aggravated by changing political orders spanning the precolonial, colonial, and post-colonial eras. [263] During the pre-colonial period, the land was held under customary tenure by clans and communities, with varying degrees of rights and obligations. Land was regarded as a sacred and communal resource, not a commodity. [264] During the colonial period, when the British introduced the Torrens system of land registration, based on the principle of indefeasibility of title. The Torrens system land tenure which determined land ownership through formal titles was used before independence.[265] The Torrens system was designed to create a centralized and uniform system of land administration, but it also resulted in the alienation and dispossession of many Indigenous communities from their customary lands. In Uganda, the introduction of freehold and mailo tenure systems under the 1900 Buganda Agreement granted individual ownership and registration of land to a few favored groups, such as the Kabaka, chiefs, and certain religious and educational institutions. This arrangement created inequalities and grievances among the majority of the population who remained under customary tenure. [266]

After independence in 1962, Uganda experienced political instability, civil wars, and authoritarian rule, which disrupted land administration and management. Land grabbing, evictions, displacement, and violence became widespread, and successive governments

[261] Thomas Taylor, "The Establishment of a European Plantation Sector within the Emerging Colonial Economy of Uganda, 1902-1919," The International Journal of African Historical Studies 19, no. 1 (1986): 35–58.
[262] Ministry of Lands Housing and Urban Development. (January, 01, 2023). Department of Land Registration. https://mlhud.go.ug/department-of-land-registration/; Ugandafact. (January 01, 2023). Land Registration In Uganda. Retrieved May 01, 2023 from https://ugandafact.com/land-registration-in-uganda/
[263] De Satgé, R. (May 15, 2023). Uganda - Context and Land Governance. Retrieved May 27, 2023 from https://landportal.org/book/narratives/2023/uganda.
[264] Mabikke, S. B. (2016). Historical continuum of land rights in Uganda: a review of land tenure systems and approaches for improving tenure security. Journal of Land and Rural Studies, 4(2), 153-171.
[265] Mugambwa, J. (2007). A comparative analysis of land tenure law reform in Uganda and Papua New Guinea. Journal of South Pacific Law, 11(1).
[266] Mabikke, S. B. (2016). Historical continuum of land rights in Uganda: a review of land tenure systems and approaches for improving tenure security. Journal of Land and Rural Studies, 4(2), 153-171.

attempted to reform the land sector but often faced resistance and challenges.[267] The 1995 Constitution of the Republic of Uganda declared that land belongs to the citizens of Uganda, unlike the preceding Land Reform Decree of 1975 which had vested all land in the government. The most significant legal reform was therefore the 1995 Constitution, which recognised four tenure systems: customary, freehold, mailo, and leasehold.

The most significant legal reform was the 1995 Constitution of Uganda, which recognised four types of land tenure: customary,[268] freehold,[269] mailo,[270] and leasehold.[271] The Constitution of the Republic of Uganda (1995) also guarantees and protects land ownership by citizens, sets up land boards and tribunals, and outlines the principles of land policy and management. The Constitution of Uganda guarantees the right to own property and prohibits compulsory acquisition of land without prompt and fair compensation. [272] The Constitution also provided for the enactment of the Land Act 1998, which provided for the decentralization of land administration and management, the creation of land tribunals and District Land Boards, and the protection of customary land rights and women's land rights. The Land Act of 1998 operationalized the constitutional provisions and introduced new institutions and mechanisms for land governance. The Land Act (1998) also described the distinct types of land tenure systems, regulates land transactions and transfers, provides for dispute resolution mechanisms, and establishes district land boards and area land committees. Under the Land Act, local communities have the right to own land. The Land Act regulates the management and administration of land and provides for the conversion of customary land into freehold land, the creation of land boards and tribunals, and the protection of tenants by occupancy.

The laws affecting the land law practice and conveyancing matters in Uganda are the Registration of Titles Act[273], the Land Act[274], and the Mortgage Act[275]. The Survey Act[276] and Land Acquisition Act[277] deal with surveying and mapping of land to establish its boundaries,

[267] De Satgé, R. (May 15, 2023). Uganda - Context and Land Governance. Retrieved May 27, 2023 from https://landportal.org/book/narratives/2023/uganda
[268] Customary land is owned by communities according to their customs and traditions.
[269] Freehold land is owned by individuals or corporations with full rights of ownership.
[270] Mailo land is a historical form of tenure that was granted to some chiefs and notables by the colonial government.
[271] Leasehold land is owned by individuals or corporations for a fixed period.
[272] Mugambwa, J. T. (2002). Principles of Land Law in Uganda. Fountain Publishers.
[273] Supra note 80
[274] Supra Note 12
[275] The Mortgage Act Cap 239.
[276] The Survey Act Cap 241
[277] The Land Acquisition Act Cap 235

size, and location, which form the basis for initial land registration. The Registration of Titles Act (Cap 240) governs the registration of titles to land and provides for the issuance of certificates of title, general conveyance, keeping custody of the national land register, and rectification of errors. The Registration of Titles Act (RTA) provides for the transfer of land and registration of titles and establishes a system of indefeasible title that protects the registered proprietor against adverse claims. The RTA also provides for the registration of mortgages, leases, caveats, court orders and other instruments affecting land.[278] The Land (Amendment) Act (2010) modifies the Land Act to provide for compulsory acquisition of land by government for public use, to regulate evictions from registered land, and to prescribe penalties for unlawful eviction. Despite the legal reforms, land conflicts and insecurity persist in Uganda due to several factors, such as corruption, weak institutions, population growth, urbanization, land speculation, environmental degradation, and climate change. There is a need for more effective and inclusive policies and practices to address the land challenges in Uganda. [279] According to Mugambwa,[280] the Mortgage Act regulates the creation and enforcement of mortgages over land and provides for the rights and obligations of mortgagors and mortgagees. [281] The Condominium Property Act provides for the division of buildings into units that can be owned individually and for the issuance of condominium certificates of title. The diverse types of land rights in Uganda are influenced by the law on land registration in many ways. For example: Freehold land grants the owner full ownership rights over the land, subject to any encumbrances registered on the title. Freehold land can be transferred, leased, mortgaged, or otherwise dealt with by the owner without any restrictions. [282] Mailo land is subject to customary tenancies known as bibanja, which provide tenants with security of occupancy and protection against eviction. Leasehold land grants the lessee the right to use and occupy the land for a specified period and under agreed conditions. Land held under leasehold is therefore subject to contractual terms between the lessor and the lessee. This type of land can also be extended or renewed under certain circumstances. Customary land grants the owner rights that are determined by the customs and traditions of the community. Customary land can be inherited, transferred, or otherwise disposed of according to those customs. Customary land can also be registered or converted into freehold land under certain conditions.

[278] Section 47,Registration of Titles Act, Cap 240.
[279] Deininger, K., & Castagnini, R. (2004). Incidence and Impact of Land Conflict in Uganda. [Policy Research Working Paper](3248). World Bank. http://hdl.handle.net/10986/14119
[280] Mugambwa, J. T. (2002). Principles of Land Law in Uganda. Fountain Publishers.
[281] Ibid.
[282] Mugambwa, J. T. (2002). Principles of Land Law in Uganda. Fountain Publishers.

Uganda has a complex history of land tenure that reflects its colonial legacy and post-independence reforms. The post-independence governments inherited the colonial system of land registration but also attempted to reform it through various laws and policies. Changing social, economic, and political conditions have led to changes in the legal framework of land registration in Uganda.[283] Despite these legal reforms, the current system of land registration in Uganda still faces many challenges and gaps. For instance, Nakayi[284] critically examined the hurdles and deficiencies in Uganda's land registration system, particularly under the Torrens system, revealing systemic exploitation through the issuance of false duplicate titles, unauthorized alterations to the land registry that erode its reliability, and the misuse of the registry for placing groundless caveats on properties, which could hinder rightful land dealings.[285] The socio-political dynamics of Uganda significantly affect the administration and perception of land rights, and the system's lack of maturity, despite its age, hampers its proper functioning and efficiency. Nakayi calls for immediate, comprehensive reforms to address these socio-political and administrative issues, emphasizing the vital role of the government in implementing changes that will secure land rights and improve the land registration system's efficiency.

Uganda has embarked on one of the largest digitalization programs for rural land registration in Africa. The program is called the National Rural Land Administration Information System (NRLAIS). Over the past couple of years, NRLAIS was rolled out and made operational in over 180 woredas (districts). The main objectives of NRLAIS are to improve service delivery, promote data integration, and strengthen informed decision-making. A study by Abab *et al*. found that NRLAIS has been successful in terms of system quality, information quality, service quality, perceived usefulness, acceptance, and actual use.[286] Nevertheless, the study also identified some challenges and gaps that need to be addressed, such as behavioural changes of the land administration experts, technical and operational capacity, and harmonization with other systems.

[283] Ronald, M. A. (2014). Land-grabbing in Uganda: Are pastoralists second class citizens. A Delicate Balance Land Use, Minority Rights and Social Stability in the Horn of Africa, 192–223.
[284] Nakayi, R. (2023). Certificate of title: A discussion of contemporary challenges to the protection of land interests in Uganda. Journal of African Law, 67(1), 23-43. https://doi.org/10.1017/s0021855322000286.
[285] Nakayi, R. (2023). Certificate of title: A discussion of contemporary challenges to the protection of land interests in Uganda. Journal of African Law, 67(1), 23-43. https://doi.org/10.1017/s0021855322000286.
[286] Shewakena Aytenfisu Abab et al., "Determinants of the Land Registration Information System Operational Success: Empirical Evidence from Ethiopia," Land 10, no. 12 (2021): 1394.

In conclusion, land registration in Africa particularly in Uganda is a complex and dynamic process that has varied historical and legal contexts, diverse types and systems, and mixed outcomes and impacts. Uganda provides an example of a country that has made considerable progress in digitalizing its rural land registration system but still faces some challenges and gaps that need to be overcome. Thus, this study critically assesses how the law on land registration in Uganda has developed and how it influences the diverse types of land rights in the country, focusing specifically on Kayunga District.

2.2.2 The Perspectives of Local Communities on Land Registration and Land Grabbing

The intricate relationship between land registration and land grabbing is a subject of considerable debate, particularly in the context of developing countries where land serves as a fundamental resource for livelihood and cultural identity. The literature review presented here consists of the various perspectives of local communities on this relationship. For instance, Bae[287] conducted a study in Zambia through a legal history approach, sheds light on the dual-tenure system in Zambia, which distinguishes between state and customary land.[288] The study suggests that the process of converting customary land into state land, coupled with high land-titling fees, creates a conducive environment for land grabbing, leaving local communities vulnerable and often without secure land rights. The discourse surrounding Indigenous and customary land tenure regimes in Latin America presents a complex tapestry of historical and contemporary dynamics. The study by Sauls *et al.*,[289] analyses this subject through an approach that includes literature review, case studies, and policy analysis.[290] It underscores the paradoxical nature of land registration for Indigenous communities, serving both as a tool for legal empowerment and a gateway to market-driven exploitation and conflict. The study's reference to land grabbing highlights the precariousness of indigenous lands, particularly in regions coveted for their resource wealth or developmental potential. Though, the study's geographical focus on Latin America limits its applicability, prompting a localized

[287] Bae, Y. J. (2023). Analyzing the Connection between Customary Land Rights and Land Grabbing: A Case Study of Zambia. Land, 12(1), 200.
[288] Bae, Y. J. (2023). Analyzing the Connection between Customary Land Rights and Land Grabbing: A Case Study of Zambia. Land, 12(1), 200.
[289] Sauls, L. A., Galeana, F., & Lawry, S. (2022). Indigenous and Customary Land Tenure Security: History, Trends, and Challenges in the Latin American Context. In M. B. Holland, Y. J. Masuda, & B. E. Robinson (Eds.), Land Tenure Security and Sustainable Development (pp. 57-79). Springer International Publishing.
[290] Sauls, L. A., Galeana, F., & Lawry, S. (2022). Indigenous and Customary Land Tenure Security: History, Trends, and Challenges in the Latin American Context. In M. B. Holland, Y. J. Masuda, & B. E. Robinson (Eds.), Land Tenure Security and Sustainable Development (pp. 57-79). Springer International Publishing.

investigation into the perspectives of Kayunga district's communities on the nexus between land registration and land grabbing.

In Papua New Guinea, Henning's research reveals the deep-seated connection between customary land tenure systems and the cultural, spiritual, and social fabric of local communities.[291] The encroachment of multinational corporations, logging enterprises, and governmental bodies poses a dire threat to these communal bonds. The absence of legal safeguards for customary land rights paves the way for rampant land grabbing, eroding the community's cultural and social integrity. Nonetheless, Hennings' omission of methodological transparency invites critique and necessitates a methodologically robust study, as outlined in this thesis's third chapter, to explore the local perceptions of land registration's role in land grabbing within Kayunga district. Bae's investigation into the plight of Malawians residing on customary lands illuminates the historical legacy of colonial land registration practices, which facilitated the dispossession of Indigenous lands for European settler colonization—a process marred by corruption and force.[292] Post-independence, the trend of land grabbing persists, with the Malawian government's acquisition of vast customary land areas for development projects, often side lining the affected communities' needs for proper consultation and compensation. Bae's case study of a central Malawian village, where an agribusiness's land grab was abetted by local elites and officials, underscores the ongoing struggle. Yet, the absence of local community voices in Bae's study signals a gap that this research aims to fill by assessing the local community's perceptions of land registration and land grabbing in Uganda's Kayunga district.

The legal landscape of customary land rights in Uganda, as scrutinized by Ashukem, reveals a precarious balance between traditional tenure and the threat of land grabbing.[293] The study illuminates the myriad challenges undermining these rights, including corruption, institutional frailty, and systemic gender biases. Ashukem's critique of Uganda's constitutional framework suggests a dissonance between the legal provisions and the lived realities of customary landholders, with registration emerging as a contentious prerequisite for protection. Yet, the study's analytical scope is broadened by incorporating the local community's perspective,

[291] Hennings, A. (29 March 2021). Papua New Guinea-Context and Land Governance. Retrieved February 27, 2023 from https://www.landportal.org/book/countries/2021/papua-new-guinea.
[292] Bae, Y.-J. (2021). Analyzing the Changes of the Meaning of Customary Land in the Context of Land Grabbing in Malawi. Land, 10(8), 836.
[293] Ashukem, J.-C. N. (2020). Land Grabbing and Customary Land Rights in Uganda: A Critical Reflection of the Constitutional and Legislative Right to Land. International Journal on Minority and Group Rights, 27(1), 121-147.

offering a nuanced understanding of the interplay between land tenure and vulnerability in Kayunga district.

Owor's examination of the Acholi sub-region's customary land rights underscores the disconnect between communal land practices and state recognition.[294] This misalignment precipitates conflicts that pit ancestral land users against state-sanctioned investors, leading to disputes and the displacement of indigenous populations. While Owor's insights are invaluable, the study's focus on Kayunga district serves as a microcosm for the broader discourse on land rights and dispossession.

Santiago's exploration of land grabbing in Bugala Island, Uganda, casts a spotlight on the disenfranchisement experienced by local communities in the wake of aggressive land acquisitions.[295] The study of Brunori captures the community's struggle for agency, underscoring the diverse implications of land registration and the imperative to safeguard cultural heritage and secure just compensation.[296] Similarly, Ndetei's work in Ghana delves into the repercussions of development initiatives on customary land tenure, highlighting the exclusionary practices that jeopardize community welfare and environmental stewardship.[297] Despite the geographical divergence, Ndetei's findings resonate with the challenges faced in Kayunga, prompting a comprehensive inquiry into the intricate relationship between land registration and land grabbing, enriched by the voices of those directly impacted.

Akena's investigation into the customary land tenure in northern Uganda unveils a landscape where land is not merely a physical asset but a cornerstone of social and cultural existence.[298] Despite its intrinsic value, the formal acknowledgment and safeguarding of these land rights remain erratic, leaving the door ajar for land grabbing - a phenomenon perceived by local communities as an existential threat to their way of life. The study Salcedo-La Viña and Notes reveal a spectrum of community responses to land sales, ranging from reluctant acquiescence

[294] Owor, A., & Dieterle, C. (April 7th, 2020). Customary land claims are at stake in northern Uganda. Retrieved February 26, 2023 from https://blogs.lse.ac.uk/africaatlse/2020/04/07/customary-land-claims-reform-unrecognised-in-northern-uganda/

[295] Santiago, A. P. (2019). Land grabbing or economic development? A modernisation debate enacted on Bugala Island, Uganda. Journal of Contemporary African Studies, 37(1), 112-127, https://www.researchgate.net/publication/332445147_Land_grabbing_or_economic_development_A_modernisation_debate_enacted_on_Bugala_Island_Uganda accessed on 20th Februrary 2023

[296] Brunori, M. (2019). Protecting access to land for indigenous and non-indigenous communities: A new page for the World Bank? Leiden Journal of International Law, 32(3), 501-516.

[297] Ndetei, C. (June 29, 2018). Customary land tenure system in Ghana and its problems. Retrieved February 26, 2023 from https://yen.com.gh/111693-customary-land-tenure-system-ghana-problems.html

[298] Akena, F. A. (2018). Customary Land Tenure and Ecological Sustainability in Acholi Land, Northern Uganda. In J. McIntyre-Mills, N. Romm, & Y. Corcoran-Nantes (Eds.), Balancing Individualism and Collectivism: Social and Environmental Justice (pp. 221-237). Springer International Publishing.

to outright resistance, often shaped by the harsh realities of limited options and the influence of power imbalances.[299] In a similar vein, Notess et al. [300] highlight the systemic disregard for local land rights within formal legal structures, a neglect that paves the way for land grabbing and leaves communities defenseless against external encroachments. The lack of resources and legal acumen among these communities further exacerbates their vulnerability. Kasimbazi's comparative analysis sheds light on the precarious situation of rural women, whose access to land is imperilled by the tenuous nature of land tenure security, particularly under customary laws.[301] This study traverses various continents to draw parallels and contrasts, ultimately pointing to a universal truth: land grabbing by external entities poses a dire threat to the subsistence and environmental stewardship of local communities. Though, the study's global scope necessitates caution against overextending its conclusions to the specific context of Kayunga district in Uganda.

Sward's focus on migration and its interplay with customary land tenure norms in Ghana offers insights into the adaptive strategies employed by migrants to secure land access.[302] Through a complex adaptive systems framework, [303] the study dissects the multifaceted relationship between social dynamics and environmental change, revealing a kaleidoscope of arrangements from sharecropping to outright purchase that migrants navigate. These arrangements, influenced by a myriad of factors including ethnicity, gender, and social capital, underscore the fluidity and challenges inherent in-migrant livelihoods. Echoing the broader themes of land tenure security, this study contributes to the discourse by probing the local community's perceptions in Kayunga district, thereby enriching the understanding of land registration's impact on land grabbing. The scholarly work of Bottazzi *et al.*, offers a critical examination of the institutional shifts precipitated by foreign land acquisitions in Sierra Leone and Ghana.[304]

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[299] Salcedo-La Viña, C., & Notess, L. (March 20, 2018). A Fair Share for Women: Toward More Equitable Land Compensation and Resettlement in Tanzania and Mozambique [Working Paper]. World Resources Institute. https://files.wri.org/d8/s3fs-public/a-fair-share-for-women.pdf.

[300] Notess, L., Veit, P., Monterroso, I., Sulle, E., Larson, A. M., Gindroz, A.-S., Quaedvlieg, J., & Williams, A. (2018). The scramble for land rights (Reducing Inequity between Communities and Companies Issue. World Resources Institute.

[301] Kasimbazi, E. (2017). Land tenure and rights for improved land management and sustainable development [Global land outlook working paper]. United Nations Convention to Combat Desertification.

[302] Sward, J. (2017). In-migration, customary land tenure, and complexity: exploring the relationship between changing land tenure norms and differentiated migrant livelihoods in Brong Ahafo, Ghana. Population and Environment, 39(1), 87-106.

[303] Which allowed Sward to analyse the relationship between migration and land tenure as part of a wider set of social and environmental conditions. He also used qualitative data from interviews, focus groups, and observations collected during fieldwork in Brong Ahafo Region. He applied thematic analysis to identify patterns and themes in the data.

[304] Bottazzi, P., Goguen, A., & Rist, S. (2016). Conflicts of customary land tenure in rural Africa: is large-scale land acquisition a driver of 'institutional innovation'? The Journal of Peasant Studies, 43(5), 971-988.

Employing a hybrid legal-anthropological methodology, the researchers engaged with a diverse array of stakeholders through semi-structured interviews to capture the multifaceted impacts of jatropha cultivation land deals.[305] The study illuminates the dual nature of land registration: as a mechanism for acquirers to cement control and as a catalyst for conflict, exacerbating disparities among local land users.[306] The biofuel company's top-down acquisition strategy, marked by ambiguous agreements and exclusion of customary authorities, sparked resistance and underscored the potential of such institutional innovations to erode local democratic processes and community interests. While the findings are context-specific, they resonate with the broader themes of land sovereignty and community agency, prompting a focused inquiry into the Kayunga district's local perspectives on land registration and its intersection with land grabbing.

Complementary studies like that of Gilbert[307] reinforce the notion that land transcends its economic valuation, embodying social and cultural significance for local communities. Customary land tenure systems, which emphasise collective rights, often clash with the interests of economic and political elites who leverage their power to secure land, frequently at the community's detriment. Gilbert's[308] research echoes this sentiment, highlighting the frequent disregard for local land rights within formal legal systems, a gap that facilitates land grabbing. The pervasive issue of land grabbing in Africa, as noted by other studies, [309] is often a by-product of weak land governance and the invisibility of customary land rights within legal frameworks. This systemic oversight renders local communities defenceless against land appropriation, leaving them without legal recourse and threatening their cultural and social foundations. These insights underscore the imperative of integrating local voices and

[305] They collected data through interviews, focus groups, participant observation and document analysis. They also used a legal pluralism perspective to analyse how different normative orders interact and shape land tenure conflicts.
[306] The participants in the study were: The biofuel company Addax Bioenergy Sierra Leone Ltd. (ABSL), a subsidiary of a Swiss-based group that acquired about 57,000 hectares of land for jatropha cultivation and ethanol production in two districts of Sierra Leone; The paramount chiefs of Malen and Makpele chiefdoms, who signed lease agreements with ABSL on behalf of their communities, granting them access to land for 50 years with possible extensions; The section chiefs, town chiefs, family heads and landowners of the affected villages, who were supposed to be consulted and compensated by ABSL according to customary law and national legislation; And the local farmers, especially women, who depended on land for subsistence agriculture and had customary rights to use and access land resources.
[307] Gilbert, J. (2016). Land grabbing, investors, and indigenous peoples: new legal strategies for an old practice? Community Development Journal, 51(3), 350-366.
[308] Ibid.
[309] Gilbert, J. (2017). Land grabbing, investments & indigenous peoples' rights to land and natural resources: case studies and legal analysis. International Work Group for Indigenous Affairs.

strengthening land rights recognition to safeguard community interests in Kayunga and beyond.

Springer's scholarly inquiry into the pivotal role of land and natural resources in the lives of local and Indigenous communities worldwide underscores the foundational importance of secure land rights.[310] The study, grounded in a comprehensive literature review, posits that well-defined land rights are instrumental in fostering poverty alleviation, food security, gender equality, cultural preservation, and environmental health. Though, Springer cautions that land registration initiatives, while potentially beneficial, can also disenfranchise certain groups if not executed with precision and fairness. This study diverges from Springer's approach by integrating the lived experiences of Kayunga's local communities to evaluate the interplay between land registration and the spectre of land grabbing.

Shete and Ruthen's research in Ethiopia presents a nuanced view of large-scale land acquisitions, acknowledging their potential to enhance agricultural output and food security.[311] Yet, the study reveals that these benefits are frequently overshadowed by the detrimental impacts of land grabbing on local populations. Similarly, Kizito's[312] examination of land grabbing in Uganda's Albertine region employs a political economy lens to dissect the myriad forces driving land appropriation, including weak governance, corruption, and international resource demands.[313] Kizito's findings, while illuminating, are specific to the Albertine region's unique ethnic composition and thus do not extend to Kayunga district, prompting a dedicated study within this distinct context. Sulieman's work further accentuates the challenges faced by local communities, particularly the absence of formal recognition for their land rights, which often culminates in land grabbing by external entities.[314] This systemic oversight not only strips communities of their land but also marginalizes them from seeking justice and accessing government services.

This study aimed to bridge the gaps identified in these works by focusing on the perspectives of local communities in Kayunga district regarding the relationship between land registration

[310] Springer, J. (2016). Land and Resource Tenure and Social Impacts [USAID Issue Brief,]. U.S. Agency for International Development. https://www.land-links.org/issue-brief/land-and-resource-tenure-and-social-impacts/
[311] Shete, M., & Rutten, M. (2015). Large-scale land acquisitions in Ethiopia: implications for agricultural transformation and livelihood security. In R. Hall, I. Scoones, & D. Tsikata (Eds.), Africa's land rush: rural livelihoods and agrarian change (pp. 65-82).
[312] Kizito, N. (2015). The political economy of land grabbing in oil resource areas: The Uganda Albertine Graben [Student thesis, DiVA. https://lnu.diva-portal.org/smash/get/diva2:866442/Full Text 01.pdf.
[313] Kizito, N. (2015). The political economy of land grabbing in oil resource areas: The Uganda Albertine Graben [Student thesis, DiVA. https://lnu.diva-portal.org/smash/get/diva2:866442/Full Text01.pdf.
[314] Sulieman, H. M. (2015). Grabbing of communal rangelands in Sudan: The case of large-scale mechanized rain-fed agriculture. Land Use Policy, 47, 439-447.

and land grabbing. It employs the methodology outlined in chapter three of this thesis to provide a comprehensive analysis that is sensitive to the unique context of the district and its inhabitants. The relationship between land registration and land grabbing for local communities is not clear. The review of literature shows different views of local communities on this issue. Some studies say that land registration has some benefits, while others say that local communities have many problems in defending their land rights against land grabbing. Land registration can help local communities secure their land rights, but it can also be used by powerful actors to grab land for themselves. Collaborating with local communities to address land grabbing holistically makes land registration fairer and more sustainable for local communities and the environment. This study provides an understanding of how local communities in Kayunga district think and feel about land registration and land grabbing.

2.2.3 The Nature and Drivers of Land Grabbing

Land grabbing, or the large-scale acquisition of land by domestic and foreign investors, has become a significant global phenomenon.[315] Land grabbing, defined as the acquisition of large areas of land by external actors for agriculture, mining, forestry, or urban development, has become a significant issue in many countries around the world.[316] Africa and Asia account for 47% and 33% of the grabbed area, respectively.[317] Land grabbing, a phenomenon where powerful actors, including governments and corporations, acquire land rights from local communities and individuals, has been a contentious issue globally.[318] Several factors have been highlighted by several scholars as drivers of land grabbing globally, in Africa, and Uganda at large. According to a report by the World Bank, land grabbing mostly happens when buyers exploit corrupt or indebted governments with little control over the transaction or when buyers target the poorest rural communities, expelling people with non-traditional land titles.[319] Sub-Saharan Africa has been identified as the site of the most speculative major land deals,[320] while major areas are being targeted for commodity crops, fuel crops, investment, and ecosystem services in South America, Central America, Southeast Asia, and the former USSR. In addition

[315] Borras, S. M., Hall, R., Scoones, I., White, B., & Wolford, W. (2011). Towards a better understanding of global land grabbing: an editorial introduction. Journal of Peasant Studies, 38(2), 209-216.
[316] Deininger, K., Byerlee, D., Lindsay, J., Norton, A., Selod, H., & Stickler, M. (2011). Rising Global Interest in Farmland: Can It Yield Sustainable and Equitable Benefits? World Bank Publications.
[317] Rulli, M. C., Saviori, A., & D'Odorico, P. (2013). Global land and water grabbing. Proc Natl Acad Sci U S A, 110(3), 892-897. https://doi.org/10.1073/pnas.1213163110
[318] Yang, B., & He, J. (2021). Global Land Grabbing: A Critical Review of Case Studies across the World. Land, 10(3), 324.
[319] Rulli, M. C., Saviori, A., & D'Odorico, P. (2013). Global land and water grabbing. Proc Natl Acad Sci U S A, 110(3), 892-897. https://doi.org/10.1073/pnas.1213163110.
[320] Cotula, L. (2009). Land Grab Or Development Opportunity?: Agricultural Investment and International Land Deals in Africa. International Institute for Environment & Development.

to emphasizing the lack of transparency and democratic decision-making in land deals, other definitions of land grabbing also highlight that investors predominantly hail from foreign countries and include a scale of roughly more than 200 ha per deal.[321] Though, there are increasing cases of land being grabbed by domestic elites, even villagers in some instances, and/or at small scales.

In addition, the demand and desire for land and natural resources, minerals, and other resources are among the main drivers for land grabbing.[322] This demand is primarily caused by global market expansion, particularly in agriculture and mining. Also, to invest in emerging markets or gain long-term access to resources, external actors have acquired land in developing countries. Furthermore, as a result of the growth of the biofuel market, large areas of land have been acquired to grow crops that are suitable for biofuel production.[323] Land grabbing has been driven by a range of factors, including increasing demand for food, and other commodities; rising land values; and changing economic and political conditions.[324] According to Hall, recent years have seen a dramatic increase in the pressure to commercialise land.[325] This is due to the widespread leasing or sale of public lands to foreign companies and governments for food production, tourism, biofuel production, and other agricultural uses. The state and foreign investors are also the main perpetrators of land grabbing. [326]

In their study, Owusu & Chigbu examined the effect of emerging customary land rights disputes on the development of peri-urban areas, as well as the link between peri-urban transformation and emerging customary land rights disputes.[327] With a focus on Trede, a Ghanaian town that was transitioning from rural to metropolitan status, the study utilised a problem-centred mixed methods approach. Based on findings, changes leading to peri-urban transformation were creating customary land rights disputes in the area. A local land use plan was a substantial driver of customary land rights disputes in Trede, according to the study. The implementation of land-use plans as a major step in converting rural lands into city plots caused

[321] Yang, B., & He, J. (2021). Global Land Grabbing: A Critical Review of Case Studies across the World. Land, 10(3), 324.
[322] Ibid.
[323] Borras, S. M., Hall, R., Scoones, I., White, B., & Wolford, W. (2011). Towards a better understanding of global land grabbing: an editorial introduction. Journal of Peasant Studies, 38(2), 209-216.
[324] Ibid.
[325] Hall, R. (2011). Land grabbing in Southern Africa: the many faces of the investor rush. Review of African Political Economy, 38(128), 193-214.
[326] Ndi, F. A. (2017). Land Grabbing, Local Contestation, and the Struggle for Economic Gain. SAGE Open, 7(1), 215824401668299.
[327] Owusu Ansah, B., & Chigbu, U. E. (2020). The nexus between peri-urban transformation and customary land rights disputes: effects on peri-urban development in Trede, Ghana. Land, 9(6), 187.

changes in tenure, land market development, high land values, and loss of agricultural land, which led to customary land rights disputes. The findings by Owusu and Chigbu cannot be used for generalisation in Kayunga district. Thus, this study focused on the drivers of land grabbing in Kayunga district.

Oloka-Onyango states that there are fraudulent practices aimed at unjust enrichment by investors who continue to acquire land from locals, and this is attributed to the rise in real estate dealings something that caused an upsurge in land grabbing.[328] Nevertheless, Oloka-Onyango's study did not focus on Kayunga district yet people in Kayunga district rely on agriculture for income and as a result loss of access to land represents an inability to produce household income. More so, the real estate business which he argues is the main driver of land grabbing is in the urban and highly developed areas of Uganda which is not the case in Kayunga District. This study examines the nature and main drivers of land grabbing in Kayunga district. Due to a lack of clear legal frameworks protecting customary land rights,[329] customary land tenure may be used to grab land. The land is often not legally owned by local communities, so outside actors can get it more easily. In the absence of clear legal frameworks, local communities may have difficulty defending their land rights and fighting land grabbing. A customary land tenure system may facilitate sustainable development and social cohesion if it is secure in land rights and uses. Land grabbing can occur as customary land tenure systems are usually informal and not recognised by formal law. The lack of legal protection and recognition facilitates land grabbing.

A few powerful elites and foreigners in Uganda exploit the weak laws that govern land ownership.[330] Government policy is oriented towards promoting commercial agriculture in rural locations such as Kayunga, where there is high-quality arable land. Under the guise of encouraging rural investment, this encourages commercial land pressure and opportunities for land grabbing. Several individuals continue to downplay the incidence of land grabbing in Uganda, which has resulted in local farmers losing their land to investors facilitated by government agencies. Land grabbing is on the rise. Many farmers and locals lose their land

[328] Oloka-Onyango, J. (2017). Land injustice, impunity and state collapse in Uganda: causes, consequences and correctives.
[329] Ashukem, J.-C. N. (2020). Land Grabbing and Customary Land Rights in Uganda: A Critical Reflection of the Constitutional and Legislative Right to Land. International Journal on Minority and Group Rights, 27(1), 121-147.
[330] Susan Murphy et al., "When Rights Collide: Land Grabbing, Force and Injustice in Uganda," The Journal of Peasant Studies 44, no. 3 (2017): 677–96, https://doi.org/10.1080/03066150.2016.1259616.

because of not holding registered interests. Because smallholder farmers live on small parcels of land without registered interests, they are the most vulnerable to land grabbing.[331]

The Ugandan title registration system is inefficient and characterized by poor administration and maintenance.[332] Due to the inadequate security of the physical files, fraudulent and corrupt behaviour negatively affecting the integrity of the title registry has increased. Wealthy individuals with political or military connections forcefully grab land from legitimate titleholders.[333] As a result of replacing an old (and typically less formal) registration system, those who are more informed, know more about formal processes, and have more access to officials and money to do registrations might be better able to grab land. In land grabbing, exclusive rights can be claimed to land that was once state, communal, or direct access to land. This is even land that has been individually possessed or used by people who are not properly informed, or do not have the funds. This study assesses whether land registration contributes to land grabbing in Kayunga district.

The determinants of land conflict in Uganda were explored by Mwesigye & Matsumoto[334] using community and household data and plot-level data.[335] When Mwesigye & Matsumoto tracked rural-rural migration patterns, they found that communities that get/host more immigrants (and have many coexisting tribes) tend to have more land conflicts. According to unbundling conflicts by type, eviction conflicts are more likely to occur in 'receiving' communities and with fewer tribes than in 'sending' communities. In the absence of formal institutions, rural-rural migration weakens informal land arrangements and conflict resolution mechanisms in communities. Several tribes are prevalent in Kayunga district, including Baganda, Basoga, Baruli, Iteso, Jopadhola, Kuku, Bagwere, Banyole, Bagisu, Banyala and Banyarwanda.[336] No study has been conducted to assess whether the migration patterns among tribes in Kayunga district have led to the increased land grabbing in the district. This study examined whether migration plays a role in land grabbing in Kayunga district.

[331] Ronald, M. A. (2014). Land-grabbing in Uganda: Are pastoralists second class citizens. A Delicate Balance Land Use, Minority Rights and Social Stability in the Horn of Africa, 192–223.
[332] Kajura, Y. S., & Lule, B. B. (2017). Land Injustice in Central Uganda: Select Studies from Kayunga, Mukono and Kampala. Human Rights and Peace Centre.
[333] Ibid.
[334] Mwesigye, F., & Matsumoto, T. (2014). Rural-rural migration and land conflicts: Implications on agricultural productivity in Uganda.
[335] Mwesigye, F., & Matsumoto, T. (2014). Rural-rural migration and land conflicts: Implications on agricultural productivity in Uganda.
[336] Kayunga District Local Government. (2019). Welcome to Kayunga District. Retrieved January 20, 2023 from https://kayunga.go.ug/node/4

According to Rulli, as the world's population grows, food demand increases, dietary preferences change, and biofuel production increases.[337] This is due to rising oil prices and recent changes in bioethanol policies in the United States and Europe. After the food crisis and increased energy prices in 2007–2008, large-scale investments in land dramatically rose to establish commercial crop production to meet global food and biofuel demands and produce industrial commodities.[338] According to some studies, the land is taken over for commodity crops to sell on the overseas market, including agro-fuel and food crops.[339] A study by Carmody & Taylor reveals that land grabbing can happen at an interpersonal level; societal level, or with individuals and the representatives of the State.[340] It can be on a large scale by wealthy individuals or public, private, and foreign investors and is usually characterized by force and violence against landowners or occupants regardless of whether it is registered land or not registered. In Uganda, the population has grown rapidly over time, but the land has not expanded, causing a growing demand for land for production. Recent years have seen an increase in land disputes due to acute population pressures and increased awareness of land as a capital asset.[341] This study investigates whether population growth in Kayunga district has led to land grabbing.

In conclusion, several factors that are political, social, and environmental have been identified as drivers of land grabbing in several countries. Nevertheless, these studies have not addressed the specific situation in Kayunga district, an area that experienced land grabbing, conflicts, and dispossession in recent years. Therefore, there is a knowledge gap on the nature and drivers of land grabbing in Kayunga district, and how they affect the local population. To prevent land grabbing and support local communities in Kayunga district, this study is needed to understand the specific drivers or causes of land grabbing. This study focuses on the drivers of land grabbing in Kayunga District, Uganda.

[337] Rulli, M. C., Saviori, A., & D'Odorico, P. (2013). Global land and water grabbing. Proc Natl Acad Sci U S A, 110(3), 892-897. https://doi.org/10.1073/pnas.1213163110.
[338] Yang, B., & He, J. (2021). Global Land Grabbing: A Critical Review of Case Studies across the World. Land, 10(3), 324.
[339] Borras, S. M., Hall, R., Scoones, I., White, B., & Wolford, W. (2011). Towards a better understanding of global land grabbing: an editorial introduction. Journal of Peasant Studies, 38(2), 209-216.
[340] Carmody, P., & Taylor, D. (2016). Globalization, land grabbing, and the present-day colonial state in Uganda: ecolonization and its impacts. The Journal of Environment & Development, 25(1), 100–126.
[341] Owusu Ansah, B., & Chigbu, U. E. (2020). The nexus between peri-urban transformation and customary land rights disputes: effects on peri-urban development in Trede, Ghana. Land, 9(6), 187.

2.2.4 The Challenges and Opportunities in Preventing and Resolving Conflicts arising from Land Grabbing

This theme discusses the challenges and opportunities for preventing and resolving land grabbing conflicts in are interrelated and multifaceted, requiring the involvement and collaboration of various actors and stakeholders at various levels. A study by Antonio explored how the Social Tenure Domain Model (STDM) tool can facilitate the development of a fit-for-purpose land administration spatial framework in three African countries: Kenya, Uganda, and Zambia.[342] The authors contend that land rights are precarious and disputed in many parts of Africa, and that land registration can be a means to enhance land security and reduce land grabbing. Though, they also recognise that land registration can adversely or unintentionally affect land rights, depending on the context. Therefore, they suggest a fit-for-purpose approach that adjusts to the specific needs and realities of each country. The study highlights three case studies where the STDM tool was applied to record and document land rights in a participatory and inclusive manner. The authors report that the application of the STDM tool improved land tenure security, reduced land conflicts, and influenced policy and institutional changes in the three countries. They conclude that the STDM tool can be an effective and flexible solution for developing a fit-for-purpose land administration spatial framework in Africa. This is because the tool is designed to capture different forms of land tenure, including customary, informal, and statutory rights, in a way that reflects local realities rather than imposing rigid systems that may exclude vulnerable groups. Beyond the general continental application, literature further shows that the Social Tenure Domain Model (STDM) has already been piloted in Uganda with the technical and financial support of GLTN and UN-HABITAT. In these pilots, STDM was applied in documenting customary and informal land rights, which has improved recognition and protection of the land rights of poor households and marginalized groups. Such experiences demonstrate that flexible and participatory land administration systems can bridge the gap between formal laws and community practices, making them a useful complement to existing statutory land registration mechanisms.

Ashukem, on the other hand, examined the legal protection of customary land rights in Uganda and argued that they are inadequate and highly vulnerable to land grabbing.[343] He noted that

[342] Antonio, D., Njogu, S., Nyamweru, H., & Gitau, J. (2021). Transforming Land Administration Practices through the Application of Fit-For-Purpose Technologies: Country Case Studies in Africa. Land, 10(5), 538.
[343] Ashukem, J.-C. N. (2020). Land Grabbing and Customary Land Rights in Uganda: A Critical Reflection of the Constitutional and Legislative Right to Land. International Journal on Minority and Group Rights, 27(1), 121-147.

the key challenges included weak implementation and enforcement of existing land laws and the absence of sufficient legal reforms to secure the land rights of local people. Ashukem's findings highlight that without stronger frameworks and reforms, customary landowners, particularly women and rural communities, remain at great risk of dispossession and displacement. To address the root causes of land grabbing, there is a pressing need for legal reform that explicitly protects customary tenure, alongside mechanisms for ensuring community participation in land governance and decision-making. Legal and social interventions are therefore essential in strengthening tenure security, as they provide safeguards against exploitation, fraud, and coercion by more powerful actors. The challenges identified by Ashukem were largely grounded in the limitations of customary land tenure, but they also resonate with the broader weaknesses of Uganda's land registration framework, showing the need for comprehensive reforms that address both statutory and customary tenure systems in tandem.

A Report by FAO and MRLG in Cambodia examined how local communities viewed customary land tenure and land grabbing.[344] The report showed that customary land tenure secured the livelihoods and cultural identity of Indigenous communities in Cambodia. Though, it also faced many challenges, such as the lack of formal recognition and protection, the vulnerability to land grabbing by powerful actors, the impact of social and environmental changes, the difficulty of identification, documentation and registration, and the potential incompatibility with human rights, gender equality and environmental sustainability. The report also highlighted that land grabbing by private companies and government authorities threatened the customary land tenure of local communities, causing displacement and loss of access to land and natural resources. The report suggested some opportunities, such as recognizing and protecting customary tenure systems through various mechanisms and leveraging their benefits for identity, culture, livelihood, ecosystem, biodiversity, climate change, social cohesion, and cooperation. Since the report was based in Cambodia, the opportunities and challenges cannot be used in Uganda. Hence, this study was carried out to examine the challenges and opportunities for preventing and resolving land grabbing conflicts in Kayunga district.

[344] FAO, & MRLG. (2019). Challenges and opportunities of recognizing and protecting customary tenure systems in Cambodia. FAO.

Pickering's study reviewed and compared literature on customary land tenure in Pacific Island countries.[345] The study found that customary land tenure is a complex and dynamic system that reflects the values of Pacific Island communities. It can offer development opportunities such as community cohesion, resource conservation, food security and cultural identity. Nevertheless, it also faces development challenges such as legal uncertainty, land disputes, land grabbing and gender inequality. Large-scale land acquisitions threaten customary land rights and livelihoods, especially when they lack transparency, consultation, and consent. This study uses mixed methods to examine the challenges and opportunities for preventing and resolving land grabbing conflicts in Kayunga district.

A case study by Loure and Lekaita[346] showed how vulnerable groups of pastoralists and hunter-gatherers worked with local communities and several levels of government in Tanzania to secure land-tenure rights for community groups by helping them acquire Certificates of Customary Rights of Occupancy (CCROs). The methodology of the study was based on the experience and practice of UCRT[347] in facilitating CCROs[348] for communal land tenure in northern Tanzania. The study used a descriptive and analytical approach to present the process, benefits, and challenges of CCROs. In addition, secondary data from relevant literature, policy documents and reports were also utilised. The findings revealed that CCROs have proven to be an effective tool for securing communal land tenure and empowering local communities to manage their natural resources and livelihoods. In addition, CCROs have reduced land conflicts and encroachment by outsiders, such as investors, farmers, and wildlife authorities. CCROs have also enabled communities to attract development partners and access funds for conservation and development projects. Though, the researcher criticizes Loure and Lekaita for not mentioning any specific methods of data collection or analysis. This study used a combination of several methods of data collection and analysis as indicated in chapter three of this thesis. This study identifies the challenges and opportunities in preventing and resolving land grabbing conflicts in Kayunga District. This is because the findings by Loure and Lekaita

[345] Pickering, A. C. (2017). Customary land tenure: A key area for consideration in development opportunities and challenges in Pacific Island countries. Journal of South Pacific Law, 125-145.
[346] Loure, E., & Lekaita, E. (2017, March 20-24, 2017). Securing Communal Land Tenure through Certificates of Customary Rights of Occupancy in Tanzania. 2017 World Bank Conference on Land and Poverty, Washington DC.
[347] A local NGO. Ujamaa Community Resource Team (UCRT) has worked with local communities and government officials to secure land-tenure rights for community groups by helping them acquire (CCROs).
[348] Legal documents that recognise customary land ownership under the Village Land Act of 1999.

cannot be used in Uganda since the study was carried out in Tanzania which has different laws from Uganda.

Modera's study examined three cases of large-scale land acquisitions[349] in Ethiopia, where the state leased land to foreign and domestic investors for food and agrofuel production.[350] The study showed how these land deals displaced local communities from their ancestral lands, undermined their livelihoods and food security and violated their human rights. The study also argued that the Ethiopian state enabled and legitimized these land deals, by using its legal authority, coercive power, and ideological discourse of development and modernization. These land deals caused social and environmental costs to erode the state's legitimacy and increased its vulnerability to local resistance and external pressure. This study assesses how to prevent and resolve land grabbing conflicts in Kayunga District. This study assesses the challenges and opportunities in preventing and resolving land grabbing conflicts in Kayunga District.

Kasimbazi also identified some key challenges and opportunities for improving land tenure systems and promoting best practices.[351] The key challenges include lack of clear and secure rights for millions of people, communities, and businesses that depend on land for their livelihoods and stability; problems associated with land ownership (titling, tenure and customary rights) that create conflicts, litigation, and inequality; the current trend of policy and regulatory regimes within land law that may not reflect local realities or protect vulnerable groups; the status and challenges of land administration systems that may be inefficient, inaccessible, or corrupt; the impacts of climate change, urbanization, migration, and population growth on land use patterns and pressures. This study assesses the challenges and opportunities in preventing and resolving land grabbing conflicts in Kayunga District.

Kameri-Mbote & Odote examined how courts in Kenya, Uganda and Tanzania have contributed to environmental governance and sustainable development in East Africa.[352] They summarized the key environmental issues facing the region such as deforestation, biodiversity loss, land degradation, water scarcity and pollution, and climate change. Kameri-Mbote & Odote discussed the legal and institutional frameworks for environmental governance in each

[349] A sugar plantation project in Lower Omo Valley, a biofuel project by an Indian company in Benishangul-Gumuz region, and a rice farm project by a Saudi investor in Gambella region.
[350] Moreda, T. (2017). Large-scale land acquisitions, state authority and indigenous local communities: insights from Ethiopia. Third World Quarterly, 38(3), 698-716.
[351] Kasimbazi, E. (2017). Land tenure and rights for improved land management and sustainable development [Global land outlook working paper]. United Nations Convention to Combat Desertification.
[352] Kameri-Mbote, P., & Odote, C. (2017). Courts as champions of sustainable development: Lessons from East Africa. Sustainable Development Law & Policy, 17(1), 26-40.

country based on their constitutions and statutes. Preventing and resolving land grabbing conflicts requires addressing several challenges, such as: ensuring that customary or community land rights are respected and protected in different countries; making land transactions involving investors or state officials more transparent and accountable; creating effective mechanisms for consulting and obtaining consent from affected communities before land acquisition or development projects; and providing access to justice or remedies for communities whose land rights are infringed or threatened. It also requires seizing some opportunities, such as: adopting or implementing constitutional provisions or statutes that uphold or safeguard community land rights; developing or enforcing policies or guidelines that foster responsible land governance or investment; empowering or supporting communities to claim or protect their land rights through legal literacy or advocacy; and using or establishing courts or alternative dispute resolution mechanisms that can adjudicate or mediate land disputes fairly and effectively. This study assessed the challenges and opportunities in preventing and resolving land grabbing conflicts in Kayunga District.

Tagliarino, Salcedo-La Viña, and Szoke-Burke discussed how the right to free, prior and informed consent (FPIC) is recognised in international human rights law but faces challenges in national laws and practices.[353] According to the study by Tagliarino, Salcedo-La Viña, and Szoke-Burke, some of the challenges for preventing and resolving land grabbing conflicts are the lack of consistent recognition of FPIC as an internationally recognised human right at the national level; the lack of incorporation of FPIC into national laws or policies in many countries; and the lack of effective implementation of FPIC principles in practice even when they are recognised in law. On the other hand, some of the opportunities for preventing and resolving land grabbing conflicts are the promotion of more dialogue and coordination among different actors involved in land matters at different levels; the enhancement of transparency and accountability in land transactions involving investors or state officials; the provision of more research and advocacy on FPIC issues based on evidence and local perspectives. This study assessed the challenges and opportunities in preventing and resolving land grabbing conflicts in Kayunga District.

Nakayi's study examined the challenges and opportunities for securing customary land rights in post-conflict Acholi land of northern Uganda, where land disputes have been a major source

[353] Tagliarino, N., Salcedo-La Viña, C., & Szoke-Burke, S. (May 9, 2016). Strengthening Indigenous Land Rights: 3 Challenges to "Free, Prior and Informed Consent". Retrieved January 21, 2023 from https://www.wri.org/insights/strengthening-indigenous-land-rights-3-challenges-free-prior-and-informed-consent.

of tension and violence.[354] The article argues that customary land tenure systems have been marginalized but not discarded by the legal and policy framework and that there is a need for a more inclusive and participatory approach to land governance that respects the diversity and dynamism of customary norms and practices. This study involved the perspectives of local communities in Kayunga district. Another study by Nakayi examined challenges faced by landowners in Uganda who have certificates of title under the Torrens system of land registration.[355] The methodology used by Nakayi was a doctrinal legal research approach.[356] The findings revealed that certificates of title do not provide adequate security or protection for landowners in Uganda, especially for women and customary landholders. In addition, several challenges such as fraud, corruption, bureaucracy, land grabbing, social inequality and legal pluralism undermined the effectiveness of the Torrens system. This study assessed the challenges and opportunities in preventing and resolving land grabbing conflicts in Kayunga District.

A research conducted by Nakayi, discussed the challenges of proving customary land tenure in courts of law in Uganda.[357] Nakayi reviewed the facts, evidence, and decision of the High Court of Uganda in the case of *Hon. Ocula Michael & Others v. Amuru District Land Board and others*[358], where the applicants challenged the authority of the Gulu District Land Board to give away land to respondents. The land in question was alleged to be customary land belonging to some communities in northern Uganda. The findings indicated that the court's decision was based on a narrow and formalistic interpretation of the law that disregarded the realities and complexities of customary land tenure in Uganda.[359] The court's decision was a setback for

[354] Nakayi, R. (2015). Marginalized but not discarded: Customary land rights in post-conflict Acholiland of Northern Uganda. East African Journal of Peace and Human Rights, 21, 22-49.
[355] Nakayi, R. (2013). The challenge of proving customary tenure in courts of Law in Uganda: review of the case of Hon. Ocula Michael & Others V. Amuru District Land Board, Major General Oketa Julius, Christine Atimango And Amuru Sugar Works Ltd. Hct-02-Cv -Ma-No. 126 Of 2008. East African Journal of Peace and Human Rights, 19.
[356] The author analysed the legal framework on certificates of title and cites court decisions to give an interpretive lens to the law. Evidence has been gathered using qualitative desk review and the doctrinal approach to research.
[357] Nakayi, R. (2013). The challenge of proving customary tenure in courts of Law in Uganda: review of the case of Hon. Ocula Michael & Others V. Amuru District Land Board, Major General Oketa Julius, Christine Atimango And Amuru Sugar Works Ltd. Hct-02-Cv -Ma-No. 126 Of 2008. East African Journal of Peace and Human Rights, 19.
[358]HCT-02-CV-MA-NO.126 of 2008.
[359] The court did not consider the alternative dispute resolution mechanisms available for resolving customary land disputes, such as mediation, arbitration, and traditional institutions. In addition, the court failed to appreciate the historical and socio-cultural factors that shaped the customary land rights and interests of the Acholi people, especially after decades of armed conflict and displacement. The court ignored the constitutional provisions that protect customary land tenure and human rights, such as Article 237(3)(a) that recognises customary land ownership, Article 26 that guarantees property rights, Article 27 that safeguards dignity and privacy, and Article 37 that affirms culture as a human right.

customary land tenure and human rights in Uganda. Nakayi called for a more holistic and contextual approach to adjudicating customary land cases. The researcher criticises Nakayi for generalisation of the findings to Uganda, yet she analysed only one case in Amuru district. The researcher analysed thirty legal cases and provided insight into the challenges and opportunities in preventing and resolving land grabbing conflicts in Kayunga District.

Tehan explored the challenges and opportunities of communal land ownership for indigenous and local communities in Australia.[360] Tehan argued that a degree of formality in land tenure coupled with flexible property institutions, and a willingness to engage the social, political, and cultural dimensions of the property relationship, might constitute a necessary although insufficient condition for sustainable economic growth for Indigenous and local communities. Tehan posits that Indigenous people and local communities should have the right to choose their forms of land tenure and governance, without being coerced or incentivized by external forces. This study addressed the challenges and opportunities in preventing and resolving land grabbing conflicts in Kayunga District.

Studies have identified several challenges and opportunities in preventing and resolving land grabbing conflicts. Though, these studies have not been carried out in Kayunga and their findings cannot be used to generalise the situation in Kayunga district. Thus, this study was conducted to assess the challenges and opportunities for preventing and resolving land grabbing conflicts in Kayunga district.

2.2.5 The Recommendations for Legal Reform for Secure and Sustainable Land Rights

The recommendations for legal reform that can improve the security and sustainability of land rights and prevent land grabbing are based on the principles of good governance, human rights, and sustainable development. For example, Dimova's article examined how land ownership rights affect women's economic empowerment and gender equality in Uganda, based on an interview with Sarah Kusiima.[361] The article did not offer any specific legal reforms to secure and sustain land rights and prevent land grabbing, but it referred to some relevant legal frameworks and policies, such as The Constitution of Uganda, Uganda's Land Act, and the National Land Policy, which guarantee women's land ownership rights and equal payment.[362]

[360] Tehan, M. (2010). Customary land tenure, communal titles and sustainability: the allure of individual title and property rights in Australia. In Comparative Perspectives on Communal Lands and Individual Ownership (pp. 369-398). Routledge-Cavendish.

[361] Sarah is a lawyer and a women's rights advocate, who has researched the law on land registration and land grabbing in Uganda.

[362] Dimova, D. (January 21, 2022). Land ownership rights: A barrier to gender equality and economic empowerment of Ugandan women [Interview]. Danish Development Research Network. https://ddrn.dk/6955/

The Succession Amendment Bill was passed in March 2021 to ensure women's equality in land inheritance. The Denmark-Uganda Partnership 2018-2022 Country Programme Document, supports the agricultural development and inclusion of women and youth. The study discussed the historical and colonial origins of land inequality, the distinct types of land tenure systems, the discriminatory laws and practices that exclude women from land inheritance and ownership, and the phenomenon of land grabbing that displaces local communities and undermines their land rights. The study also shared insights and recommendations on land governance and women's land rights. These included: adopting deliberate economic and social reforms that target the empowerment and transformation of disadvantaged groups, changing the mindset of both men and women regarding gender equality and land rights, and closing the gap between policies and practice by applying an integral and multi-sectoral approach to tackle the prevailing gender inequalities and social biases. This study explored the views of different stakeholders to develop recommendations for legal reforms that can improve the security and substantiality of land rights and prevent land grabbing in Kayunga district.

The article by Laura discussed how secure land and property rights are crucial for sustainable economic growth, poverty reduction, food security, urban development, gender equality, environmental protection, and conflict prevention.[363] It also highlights the role of the international community and the World Bank in advancing land governance reforms and innovations. Laura recommended policymakers and governments move secure land and property rights deliberately and explicitly to the top of the global agenda. In addition, governments need to develop policies that improve tenure security in forest areas and allow the transfer of land use in non-environmentally sensitive areas to other production. To close the gap between law and practice on women's land rights, a multi-stakeholder global advocacy campaign called "Stand for Her Land" has been launched by the World Bank and other partners. Many countries need to legally recognise Indigenous peoples' land rights and respect their customary tenure systems. Secure property rights can become a critical foundation for reconstruction after conflicts end. The World Bank continues to support more than fifty countries to improve land tenure security through policy and legal support, institutional and capacity development, and financing efforts for land titling and digitalizing land registration systems. The international community can leverage modern tools and disruptive technologies

[363] Laura, T., & Wael, Z. (March 25, 2019). 7 reasons for land and property rights to be at the top of the global agenda. World Bank. Retrieved May 19, 2023 from https://blogs.worldbank.org/voices/7-reasons-land-and-property-rights-be-top-global-agenda.

such as drone mapping, artificial intelligence and blockchain to achieve secure property rights for 70% of the world's population by 2030. This study analysed the relevant legal documents to understand how the law on land registration has developed and how it influences the several types of land rights in the country, and to evaluate its adequacy and effectiveness in preventing and resolving land grabbing issues in Kayunga District. Furthermore, this study compared the legal framework of land registration and land rights in Uganda with other jurisdictions that have similar or different approaches to identify the best practices and lessons learned that can inform legal reform that can improve the security and substantiality of land rights and prevent land grabbing in Kayunga district. Furthermore, this study explored the views of different stakeholders to develop recommendations for legal reforms that can improve the security and substantiality of land rights and prevent land grabbing in Kayunga district.

Some studies recommended adhering to the framework for guiding cadastral systems development in customary areas, which aims to make land tenure reform projects Significant for customary land rights-holders, which fosters Success and Sustainability.[364] In addition, Hull and Whittal further recommended involving customary land rights-holders in the design and implementation of land tenure reform projects and respecting their preferences and aspirations. They further recommended adopting fit-for-purpose approaches that are flexible, participatory, affordable, and scalable, and that can accommodate different types of land rights and tenure systems. Nevertheless, these recommendations are based on findings from South Africa and not Uganda. Thus, this study specifically developed recommendations for legal reforms that can improve the security and substantiality of land rights and prevent land grabbing in Kayunga district by using data collected from Kayunga.

Nakayi & Kirya analysed Uganda's land governance system and its flaws. They used a desk review of relevant sources and interviews with key stakeholders in land governance.[365] They found that Uganda has many laws, policies and institutions that are inconsistent and unclear for land rights holders. They also identified the obstacles to land reforms, such as lack of political commitment, resources, transparency, and accountability. They suggested some ways to improve land governance in Uganda, such as: enforcing the rule of law and accountability to prevent corruption and misuse of power in land governance. They also advised involving the public and marginalised groups in land policymaking and implementation. Moreover, they

[364] Hull, S., & Whittal, J. (2018). Addressing shortcomings of land tenure reform in customary land rights. PositionIT, 14-18.
[365] Nakayi, R., & Kirya, M. T. (2017). The legal, policy and institutional framework of land governance in Uganda: a critical analysis. Human Rights and Peace Centre.

recommended aligning the formal and informal land governance institutions and making them independent and effective. They also proposed ensuring fair access to land and natural resources for all citizens, especially women, Indigenous peoples, and other vulnerable groups. Lastly, they recommended tackling the root causes of land conflicts and providing justice and alternative dispute resolution for land disputes. The researcher argues that Nakayi and Kirya did not consider the views of local communities. This study included local communities and suggested legal reforms that can enhance the security and sustainability of land rights and prevent land grabbing.

Kasimbazi explored how land tenure systems in different ecosystems and bio-cultural regions around the world are linked to land degradation or sustainable land management.[366] Based on Kasimbazi, some recommendations for legal reform that can improve the security and sustainability of land rights and prevent land grabbing are supporting the development and implementation of land degradation neutrality targets and measures, as part of the United Nations Convention to Combat Desertification (UNCCD) framework, to enhance the resilience and productivity of land resources and ecosystems. A study by Kasimbazi suggests that policy and legal reform should ensure land tenure security for smallholder farmers and other vulnerable groups, such as women, Indigenous peoples, local communities, and pastoralists. The implementation and enforcement should also involve the participation and consultation of local communities and other stakeholders, as well as the monitoring and evaluation of their impacts. The recommendation is to improve the awareness and participation of local communities in land matters. They should also be facilitated and encouraged to form or join community-based organizations or networks that can advocate for their interests and needs. The recommendation is to enhance the capacity and accountability of land administration and management institutions. This study included the perspectives of the local communities in Kayunga district to inform policy and legal reforms.

Obeng-Odoom & Gyampo suggested some legal reforms to secure and sustain land rights and prevent land grabbing.[367] These include: following the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, which uphold a rights-based approach to land governance for all, especially the poor and the vulnerable; improving the performance and accountability of national and local institutions in enforcing and overseeing

[366] Kasimbazi, E. (2017). Land tenure and rights for improved land management and sustainable development [Global land outlook working paper]. United Nations Convention to Combat Desertification.
[367] Obeng-Odoom, F., & Gyampo, R. E. (2017). Land grabbing, land rights, and the role of the courts. Geography Research Forum, 37, 127-143.

land policies, laws and regulations that respect human rights and promote sustainable land management; providing fair, transparent, accessible and affordable justice and dispute resolution for land-related issues; engaging all relevant stakeholders, especially women, indigenous peoples, local communities and marginalized groups, in participatory and inclusive processes for land reform, land administration and land use planning; recognizing and protecting collective land rights for indigenous peoples and local communities who rely on common pool resources such as forests, pastures, wetlands and fisheries; empowering and involving women in land governance, addressing the gender gaps and discrimination that limit their access to and control over land and natural resources; raising awareness and building capacity among land users and civil society to claim their land rights, monitor land transactions, report violations and seek redress. This study developed recommendations for legal reforms based on the findings of this study carried out in the context of Kayunga district.

Nakayi suggested some practical solutions, such as strengthening land administration institutions, enhancing public awareness and participation, promoting alternative dispute resolution mechanisms, and harmonizing statutory and customary laws.[368] Nakayi suggested some recommendations for improving the legal framework and practice. These included: harmonizing statutory and customary laws to ensure consistency and compatibility between various sources and systems of land law; strengthening customary institutions and mechanisms for managing and resolving land disputes, such as clan elders, councils, and courts, by providing them with legal recognition, support, and oversight. Nevertheless, the researcher criticises Nakayi for analysing only one court judgment thus the findings cannot be used in general. This study analysed thirty legal cases to develop recommendations for legal reforms that can improve the security and sustainability of land rights and prevent land grabbing in Kayunga district.

Wisborg recommended harmonizing statutory and customary tenure systems, as well as formal and informal documentation of land rights, to ensure legal recognition and protection of diverse forms of tenure along the continuum of land rights.[369] Furthermore, he recommended regulating and monitoring large-scale land acquisitions by foreign or domestic investors, ensuring that they comply with human rights standards, environmental safeguards and social

[368] Nakayi, R. (2013). The challenge of proving customary tenure in courts of Law in Uganda: review of the case of Hon. Ocula Michael & Others V. Amuru District Land Board, Major General Oketa Julius, Christine Atimango And Amuru Sugar Works Ltd. Hct-02-Cv -Ma-No. 126 Of 2008. East African Journal of Peace and Human Rights, 19.

[369] Wisborg, P. (2013). Human Rights Against Land Grabbing? A Reflection on Norms, Policies, and Power. Journal of Agricultural and Environmental Ethics, 26(6), 1199-1222.

impact assessments and free, prior, and informed consent of affected communities. Wisborg further encouraged the adoption and enforcement of corporate social responsibility standards and codes of conduct for land investors, ensuring that they respect human rights, environmental norms, labor standards and local customs. The recommendations by Wisborg were based on the findings from southern Ghana, where the author examined a land deal between the Agogo Traditional Council and a Norwegian company and thus cannot be used in Uganda. Thus, this study developed recommendations based on the findings from Kayunga district.

In her research, Nakayi delves into the intricacies of Uganda's land title certification system. She scrutinizes the Torrens system, a land registration method that entrusts the state with the pivotal role of title registration and assurance of its validity.[370] Nakayi points out that land ownership, as evidenced by a title certificate, is generally irrefutable except in cases of fraud involving the title holder. Her methodological approach is rooted in legal doctrines, where she interprets laws through the lens of judicial rulings. Nakayi's analysis reveals that despite its longstanding history, the system's maturity and efficacy are compromised by Uganda's unique socio-political landscape. She addresses the prevalent challenges of fraudulent activities like duplicate titling and unauthorized registry alterations, which stem from capitalist tendencies. Nakayi advocates for governmental intervention to navigate these socio-political and administrative hurdles, which she believes will refine and enhance the practicality of the Torrens system within Uganda's framework.

Several recommendations for legal reforms have been developed based on studies carried out outside Uganda and may not suit the Ugandan situation. For those developed based in Uganda, the studies did not consider the perspectives of the local communities who are most affected by land issues in Uganda. Therefore, there is a lack of literature and a need for more relevant and participatory research on legal reforms for land governance in Uganda. This study developed recommendations for legal reforms that can improve the security and sustainability of land rights and prevent land grabbing in Kayunga district using perspectives from different stakeholders including local communities.

2.3 Summary of Literature Review and research gaps

Land registration in Uganda has been influenced by the historical and legal contexts of several types of land tenure systems, such as customary, freehold, mailo and leasehold. This study

[370] Nakayi, R. (2023). Certificate of title: A discussion of contemporary challenges to the protection of land interests in Uganda. Journal of African Law, 67(1), 23-43. https://doi.org/10.1017/s0021855322000286

examined the evolution of the law and practice of land registration in Uganda, which is complex and dynamic. It focused on Kayunga District and how land registration affects different land rights.

While land grabbing is a multifaceted issue influenced by political, social, and environmental factors, the specific dynamics in Kayunga district have led to conflicts and dispossession. Even though general causes such as population growth, rising land values, and investor interest have been identified, there remains a gap in understanding the unique contributors to land grabbing in Kayunga and its direct effects on the local communities. This emphasises the need for targeted research to unravel the distinct causes and consequences in this region, which will be instrumental in formulating effective interventions. This study is important to prevent land grabbing and help the local communities in Kayunga district. It explored what causes land grabbing in Kayunga District, Uganda.

The relationship between land registration and land grabbing for local communities is not clear. Studies show different views of local communities on this issue. Some studies say that land registration has some benefits, while others say that local communities have many problems in defending their land rights against land grabbing. The views of local communities on land registration and land grabbing are complicated and diverse. Collaborating with local communities to address land grabbing holistically makes land registration fairer and more sustainable for local communities and the environment. This study tried to understand how local communities in Kayunga district think and feel about land registration and land grabbing.

Studies have looked at the difficulties and possibilities of preventing and solving land grabbing conflicts. Though, these studies have not been done in Kayunga and their results cannot be applied to the situation in Kayunga district. So, this study was carried out to look at the challenges and opportunities of stopping and solving land grabbing conflicts in Kayunga district.

Legal changes proposed by foreign or domestic studies may not suit Uganda's land issues, as they ignore the opinions of the local communities. Therefore, there is not enough literature and more relevant and inclusive research on legal changes for land governance in Uganda is needed. This study made suggestions for legal changes that can make land rights more secure and sustainable and stop land grabbing in Kayunga district using views from different stakeholders including local communities.

Conclusively, it is important to note that the literature above has numerous research gaps which necessitated the need for further investigation; these called for this study. The literature above presented conflicting views on whether land registration enhanced tenure security or facilitated land grabbing, The literature presented conflicting perspectives on the role of land registration while Springer argued that registration strengthens property rights and enhances tenure security, Gilbert and Nakayi show that it does not conclusively guarantee tenure security but rather, in contexts of weak governance, it enables fraudulent title manipulation and leads to dispossession.[371] Furthermore, Uganda's legal framework did not adequately protect customary land tenure, as noted by Ashukem, who emphasised the failure to integrate customary land into formal land policies, exposing it to encroachment by powerful actors.[372] Existing literature has not adequately examined community perspectives on land registration and land grabbing within Uganda. Studies by Sauls, *et al.,* and Bae focus on other regions and therefore fail to reflect Uganda's unique socio-political, legal and historical context.[373] As a result, the localized experiences of Ugandan communities, particularly how they navigate the intersection of customary tenure and formal land systems, remain underexplored. Weak enforcement of land laws and persistent fraud in Uganda's land administration, as observed by Kameri-Mbote & Odote, remained underexplored, with fraudulent transactions continuing due to corruption and administrative inefficiencies.[374] Moreover, while Hall, Owusu & Chigbu, and Oloka-Onyango, discussed land grabbing's general drivers in Africa, they did not contextualize the specific socio-economic and legal factors driving land dispossession in Kayunga District.[375]

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[371] Rose Nakayi, "Certificate of Title: A Discussion of Contemporary Challenges to the Protection of Land Interests in Uganda," Journal of African Law 67, no. 1 (2023): 23–43; Jérémie Gilbert, Land Grabbing, Investments & Indigenous Peoples' Rights to Land and Natural Resources, 2017, https://pure.roehampton.ac.uk/portal/files/2333439/IWGIA_Land_Grabbing.pdf; Jenny Springer, Land and Resource Tenure and Social Impacts (U.S. Agency for International Development (USAID), 2016), https://www.land-links.org/wp-content/uploads/2016/09/USAID_Land_Tenure_Social_Impacts_Issue_Brief-1.pdf.

[372] Jean-Claude N. Ashukem, "Land Grabbing and Customary Land Rights in Uganda: A Critical Reflection of the Constitutional and Legislative Right to Land," International Journal on Minority and Group Rights 27, no. 1 (2020): 121–47.

[373] Yuh Jin Bae, "Analyzing the Connection between Customary Land Rights and Land Grabbing: A Case Study of Zambia," Land 12, no. 1 (2023): 200; Laura Aileen Sauls et al., "Indigenous and Customary Land Tenure Security: History, Trends, and Challenges in the Latin American Context," Land Tenure Security and Sustainable Development, Springer International Publishing Cham, 2022, 57–79.

[374] Patricia Kameri-Mbote and Collins Odote, "Courts as Champions of Sustainable Development: Lessons from East Africa," Sustainable Dev. L. & Pol'y 10 (2009): 31.

[375] Ruth Hall, "Land Grabbing in Southern Africa: The Many Faces of the Investor Rush," Review of African Political Economy 38, no. 128 (2011), https://doi.org/10.1080/03056244.2011.582753; Joseph Oloka-Onyango, Land Injustice, Impunity and State Collapse in Uganda: Causes, Consequences and Correctives (Human Rights and Peace Centre, 2017), https://witnessradio.org/download/reports/HURIPEC-Synthesis-Report_Land-Injustice-Impunity-and-State-Collapse-in-Uganda.pdf; Sauls et al., "Indigenous and Customary Land Tenure Security," 2022.

This study addressed these gaps and critically assessed the evolution of Uganda's land registration laws and their impact on diverse land rights, examined how land registration influenced land grabbing from the perspective of local communities, identified the specific drivers of land grabbing in Kayunga, analysed the challenges and opportunities in resolving land conflicts, and proposed legal reforms to strengthen tenure security and prevent land dispossession in Kayunga District.

CHAPTER THREE

RESEARCH METHODOLOGY

3.0 Introduction

This chapter discusses the philosophical orientation that guides the study. It explains the research design, study population, data collection, validity of the instrument, and how the data was analysed. This study adopted a methodology that is qualitative since it involves exploration and use of natural setting strategies like focus group discussions, which are flexible and interactive as well as interviews. Following an evaluation of the different research methods advanced by scholars the qualitative approach was chosen.[376]

3.1 Philosophical Orientation

Research philosophy provides the foundation for understanding the nature of reality and the process through which knowledge is constructed. It reflects assumptions about ontology, epistemology, and methodology, which together shape the researcher's worldview and the approach adopted for the study.[377] A clear articulation of these assumptions was critical for this study because land registration and land grabbing are complex socio-legal issues embedded in culture, politics, economics, and history.

Ontology refers to assumptions about the nature of reality and existence.[378] It concerns the reality that is believed to exist independently or dependently of human experience. In this study, the ontological assumption is that land and land rights are socially constructed, meaning they do not exist in a vacuum but are rooted in cultural traditions, community practices, and institutional frameworks. Land is not merely a physical asset but a resource imbued with identity, belonging, and continuity. Ontological issues became evident in contexts where the claims of local communities were denied or ignored, and where tenure systems recognised by tradition were excluded from formal registration systems.[379] Such denials resulted in disconnection from cultural identity, loss of legitimacy in ownership, and alienation from

[376] Kumar, R. (2018). Research methodology: a step-by-step guide for beginners. Sage Publications Limited. ; Sarantakos, S. (2013). Social research. Macmillan. ; Hakim, C. (2000). Research design, successful designs for social and economic research. Routledge.

[377] John W. Creswell, Research Design: Qualitative, Quantitative, and Mixed Methods Approaches, 4th ed. (SAGE Publications, 2014).

[378] Mark Saunders et al., Research Methods for Business Students, 8th ed. (Pearson Education Limited, 2019).

[379] Myers, Michael D. "Qualitative research in business and management." (2019): 1-364
Klein, Heinz K., and Michael D. Myers. "A set of principles for conducting and evaluating interpretive field studies in information systems." MIS quarterly (1999): 67-93.

ancestral heritage. Therefore, the ontological stance adopted here assumes that reality is multiple and context-dependent, shaped by lived experiences and community interactions, and any inquiry into land registration must acknowledge these multiple layers of existence.

Epistemology deals with the nature of knowledge, its sources, and its credibility. It addresses the process through which knowledge is generated and accepted as valid. In the case of land registration and land grabbing, epistemological concerns are visible when voices of indigenous and local communities are sidelined by statutory legal frameworks. By excluding community perspectives, official narratives become partial, privileging formal legal norms while neglecting customary claims. This study recognised that knowledge about land tenure is not singular but plural, reflecting diverse perspectives among landowners, tenants, administrators, and policymakers. The epistemological assumption underpinning this research is that knowledge is subjective, socially constructed, and context-specific. It arises from the lived experiences of those directly affected by land grabbing, who interpret and negotiate their reality through daily struggles over tenure, ownership, and recognition. In this sense, the study treated participants as knowledge holders rather than passive respondents, acknowledging that their accounts were essential to grasp the full complexity of land registration and its implications.

Methodology refers to the broad approach and strategy for conducting research, linking philosophical assumptions to practice.[380] Since the concern of this study was with experiences, meanings, and interpretations, a qualitative methodology was chosen. This approach made it possible to capture detailed narratives of how land registration processes were experienced in everyday life and how they influenced tenure security, social identity, and conflict. By prioritizing depth over breadth, the methodology allowed for the collection of nuanced data that revealed power dynamics, contradictions in the legal framework, and the diverse coping mechanisms communities adopted when confronted with threats of land grabbing. The qualitative approach was also suitable for uncovering tacit knowledge which refers to unspoken understandings, cultural practices, and implicit meanings that would have been invisible in purely quantitative surveys. Therefore, the methodology aligned with the need to generate contextually grounded knowledge capable of informing both academic debates and policy reforms.

Interpretivism was the guiding research paradigm for this study. Interpretivism emphasises understanding social reality through the meanings individuals and groups attach to their

[380] Creswell, Research Design: Qualitative, Quantitative, and Mixed Methods Approaches.

experiences.[381] It recognises that reality is not fixed or universally experienced but is constructed differently across individuals and contexts. For this reason, the study adopted interpretivism to investigate how communities in Kayunga District perceived the law on land registration and land grabbing. The paradigm allowed for exploration of people's experiences in their natural setting, enabling the researcher to listen to the voices of those most affected by disputes over land. It also provided the flexibility to capture multiple perspectives, recognizing that land registration was not just a technical process but also a social, cultural, and political phenomenon.

Through interpretivism, the study illuminated the meanings that participants assigned to land, ownership, and security. It provided a framework for exploring their interpretations of the legal structures, administrative practices, and economic pressures shaping land relations in Kayunga. In practice, this meant paying close attention to stories, narratives, and lived realities rather than relying on detached observation. Interpretivism also underscored the importance of context, highlighting that experiences of land grabbing were not uniform but varied across gender, social status, and community role. Proponents of interpretivism emphasise that data is inherently subjective and must be interpreted in order to uncover the underlying meanings. For this reason, interpretivism guided the use of qualitative tools such as interviews, focus group discussions, and documentary reviews which allowed the study to capture complex and context-rich perspectives.[382]

The interpretivist stance therefore provided the philosophical foundation for this research, ensuring that the lived realities of communities were not overshadowed by abstract legal principles alone.[383] By anchoring the study in ontology, epistemology, and methodology, the choice of interpretivism created a coherent framework that enabled the researcher to engage deeply with the perspectives of those directly impacted by land registration and land grabbing.

3.2 Research Design

For primary research, the researcher employed a cross-sectional case study qualitative research design that aims at obtaining a deeper understanding of the phenomenon under study from

[381] Michael Crotty, The Foundations of Social Research: Meaning and Perspective in the Research Process (SAGE Publications, 1998).
[382] Walsham, Geoff. "The emergence of interpretivism in IS research." Information systems research 6.4 (1995): 376-394.
[383] Maxwell, Joseph A., and Kavita Mittapalli. "Realism as a stance for mixed methods research." Handbook of mixed methods in social & behavioral research 2 (2010): 145-168.

participants. Qualitative research aims at the compilation and collection of non-numeric data, and the quality of the information originates from open-ended questions and is subjective, especially as regards the analysis.[384] Most times, the qualitative design tends to be natural and covers the understanding of the phenomenon in its genuine setting.[385] This study employed a cross-sectional case study design to explore and evaluate the relationship between law on land registration and land grabbing in Kayunga district. A cross-sectional research design is a type of study where the researcher carries out the study once in the period provided. It is also known as a "one-shot" study, which is more appropriate for studies that intend to establish the prevalence of the cause of an issue, problem, or attitude by taking a cross-section of the whole study population. Typically, cross-sectional studies are designed to take cross-sections of the entire population at once.[386] The researcher adopted this design because it helps to find out the prevalence and, to some extent, the association of factors with the phenomenon under study.

To further complement the primary data, a doctrinal legal research approach was also employed. S. N. Jain asserts, "Doctrinal legal research involves an analysis of case law, the arranging, ordering, and systematizing of legal propositions, and the study of legal institutions through legal reasoning or rational deduction."[387] Doctrinal legal research uses the law as a framework of analysis, focusing on statutes, legal theories, and decided cases. The approach involves a systematic examination of the problems and issues relating to the law in this study. This is because doctrinal analysis provides a ground for learning and understanding the current laws on land.[388]

Doctrinal legal research was used to better understand the legal framework that is in place and its effect on a particular issue by analysing laws, regulations, and legal principles. This study analysed the relevant legal documents, such as the Constitution of Uganda, the Land Act 1998, the Registration of Titles Act 1924, and the National Land Policy 2013, to understand how the law on land registration has developed and how it influences the different types of land rights in the country, and to evaluate its adequacy and effectiveness in preventing and resolving land grabbing issues in Kayunga District.

[384] Maxwell, J. (2010). Using Numbers in Qualitative Research. Qualitative Inquiry, 16, 475-482.
[385] Denzin, N. K., & Lincoln, Y. S. (2011). The Sage handbook of qualitative research. sage.
[386] Kumar, R. (2018). Research methodology: a step-by-step guide for beginners. Sage Publications Limited.
[387] Jain, S. N. (2006). Doctrinal and non-doctrinal legal research. In S. K. Verma & M. Afzal Wani (Eds.), Legal research methodology. Indian Law Institute.
[388] McFarlane, B., Nicholas, B., & Sarah, N. (2021). Land law: text, cases and materials. Oxford University Press.

3.3 Information Sources

The study employed both primary and secondary data sources since they complement each other. Primary data sources are those that give first-hand information. Laws, statutes, regulations, guidelines, court decisions, judgments, and tribunal decisions; official reports and publications from government agencies such as the Ministry of Lands, Housing, and Urban Development; and the Uganda Land Commission are the primary data sources for this study. These sources provide the most direct and official information on the laws and regulations related to this study. They also provide a detailed understanding of the legal framework and how it is being used in practice. Secondary data, according to Martins, Cunha, and Serra,[389] is information that the researcher did not obtain first-hand or that was gathered by other authors. These sources provide interpretation, analysis, or commentary on primary sources and are often written by scholars or experts in the field. In addition, primary data was collected from local communities in Kayunga District through focus group discussions and key informant interviews. This approach was considered reliable because it captured the lived realities of landowners, leaders, and other stakeholders directly affected by land grabbing and land registration processes, thereby enriching the study with perspectives grounded in everyday experiences. Secondary data sources, such as legal commentaries and scholarship, books, articles, other legal literature, archival materials, international instruments, media reports, and NGO and civil society reports, can provide valuable additional information and context to the primary data sources of this study. These sources helped the researcher understand the broader context and implications of the issue and provided insights into best practices or potential solutions. The primary data obtained was compared with the information from secondary sources to draw meaningful conclusions for the study.

3.4 Study population

In doctrinal legal research, the target population is the group of people or entities that benefit from the research. The target population is a specific group of people or objects for whom questions were asked or observations were made, and for whom data structures and implementation were created and developed.[390] In the context of this study, the population consisted of participants from Kayunga district. The study population consisted of legal

[389] Martins, F. S., Cunha, J. A. C. d., & Serra, F. A. R. (2018). Secondary data in research – uses and opportunities. Podium Sport, Leisure and Tourism Review, 7(3), 1-4.
[390] Zefeiti, S. M. B. A., & Mohamad, N. A. (2015). Methodological Considerations in Studying Transformational Leadership and its Outcomes. International Journal of Engineering Business Management, 7, 10.

professionals, the public (local community tenants, landowners, religious leaders, political leaders and opinion leaders), and policymakers (zonal and land board members).

3.5 Sample Size Determination

In doctrinal legal research, "sample size" refers to how many cases, statutes, or other legal sources a researcher examines in order to generate valid interpretations. [391] For this study, thirty cases in Kayunga District where land registration and land grabbing occurred were considered. This number was large enough to provide a comprehensive overview of the issues while still being manageable within the researcher's available time and resources. The justification for this choice rested on the principle of saturation, which states that once additional cases no longer generate new perspectives or patterns, the sample can be regarded as sufficient. A smaller number of cases might have risked omitting significant variations, while an excessively large number would have introduced repetition without adding substantive value.[392]

The sample size was also guided by the need to capture diverse categories of participants who represented different perspectives within the land sector. These were drawn from distinct groups within the population and included local community members such as landowners and users, opinion leaders, political leaders, land board members, and officials from the regional land offices. Integrating both legal cases and respondent categories ensured a strong link between doctrinal legal sources and empirical realities. This dual focus allowed the research to remain faithful to legal principles while also grounding the findings in the lived experiences of communities directly affected by land grabbing.[393]

The researcher considered a sample size sufficient once the point of saturation had been reached, as recommended in qualitative research. To achieve this, purposive and simple random sampling methods were applied. Purposive sampling was specifically directed toward those individuals who make key decisions in land registration and management, particularly members of the land board and officials from the zonal land offices. Random sampling was then used to include community members and landowners, thereby broadening representation

[391] S. N Jain, "Doctrinal and Non-Doctrinal Legal Research. In S. K. Verma & M. Afzal Wani (Eds.), Legal Research Methodology. Indian Law Institute." 2006.
[392] Ibid.
[393] Creswell, J. W. (2014). Research design: qualitative, quantitative and mixed methods approaches. Sage.

and avoiding bias toward elite or institutional views. In this way, the chosen sample size and methods enhanced both the validity and the reliability of the study.

In doctrinal legal research, "sample size" refers to how many cases, statutes, or other legal sources a researcher wants to use[394]. In this study, however, the concept of sample size extended beyond doctrinal sources to also include respondents in the empirical component as recommended by S. N. Jain.[395] Thirty cases in Kayunga district where land registration and land grabbing occur were considered. It is big enough to get a comprehensive overview but small enough to manage the researcher's time and resources. The sample size was drawn from distinct categories of the population, and they were categorised in the form of local community members (landowners and users), opinion leaders, political leaders, land boards, and officials from the regional land offices. The researcher considered a sample size when the point of saturation is reached, as recommended.[396] The study used purposive and simple random sampling methods. Purposive sampling was used for those persons who make key land registration decisions and management practices, specifically those on the land board and officials from the regional land offices.

Table 3. 1 Sample Size and methods of sampling

Category	**Sample size(n)**	**Sampling method**
Legal professionals	10	Purposive
Local communities (Tenants, landowners, religious leaders, political leaders and opinion leaders)	60	Simple random
Policymakers (Zonal and land board members)	20	Purposive
Legal cases (specifically land)	30	Convenience sampling

Table 3.1 shows, the first, second, and third columns that present the various categories, the sample size of the respondents, and the sampling methods, respectively. It includes ninety targeted respondents which included legal professionals, the public (local communities), and policymakers. In addition, thirty legal cases were chosen.

[394] Jain, "Doctrinal and Non-Doctrinal Legal Research. In S. K. Verma & M. Afzal Wani (Eds.), Legal Research Methodology. Indian Law Institute."
[395] Jain, S. N. (2006). Doctrinal and non-doctrinal legal research. In S. K. Verma & M. Afzal Wani (Eds.), Legal research methodology. Indian Law Institute.
[396] Creswell, J. W. (2014). Research design: qualitative, quantitative and mixed methods approaches. Sage.

3.6 Sampling Procedures

In this study, three different sampling procedures were used as explained below. Each procedure is explained in terms of its meaning, application, rationale, and steps taken to minimize bias.

Convenience sampling was used in analysing doctrinal materials such as cases, statutes, regulations, circulars, and authoritative commentaries relevant to land governance as shown in Annex V. This method involves selecting sources that are readily accessible and straightforward to analyse.[397] Its use was appropriate because doctrinal analysis requires quick access to binding and persuasive authorities. By using law reports, official repositories, and legal databases that were easily available, the researcher efficiently identified controlling precedents and statutory provisions within the project timelines. The process began with the core legal frameworks on land tenure and registration, followed by citation tracking to reach frequently cited cases and key statutory provisions. Superseded laws and non-authoritative commentary were excluded. To reduce selection bias, multiple repositories were cross-checked, different editions compared, and only leading decisions that were repeatedly cited were included.

Purposive sampling was employed to select members of the District Land Board and officials from regional land offices. This technique involves deliberately choosing respondents who possess specialised knowledge relevant to the study. It was considered suitable because these actors are custodians of procedural knowledge, policy application, and administrative practices that ordinary respondents may not adequately explain. An eligibility matrix was prepared listing roles, years of service, and functional areas. Official staff lists were then obtained and individuals meeting the criteria were invited to participate. Efforts were made to include variation across functions and levels of seniority to capture a wider perspective. To minimise bias, selection criteria were documented in advance, reasons for inclusion were recorded, and

[397] Campbell, S., Greenwood, M., Prior, S., Shearer, T., Walkem, K., Young, S., Bywaters, D., & Walker, K. (2020). Purposive sampling: complex or simple? Research case examples. J Res Nurs, 25(8), 652-661. https://doi.org/10.1177/1744987120927206; Palinkas, L. A., Horwitz, S. M., Green, C. A., Wisdom, J. P., Duan, N., & Hoagwood, K. (2015). Purposeful Sampling for Qualitative Data Collection and Analysis in Mixed Method Implementation Research. Adm Policy Ment Health, 42(5), 533-544. https://doi.org/10.1007/s10488-013-0528-y Ibid.

at least two officers per functional area were included to avoid over reliance on a single perspective.

Simple random sampling was applied to community respondents, including landowners and users, opinion leaders, and political leaders. In this method, every eligible individual has an equal chance of being selected from a defined sampling frame. It was adopted because it enhances representativeness and reduces selection bias that might arise from convenience or referrals. In this study, category-specific frames were compiled using local council registers and community organisation lists for landowners and users, and official rosters for opinion leaders and political leaders. Each individual in a frame was assigned a unique number, and random numbers were generated to select participants. Non-respondents were replaced with others from the same frame. The distribution of respondents across locations followed population estimates so that more populated areas contributed proportionately. To control bias, separate frames for each category were maintained, clear inclusion criteria were applied, and non-response rates were monitored to ensure comparability across groups.

Together, the three sampling procedures complemented each other. Convenience sampling expedited access to legal texts for doctrinal analysis, purposive sampling provided informed institutional perspectives, and simple random sampling ensured representativeness of community views. This triangulated approach enabled the study to capture evidence across legal sources, institutional practices, and community experiences.

3.7 Data Collection Methods

The researcher employed four main methods to collect qualitative data for this study. These included documentary review, key informant interviews, in-depth interviews, and focus group discussions. Each method was carefully chosen because it addressed specific objectives of the study and ensured comprehensive coverage of legal, institutional, and community perspectives on land registration and land grabbing in Kayunga District.

3.7.1 Documentary Review

This method was employed to examine legal documents, statutes, and court cases relating to land registration and land grabbing in Uganda. It was chosen because written legal texts, statutory provisions, and judicial decisions provide authoritative and verifiable evidence for doctrinal legal research. The review was carried out using a documentary review checklist that guided the systematic analysis of statutes, government reports, and case law, with a particular emphasis on legal cases concerning land disputes. This method specifically targeted primary legal sources such as laws, statutory instruments, court judgments, and official reports. The checklist ensured that the review was structured and consistent, enabling the researcher to establish a solid legal and doctrinal foundation for the study.

3.7.2 Key Informant Interviews

This method was employed to obtain detailed institutional perspectives from policymakers directly involved in land governance. It was chosen because policymakers are responsible for implementing land registration policies and enforcing decisions that directly influence land rights and conflicts. The interviews were carried out using a key informant interview guide with open-ended questions that allowed for both consistency and elaboration. Respondents included zonal land office officials and district land board members in Kayunga District, purposively selected because of their statutory role in land administration. Each in-key informant interview lasted between 20 and 30 minutes, providing adequate time for the participants to share their experiences and views. A total of 8 key informant interviews were conducted, focusing on the institutional processes, challenges, and administrative practices governing land registration and land grabbing in the district.

3.7.3 In-Depth Interviews

This method was employed to gather qualitative data from legal practitioners with direct professional expertise in handling land-related issues. It was chosen because legal practitioners are actively involved in interpreting, applying, and contesting land laws in practice, which makes their perspectives central to understanding the realities of land registration and land grabbing. The interviews were conducted using an in-depth interview guide with structured, open-ended questions aligned to the study objectives. Each in-depth interview lasted between 15 and 30 minutes, which was considered sufficient to obtain focused yet detailed responses. In total, 10 in-depth interviews were conducted with lawyers and other legal professionals in

Kayunga District, purposively selected because of their active engagement in land registration and land grabbing cases.

3.7.4 Focus Group Discussions

This method was employed to capture the views and experiences of local communities directly affected by land grabbing. It was chosen because group discussions encourage interaction among participants, collective reflection, and expression of shared experiences, which enhances the richness of qualitative data. The FGDs were conducted using a discussion guide containing probing questions and participatory exercises that encouraged participants to discuss openly. Each FGD lasted between 90 and 120 minutes and involved between 6 and 9 participants. In total, 8 FGDs were conducted across the 8 sub-counties of Kayunga District, with participants drawn from tenants, landowners, religious leaders, political leaders, and opinion leaders. To minimize gender bias, at least 45% of participants in each group were women, ensuring that both men and women were fairly represented in the discussions. All eight sub-counties in Kayunga District were represented in this study, while participants from the town councils were included under their respective sub-counties. The choice of focus group discussions as a methodological tool was justified because land grabbing in Kayunga District is a collective experience that involves shared perceptions, transgression of community norms, and leads to interactions between citizens (individually and as communities) and institutions. The group setting made it possible to uncover community-level perspectives that could not be fully explored through individual interviews. FGDs encouraged participants to respond to each other's experiences, clarify misconceptions, and reach collective interpretations of land governance challenges. This interactive process produced detailed qualitative data that complemented information obtained from key informant interviews. While key informants provided technical and institutional viewpoints from land offices and legal practitioners, FGDs contributed social and experiential evidence from the grassroots, thereby enriching the data set and allowing cross-validation of information across sources.

The use of FGDs further supported data analysis through thematic comparison of community discussions and institutional narratives. The recurring issues identified during FGDs were triangulated with insights from key informants and documentary reviews to ensure consistency and credibility in interpretation. This approach deepened the study's analytical scope by linking local experiences of land grabbing with the formal legal framework on land registration. Table 3.2 provides a summary of the FGDs conducted.

Table 3. 2 Description of FGDs

Sub-county hosting the FGD	Number of respondents per FGD	Month Held
Kayunga	9	February, 2023
Busaana	6	February, 2023
Nazigo	8	Janaury, 2023
Kangulumira	7	February, 2023
Kayonza	8	February, 2023
Kitimbwa	7	Janaury, 2023
Bbaale	8	February, 2023
Galiraya	7	February, 2023
Total	60	

Source: (Primary Data, 2023)

3.8 Data Collection Instruments

This study employed four main instruments to collect qualitative data. These included a documentary review checklist, a key informant interview guide, an in-depth interview guide, and a focus group discussion guide. Each instrument was carefully selected and designed in line with the study objectives. Their combined use ensured systematic collection of information from legal documents, policymakers, legal professionals, and community members, providing a comprehensive approach to understanding land registration and land grabbing in Kayunga District.

3.8.1 Documentary Review Checklist

The documentary review checklist was developed to guide the systematic review of legal cases, statutes, and regulations specifically related to land registration and land grabbing in Uganda. This instrument was chosen because legal documents provide authoritative and verifiable

information on how land laws are formulated, interpreted, and enforced.[398] The checklist was designed with sections for capturing case details such as the case name, year of decision, the type of land matter involved, and its relevance to the study objectives. It also included prompts for noting statutory provisions, official circulars, and reports related to land governance. This tool targeted primary legal documents such as court judgments, statutes, and government publications, ensuring a clear doctrinal and policy foundation for the study.

3.8.2 Key Informant Interview Guide

The key informant interview guide was used to gather data from policymakers directly engaged in land governance. Respondents included Mukono zonal land office officials and members of the district land board in Kayunga District. This instrument was chosen because policymakers hold institutional authority in land administration and are central to the implementation of land registration policies. The guide was structured with open-ended questions aligned to the study objectives, focusing on institutional roles, policy enforcement, and challenges in managing land registration. It was designed to maintain consistency across interviews while also allowing respondents to elaborate on complex institutional issues. The key informant interview guide specifically targeted individuals with decision-making responsibilities, whose perspectives were essential in understanding how land policies are put into practice and where gaps exist.

3.8.3 In-Depth Interview Guide

The in-depth interview guide was administered to legal professionals with direct experience in handling land-related cases. Respondents included lawyers and members of the district land tribunal in Kayunga District. This instrument was selected because legal practitioners deal directly with disputes over land and are well placed to explain the realities of applying and interpreting land laws. The guide consisted of open-ended questions that invited participants to narrate their professional experiences in litigation, dispute resolution, and enforcement of land registration. Its design allowed flexibility for respondents to expand on detailed cases and legal procedures. The in-depth interview guide specifically targeted professionals with expertise in land matters, making it a critical tool for linking statutory provisions with real-world enforcement and judicial practice.

[398] Monageng Mogalakwe, "The Use of Documentary Research Methods in Social Research," African Sociological Review/Revue Africaine De Sociologie 10, no. 1 (2006): 221–30.

3.8.4 Focus Group Discussion Guide

The focus group discussion guide was designed to capture the views and experiences of community members directly affected by land grabbing. This instrument was chosen because group interactions allow participants to collectively reflect on issues, share experiences, and validate each other's accounts, which enriches the data. The guide contained probing questions based on the study objectives and included sections for recording observations and researcher notes.

The focus group discussions targeted tenants, landowners, religious leaders, political leaders, and opinion leaders from Kayunga District. A total of eight focus group discussions were conducted, each composed of 06 to 09 participants. The groups were organized to ensure inclusivity and diversity of perspectives across different categories of participants. This design made it possible to capture a broad understanding of community experiences with land registration and land grabbing. The Focal Group Guide was initially drafted in English and later translated into Luganda to accommodate participants who were not fluent in English. By facilitating discussions in a language familiar to the participants, the tool ensured effective participation and accuracy in the information collected.

The focus group discussions were conducted mainly in Luganda, the predominant local language spoken in Kayunga District, to ensure that participants clearly understood the questions and could express their experiences without linguistic limitations. Using Luganda created a comfortable environment for open discussion and encouraged the sharing of detailed accounts of land registration and land grabbing. The discussion guide was initially developed in English and later translated into Luganda by the researcher with assistance from a bilingual field assistant knowledgeable in land-related terms. During the discussions, responses were recorded and later transcribed verbatim in Luganda before being translated into English for analysis. To preserve meaning and accuracy, a back-translation process was carried out, and ambiguous or culturally specific expressions were cross-checked with local leaders and language experts. Particular care was taken to ensure that complex Luganda concepts, such as *obusika* (ancestral inheritance) and *ettaka ly'egombolola* (sub-county communal land), were accurately interpreted within their customary context. This process maintained both linguistic precision and cultural sensitivity, ensuring that the findings reflected participants' intended meanings authentically.

3.9 Validity and Reliability

This study ensured the legitimacy and consistency of the collected data by employing multiple tactics and methods. Before gathering any information, a proper protocol was established to confirm that the measurement tools possessed both validity and reliability for precise outcomes. To minimize potential biases, the researcher actively interacted with the respondents during this study. Additionally, the report emphasised identifying individual attributes of the participants, detailing their qualifications, job titles, gender, background, expertise, and education. These measures aimed to bolster the trustworthiness of the conclusions presented, enabling readers to gauge the impact of these elements on the researcher's perceptions and judgments.[399]

To avoid an effect on the participants' responses and the researchers' understanding of the phenomena, the researcher identified and stated assumptions and personal interests in the study topic for transparency. The researcher clarified the study design so that readers understood how the researcher explored her research questions and aims. This work followed a content analysis to systematically organise data in a structured form. Participants were selected using purposive sampling and simple random sampling. This was used for these participants because they shared characteristics and had the potential to provide rich, relevant, and diverse data pertinent to the research question. The researcher used the study instruments in simple English and Luganda to ensure optimal comprehension and the collection of desired measures by all participants. The researcher used a digital sound recorder to capture participants' responses and later synchronized the recordings with the electronic study database (server and backup) to minimize transcription errors during the research. Moreso, a pilot study was conducted in November 2022 in Mubende District, where two Focus Group Discussions (FGDs) were held in the constituencies of Buwekula, alongside interviews with two legal practitioners in Mubende Municipality and two key informants from the District Land Board. The purpose of the pilot study was to determine the amount of time required to conduct each interview or FGD and to identify and adjust questions that appeared unfamiliar to participants. After completing the pilot study, modifications were made to the data collection tools and consent forms to ensure consistency with the study's objectives. Mubende District was selected for the pilot study because it is one of the districts in Central Uganda where hundreds of people have fallen

[399] Treharne, G., & Riggs, D. (2015). Ensuring Quality in Qualitative Research. Qualitative Research, 10, 57-73.

victim to land grabbing. This selection also helped to prevent the inclusion of similar participants in both the pilot and the main study.

3.10 Data Collection Procedure

The researcher obtained an introductory letter from the School of Law, Makerere University, introducing her to the field. Thereafter, the researcher attached the letter she obtained from Kayunga Local Government, and she presented it to the concerned parties during the data collection phase. In data collection, research assistants were employed to support the administration of data collection tools. They were trained on the study objectives, ethical considerations, and the dos and don'ts of the study, and were contracted on a temporary basis.

3.11 Data Analysis and Presentation

Data analysis used content analysis, legal interpretation, historical analysis, thematic analysis, and statistical analysis to identify patterns, themes, and key issues related to land registration and land grabbing in the district, as well as the perspectives of different stakeholders. Content analysis reviewed and categorised legal data, such as laws, regulations, court decisions, and official reports and publications on the topic. Legal interpretation was then applied to interpret these legal data in order to understand their application and gaps in the legal framework. Historical analysis analysed old records and land deeds to see how land ownership, use, and the legal framework had changed over time in the district.

The data was presented in a systematic sequence. Focus group discussions (FGDs) were conducted first to capture collective community experiences and perceptions, followed by individual interviews with community members and legal practitioners to provide detailed personal accounts, professional insights, and clarifications. After this, case law and documentary reviews were examined to situate participants' experiences within the broader legal framework. In each stage, participants responded to different sets of questions designed to reflect their lived experiences and perceptions. Since most community respondents did not have formal legal knowledge, they were not asked technical legal questions, which were instead addressed through the researcher's legal interpretation of statutes, case law, and policy documents, as well as insights from legal practitioners.

Thematic analysis identified themes and patterns in the data from interviews and FGDs, helping to illuminate stakeholder perspectives and the impacts of land grabbing on local communities.

Data triangulation was achieved by cross-checking evidence from FGDs, interviews with community members and legal practitioners, and documentary sources to ensure validity and consistency of findings. The combination of these methods provided a comprehensive understanding of the relationship between the law on land registration and land grabbing in the district, the historical context, and the perspectives of different stakeholders. The analysis of the data helped to identify legal gaps, challenges, and opportunities for legal reform that could better protect and improve the security and sustainability of land rights and prevent land grabbing in Kayunga District. The data analysis integrated thematic and content analysis, with categories built from general concepts by assigning descriptive labels, developing operational definitions, and selecting illustrative data citations. Once the categories were placed, they formed a basis for comparative analysis across phases and across the interventions to identify similarities and differences in participant responses.

3.12 Ethical Considerations

In legal and doctrinal research, ethical considerations are indispensable. These are the principles and values that guide research to protect the rights and welfare of research participants and make sure the research process is unbiased.[400] The researcher obtained ethical approval from the Research Ethics Committee (REC) of Uganda Christian University, clearance from the Uganda National Council for Science and Technology, and an introductory letter from the School of Law at Makerere University following approval of the research proposal by the supervisor and the research committee. Once this was obtained, the researcher applied to the Uganda National Council for Science to obtain a permit to collect data, since this was a requirement for anyone conducting research in Uganda. The study adhered to established research ethics such as informed consent, confidentiality and privacy, fair treatment, and transparency, and was carried out fully without causing harm to the respondents. Participation in this study required informed consent from participants.[401] Participants were informed about the purpose, nature, and potential risks and benefits of the research. They were also asked to give their consent in writing or orally. Bearing in mind that the study touched on extremely sensitive issues on land, the researcher maintained a prominent level of confidentiality. Keeping participants' data confidential and private was the researcher's top priority, and

[400] Gostin, L. (1991). Ethical principles for the conduct of human subject research: population-based research and ethics. Law Med Health Care, 19(3-4), 191-201. https://doi.org/10.1111/j.1748-720x.1991.tb01814.x
[401] Ibid.

nobody got access to their data without their consent.[402] Data was encrypted, stored, and transmitted securely, and used and shared with permission. Considering that some respondents might have been suspicious about the reasons for investigating such a critical matter, the researcher clearly explained to the participants that the study was purely for academic purposes so they freely gave their consent to participate. Only individuals who gave direct verbal consent were considered respondents for the study. Participants were treated with respect and dignity, and their rights and welfare were protected.[403] By avoiding discrimination, coercion, and exploitation, participants were protected physically, emotionally, and psychologically.

The researcher ensured open and transparent research by fully informing participants about the study and clearly explaining the research questions, methods, and anticipated results. Participants were free to decline answering any question or to withdraw from interviews and focus group discussions at any time. The researcher also obtained permission before making any audio or written recordings, which were deleted after transcription, and no information was linked to individual names.

3.13 Limitations of the study

The study's geographical scope was limited to Kayunga District, which implies that the findings are specific to this district and may not fully capture the variations in land tenure systems, governance structures, and socio-legal contexts across Uganda. Land administration and tenure security differ significantly across regions due to historical, statutory, and customary variations. To manage this limitation, the study incorporated a detailed review of national land laws and policies, as well as secondary data from other districts with similar land tenure challenges, to provide broader legal context and situational relevance.

The study adopted a qualitative research design, relying on focus group discussions (FGDs) and key informant interviews (KIIs). While these methods allowed for an in-depth exploration of perspectives from affected communities, local leaders, and legal practitioners, they were inherently susceptible to biases, including social desirability effects, memory recall inaccuracies, and researcher influence. To mitigate this, triangulation was employed by cross-

[402] American Psychological Association. (2016). Revision of Ethical Standard 3.04 of the" Ethical Principles of Psychologists and Code of Conduct"(2002, as amended 2010). The American Psychologist, 71(9), 900.
[403] Miracle, V. A. (2016). The Belmont Report: The Triple Crown of Research Ethics. Dimens Crit Care Nurs, 35(4), 223-228. https://doi.org/10.1097/DCC.0000000000000186

referencing findings from different sources, including legal documents, case law, and government reports, to ensure reliability and minimize subjective bias.

Access to key stakeholders posed significant challenges. Some policymakers, government officials, and large-scale investors declined participation due to the politically sensitive nature of land disputes. Reluctance from certain respondents, particularly those involved in contested land transactions, further constrained the inclusion of diverse perspectives from land governance authorities and major landholders. This limitation was managed by engaging alternative sources, such as legal representatives, community advocacy groups, and land rights organizations, who provided insights on the role of institutions and high-level actors in land governance. Additionally, where direct interviews were not possible, policy documents and official reports were analysed to obtain relevant information.

The transcription and translation of qualitative data presented difficulties, particularly in relation to legal terminologies, dialect variations, and inconsistencies in audio quality. Given the complexity of Uganda's pluralistic land tenure system comprising customary, freehold, leasehold, and mailo tenures ensuring accuracy in interpretation required meticulous legal hermeneutics. This limitation was managed by employing bilingual research assistants with expertise in legal translation to assist in accurately capturing customary tenure practices and statutory land rights in their proper legal context.

The study did not exhaustively explore the broader historical, political, and economic dimensions influencing land tenure insecurity and land grabbing. While the primary focus remained on the legal framework, external socio-political factors such as governance structures, land markets, and power dynamics in land administration also play a crucial role in shaping tenure security and land conflict resolution. This limitation was addressed by incorporating secondary literature and historical legal analyses to contextualize the findings within Uganda's evolving land governance framework.

CHAPTER FOUR

THE EVOLUTION OF THE LAW ON LAND REGISTRATION AND LAND RIGHTS IN UGANDA

4.0 Introduction

Land remains a cornerstone of Uganda's socio-economic, cultural, and political identity. As a resource fundamental to livelihoods, development, and governance, its administration and legal regulation have undergone significant transformation over the years. The historical trajectory of land registration and rights in Uganda reflects a dynamic interplay between customary practices, colonial legacies, and post-independence reforms. This evolution is deeply embedded in the broader legal, political, and economic contexts that have shaped Uganda's development trajectory.

The Constitution of the Republic of Uganda of 1995, as amended provides for the right to own property as an individual or in association with others[404] and declares that land belongs to Ugandans and vests in them in accordance with the land tenure systems of Customary, Freehold, Mailo and Leasehold.[405] The right to own property is guaranteed and protected by the state and through the different tenure systems, land ownership is registrable. The legal regime in Uganda provides for registration of land under the RTA, and registration of customary ownership and tenancies by occupancy under the Land Act.

The law on land registration in Uganda has undergone significant changes from 1840 to date. These modifications and developments have played a substantial role in molding the framework and context of land rights in this Uganda. The evolution of the legal framework has not only redefined but also influenced how land ownership and rights are perceived and implemented, having a profound impact on the relationship between the land and its inhabitants[406]. The researcher in this chapter conducts an in-depth investigation into the evolution of the law on land registration and land rights in Uganda from 1840 to date. This chapter provides a detailed overview of the history, laws, and types of land rights in Uganda. By leveraging both primary and secondary data sources, the chapter offers a comprehensive

[404] Article 26(1) of the Constitution of Uganda of 1995.
[405] Article 237(1) and (3).
[406] Alden Wily, L. (2011). The Law and Land Ownership in Africa: A Review of the Literature. Journal of African Law, 55(1), 24.

and critical analysis of the practical and legal aspects of land registration and land rights in Uganda

4.1 Land Registration

4.1.1 Land Registration in General

Land registration is the process of recording legally recognised interests in land.[407] It often involves the official recording of information about land parcels including details of their boundaries, tenure and value.[408]

It is a process of maintaining a register of real rights in land and includes a register of title and a register of deeds.[409]

4.1.2 Systems of Land Registration

Generally, land registration has three systems, to wit; private conveyancing, registration of deeds and registration of titles. In a private conveyancing system, land transactions are handled in a private arrangement. Interests in land are transferred by the signing, sealing and delivery of documents between private individuals with no direct public notice, record or supervision.[410] The sealed documents are held either by the individuals to the transaction or by an intermediary such as a notary. In such system, the state has little or no control over the registration process save for regulating intermediaries.[411]

Registration of deeds developed first and involved registering or recording of documents affecting interests in land.[412]

This system was first developed in the United Kingdom through the Yorkshire Registry Act, 1704, the Irish Registry Act, 1708 and the Middlesex Registry Act, 1708.[413] These statutes inspired several Registration of Deeds in Australia and New Zealand. Today, it is common in jurisdictions like England, Hong Kong, some Australian provinces, New Zealand and Zambia.

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[407] J. Mclaughlin and SE Nichols, Resource Management: The Land Administration and Cadastral Systems Component, in surveying and mapping (1989).
[408] LandNet Resource book on Customary Land Registry
[409] UNECE working party on Land Administration by Her Majesty's Land Registry: Study on Key Aspects of Land Registration and Cadastral legislation, (May, 2000).
[410] Supra Note 339
[411] Ibid
[412] Jo Henssen: 'Basic Principles of main cadastral systems in the world, In Modern Cadasters and Cadastral innovations.' Seminar, FIG Commission 7 (University of Melbourne 1995).
[413] Peter Mukidi Walubiri, "Indefeasibility of title: An Eroded Concept in Uganda," 2020.

The common theme under this system is the recording of deeds evidencing title to land.[414] The overriding objective was to prevent secret and fraudulent conveyances and to compel registration by conferring on a registered transaction priority over an unregistered one.[415] By searching the register, a purchaser was able to independently ascertain all the deeds affecting the land. One of the advantages of this system is that the fraud of suppressing deeds was minimized.[416]

Nonetheless, Registration of Deeds has several challenges associated with it. For instance, failure to register a deed renders it liable to be defeated by a subsequent purchaser who registers his or her instrument notwithstanding that the purchaser had prior notice of the unregistered deed.[417] Additionally, the system does not shorten or cheapen the conveyancing process as the purchaser has to search the Register of Deeds to identify and scrutinize all deeds relating to the land he or she is interested in.[418] Furthermore, the registration of a deed does not cure any defect in such deed or give it additional validity.[419] This is because registration of a deed does not add to the efficacy of the instrument in absence of value or where there is no competing instrument. Additionally, registration is inoperative where the instrument is void for being fraudulent.[420]

The third system of land registration is registration of title which was first introduced in Australia in 1858, by Sir Robert Torrens.[421] In this system, land ownership is recorded on a cetralised register that shows the actual state of ownership of land, and the state guarantees all rights shown in the register.[422]

The difference between registration of deeds and registration of title systems was clearly articulated by Justice Stephen Mubiru in the case of *Adrabo v Madira*[423] , where he stated that:

> *"Historically, confirming ownership of land required one to check the documents transferring title to the land, for several prior transactions. This was known as the*

[414] Jo Henssen, "Cadastre and Its Legal Aspects," Joint European Conference and Exhibition on Geographical Information, The Hague, Netherlands, March 26, 1995, https://www.fig.net/organisation/comm/7/Library/reports/events/Delft_seminar_95/paper2.html.
[415] Walubiri, "Indefeasibility of Title: An eroded Concept in Uganda."
[416] Ibid.
[417] Ibid.
[418] Derek osei tutu et al., "Towards a pro-poor Customary Land Rights Security in rural Ghana: Land Tenure Inventory Using mobile application by local youth," n.d.
[419] Walubiri, "Indefeasibility of title: An eroded Concept in Uganda."
[420] Walubiri, Indefeasibility of Title: An Eroded Concept in Uganda.
[421] Theodore B. F. Ruoff, An Englishman looks at the Torrens System (1957).
[422] Gerhard Larsson: Land Registration in Developing countries (1991).
[423] Civil Suit No. 0024 of 2013

Deed System. Under that system, even though a person appeared to be the owner of land, the purchaser was not entitled to rely on the registry and had to confirm that the person selling the property was the rightful owner of the property. In the Torrens System, a purchaser does not need to search back through each previous transfer. Instead, the purchaser can rely on whatever name shows on the Land Title at the Land Registry. If the title deed shows a person as the owner, the purchaser can by virtue of section 59 of the registration of Titles Act buy the property from that owner without worrying about how that person became the owner".

4.1.3 Benefits of a Land Registration System

A Land registration system provides the means for recognizing formalized property rights, and for regulating the character and transfer of these rights. Land Registries document certain interests in the land, including information about the nature and spatial extent of these interests and the names of the individuals to whom these interests relate.[424] They also normally record charges and liens that is rights to retain property against debts as in the case of mortgages.

In addition, land registries provide documentary evidence that is necessary for resolving property disputes as well as information for a wide variety of public functions (such as land valuation).[425]

In a perfect registration system, land registration has several benefits for both the land owner and the state, that is; it clarifies the ownership or tenurial interest of the landholder and provides legal safeguard of that interest thereby guaranteeing him/her security of tenure. This security of tenure encourages long term investment in land, increases marketability, simplifies and expedites the conveyance process, allows land to be used as collateral to secure credit and helps resolve land disputes among others.[426] For the state, land registration supplies information that enables land to be valued for tax purposes, and to enable controls to be exercised over land use.[427]

[424] Peter F. Dale, John D Maclaughlin: Land Administration (1999) pages 36-45.
[425] Food and Agriculture Organisation of the United Nations (FAO) 2013.Governace of Tenure Technical Guide No.4 Land Registration and Cadastre p.2.
[426] David S. Jones: Land Registration and Administrative Reform in South East Asian States: Progress and Constraints. International Public Management Review Volume 11, Issue 1, 2010. International Public Management Network.
[427] Ibid.

4.1.4 Land Registration in Uganda

In Uganda, Land registration originated from the 1900 Buganda Agreement which provided for the allotment of land.[428] After the signing of the 1900 Buganda Agreement, the first steps were taken to establish a land and survey department.[429] In 1904, the Registration of Documents Ordinance came into force paving way for formal registration of land. The law provided for compulsory registration of all documents conferring right, title or interest in land save for those of a testamentary nature.[430] This law did not have a chance to take effect as it was superseded by the Registration of Titles Ordinance in 1908 in 1922, the Registration of Titles Act Cap 205 was enacted and this law introduced the Torrens system of land registration in Uganda.[431]

Land registration in Uganda is managed by the Ministry of Lands, Housing and Urban Development, registration of mailo land involves conducting a property search, obtaining consent forms, paying off stamp duty and registration fees at the bank and submitting the signed documents, including the duplicate certificate of title and receipts to the registry for the transfer of title.[432] The process requires a written application, proper identification, passport sized photos, a transfer form and consent from relevant parties.

To register Freehold land in Uganda, the applicant is expected to submit completed application forms with a surveyor's deed plan, passport photos and payment receipts to the District Land office. The Area Land Committee conducts a hearing and site inspection, after which the District Land officer prepares a technical report and forwards the documents to the Ministry of Lands for the final preparation and issuance of the Freehold Land title. (Section 10 &12Land Act, Cap. 236). [433]

To register Leasehold land, the applicant fills in application forms and three authentic deed plans, three passport photos and submit these to the District Land Board for processing then forward to the Ministry of Lands. Pay stamp duty to the Uganda Revenue Authority based on

[428] A.B. Mukwaya: Land Tenure in Buganda: Present day Tendencies, Pg. 15. Eagle Press, Kampala, 1953.
[429] Sara Kulata B, Ministry of Lands, Housing and Urban Development: Land Records and Registration in Uganda
[430] Supra Note 344 Pg.16.
[431] Mugambwa J T: Principles of Land Law in Uganda, Fountain Publishers, Kampala.
[432] Ministry of Lands, Housing and Urban Development, "Guidelines and Procedures for Land Registration in Uganda," Kampala, Uganda: Ministry of Lands, Housing and Urban Development, 2024, https://mlhud.go.ug.
[433] Government of Uganda, "The Land Act, Cap 236," Kampala, Uganda: Government of Uganda, 1998, https://ulii.org/ug/legislation/consolidated-act/236.

the lease premium and ground rent. The leasehold title is made ready for collection from the Ministry.[434]

Section 4 of the Land Act CAP 236 provides for registration of customary land and states that a person, family or community holding land under customary tenure on former public land may acquire a certificate of customary ownership in respect of that land in accordance with this Act. An application for a certificate of customary ownership shall be in the prescribed form and shall be submitted, together with the prescribed fee, to the committee of the area in which the land the subject of the application is situated. Section 9 of the Land Act Cap 236, provides for registration of Certificate of Customary Ownership. The application for conversion from customary tenure to freehold tenure shall be in prescribed form and submitted together with the prescribed fee, to the committee of the area in which the land subject to the application situated, the committee causes the land to be surveyed before approving the application. The procedure for applying for Certificate of Customary Ownership is provided for under section 6 of the Land Act Cap 236.[435]

As of today, 2025, Uganda runs two systems of land registration; that is, private Conveyancing and the Torrens system of Land registration.

4.1.4.1 Private Conveyancing in Uganda

According to Sir Robert Torrens, this system produces "*dependent titles*." Titles are 'dependent' in the sense that a title has to be traced back through successive proprietors, each instrument examined and each transaction scrutinized, to ascertain that all necessary formalities have been observed, and that no equitable interest or claim remains outstanding.[436] Sir Robert Torrens criticised the conveyancing system for making investigations into titles complex as one would have to inquire into all previous transactions every time title changed hands.[437] According to Torrens, because of the complexity of this investigation and inquiry, purchasers

[434] Ministry of Lands, Housing and Urban Development, "Guidelines and Procedures for Land Registration in Uganda."
[435] Ibid.
[436] Walubiri, "Indefeasibility of Title: An eroded Concept in Uganda."
[437] Rosalind F. Croucher, "Delenda Est Carthago!' Sir Robert Richard Torrens and His Attack on the Evils of Conveyancing and Dependent Land Titles: A Reflection on the Sesquicentenary of the Introduction of His Great Law Reforming Initiative," Alex Castles Memorial History Lecture, Flinders University Law School, Adelaide, August 26, 2008, https://www.alrc.gov.au/news/delenda-est-carthago-sir-robert-richard-torrens-and-his-attack-on-the-evils-of-conveyancing-and-dependent-land-titles-a-reflection-on-the-sesquicentenary-of-the-introduction-of-his-great-law-refor/.

had to hire the services of skilled conveyances at great cost, thereby making the process even costlier.[438]

Private conveyancing is a widely used system of land registration in Uganda. Even though it is informal (not officially recognised by the government), it provides a limited level of protection to land owners because the transactions are overseen by officers that are regulated by government like the Local Council chairpersons and lawyers. This is the system majority of the peasant land owners in Kayunga District rely on to register their interests in land. As gleaned from the participants in the study, private conveyancing is done at Local Council one level where the vendor and the purchaser execute a sale and purchase agreement before a Local Council one chairperson in the presence of other residents of the area and neighbors of the land which is the subject of the agreement. In case the land in question is Kabaka's land, then the Kabaka's representative (*omutaka wa Kabaka)* also witnesses the agreement with a kingdom stamp. The purchaser keeps the agreement and the chairperson keeps a carbon copy of the agreement. In this transaction, the vendor is required to hand over the previous agreements relating to the land in his possession to the purchaser.

Some land owners who have a bit more resources in addition to the transaction done at the Local Council one level employ lawyers who draft formal agreements that are registered with the Registrar of Documents.

Even though this system is used, it doesn't give security of tenure to the purchasers and the purchasers are at the mercy of the Local Council Chairpersons who in some instances collude with fraudsters to dupe innocent people into purchasing land that is not on sale.

4.1.4.2 The Torrens System in Uganda

Under this system, a public office is established to exclusively register land and land transactions in accordance with established formalities.[439]

When Sir Robert Torrens envisioned the Torrens System, he sought to shift from the old system of dependent titles that required a retrospective investigation of title each time land was conveyed or otherwise dealt with.[440] As such, he proposed a new system of independent titles where upon each conveyance the land would in essence be surrendered to the crown which

[438] Walubiri, "Indefeasibility of Title: An Eroded Concept in Uganda."2020
[439] Rowton S. Simpson, "The Torrens System," in Land Law and Registration (1976), 68–90, https://www.johnsonline.co.uk/wp-content/uploads/2021/05/Simpson-1976-LLR-Ch5-Torrens-System.pdf.
[440] Walubiri, "Indefeasibility Of Title: An Eroded Concept In Uganda," 2020.

would then re-grant it to the purchaser. The objective of this system was to create a new statutory estate resting on the act of registering an instrument, rather than on the act of the party who executes it. This would therefore abolish the need for retrospective investigation of title that was the norm under Private Conveyancing and Registration of Deeds, and would overturn the concept that a person's title could be no better than his or her predecessor's title.[441]

Torrens proposed a single document evidencing title to each identified parcel of land to be kept by a state official, the Register General. On this document, known as the "Certificate of Title" would be recorded all transactions affecting the land.[442] This document would then be guaranteed by the state and supported by an assurance fund out of which compensation would be paid to people who would suffer loss by relying on the register. This would replace the numerous documents which under the existing system, a purchaser had to investigate to ascertain whether the title was sound. The hallmark of this system is that it would render each purchaser's title to be "indefeasible" in the sense that it could not be defeated or set aside on the ground of a defect existing in the title before the interest was registered.[443]

According to Peter Mukidi Walubiri, intrinsic to the doctrine of indefeasibility of title is the notion that the certificate of title is conclusive evidence of ownership of title in land, title in easements.[444] A certificate of title duly issued is conclusive and cannot be impeached or be defeasible by reason or on account of any infirmity or irregularity in the proceedings leading to the registration of the certificate, save for circumstances explicitly enshrined in statute.

Uganda's official land registration system is the Torrens system as legislated under the Registration of Titles Act, Cap. 240.

In the Torrens System, a purchaser only has to rely on the title register for confirmation of ownership of land that he/she is interested in by doing a search thereon. If the title deed shows a person as the owner, the purchaser can by virtue of section 59 of the Registration of Titles Act buy the property from that owner without worrying about how that person became the owner

This is hinged on the three fundamental principles of the Torrens system of land registration; that is, the mirror Principle, the curtain Principle and the Insurance Principle. These principles

[441] Ibid.
[442] Rose Nakayi, "Certificate of Title: A Discussion of Contemporary Challenges to the Protection of Land Interests in Uganda," Journal of African Law 67, no. 1 (2023): 23–43, https://doi.org/10.1017/S0021855322000286.
[443] Walubiri, "Indefeasibility Of Title: An Eroded Concept In Uganda."
[444] Ibid.

were clearly explained by the court in the case of *Peter Beyunga Vs. The Registrar of Titles*[445] where it was observed that –

> *"The mirror Principle emphasises the fact that the register is deemed to be a perfect mirror of the state of title. That a register of title clearly identifies the land it refers to and any other dealings in relation thereto. The curtain principle on the other hand holds that a purchaser need not investigate the history of past dealings with the land, or search behind the title as depicted on the register. The purchaser should ordinarily look at what is contained in the register and is not bound by any extrinsic matters. The insurance principle, is to the effect that the state guarantees the accuracy of the register and compensates any person who suffers loss as a result of an inaccuracy".*

Justice Stephen Mubiru further explained the Mirror principle – in the case of *Kilama Tonny v Laker Caroline onekalit and others*[446] where his lordship stated that:

> *"The mirror principle otherwise means that if something is not on the register, then persons dealing with that land and courts are entitled to ignore it. Once land is brought under the operation of The Registration of Titles Act, the divergent local histories of the land and those who live and have historically lived on it become irrelevant as the overarching, standardised order of the registry takes over. Save for fraud and illegality, the Torrens registry "mirror" and "curtain" principles hide significant aspects of the land's local history from registry users, allowing owners and courts to drop the land's history from their sphere of direct concern. Fraud entails personal dishonesty or a moral turpitude on the part of the registered owner. Mere knowledge that a prior interest existed is insufficient to constitute fraud".*

These principles however ignore critical issues in the land registration system like the physical identity of the owner of the land and the physical boundaries on ground. As court observed in the case of *Sir John Bagaine vs. Ausi Matovu***,**[447] Lands are not vegetables, which are bought from unknown sellers. Lands are valuable properties and buyers are expected to make thorough

[445] HC. Misc. Application No. 100 of 2023 at Pg. 6.
[446] Civil Appeal No. 021 of 2017.
[447] CACA No. 7 of 1996 at Pg. 12.

investigations not only of the land but also of the owner. The court emphasised the importance of a physical search hence the need to search beyond the register.

The Torrens system produces indefeasible titles behind its distinctive "curtain" and "mirror" principles.[448] Each parcel of land is identified by reference to a numbered deposited plan and each plot of land is the subject of a separate folio in the register.[449] The folio records the dimensions of the land and its boundaries, the names of the registered proprietors, and any legal interests that affect title to the land.[450] Person who obtain title through the registry become indefeasible; their title is new, perfect, oriented toward the future and insured against the past.[451] The Torrens system of registered title is not a system of registration of title but a system of title by registration.[452] That which the certificate of title describes is not that which the registered proprietor formerly had, or which but for registration would have had. The title it certifies is not historical or derivative, it is the title which registration itself has vested in the proprietor[453]

Uganda's faith in the Torrens system as legislated under the RTA is in the principle of state guarded title (indefeasibility of title) but this has however been frozen in time.[454] The system in Uganda has not been updated to reflect the changes to and judicial interpretation of the Torrens Statutes in Uganda and other jurisdictions. [455]Whereas Uganda still believes in the Principles underlying the Torrens system, in practice, it needs substantial reform if it is to comprehensively serve the needs of the modern-day Uganda. The advance in technology and the possibility of human compromise in the process of land registration have not been taken care of and this has a huge bearing on the effectiveness of the Torrens system of land registration.

The systems of land registration implemented in Uganda don't operate in a vacuum, there are institutions in place responsible for operationalising these systems. Uganda has a comprehensive institutional framework for land registration that in theory is perfect for

[448] Baalman, J. (1951). The Torrens System in Australia. Sydney: Law Book Co. of Australasia. page 34
[449] Ibid.
[450] Ibid.
[451] Ibid.
[452] Harvey, D. (2016). The Torrens System. A Unique and Elegant Solution to the problem of Land Ownership. Oxford University Press. Page 219.
[453] Breskvar v. Wall [1971] 126 CLR 376 at 385).
[454] Kalenge, Bwanika, Kimuli & Co. Advocates: Final Draft Issues Paper-Registration of Titles Law, Pg. https://mlhud.go.ug/wp-content/uploads/2019/03/Final-Draft-Issues-Paper-Estate-Agency-_Workshop-Jan-2013.pdf accessed on 30th of September 2024.
[455] Ibid.

delivery of a robust land registration but far from it in practice. The institutions that facilitate land registration in Uganda are important for attaining a fair, transparent and effective land registration system.

4.1.5 Institutions that facilitate land registration in Uganda.

The law on land registration in Uganda establishes institutions charged with the responsibility of directly registering land transactions and those that facilitate land registration.[456] These institutions are robust and structured to provide a decentralised framework of land registration from top to bottom, to bring services closer to people and also create room for popular participation[457] Institutions in Uganda are categorised as either public (state) or non-state institutions.

4.1.5.1 Public Institutions

Public institutions are established by written law with their mandate and powers prescribed by the law that establishes them to serve specific functions in relation to land governance and administration. They include Land Registrars under the office of the Commissioner for Land Registration, the Uganda Land Commission, District Land Boards, Land Committees, Recorders and Local Government Councils.

The government of Uganda established these institutions to streamline and ensure security and efficiency in land registration. On paper, the institutions are clearly established and their mandates and processes clear enough for them effectively manage the land registration systems. Though, these institutions are muddled with rampant corruption, inefficiency and often fail the would-be ideal land registration systems. They are discussed in detail below.

Commissioner for Land Registration.

The Registration of Titles Act establishes the office of the Registrar of Titles to be in charge and control of the office of Titles.[458] According to the RTA, the Registrar of titles is charge of and has control of the office of Titles and has powers to perform duties conferred or imposed on the Registrar of Titles by the RTA and any other Act. The RTA also makes provision for appointment of deputy registrar of titles and other assistant registrars.[459] The RTA gives the Registrar of Titles the responsibility of keeping the Register Book for purposes of registering

[456] Constitution of Uganda 1995, Article 238, Land Act, Cap 236, section 47.
[457] Nakayi R & Twesiime- Kirya: The legal, Policy and Institutional Framework of Land Governance in Uganda: A critical Analysis.pp 21-31.
[458] Supra Note 83, Section 3.
[459] Ibid.

in it certificates of title.[460] In this endeavour, the Registrar of Titles is given powers to register interests in land and issue titles in respect thereof.[461] The Registrar of Titles also has powers to cancel a certificate of title, issue a fresh title or rectify any error on the register and may pursuant to these powers correct any errors in the register book and the duplicate certificate of title.[462] The Registrar of Titles also has the power to issue a vesting order. A vesting order is an order that passes legal title in lieu of a legal conveyance. So, where a transfer of land is not executed by the vendor or it cannot be obtained by reason that the vendor is dead or cannot be found, but it is proved to the satisfaction of the Registrar that the subject land has been sold by the proprietor having paid the purchase price and those claiming under the purchase have taken possession with the acquiescence of the vendor, the Commissioner may make a vesting order to effect the registration of the transaction.[463]

Whereas the Registration of Titles Act and the Land Act mention the Registrar of Titles as the bearer of the above-mentioned functions and powers, in practice, these powers are exercised by the Commissioner Land Registration which is a fully-fledged department in the Ministry of Lands, Housing and Urban Development.[464] Commissioner for Land Registration includes Assistant Commissioner, Principal Registrar of Titles, Senior Registrar of Titles, and District Registrar of Titles. Indeed, the case of *Yokana Tallikwa vs. Commissioner Land Registration*[465] demonstrates the practical aspect of the Commissioner Land Registration in exercising the powers given to the Registrar of Titles under the Registration of Titles Act. In this case, the Applicant sought an order that the Respondent makes a discovery on oath for the production of the mutation and transfer instruments and certificates of title to show the current registered owners of land Comprised in Busiro Block 405-406 plots 734, 735, 1523 among others. Court inter alia held that

> "*It is trite that matters of land registration are the reserve of the Commissioner Land Registration at her various departments and district branches. According to section 37 of the RTA, the Commissioner Land Registration is authorised to maintain a Register Book into which she shall enter all certificates of title bearing all particulars of dealings on the land they present. In the premises, I am persuaded that the documents being*

[460] Supra Note 83, Section 37.
[461] Supra Note 83, Section 154.
[462] Supra Note 14, Section 88.
[463] Supra Note 14, Section 151.
[464] https://www.mlhud.go.ug.
[465] Misc. Application No. 1274 of 2013.

sought are in the possession of the Respondent and it is in her powers alone to produce them."

The deduction from the above discussion is that the Commissioner Land Registration is the institution with the overall responsibility for the registration of Mailo, Freehold and Leasehold tenures in Uganda.

Further, in St. Mark Educational Centre Ltd v Makerere University[466] (Civil Appeal No. 40 of 1997) UGCA 20, the Court of Appeal addressed the issue of fraudulent land transactions and the indefeasibility of registered titles. Makerere University, the original registered proprietor, challenged the transfer of its land to St. Mark Educational Centre Ltd, arguing that the title had been obtained fraudulently. The court held that while a certificate of title issued under the Registration of Titles Act (Cap 240) is conclusive proof of ownership, this principle does not apply when the title has been acquired through fraud. The court reaffirmed that fraud vitiates all transactions, meaning that no party can obtain good title through deceit or illegal means. The ruling further emphasised that the Commissioner for Land Registration has the authority to rectify the register and cancel fraudulently acquired titles. Additionally, the court clarified that bona fide purchasers are only protected if there is no evidence of fraud in the chain of title. This case is significant in reinforcing the principle that land transactions must be conducted in good faith and in compliance with legal procedures. It also illustrates the judiciary's role in upholding tenure security by preventing fraudulent dealings and ensuring that land ownership rights are not undermined by illegal transactions.

In *Patel v Commissioner Land Registration & Ors*[467], the High Court examined the impact of fraudulent transactions on land registration and ownership rights. The plaintiff, Patel, sought to reclaim land that had been fraudulently transferred to third parties through forged signatures and falsified documents. The court ruled that any land transaction procured by fraud is void ab initio and does not create a valid title. It held that fraud not only nullifies a title but also prevents the fraudulent party from passing any legitimate ownership rights to subsequent purchasers, regardless of whether they were aware of the fraud. The Commissioner for Land Registration was directed to cancel the fraudulent entries and restore the land to its rightful owner. This case reinforced the legal principle that fraudulent land transactions cannot be cured by registration and that land acquired through fraud must be returned to the lawful proprietor. Furthermore, it underscored the duty of land registration authorities to ensure due diligence in verifying land

[466] St. Mark Educational Centre Ltd v Makerere University (Civil Appeal No. 40 of 1997) UGCA 20.
[467] Patel v Commissioner Land Registration & Ors (HCCS No. 87 of 2009) UGHCLD 1.

ownership before issuing titles. The ruling also emphasised that even where a third party has acquired the land, if the initial transaction was fraudulent, the title remains defective.

In *Commissioner Land Registration & Anor v Lukwajju [2017] UGSC 5*[468], the Supreme Court of Uganda examined the extent to which fraudulent land transactions can be rectified by the Commissioner for Land Registration. The dispute arose when Lukwajju, the respondent, challenged the registration of his land in the name of another party, claiming that the transfer had been obtained through fraudulent misrepresentation and forgery. The Commissioner for Land Registration had initially declined to rectify the register, arguing that the title had already been transferred to a third party. Though, the Supreme Court ruled that under the Registration of Titles Act (Cap 240), the Commissioner has the authority to cancel any entry in the land register where fraud is established, as fraudulent transactions do not create legally valid ownership rights. The court emphasised that land registration does not cure fraud and that an invalid transaction remains legally void, regardless of whether subsequent purchasers acted in good faith. It further reinforced that a fraudulent title does not enjoy the protection of indefeasibility under the Torrens System and that courts have the power to restore ownership to the rightful proprietor. This case is significant in affirming the Commissioner's duty to investigate and rectify fraudulent land dealings rather than merely relying on procedural formalities to uphold defective registrations. Importantly, the Lukwajju decision sits squarely within the doctrinal framework established in Patel, which held that indefeasibility under the Torrens system is not absolute and cannot shield a title procured through fraud. Whereas Patel articulated the foundational principle that fraud vitiates title, Lukwajju operationalises that principle by clarifying the Commissioner's administrative and corrective powers under the Registration of Titles Act. Rather than departing from Patel, Lukwajju deepens and applies its reasoning by demonstrating that the Commissioner must take active steps to undo fraudulent entries, thereby translating the judicial doctrine in Patel into an enforceable administrative obligation. It is important to note that the Lukwajju decision does not depart from the principle established in Patel; rather, it reinforces and applies it. Whereas Patel laid down the foundational doctrine that fraud vitiates title and renders a fraudulent registration void ab initio, Lukwajju operationalises this principle by clarifying the Commissioner's powers under the Registration of Titles Act to cancel fraudulent entries and restore land to the rightful owner. The Supreme Court in Lukwajju did not contradict Patel but instead confirmed that indefeasibility of title does not protect a registration obtained through fraud. Therefore,

[468] Commissioner Land Registration & Anor v Lukwajju [2017] UGSC 5.

Lukwajju strengthens and extends the application of the rule in Patel, rather than departing from it.

The Uganda Land Commission

The Uganda Land Commission is established under the Constitution[469] and the Land Act[470] as a corporate body. Membership of the Commission consists of a chairperson and four or more members appointed by the president with Parliament's approval.[471]

The functions of the Uganda Land Commission include holding and managing land owned or acquired by the government in Uganda and abroad; procuring certificates of title for any land owned or procured by the government; and perform such other functions that may be prescribed by any other statute. Under the Land Act,[472] the Uganda Land Commission is charged with the management of the Land in Uganda which is vested in or acquired by the Government in accordance with the Constitution.[473]

It the performance of its functions, the Commission is ordained with powers to acquire and hold land rights, easements or interests in land; erect, alter, enlarge, improve or demolish any building or other erection on any land held by it; sell, lease or otherwise deal with the land held by it; cause surveys, plans, maps, drawings and estimates to be made; or do such other things incidental to the exercise of those powers and the performance of those functions.[474] The Commission may also act upon any policy directions from the Minister for Lands.[475]

From the above it is clear that the overriding responsibility of the Uganda Land Commission is to hold and manage government owned land and manage dealings and transactions over state-owned land.[476]

Despite its enormous mandate, the Uganda Land commission is inefficient and muddled with corruption.[477] The inefficiency of the Uganda Land commission is exhibited by lack of professionals in sensitive positions, the Commission is stationed in Kampala yet it owns land all over the country, overlaps in mandate with other institutions like the District Land Boards

[469] The Constitution of Uganda, 1995, Article 238.
[470] The Land Act Cap 236 section 47.
[471] The Constitution of Uganda, 1995, Article 238(2).
[472] The Land Act section 50 (a).
[473] The Constitution of Uganda 1995, Article 239.
[474] The Land Act Cap 236, section 50.
[475] Ibid.
[476] The Constitution of Uganda, Article 239.
[477] Agnes Kirabo et al., Complexities and Conflicting Systems and Structures Breeding Corruption in the Land Sector: A Case of Uganda, 2019, https://archive.uneca.org/sites/default/files/uploaded-documents/CLPA/2019/Papers/Land-governance-environment/conference_paper_on_corruption_in_the_land_sector_1.pdf.

which under the law are also lesser on public land.[478] In addition to inefficiency, the Uganda Land Commission is accused of fraudulent transactions regarding land under its management.[479] The officials of the commission have, on multiple occasions, been found to illegally allocate state-owned land to powerful and wealthy individuals without regard to established procedure and transparency. For example, in recent developments, the Parliamentary committee on commissions, statutory authority and state enterprises (COSASE) launched a probe into the illegal allocation of land belonging to the Uganda Railways Corporation to investors by officials from the Uganda Land Commission.[480] Among the findings from this probe was that the ULC gave out more land than was approved by Parliament.[481]

In addition, the Uganda Land Commission has also been found to interfere with the functions of district land boards. For example, a report by ACODE revealed that in the districts of Mbale, Jinja, Lira and Apac, the ULC was issuing lease offers on lands that had since reverted to the Local Governments and without the knowledge of the district land boards.[482] The foregoing all illustrate that the ULC as an institution tasked with land management isn't really as airtight and immune to corruption and impunity, which take a heavy toll on overall credibility of the institution in land management.

District Land Boards

These were formed with a decentralisation agenda to allow for the participation of the people at lower local governments in their affairs.[483] They are established by the Constitution[484] and the Land Act[485] and are independent of the Uganda Land Commission or control from any person or authority. As of September 2015, there were eighty-eight (88) approved district land boards in the country.[486] The number of District Land Boards has not changed since then.

Like the Uganda Land Commission, the District Land Boards are corporate bodies with five or more members.[487] The members consist of a chairperson, a representative of municipal

[478] Beatrice Nyakaisiki Byenkya, "Uganda Land Commission: Challenges and Reforms," Uganda Radio Network, 2019, https://en.wikipedia.org/wiki/Beatrice_Byenkya.
[479] Ibid.
[480] The Observer, 25 November 2021.
[481] Ibid.
[482] Akena W & Ssemakula EG: Land Management and Governance in Local Government, Opportunities and challenges for District Land Boards in Uganda, pp6-.7
[483] Supra Note 406.
[484] The Constitution of the Republic of Uganda, article 240.
[485] Supra Note 14, Section 57.
[486] Ministry of Lands, Housing and Urban Development, District Land Boards 2015
[487] The Constitution of Uganda 1995, Article 238 and 240.

councils, a representative for urban councils, and a member representing each county in the district.[488] The tenure in office for members is five years, after which they are still eligible for reappointment.[489]

Additionally, in the spirit of decentralisation, each district council is to have a district land office comprising the offices of the district physical planner, the district land officer, the district valuer, the district surveyor and the district registrar of titles.[490] The purpose of the land office is to provide technical services to the board to facilitate the board in the performance of its functions.

The functions of a district board include holding and allocating land in a district which is not owned by any person or any authority. In the case of *Yowerei Bamuhiga & 5 Ors v Christine Mugarra & 2 Ors HCCS No. 0068 of 2006 and 0078 of 2006,* the High Court of Uganda emphasised the need to balance District Land Boards' powers to authority to alienate land in a district not owned by anyone, to anyone by grant of an estate in leasehold or freehold, and their duty to safe guarding citizens interests in land. In this case, the Bundibugyo District Land Board, together with other defendants, was sued for, inter alia, unlawfully leasing the suit land to the other Defendants. Court emphasised that while by virtue of Article 241 of the Constitution of the Republic of Uganda, 1995, and Section 59 of the Land Act all land in a District not owned by any individual or authority is vested in the District Land Boards who have authority to alienate it to anyone by grant of an estate in leasehold or freehold, they must take into account, inter alia, the particular circumstances of different systems of customary land tenure within the district. Having established that the Plaintiffs were lawful occupants on the suit land under customary tenure, Court held that the District Land Board could not at all lawfully alienate the suit land to the detriment of the plaintiffs; just as it could never at all alienate land held in freehold or leasehold to the detriment of such landholder.

District Land Boards facilitate the registration and transfer of interests in land, particularly in relation to applications for Certificates of Customary Ownership and Certificates of Occupancy, as provided under Sections 4, 5, and 7 of the Land Act, Cap. 236.[491] Furthermore, they take over the role and exercise the powers of the lessor in the case of a lease granted by a former controlling authority; cause surveys, plans, maps, drawings and estimates to be made;

[488] Ibid.
[489] Ibid.
[490] The Local Governments Act Cap 138, Section 10.
[491] Uganda, "The Land Act, Cap. 236," 2023, https://ulii.org/akn/ug/act/1998/16/eng@2023-12-31.

compile and maintain a list of rates of compensation payable in respect of crops, buildings of a non-permanent nature and any other thing that may be prescribed. Every year, District Land Boards review the list of rates of compensation. [492]In compiling a list of rates of compensation, a board may consult the technical officers in the district for guidance. [493]In addition, a district land board may perform its functions under the name of the institution of a traditional leader or cultural leader, although the same shall not be allowed to exercise power of direction or control over the board.[494]

District land boards also make decisions in applications to convert land from customary tenure to freehold.[495] They also decide on applications for conversion of leasehold out of former public land to freehold.[496]

In the exercise of its functions, a district land board is empowered to acquire interests in land or easements; erect, alter, enlarge, improve or demolish any building on any land it owns; sell, lease or otherwise deal with land held by it; and do such other things it thinks necessary for the exercise of its powers and the performance of its functions.[497]

Like the Uganda Land Commission, District Land Boards have been accused of using their power to facilitate corruption and land grabbing. For example, in a recent probe by the Minister of State for Lands, Hon. Mario Obiga Kania, it was discovered that several officials from Bunyoro-region land boards are fuelling land grabbing through the issuance of land titles to the rich at the expense of the poor.[498]In Kiryandongo, the Land Protection Unit arrested a senior lands officer at the Kiryandongo District Land Board for land fraud that caused a forced displacement of thousands of natives from their land.[499]Similarly, the Minister of Lands, Housing and Urban Development, Hon. Judith Nabakooba, ordered for the arrest of the Buikwe district land board secretary and also suspended the operations of the land board over mismanagement in land transactions involving illegal evictions and land grabbing.[500] All the foregoing illustrations serve to show that the district land boards are a pressure cooker for land mismanagement and grabbing.

[492] The Land Act, Cap. 236, Section 60.
[493] The Land Act, Cap. 236, Section 60(6).
[494] The Land Act, Cap. 236, Section 60(3).
[495] Reg. 10, Land Regulations, 2004.
[496] Supra Note 459, Reg. 14.
[497] Supra Note 14, Section 61(2).
[498] The Independent, 7 October 2021.
[499] Land Portal June 2021.
[500] Uganda Update, 2 October 2021.

Land Committees

Every parish, and every gazetted urban area and each division in the case of a city, is required to have a land committee consisting of a chairperson and three other members appointed by the district council, and by the council on the recommendation of the urban council and on the recommendation of the city division council in the case of a city.[501]

The functions of the land committee include advising the district land board on matters relating to land, including ascertaining rights in land, as well as other functions conferred upon it by the Land Act or any other law.[502]

Other functions include receiving applications for Certificates of Customary Ownership,[503] after receipt of which the committee is required to determine, verify and mark the boundaries of all interests in land subject of the application. They demarcate rights of way and other easements over subject land. They also apply common law to adjudicate any dispute in respect of any land referred to them by any person or the subject of the application. They record individuals who have exercised rights under customary law over the land subject of any application. Furthermore, land committees advise district land boards on any question of customary law and assist in safeguarding the interests and rights of women, absent persons, minors and PWDs in any land which is the subject of an application; and any interest in land in respect of which no claim has been made.[504] Land Committees also handle applications for certificates of occupancy.[505] In the performance of these duties, the committee is baptised with power to hear and receive evidence which would otherwise not be admissible in a court of law; call evidence of its own motion; use evidence contained in any official record or adduced in any other claim; make referrals of matters to any customary institution habitually accepted within the parish as an institution with functions over land; and, generally determine its own procedures.[506] In addition, the chairperson of the committee is ordained with power to administer oaths and to issue summonses, notices and orders requiring the attendance of persons and the production of documents.[507]

[501] Supra Note 14, Section 65(1) & (2).
[502] Supra Note 14, Section 65(7).
[503] Reg. 3, Land Regulation, 2004.
[504] Supra Note 14, Section 65.
[505] Supra Note 459, Reg. 4.
[506] Supra Note 14, Section 5(2)(a), (b) & (c).
[507] Supra Note 14, Section 5(3).

The Committee also receives applications for conversion of customary tenure to freehold.[508] Upon receipt of the application, the committee is mandated to submit a report and recommendations to the district land, which will in turn cause the land to be surveyed before the application can be approved.[509] The process of converting customary tenure to freehold tenure in Uganda is governed by the Land Act (Cap 227)[510] and involves multiple stages of administrative and legal scrutiny to ensure compliance with statutory requirements. Upon receipt of an application for conversion, the Area Land Committee is responsible for conducting a physical inspection of the land to ascertain occupancy, boundaries, and any potential disputes. The committee then compiles a report with recommendations, which is submitted to the District Land Board for further review. If the application is deemed valid, the District Land Board issues an Instruction to Survey, authorizing a government-licensed surveyor to demarcate and map out the land in accordance with the provisions of the Survey Act and the Registration of Titles Act, Cap. 240. The applicant is required to engage a certified surveyor to undertake this process, and a technical report and cadastral map must be submitted to the Ministry Zonal Office (MZO) for verification and approval. Upon successful survey completion, the District Land Board formally approves the application, and the records are forwarded to the Commissioner for Land Registration, who processes the freehold title deed. Once all legal and administrative checks are finalized, the land title is issued to the applicant, formally converting the land from customary tenure to freehold tenure.

Furthermore, the Committee receives applications for Certificates of Occupancy. Upon receipt of an application, the committee is mandated to determine, verify and adjudicate on boundaries of land the subject of the application.[511] In the exercise of this function, the committee is empowered to hear evidence, call evidence of its own motion, use evidence contained in any official record, and to generally determine its procedures.[512]

Despite their importance in land registration and governance, there are growing concerns over the competence of land committees in many districts. A report by ACODE reveals that land committees are poorly facilitated in terms of resources, infrastructure and personnel, and often lack supervision from the local government leaders resulting in corruption and over-

[508] Supra Note 459, Reg. 10.
[509] The Land Act Cap 236, Section 5.
[510] Ministry of Lands Housing and Urban Development, The Uganda National Land Policy Implementation Action Plan 2015/16 – 2018/19. Kampala: Ministry of Lands, Housing and Urban Development (2015).
[511] Ibid.
[512] Supra Note 14, Section 34(3)(a).

exploitation of land applicants.[513]This undermines their efficacy and efficiency in dealing with land transactions and overall land management. The challenges associated with land committees include the failure to follow established procedures in dealing with land matters usually due to minimal efforts to skill committee personnel and sometimes incompetency and impunity. The incompetency and impunity are often a result of politicizing appointments to the committees whereby former campaign agents or individuals with strong political ties are appointed to land committees, often lacking the requisite competence and knowledge in handling matters. Corruption is also major concern right from the committees to the district land boards.

Recorders

There is a Recorder for each sub-county, gazetted area and each division in the case of a city who is answerable to the district land board. In the case of rural area, the sub-county chief is the recorder; in a gazetted urban area, the town clerk is the recorder; and, in every division of a city, the assistant town clerk in charge of the division is the recorder.[514]

The overall responsibility of the Recorders is to keeping records relating Certificates of Customary Ownership and Certificates of Occupancy, and to deposit a copy of each Certificate of Customary Ownership and Certificate of Occupancy with the district land board.[515]

Under the Land Act[516], it is the Recorder who issues a Certificate of Customary Ownership and ensures that any conditions or restrictions that are agreed upon are reflected on the certificate.

Additionally, it is the duty of the Recorder to issue certificates of occupancy to tenants-by-occupancy after the landlord has granted consent to such issuance and to deposit the certificate with the district land board, which shall accordingly lodge it as an encumbrance on the respective title.[517]

Like the foregoing institutions, the recorders are not immune from corruption and being used by the powerful and wealthy to defeat the interests of the poor in land.[518] In addition, like the

[513] Akena W &Ssemakula EG: Land Management and Governance in Local Government, Opportunities and challenges for District Land Boards in Uganda, pp6-7.
[514] Supra Note 14, Section 69.
[515] Supra Note 14, Section 69(2).
[516] Supra Note 14, Section 7(5).
[517] Supra Note 14, Section 34(8) & (9).
[518] Nakayi R and Monica Twesiime-Kirya: The Legal, Policy and institutional Framework of Land Governance in Uganda: A Critical Analysis. 2017 at page 31.

land committees, they are under facilitated and under resourced which further weaken their operations and functions in overall land management.[519]

Local Government Councils (Local Council One)

While the Local Council One office is a formal institution in Uganda, for purposes of land registration they are informal. The Local Council one is the smallest administrative unit in Uganda. Local Council one is composed of a committee of eleven individuals headed by the Chairperson.[520] The role of the Local Council Committee is to assist in maintenance of law, order and security, serve as a communication channel between the government, the district or higher local council and the people in the area, and generally monitor projects and other activities undertaken by the government, local governments and non-governmental organisations in the area among others.[521] The role of the chairperson is to preside over the meetings of the local council and monitor the general administration of the area under their jurisdiction.[522] The chairperson of local council one is elected by the residents of the area[523] and chief among his/her duties is to keep law and order in the area.[524] Due to their standing in society and based on the perspectives of the participants in the study, the chairpersons of Local Council One play a vital role of informal registration of land transactions within their jurisdiction. Because they are the smallest administrative unit in the area, residents trust the Local Council One with their land transactions and their execution of land transfer deeds at their level provides a certain level of protection to the landowners. Even though majority of land transfers at lower council levels are facilitated by the Local Council One based on trust, in some instances, the trust has been abused which has seen some landowners lose their land; for instance, in Kangulumira Sub-county, Kayunga District, a Local Council One Chairperson was arrested for facilitating a sale of one piece of land to 5 different persons.

[519] Ibid.
[520] The Local Governments Act Cap 138, Section 49.
[521] Supra Note 484, Section 52.
[522] Supra Note 484, Section 53.
[523] Supra Note 484, Section 123(2).
[524] Supra Note 484, Section 53.

In addition to facilitating land transactions, Local Government Councils are also instrumental in dispensing land justice and resolving land disputes. In Uganda, there is established a local council court at every village, parish town, division and sub-county.[525] Their territorial jurisdiction is restricted to causes and matters arising within the territorial area of the council for which the court is established and to causes and matters arising elsewhere if the defendant or accused is ordinarily resident within that area.[526] These courts have jurisdiction to try and determine, inter alia, matters relating to land.[527] Local Council Courts have powers to make orders for reconciliation, declaratory reliefs, compensation, restitution, costs, apology, attachment and sale, or impose fines or community service, among others.[528] Their origin stems from the 'Bush War' of the 1980s by the National Resistance Movement. Since then, they have survived with various modifications.[529]

The Uganda Police Force Land Desks

The Uganda Police Force, established under the Police Act,[530] is mandated to protect life, property, and individual rights. In response to increasing land-related conflicts, the Uganda Police Force established the Land Protection Unit in 2008 following a presidential directive. The unit was created to protect vulnerable and less privileged individuals from land grabbing and other related injustices.[531] It also aims to prevent illegal evictions across the country, with particular focus on high-risk districts such as Wakiso, Mubende, Mukono, Mpigi, Kiboga, and Lyantonde with the mandate to, inter alia, protect life, property and other individual rights.[532] The Uganda Police Force through its Land Protection Unit has been instrumental in creating awareness on land-related crimes, their role in preventing land evictions, and overall protecting the interests of individuals in land.[533] According to findings from a study on the role of Uganda Police Land Desks in Conflict Management in Mukono and Wakiso districts, 26, 75% of the

[525] Local Council Courts Act, Cap. 18, Section 3.
[526] Ibid., Section 9.
[527] Ibid, Section 10(1)(e).
[528] Ibid, Section 13.
[529] Nakayi, "the role of local council courts and traditional institutions in resolving land disputes in post-conflict Northern Uganda" 7 (2013).

[530] Police Act, Cap. 324, Section 2.
[531] Muganzi Edson Rusetuka and James Zotto, Jr, "Role of Uganda Police Land Desks on Conflict Management in Wakiso and Mukono Districts," International Journal of Social Science and Human Research 05, no. 06 (June 24, 2022), https://doi.org/10.47191/ijsshr/v5-i6-83.
[532] Rusetuka and Zotto, Jr, "Role of Uganda Police Land Desks on Conflict Management in Wakiso and Mukono Districts."
[533] Muganzi Edson Rusetuka and James Zotto, Jr, "Challenges Facing Uganda Police Land Desks in Managing Conflicts in Wakiso and Mukono Districts," International Journal of Social Science And Human Research 05, no. 06 (2022): 2531–40, https://doi.org/10.47191/ijsshr/v5-i6-81.

respondents agreed that the police land desk carried out sensitizing of communities on crimes associated with land wrangles and their penalties.[534] 27.27% of the Respondents expressed that the police land desk controls eviction of people from their land and 27.79% testified that the land desk authorizes the protection of sites where land wrangles are taking place.[535] Though, notwithstanding its achievements in safeguarding, the Land Desk, has in the wrong hands been an accomplice in land injustices. According to the foregoing study in Mukono and Wakiso, 70% of the Respondents expressed that the police are ineffective.[536] Another study revealed that there was corruption in the land desk.[537] Police has also been implicated for conniving with land grabbers to grab land and destroying property.[538]

4.1.5.2 Non-state Institutions

These are majorly traditional institutions. The Constitution of Uganda allows for the existence of institutions of traditional or cultural leaders, per the customs and traditions of a given people. In addition, the Constitution recognises customary tenure as one of the land tenure systems in Uganda and it is regulated largely by local customary rules in specific areas or among certain groups of people.[539] The yardstick for the validity of a custom is provided for in the Constitution which prohibits customs and traditional practices which are against the dignity of women and other marginalised groups.[540] While established through a formal process, these institutions generally have a mandate that is not prescribed or provided for explicitly in any written law. They are largely self-regulated, usually through customs and traditions which may deal with registration of land, establishment of ownership, leasing, as well as dispute resolution.[541] They are wide spread especially in the northern parts of the country such as Acholi land.

Buganda Land Board

The Buganda Land Board was first established as a public body in 1962 under the 1962 Independence Constitution. Under Section 118, the 1962 Constitution created, for Uganda, a

[534] Rusetuka and Zotto, Jr, "Role of Uganda Police Land Desks on Conflict Management in Wakiso and Mukono Districts."
[535] Ibid.
[536] Ibid.
[537] Ibid.
[538] Franklin Draku, "Police, Land Grabbers on the Spot for Connivance," Monitor, July 20, 2021, https://www.monitor.co.ug/uganda/news/national/police-land-grabbers-on-the-spot-for-connivance-3480038.
[539] The Constitution of the Republic of Uganda, article 32(2).
[540] Ibid, article 33(6).
[541] Nakayi R & Twesiime- Kirya: The legal, Policy and Institutional Framework of Land Governance in Uganda: A critical Analysis 33.

Land Commission, and for each Federal State and each District, a Land Board.[542] The Land Board for the Kingdom of Buganda was to consist of not more than eight members appointed by the Kabaka. The function of Land Boards was to hold and manage, for the benefit of the people of the State or District, any land vested in it by any law or acquired by the Government of the State or the Administration of the District, as the case may be, and shall have such other powers and duties as may be prescribed by Parliament or, in the case of the Land Board of the Kingdom of Buganda, by any law in force in that Kingdom. Upon the abolition of Kingdoms in 1965 and the promulgation of the 1965 Constitution, the Buganda Land Board ceased to exist.[543] Whereas the Buganda Land Board under the 1962 Independence Constitution was a public body with a Constitutional mandate, the current Buganda Land Board is a private body. It is a professional body established by the Kabaka of Buganda to manage all land and property returned under the Restitution of Assets and Properties Act of 1993.[544] The Buganda Land Board's private status was confirmed by the Court of Appeal in the case of *Kabaka of Buganda v Male H. Mabirizi Kiwanuka CACA NO. 184 OF 2017*. This case arose out of discovery proceedings in HCMC No. 162 of 2016 wherein the Respondent had challenged the Buganda Land Board's imposition of registration at a fee of persons living on official Mailo land registered in the Kabaka's names. The Respondent contended that this contravened Article 246(3)(a) of the Constitution and the Traditional Rulers (Restitution of Assets) Act. He also challenged the Buganda Land Board's collection of a 10% charge of the sale value of land/kibanja on official Mailo registered in the Kabaka's names.

Nevertheless, beyond the constitutional and administrative dimensions raised in the Mabirizi case, it is equally important to consider the doctrines of limitation and adverse possession as potential legal mechanisms for citizens to defend themselves against land grabbing. The Mabirizi application was essentially a public law challenge focused on whether statutory bodies had complied with their legal obligations to disclose, release and permit inspection of land records, and the Court's mandate was therefore confined to questions of procedural legality, administrative fairness and the proper exercise of statutory duties. Because the issues before the Court concerned transparency in land administration rather than competing rights to occupy or own land, the judgment did not engage with the substantive private law questions of possession, occupation, or the protection of long-term holders against dispossession. As a

[542] A.B. Mukwaya: Land Tenure in Buganda: Present day Tendencies, Pg. 15. Eagle Press, Kampala, 1953.
[543] Akena W & Ssemakula EG: Land Management and Governance in Local Government, Opportunities and challenges for District Land Boards in Uganda, pp6-7
[544] Ibid. pp 21-31.

result, the decision provides clarity on access-to-information obligations within Uganda's land governance framework but offers no guidance on doctrines that regulate the defence of longstanding possession in land disputes. Under Uganda's Limitation Act,[545] long and uninterrupted occupation of land for 12 years may confer possessory rights that can be asserted even against registered proprietors who have neglected or abandoned their claims. Adverse possession, while not expressly codified in Uganda's land laws, has been recognized in judicial decisions as a principle that protects occupiers who have possessed land openly, peacefully, and continuously for twelve years or more. These doctrines operate as equitable shields for occupants who may lack formal titles but have demonstrated longstanding possession. In the context of land conflicts involving institutions such as the Buganda Land Board, limitation and adverse possession provide alternative legal defences for tenants and bibanja holders who have occupied land in good faith and made improvements over extended periods. Such mechanisms strengthen tenure security and can prevent the unjust displacement of long-term occupants.[546] The Court of Appel found that whereas the Respondent alleged that the Appellant had infringed on his and other unnamed persons' right to property under Article 26 of the Constitution, the Kabaka of Buganda and the Buganda Land Board are not a governmental or public authority who wields governmental powers. Court also found that the facts as disclosed pointed to private rights rather than infringement of fundamental human rights or freedoms.

The relevance of the Buganda Land Board to this topic cannot be overstated as Kayunga District is one of 13 districts within its coverage, alongside Kampala, Wakiso, Mukono, Mpigi, Masaka, Rakai, Mubende, Sembabule, Mityana, Nakasongola, Luwero and Lyantonde.[547] The sole mandate for which it was established is to manage all land and property under the auspices of the Kingdom of Buganda on behalf of the Kabaka.[548] Such property comprises the Kabaka's official 350 sq. miles of land from the 1900 Buganda Agreement, the Namasole's 10 sq. miles of land, the Lubiri at Mengo, the Butikkiro, the Buganda Court Building, Kabaka's lake, and several other assets.[549] Its mandate also extends to properties outlined in the 2013 agreement between the President of Uganda and His Majesty the Kabaka.[550]These include former estates of Buganda Kingdom comprising of land in urban centres or towns; land where former

[545] "The Limitation Act, Cap. 290, Laws of Uganda," 2021.
[546] Nakayi, The Role Of Local Council Courts And Traditional Institutions In Resolving Land Disputes In Post-Conflict Northern Uganda.
[547] Buganda land board 2021.
[548] Buganda Land Board Clients' Charter 2017.
[549] Ibid.
[550] Ibid.

administrative headquarters were situated; land not claimed, utilised or occupied by any lawful or bonafide occupant; land on Mityana road; and, former Buganda Kingdom markets.[551]

Despite being a non-state entity, the Buganda Land Board has significantly contributed to land governance and land justice. It recognises three categories of tenants by occupancy, namely; existing settlers, those deriving their interests through bibanja acquisition, and those seeking new parcels of land from the Board. [552] The Buganda Land Board encourages and facilitates voluntary regularized occupancy and security of tenure through registration and title acquisition. Tenants by occupancy may either choose to remain as such and pay nominal ground rent under the Land Act,[553] or they can upgrade their tenure by securing leasehold land titles for a term of 49 years and 99 years, depending on the interests of the land owner and the nature of developments for which the lease is sought. The titles issued by the Buganda Land Board are recognised by courts of law and financial institutions as evidence of the Kibanja holder's legal interest in land.[554] Additionally, the Buganda Land Board has been instrumental in fighting fraud. A recent example is the case of *Kabaka of Buganda v. Solomon Luwalala & 3 Ors HCMA No. 3672 of 2023*. In this application, the Kabaka of Buganda applied to Court to review its decision in Civil Suit No. 528 OF 2014, wherein it had ordered Uganda Land Commission to compensate the family of the late Sir Apollo Kaggwa or illegally having sub-divided the suit land. According to the Applicant, contrary to the Respondents' assertion that the land belonged to the late Sir Apollo Kaggwa, the suit land was instead an official Mailo estate of the Kingdom of Buganda having been allotted as an official Mailo estate. It was therefore part of the official estate of the Kabaka of Buganda and not the private estate of the late Sir Apollo Kaggwa. They thus argued that the Respondents had no right to claim for compensation for it. The Court determined that the application established sufficient cause and set aside its earlier judgment.

4.2 Evolution of the law on land registration and land rights in Uganda

The law is not static, it changes with time depending on the needs of society, which needs are often influenced by development.[555] The change in law has a deeper and profound effect on

[551] Ibid.
[552] Ibid.
[553] Supra Note 14, section 31(3).
[554] Nakayi R & Twesiime- Kirya: The legal, Policy and Institutional Framework of Land Governance in Uganda: A critical Analysis 21-31.
[555]Ssekandi, Francis M (1983) "Autochthony: The Development of Law in Uganda," NYLS Journal of International and Comperative law 5.

society and directly impacts the rights and obligations of persons in society.[556] The law on land registration and land rights in Uganda has had its fair share of development over the past couple of centuries, from informal to formal systems of land registration, to persistent changes to the same in search for a perfect solution to the emerging problems created by the tenure systems, and the need to create security of tenure and protection of the land rights of different land owners.[557] The law on land registration in Uganda has evolved overtime from informal (pre-colonial period) to the formal (colonial period to date).

4.2.1 The Law on land Registration and Land Rights in Pre-colonial Uganda

Before colonialism, land holding in Uganda was informal. Different ethnic groups across Uganda had different practices of customary tenure and used land mainly for grazing animals and growing crops.[558] In Buganda, there were at least four categories of rights of control over land. These rights included rights of clans over land which was comprised of ancestral grounds and was not alienable to strangers, rights of the *Kabaka*[559] (Kabaka is the title of the king of Buganda, a tribe in central Uganda)[560] who held paramount title to all land in Buganda and who could grant land to chiefs, individual hereditary rights stemming from long undisputed occupation of land or from an original grant by the *Kabaka*, and peasant rights of occupation which involved the peasants in Buganda choosing a chief under whom to live.[561]

In general, customary tenure revolved around kings and chiefs who allocated land to clans and community households according customary norms and practices.[562] It recognised both individual and communal holding of land. Every person and household had a right to access the land for their subsistence.[563] This right of subsistence came from either the lineage or the clan head or from the chief to whom the individual pledged allegiance. In most of the ethnic groups, the individual on the land had the right to utilise the land as he best thought, to rent out his piece of land or grow crops on it for sell or consumption.[564] The individual also had rights to sell the land subject to the approval of the family, to dispose of the land according to the

[556] Mwebaza Edward, A Historical Perspective of the Land Problem in Uganda 7.
[557] Elizabeth Cooke, Land Law and Registration Today (2020).
[558] Rugadya, M. (1999). Land reform—The Ugandan experience. Land use and villagization Workshop, Hotel de Mille Collines in Kigali, Rwanda, 20–21 September 1999.
[559] A.B Mukwaya, Land Tenure in Buganda at page 2.
[560] https;en.wikipedia.org>wiki>kabaka_of_Buganda, accessed on 20th September 2023.
[561] A. B Mukwaya, Land Tenure in Buganda: Present day tendencies at page 5-6. The Eagle Press, Kampala 1953.
[562] Susana Lastarria-Cornheil: Uganda Country Brief: Property Rights and Land Markets.
[563] Supra note 42.
[564] Ibid.

laws of customary inheritance, prevent others from using the land near his homestead, and to fence his homestead.[565]

The clan or family had the power and right to settle land disputes, exercise the right or option to buy any land offered by its members, prohibit the sale of clan land to undesirable persons and declare void any land transaction that did not receive its approval. The general community had rights to graze communally, but damage to crops had be made good.[566] These traditional land rights were governed through unwritten customary rules and norms which were orally passed on from generation to generation.[567]

In pre-colonial Uganda, rights to land were based on community, clan, or family membership instead of legal documentation and were often marked by natural features or through oral traditions and rituals. [568] These practices ensured that land was accessible to all members of the community and managed in a way that preserved it for future generations.[569] The systematic management and use of land by ethnic groups in Uganda before colonialism and their dispute settlement mechanism despite being informal was simple, purposeful and created harmony in society. These customary systems were not ready for what was to come in the advent of colonialism. The period shortly before colonialism was very disturbed. Between 1884 and 1900, there were four Kings in Buganda, three civil wars and a number of minor disturbances.[570] Each of these events meant changes among holders of high political offices and subsequently among their followers.[571] These Civil wars were responsible for the wholesale transfer of large sections of the population from county to county which obliterated the traditional systems of land tenure and the settlement patterns of the Baganda.[572]

Whereas interests in land were not registered in the precolonial period, the customary system of land use and management worked well in protecting people's rights to property and land

[565] Ibid.
[566] Ibid.
[567] Samuel B. Mabike: Historical Continuum of Land Rights in Uganda: A Review of Land Tenure Systems and Approaches for Improving Tenure Security, Journal of Rural Studies (2016)
[568] Landnet Uganda. (2022). Establishment of a customary land registry in Uganda [Issues and position paper]. https://www.landnet.ug/landwatch/wp-content/uploads/2022/02/LandRegistration_IssuesPaper.pdf; Nampwera, C. (2022). Uganda's land tenure systems and their impact on development. Makerere Law Journal, 51(12), 1- 29. ; Landnet Uganda. (2021). Customary land registry resource book. https://www.landnet.ug/landwatch/wp-content/uploads/2021/10/The-CustomaryLand_Resourcebook.pdf
[569] Ibid.
[570] A. B. Mukwaya: Land Tenure in Buganda, Present day Tendencies. The Eagle Press 1953.
[571] Ibid.
[572] Ibid.

disputes could easily be resolved.[573] Even though land was not highly commercialised at the time, it was difficult for one to grab land under this system, this is because the society worked in harmony to protect owners land rights against would be grabbers.[574]

4.2.2 The Law on land Registration and Land Rights in Colonial Uganda

In 1894, the British assumed power in Buganda by declaring a protectorate. The protectorate was expanded to include areas of Bunyoro, Toro, Busoga and Ankole in 1896.[575] The declaration of a protectorate in these areas marked the beginning of colonial rule in Uganda. To entrench themselves, the British signed several agreements with local kingdoms starting with the 1900 agreements with Buganda and Toro followed by Ankole in 1901 and later with Bunyoro in 1933.[576] In Buganda for example, the signing of the 1900 Buganda Agreement[577] heralded a new era of land holding system which drastically changed the way land was held in Uganda by introducing three (3) land tenure systems to wit, Mailo land, Freehold Land and Leasehold Land.[578] By the terms of the Agreement,[579] land was allocated to the *Kabaka* and his family and to the chiefs both in their political capacity and private ownership (1003 square miles) and another 8000 I square miles were allocated to about 1000 chiefs and land owners.[580] The land was allotted on the assumption that they were only conferring in permanent form the ancient rights and privileges possessed by the allottees of the square miles but to their surprise, they discovered that the rights they conferred on the allottees were fundamentally different.[581] In order to legalise these rights and differentiate them from Freehold under English law, a name (Mailo) was coined and the Land law of 1908 was enacted to provide for the Mailo tenure. This law provided that an individual can own up to 30 square miles without special sanction of the Governor, that the Mailo owner can transfer land by sale, gift or will to another person of the protectorate but cannot transfer land or lease it to anyone who is not of the protectorate without

[573] Ashukem Jean-Claude: Land Grabbing and Customary Land Rights in Uganda: A Critical Reflection of the Constitutional and Legislative Right to land. Pp 10-15.
[574] Ibid.
[575] Briggs, Phillip 1996, Guide to Uganda, Globe Pequot Press: Old Saybrook, CT, pp 13-20
[576] Uwechue, Raph (ed) 1996. Africa Today, Third Edition, Africa Books Ltd, pp1554-1557
[577] The 1900 Buganda Agreement significantly impacted land ownership and tenure systems in the Buganda region of Uganda. The agreement formalized the relationship between the Kingdom of Buganda and the British Protectorate and led to the allocation of land to the Kabaka (king), chiefs, and other officials, which was a precursor to individual land ownership and registration. It delineated land into "mailo" and "crown" land, with mailo land belonging to the Buganda government and its officials, while crown land belonged to the protectorate government. This agreement laid the groundwork for subsequent laws on land registration by introducing a more individualized and formalized system of land tenure.
[578] Supra note 412
[579] 1900 Buganda Agreement between the British Special Commissioner and the Chiefs and people of Buganda
[580] Supra note 60
[581] Ibid

special permission of the *Lukiiko*[582] and the Governor, that where a person leaves no will, succession will be ascertained by customary rules of succession, and that customary rights of the people to use of roads, running waters and springs are preserved.[583] The 1900 Buganda Agreement and the Land law of 1908 conferred proprietary rights in perpetuity to individuals as opposed to clans or political functions.[584] To concretise this it was specifically enacted in the land law of 1908 that *"the owner of mailo will not be compelled to give a chief who is superior to him any portion of the produce in money or kind".*[585]

Through the tenure systems created under the 1900 Buganda agreement, the British sought to transition land holding from informal to formal and indeed in 1904, the Registration of Documents Ordinance came into force paving way for formal registration of land.[586] The law provided for compulsory registration of all documents conferring right, title or interest in land save for those of a testamentary nature.[587] This law did not have a chance to take effect as it was superseded by the Registration of Titles Ordinance in 1908.[588] The Registration of Titles Ordinance was based on the Torrens system of land registration and it among others provided the legal framework for Mailo title grants. The Ordinance established a system of both registration of title with a guarantee of indefeasibility, and the principle that all land upon registration must be identified by a proper plan.[589] In a country where prior to 1900, there was no land record, there had to be a process leading to grant of titles that ensured proper recording of those titles. Indeed, after the signing of the 1900 Buganda Agreement, the first steps were taken to establish a Land Survey Department and the first Chief Surveyor who was later designated as the Registrar of Documents arrived in the country in 1901, and work on the Mailo survey of Buganda started in July, 1904, starting in Ssingo county and concluding in Buvuma Islands in May, 1936[590]. The allotment lists were prepared and confirmed by the *Lukiiko*, once confirmed, each claim was further evidenced by the issue of a provisional certificate pending formal demarcation and survey. After survey and production of plans, an *allocatee's* Mailo

[582] The Lukiiko is the parliament of Buganda
[583] Supra note 412
[584] Ibid.
[585] Ibid.
[586] A.B. Mukwaya: Land Tenure in Buganda: Present day Tendencies, Pg. 16. Eagle Press, Kampala, 1953.
[587] Ibid.
[588] Sara Kulata B, Ministry of Lands, Housing and Urban Development: Land Records and Registration in Uganda
[589] Supra note 412.
[590] Supra note 412.

interest was recognised by the issuance of a final certificate (FC) supported by a dimensional plan.[591]

By its nature, the 1908 Registration of titles Ordinance was a provisional law and was replaced in 1922 by the Registration of Titles Ordinance 1922.[592] The 1922 Ordinance was a comprehensive law based on the same principles as the 1908 Registration of Titles Ordinance, as such, it was easy to bring Mailo titles into the system of registration. The 1922 Ordinance also provided for registration of Freehold and Leasehold titles. The proprietors of these titles had rights to use the land exclusively, to sell or gift the same subject to the law, to bequeath the land by way of last will and testament, and they enjoyed security of tenure.[593]

In 1939, the Buganda Government passed the Land (Sale and Purchase) Law which to regulate sale and purchase of land within the Buganda territory. This law sought to extinguish legal rights to land arising from documents that are not registered within a period of two months.[594]

The Land (Sale and Purchase) Law of 1939 made it illegal to sell and to buy land unless the person selling the land is either a registered proprietor of such land or the purchaser or *donee* of an un-surveyed part of mailo land, and a memorial of his interest in such land has been entered in the mailo register.[595]

The creation of mailo titles under the Buganda Agreement and 1908 Land Law did not make provision for the peasants who were customarily occupying land under chiefs in pre-colonial Uganda.[596] The relationship between the Mailo land owner and these people who in the colonial Uganda were referred to as peasants was not clearly defined by the agreement and the law,[597]and it posed a legal challenge that needed immediate attention. To address this, the *Busulu and Envujo* Law of 1928 was enacted to protect the peasants from the mailo owners. The main effect of this law was to consolidate the customary rights of peasants into legal form.[598] The law also allowed use of customary rights where it was silent but in case of a conflict between the customary rights and the Busulu and Envujjo Law, the latter would take

[591] Rugadya, M. (1999). Land reform—The Ugandan experience. Land use and villagization Workshop, Hotel de Mille Collines in Kigali, Rwanda, 20–21 September 1999.
[592] Supra note 412.
[593] Supra note 429.
[594] Supra note 415.
[595] A. B. Mukwaya: Land Tenure in Buganda, Present day Tendencies. The Eagle Press 1953.
[596] Ibid.
[597] Ibid.
[598] Ibid.

precedence.[599] Indeed, in the case of *Kiwanuka v. Ntwatwa*[600] where the customary rights of the Appellant were in conflict with the Busulu and Envujjo Law, the court held that "*whatever may have been the rights of the appellant by ancient custom to claim that the piece of land occupied by his relative reverted to him when they ceased to use the land, that ancient custom has been done away with by the Busulu and Envujjo Law*". This court decision affirmed the superiority of the Busulu and Envujjo Law over custom.

The Busulu and Envujjo Law conferred legal status and protection to the peasant holders. The peasant holders were entitled to quiet possession of their land and, were guaranteed hereditary security of tenure.[601] The law made it a criminal offence to evict or disturb the peasant's quiet possession.[602] The law also provided for fair compensation for improvements on the land in case of a court sanctioned eviction of a peasant, gave peasants rights to cut trees and get firewood, access to pasturage and salt licks, and preserved their rights in case of change of ownership of the mailo title, and the right of the peasant's wife, children and other dependants to live on the peasant holding was protected. In return for the rights given to the peasant holders, the mailo owner had rights to receive Busulu[603] (rent) and Envujjo (tithe on crops grown by the tenant), respect and obedience from the peasant holders as per custom and law, right to occupy any part of the land for purposes of residing and growing crops, right to allot the land to whoever he wishes, and right of reversion where the peasant holder or any of his family or other occupant approved by the mailo owner has left the land un attended to for six months or more.[604]

Between 1909 when the first grant of a land title to Independence and upon the back drop of the Registration of Titles Ordinance of 1922, many people across the country sought to register their land.[605] The demand for titles was overwhelming yet there was limited staff to process the same. To address this, the Protectorate Government established a survey training school to train plane tablers, who were assistants that used a plane table, a portable drawing board mounted on a tripod, to create accurate field maps and record land measurements on-site in support of

[599] Ibid.
[600] Principal Court Civil Appeal No. 1 of 1941.
[601] A. B. Mukwaya: Land Tenure in Buganda, Present day Tendencies. The Eagle Press 1953.
[602] Ibid.
[603] In the case of Kasuwa vs. Mawanda, The Saza Court, Kyadondo, Criminal case No. 69 of 1951, the court granted an order of eviction against the peasant who was found to have deliberately refused to pay Busulu.
[604] A. B. Mukwaya: Land Tenure in Buganda, Present day Tendencies. The Eagle Press 1953.
[605] Sara Kulata B, Ministry of Lands, Housing and Urban Development: Land Records and Registration in Uganda. www.mlhud.go.ug.

licensed surveyors.[606] To mitigate the delay in surveying, land owners resorted to having their claims registered onto the titles and would get a paper on which claims were recorded as register volume and folio (MRV), confirming registration of the claim.[607] This gave rise to many paper claims on the title which made the register become more of a register of claims and caveats rather than a register of titles. When the survey was finally completed in 1936, all the paper claims were archived and, in their place, Mailo Block and titles were adopted.[608] By this time, all land records were kept centrally at the Lands and survey office in Entebbe but with the increasing number of land owners who desired to register their interests in land, the registration of titles services had to be extended beyond Buganda. To address this, zonal offices which became operational in 1956 were created in Mukono, Bukalasa, Mityana, Masaka, Fort Portal, Mbarara and Kabale for mailo, freehold and leasehold titles.[609]

Despite the formalization of land registration systems during the colonial period, they were marred by issues like land grabbing, displacement of indigenous communities, and unequal access to land rights. The colonial laws establishing land registration in Uganda introduced inequities and intricacies that persist today, influencing land ownership structures and sparking land-related conflicts and disputes.

Even though land conflicts were prevalent in the colonial period, they were not as pronounced as they are today because of availability of good land. There was no shortage of good land in most parts of Buganda as there were large tracts of land left unutilised. [610]. Nevertheless, in towns and in the best coffee areas, certain types of conflicts emerged. These conflicts were over boundaries of the land holding, allocation of land, rights of reversion, and occupation of land by increasing landowners who purchased land for their own farming.[611]

The most prevalent conflict in precolonial Uganda revolved around the question of land boundaries between peasants and their landlords and peasants amongst themselves. This was majorly due to the fact that boundaries were not normally marked by any form of boundary marks or signs.[612] In the case of *Musoke vs. Kalinabiri*,**[613]** a peasant holder was granted an unspecified area in a large tract of bush land. The Peasant's landlord sold his mailo interest to

[606] Ibid.
[607] Ibid.
[608] Ibid.
[609] Ibid.
[610] Supra note 450 at Pg 65.
[611] Ibid.
[612] Ibid.
[613] Principal Court Civil Appeal No. 6 of 1947.

another landlord who desired to confine the peasant holding within proper limits. This dispute exposed the lack of boundary marks or signs as the Judicial Adviser observed that the legal position on boundary marks was nebulous in the extreme.

For instance, in Uganda *National Roads Authority v Irumba & Anor [2015] UGSC 22*, the Supreme Court of Uganda addressed the issue of compulsory land acquisition and the constitutional right to fair and adequate compensation.[614] The case arose when the Uganda National Roads Authority (UNRA) attempted to acquire land for a road construction project without providing prior compensation to the affected landowners. The respondents, Irumba and another landowner, challenged the acquisition, arguing that it violated Article 26 of the 1995 Constitution of Uganda, which guarantees the right to property and prohibits the government from compulsorily acquiring land without prompt, fair, and adequate compensation.

The Supreme Court ruled in favor of the respondents, holding that compulsory acquisition of land without prior compensation is unconstitutional. The court emphasised that landowners must receive full and fair compensation before their land is taken, not afterward, and that failure to do so amounts to an unlawful deprivation of property. The ruling further reinforced the principle that public interest projects do not override constitutional safeguards on property rights. It also clarified that government agencies must follow proper procedures, including engaging landowners in negotiation, valuation, and timely compensation, before taking possession of land.

4.2.3 The law on Land Registration and Land Rights in Post-colonial Uganda

The law on land registration and land rights underwent several changes in post-colonial Uganda. These changes were influenced by the political dispensation at the time which affected the registrable interests in land and rights of land owners. Each government in post-colonial Uganda introduced reforms to suit its land use and management policies. As a result of these changes, registrable interests in land and the rights of land owners were impacted. This section presents the evolution of the law on land registration and land rights in post-colonial Uganda based on the period in which significant changes to the law happened.

[614] Uganda National Roads Authority v Irumba & Anor [2015] UGSC 22.

4.2.3.1 The period between 1962-1975

Uganda gained independence in October, 1962 and the new government relied heavily on the systems put in place by the colonial government in its formative years.[615] At Independence, the land tenure systems that existed in colonial Uganda continued to exist with some adjustments.[616] In 1962, the Public Lands Act of 1962 was enacted and under this law, crown land was renamed public land. The Public Lands Act of 1964 vested public land respectively in the Uganda Land Commission, Buganda Land Board, Administration Land Boards and Public Bodies and Urban Authorities.[617] The law maintained the right of occupancy of Ugandans over public land, only that leases and freeholds could be granted by government on any public land including land already occupied by indigenous Ugandans.[618] This had the effect of overriding the existing customary land rights because government could grant leases and freeholds over any public land without the consent of the customary land holders.[619] Because of this loophole, many people took advantage by converting public land into leasehold or Freehold which left customary occupiers landless as they were evicted by the new owners of leasehold or freehold.[620] This prompted the government to enact the Public Lands Act of 1969, which among others vested public land in Uganda Land Commission and Public Bodies only,[621] recognised and defined customary land tenure,[622] and prohibited the issuance of freehold and leasehold titles on any public land occupied by customary occupiers without any proof of consent from the customary occupiers.[623] Even though the Public Lands Act of 1964, recognised and protected the traditional rights of customary land owners, neither it nor the Registration of Titles Act of 1964, put in place a framework for registration of customary interests in land[624] and this eroded the security of tenure for customary land occupiers. It also meant that with the economic boom at the time, customary land occupiers could not use their land to access credit from financial institutions for production.[625] The Registration of Titles

[615] Okoth Godfrey P: Africa's Development Nightmare: Uganda's Case. Journal of East African Research and Development 132-149.
[616] Landnet: Customary Land Registry Resource Book, 2021 https://www.landnet.ug/customary-land-registry-resource-book.
[617] Sections 11, 12, 13 and 14 of the Public Lands Act of 1962 and the decision of Hon. Justice Stephen Mubiru in the case of Atunya Valiryano vs. Okeny Delphino, Civil Appeal No. 0051 of 2017.
[618] LandNet: Customary Land Registry Resource Book, 2021. www.landnet.ug.
[619] Ibid.
[620] Ibid.
[621] Sections 1 and 21 of the Public Lands Act of 1969 and the decision of Hon. Justice Stephen Mubiru in the case of Atunya Valiryano vs. Okeny Delphino, Civil Appeal No. 0051 of 2017.
[622] Section 51 of the Public Lands Act of 1969 defined customary land tenure to mean a "system of land tenure regulated by laws or customs which are limited in their operation to a particular description or class of persons.
[623]Landnet: Customary Land Registry Resource Book, 2021.
[624] Ibid.
[625] Ibid.

Act of 1964 cap 205 which later became the Registration of Titles Act Cap 240 as we know it today, was modelled on the Registration of Titles Ordinance of 1922 and provided for registration of all interests affecting Freehold, Leasehold and mailo land tenure. This Act based on the Torrens system revolves around centralised register book in which titles are kept in a running form each representing a separate parcel of land described therein and registered as provided for in the Act.[626] Under the Registration of Titles Act of 1964, if land is brought under the Act for the first time, the registrar is required to prepare a certificate of title in duplicate with one copy being retained by the registrar and kept in the register book, and the other copy issued to the person registered as the proprietor of the land.[627] Any transaction affecting the land such as a caveat, mortgage or lease must be endorsed on the register book and the two copies of the certificate of title.[628] Registration of land under the Registration of Titles Act of 1964 guaranteed the registered proprietor the right of security of tenure, all user rights, the right to exclude others from use of the land and for the Freehold and Mailo tenures, the Act guaranteed them ownership in perpetuity.[629]

4.2.3.2 The Period between 1975-1995

In 1975, the Land Reform Decree[630] was enacted with the most radical position on land tenure in post-independent Uganda. It declared all land in Uganda public land and title to the land was vested in the Uganda Land Commission (ULC). All freehold land, and mailo land was converted into leaseholds. Customary occupants were deemed to hold land at sufferance which could be terminated at any time without notice.[631] The rent that was paid by tenants was also abolished.[632] These tenants did not have any transferable interest in land, only developments on land could be transferred after giving three months' notice to the controlling authority.[633] Under section 5 of the Land Reform Decree, no person was to occupy public land by customary tenure except with written permission of the prescribed authority.[634] This was the situation in Uganda until the 1995 Constitution that changed the land tenure system in Uganda.

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[626] Mugambwa J T, Principles of land Law in Uganda, Fountain Publishers, 2002.
[627] Ibid.
[628] Ibid.
[629] Landnet: Customary Land Registry Resource Book, 2021 https://www.landnet.ug/customary-land-registry-resource-book.
[630] Decree No. 3 of 1975.
[631] Mwebaza, A Historical Perspective of the Land Problem in Uganda.
[632] Ibid.
[633] Rugadya, Land Reform: The Ugandan Experience, September 1999. page 4.
[634] Ibid.

4.2.3.3 The period 1995 to date

In 1995, the Constitution of the Republic of Uganda, 1995 was promulgated with revolutionary changes to the land tenure system. The Constitution declared that all land belonged to Ugandans and vests in them to be held under any of the four (4) land tenure systems, to wit; Mailo, freehold, leasehold and customary tenure systems.[635] The Constitution further made it a right for any person to own land individually or in association with others.[636] The most profound of the constitutional provision is the provision of the building blocks for the registration of customary ownership of land,[637] and recognition lawful and bonafide occupants on mailo, freehold and leasehold land who are also known as tenants by occupancy.[638] The Constitution does not only recognise tenants by occupancy but it also guarantees them security of occupancy on the land.[639] This gives a tenant by occupancy property rights which include protection from eviction by the landlord, hereditary rights, and they can register their interest in land and obtain a certificate of occupancy.

The Constitution provides a basis for land registration in Uganda by bestowing on parliament the obligation to enact laws to that effect. Pursuant to this, the Parliament of Uganda enacted the Land Act, Cap. 236 in 1998 and addition to the already existing Registration of Titles Act, Cap. 240 to regulate land ownership, use and management.

The Land Act of 1998 outlines the administration and management of land in Uganda, setting up key institutions like District Land Boards,[640] Land Committees,[641] Communal Land Associations,[642] District Registrars of Titles,[643] and Land Tribunals[644] for governance. The District Land Boards hold and allocate land in the district that is not owned by any person or authority. Most importantly, District Land Boards facilitate the registration and transfer of interests in freehold and leasehold land by providing vital information without which interests in land cannot be registered.[645] In facilitating registration and transfer of interests in land, District Land Boards rely heavily on Area Land Committees. The Land Committees advise the

[635] Article 237 of the Constitution of the Republic of Uganda 1995.
[636] Article 26 of the Constitution of the Republic of Uganda 1995 as amended.
[637] Article 237(4) (a) and (b) of the constitution of the Republic of Uganda allows customary land owners to acquire certificates of ownership, and conversion of customary land to freehold ownership.
[638] Article 237(8) of the Constitution of the Republic of Uganda, 1995 as amended.
[639] Ibid.
[640] District Land Boards are responsible for allocating and registering land at the district level.
[641] Land Committees are responsible for advising District Land Boards on land allocation and management.
[642] Communal Land Associations are responsible for managing communal land on behalf of their members.
[643] District Registrars of Titles are responsible for registering land transactions and maintaining land records.
[644] Land Tribunals are responsible for adjudicating land disputes.
[645] IGAD: Land Governance in IGAD region; Assessment of Land Governance Framework, Training and Research Land Governance Institutions.

District Land Boards on matters relating to land including ascertaining rights on the land prior to allocation. They do due diligence on the land and recommend to the Board about anyone who wants to acquire land in their area.[646]In this regard, Area Land Committees play an important role in the registration and transfer of interests in land in their locality.

The Land Act of 1998 actualised the reforms provided for in the Constitution by recognising customary tenure as a legitimate system of land holding in Uganda and putting in place a framework for conversion of customary tenure into Freehold, mailo or leasehold tenure and registration of interests in land whereby customary land owners apply for and obtain certificates of customary ownership.[647]The Land Act allows a person, family or community holding land under customary tenure to apply for and obtain a certificate of customary ownership (CCO) in respect of the land.[648] Registries responsible for registering customary land and issuing certificates of customary ownership are established at sub-county level.[649] The creation of registries for CCOs at SUB-County level reduces the weight attached to a CCO by the land owners. Moreover, the National Land Information System in Uganda currently accommodates only Mailo, Freehold and Leasehold tenures which makes one think that the customary tenure and CCOs issued are inferior titles.[650] According to Landnet, the customary land Registration process has a lot of loopholes which include the nature of survey and mapping that inhibits smooth subsequent transactions on the CCO due to the need to rigorously revisit all stages of land registration, the lack of state guarantee on a CCO to third parties and bonafide purchasers in good faith that the information presented on the certificate is truthful and in the event that it is not, they will be compensated for such anomalies and the option of conversion of a CCO to Freehold implies that the CCO offers less safeguards as compared to a freehold certificate of title.[651]

The land Act also mandated spousal consent for family land transactions. The case of *Olowo and 3 Others v Olowo and 2 others*[652] where one of the plaintiffs who was customarily married to the 1st Defendant but never registered their customary marriage claimed that a home which the 1st Defendant mortgaged was a matrimonial home, serves as a key example in the ongoing

[646] Walter Akena & Eugine G. Ssemakula, Land Management and Governance in Local Governments: Opportunities and challenges for District Land Boards. ACODE Policy Briefing Paper Series No. 56, 2020.
[647] Landnet: Customary Land Registry Resource Book, 2021.
[648] Section 4 of the land Act, Cap, 236.
[649] Landnet Uganda, Establishment of a customary Land Registry in Uganda: Issues and Position Paper.
[650] Ibid.
[651] Ibid.
[652] Civil Suit No. 76 of 2012.

evolution of Uganda's law on land registration, demonstrating the intricate challenges in acknowledging and protecting family property rights. This case underlines the necessity of formally registering customary marriages to affirm legal rights over property for spouses. It further brings attention to the requirement of spousal approval in dealings related to family property, as stipulated by the Land Act.[653] The court's ruling sheds light on the judicial stance on property ownership disputes, placing the onus on the claimants to prove their legal interest in the property.

The importance of registration of customary instruments cannot be understated. It gives customary owners several rights including economic rights which was never heard of before under this tenure. Ever since its enactment, registration of customary owners has been hectic and was not achieved until 2015.[654] Even though the government has put in place systems to ensure registration of customary ownership through a decentralized registration system through the Area Land Committees, and the computerized National Land Information System, uptake of land registration services remains very low.[655]

The Land Act of 1998 in equal measures enhances the rights of tenants by occupancy which among others include security of occupancy, priority to purchase land if the registered owner wants to sell, can sublet, subdivide, give away the interest by will and can acquire a certificate of occupancy by applying to the registered owner.[656] Like for certificates of customary ownership, tenants by occupancy were not able to apply for certificates of occupancy until 2015 and despite government efforts, there is low uptake from tenants by occupancy.[657]

In Uganda, land registration and the associated laws are crucial for establishing legal ownership and resolving disputes. For instance, in the case of *Katende v Uganda Land Commission*,[658] the plaintiff challenged the wrongful and fraudulent registration of his land under the defendant's name, which was based on an instrument that did not apply to his land. This case highlights the importance of proper legal procedures in land registration and the potential for fraud in the absence of due diligence. The progression of law on land registration in Uganda, as exemplified by the case of *Katende v Uganda Land Commission,*[659] signifies a judicial

[653] Section 40 the Land Act, Cap. 236.
[654] Trac FM: Land Rights in Uganda, the Peoples' perspective through interactive radio polls.
[655] Ibid.
[656] The court in Ponsiano Katamba vs. Cotilda Nakirijja Civil Appeal No. 169 of 2017 defined the rights of a tenant by occupancy as provided for in the Act.
[657] Trac FM: Land Rights in Uganda, the Peoples' perspective through interactive radio polls.
[658] Katende v Uganda Land Commission; Civil Suit No.573 of 2015 [2019] UGHCLD 9 (20 March 2019).
[659] Ibid.

approach that prioritises the protection of property rights against deceitful registration practices. The case underscores the court's stringent adherence to statutory provisions, especially those that protect landowners from illegal dispossession. The Ruling re-establishes the principle that registration procured through fraud is null, and it emphasises the need for government agencies to operate within the confines of the law when handling private land. This case also illustrates the court's readiness to award remedies such as compensation based on present market values and exemplary damages for unconstitutional and arbitrary actions by government officials, thereby fortifying the legal framework that regulates land registration and ownership in Uganda.

4.3 Theoretical Underpinnings

Findings from the study are in substantial support of Property Rights Theory to the extent that the historical move from private conveyancing and deeds toward Torrens registration, coupled with constitutional and statutory guarantees, shows how clear, enforceable entitlements can reduce transaction costs, enable credit, and structure orderly transfers; however, they are in tension with the theory's formalist assurance that titling alone secures tenure, because fraud, administrative abuse, and the long exclusion of customary interests from the RTA register have repeatedly defeated security absent credible oversight, effective remedies, and integration of customary records. Findings are in strong support of Conflict Theory, as the colonial allocation of mailo and subsequent state-centered reforms redistributed entitlements toward political and economic elites, while contemporary maladministration, corruption in allocating and rectifying titles, and coercive evictions illustrate how state power and legal process are weaponized in distributional struggles over land. Findings are in qualified support of the Production Theory, insofar as reliable, state-backed records and registries should enhance investment and land-use efficiency, yet prolonged dualism between registered and unregistered interests, weak enforcement against fraudulent titles, and under-inclusion of customary holdings in the NLIS have depressed productive use, encouraged speculation, and undermined smallholder incentives; the expectation that large-scale formalization automatically yields higher output is not borne out where concessions remain idle or are obtained through defective process that erodes local factor allocation and complementary inputs.

4.3 Conclusion

The evolution of land registration and land rights in Uganda has largely been reactive, with legislative changes often prompted by prevailing circumstances. While many reforms aimed to enhance tenure security and streamline land transactions, the outcomes have been mixed.

Notably, the Land Reform Decree (LRD) of 1975, which centralized land ownership under the state, did not achieve its intended objectives and instead contributed to increased tenure insecurity.[660]

Despite subsequent reforms, land conflicts, particularly land grabbing, remain prevalent. These persistent issues are rooted in colonial-era policies that created disparities in land rights, distinguishing between registrable and non-registrable interests. For instance, prior to the Land Act of 1998, customary landowners and tenants by occupancy lacked mechanisms to formally register their interests, rendering their land rights less secure. While the 1998 Act introduced provisions for Certificates of Customary Ownership (CCOs) and Certificates of Occupancy, these instruments operate under a recordation system distinct from the Registration of Titles Act (RTA), which governs freehold, leasehold, and mailo tenures. Consequently, the level of tenure security afforded by CCOs may not be equivalent to that provided under the RTA.

Furthermore, the integration of customary land rights into the National Land Information System (NLIS) has been limited. The NLIS has primarily covered freehold, leasehold, and mailo titles, and the lack of integration for customary tenure has contributed to perceptions that such rights are inferior. Though, recent developments such as the National Land Information System Enhancement Project (NaLISEP), initiated in 2023, aim to include a dedicated layer for customary land. This effort signals a shift toward greater inclusivity and recognition of diverse land tenure systems. While legislative reforms have sought to improve land tenure security in Uganda, challenges persist, particularly concerning the recognition and integration of customary land rights. Ongoing efforts to modernize land administration systems and policies are essential to achieving equitable and secure land tenure for all Ugandans.

[660] Government of Uganda, "The Land Reform Decree, 1975," Kampala: Government Printer, 1975, https://ulii.org/ug/legislation/decree/1975/3.

CHAPTER FIVE

LOCAL COMMUNITY PERSPECTIVES ON THE RELATIONSHIP BETWEEN LAND REGISTRATION AND LAND GRABBING

5.0 Introduction

"Land tenure security is a cornerstone of justice and equity, ensuring that every individual has the right to use and enjoy their property without fear of dispossession or arbitrary interference"[661]. This legal principle highlights the importance of strong land registration systems and effective policies to safeguard property rights. Though, in practice, the relationship between land registration and land grabbing in regions such as Kayunga District has become increasingly complex, raising concerns over fairness, accessibility to land ownership and tenure security, and enforcement of land laws and dispute resolution mechanisms.

This chapter presents the findings and analysis of the data collected from the local community in Kayunga District on the relationship between land registration and land grabbing. This section presents the findings in line with the local community perspectives on land registration and land grabbing in the district. The data was collected through focus group discussions, key informants and indepth interviews with different groups and categories of people affected by land grabbing who at some point engaged in land registration in Kayunga District. The participants in in the FGDs were legal professionals and the general public (farmers, landowners, and tenants). Additionally, policymakers, including opinion leaders, political leaders, members of the land board, and officials from regional land offices, were involved. The data was analysed using thematic analysis, which involved identifying, coding, and interpreting the main themes and patterns that emerged from the collected information to draw conclusions regarding the impact of land registration on land rights and land grabbing in Kayunga District. This chapter presents an overview of the demographic and socio-economic characteristics of the participants, followed by an analysis of the key themes and patterns that emerged from the data on participants' views and experiences regarding land registration in

[661] Nyaradzo DT Karubwa, "The Right to Tenure Security of Farmland Occupiers in South Africa and Zimbabwe: Reviewing the Potential Impact of Expropriation" (PhD Thesis, Stellenbosch University, 2022), https://scholar.sun.ac.za/server/api/core/bitstreams/0e0482e8-2c1a-4c08-b465-73d7568bb8a5/content. And Ssemmuli Anthony, "The Right to Property and Compulsory Land Acquisition in the Albertine Graben" (PhD Thesis, Institute of Petroleum Studies-Kampala, 2022), http://dspace.ipsk.ac.ug:8080/jspui/handle/123456789/120.

Kayunga District. It also examines its relationship with land registration, incorporating participants' perspectives.

5.1 Demographic and Socio-Economic Characteristics of the Local Community

Data was collected from a total of 78 participants, comprising forty males and thirty-eight females. The participants were drawn from diverse groups of people affected by land grabbing in Kayunga District. A total of eight focus group discussions (FGDs) were conducted, each consisting of 6–9 participants, making a total of 60 participants. The FGDs represented categories such as landowners, tenants, religious leaders, political leaders, and opinion leaders. In addition, eighteen individual interviews were conducted with key informants and stakeholders directly involved in land registration in Kayunga District. These included zonal land office officials, members of the District Land Board, and legal professionals actively engaged in land-related matters.

The demographic and socio-economic characteristics of the participants are summarized in Table 5.1 below:

Table 5. 1: Demographic and socio-economic characteristics of the local community

Group/Category	Number	Gender	Age Range	Education	Occupation/Role
Landowners (Male)	6	Male	25–65	Primary – Secondary	Farmers
Landowners (Female)	6	Female	23–60	Primary – Secondary	Farmers
Tenants (Male & Female)	8	Male & Female	22–58	Primary – Secondary	Tenants / Smallholder farmers
Religious Leaders	6	Male & Female	40–75	Secondary – Postgraduate	Priests / Pastors / Imams
Political Leaders	5	Male & Female	20–55	Primary – Tertiary	Traders / Farmers
Opinion Leaders	5	Male & Female	30–60	Primary – Secondary	Traders / Farmers
Legal Professionals	10	Male & Female	35–70	Tertiary	Lawyers
Zonal Land Office Officials & Land Board Members	8	Male & Female	30–55	Tertiary	Land administration officials

Source: (Primary Data, 2023)

The occupational distribution of respondents reflects the agrarian character of Kayunga District, where farming remains the primary source of livelihood for most community members. Landowners, tenants, opinion leaders, and political leaders were predominantly engaged in small-scale farming, often supplemented by petty trading. This reliance on agriculture shows the close link between land ownership, tenancy, and household survival, and it helps explain why land grabbing disputes attract intense community concern. In contrast, religious leaders, legal professionals, and zonal land office officials performed non-farming roles, with responsibilities in spiritual leadership, legal services, and land governance administration. This mix of grassroots and institutional perspectives demonstrates the diversity of voices captured in the study.

Educational attainment among respondents was unevenly distributed. Landowners, tenants, opinion leaders, and political leaders generally had education limited to primary and secondary levels, which may hinder their ability to navigate technical and legal land registration processes. Religious leaders often had advanced training up to postgraduate levels, enhancing their capacity to mobilize communities and offer informed guidance. Legal professionals, zonal land office officials, and land board members were all trained at tertiary level, giving them specialized expertise in law and governance. This divide between less-educated community groups and highly educated institutional actors highlights structural inequalities in land governance and dispute resolution.

The age distribution of respondents ranged from 20 to 75 years, reflecting broad generational diversity. Younger respondents, including some tenants, political leaders, and landowners, shared contemporary challenges of accessing and securing land under current legal frameworks. Older respondents, such as religious and opinion leaders, provided historical perspectives on land tenure and the evolution of land disputes in the district. This generational mix enriched the findings by combining current experiences with historical narratives.

As shown in the table above, the majority of respondents were engaged in agriculture, especially among landowners, tenants, political leaders, and opinion leaders, which reflects the agrarian economy of Kayunga District. Their generally low educational attainment may limit their capacity to handle complex legal procedures in land registration. Conversely, legal professionals, zonal land officials, and religious leaders demonstrated higher educational qualifications, emphasizing their roles in advocacy and governance. The demographic composition suggests a pressing need for legal literacy programs tailored to rural and agrarian

communities to ensure equitable participation in land governance. The inclusion of tenants alongside landowners and institutional actors highlights the diverse and sometimes competing interests that must be addressed to ensure fair and transparent land registration processes in Kayunga District.

5.2 Findings

The findings from the focus group discussions revealed that local community in Kayunga District had diverse and complex perspectives on the relationship between land registration and land grabbing. The analysis of the data identified four main themes and several sub-themes, as shown in Table 1.

Table 5. 2: Themes and sub-themes from the focus group discussions

THEME	SUB-THEME
Land Registration	**Benefits of Land Registration**: Security of tenure, access to credit, prevention of disputes, and facilitation of development.
	Challenges of Land Registration: High costs, cumbersome procedures, corruption, mistrust in institutions, lack of awareness, and cultural resistance.
	Economic Impacts: Use of land titles for collateral, enabling investments, but concerns over land speculation and exclusion of smallholder farmers.
	Cultural Implications: Tensions between formal registration systems and customary practices, commodification of land, and erosion of spiritual and ancestral connections.
Perspectives of Respondents	**Past Experiences**: Past land conflicts, unresolved disputes, evictions, and the impact of colonial and post-independence land policies.
	Economic Perspectives: Security for smallholder farmers, access to financial services, but concerns over displacement and speculative acquisitions.
	Cultural Values: The spiritual and communal significance of land, fears of losing traditional land practices.
	Human Rights Implications: Violations through evictions, lack of transparency, and the marginalization of vulnerable groups.

Land Grabbing	**Causes of Land Grabbing**: Population growth, poverty, corruption, lack of legal awareness, environmental degradation, and weak enforcement of land laws.
	Consequences of Land Grabbing: Forced displacement, destruction of livelihoods, food insecurity, social conflicts, environmental degradation, and increased inequality.
Role of Government and Other Actors	**Policy and Legal Frameworks**: Constitution of Uganda, Land Act, National Land Policy, and their implementation challenges.
	Sensitization and Education: Efforts by government and CSOs to educate communities on land rights and laws, and their limited success due to mistrust and poor outreach.
	Accountability and Corruption: Criticism of government institutions and local leaders for enabling land grabbing through corruption and weak governance.
	Civil Society and Traditional Leaders: Mixed roles in either advocating for or contributing to land disputes and governance issues.
Cases of Land Grabbing	**State Officials and Forest Reserves**: Alleged misuse of power in clearing forest lands for private entities.
	Police Involvement: Accusations of bias and collusion with land grabbers.
	Violence and Resistance: Mob actions, arson, and community resistance against forced evictions or land grabs.

5.3 Benefits and challenges of land registration

The participants that took part in this study shared the different benefits they have enjoyed, expect to enjoy, and that others have experienced with regard to land registration. They also shared the various challenges encountered with land registration, as outlined below:

Land registration was found to be an essential mechanism for securing tenure and unlocking socio-economic opportunities, as participants emphasised its critical role in safeguarding ownership and enabling economic empowerment. It formalizes land ownership, creating legally enforceable rights that protect against encroachments and disputes[662]. Participants noted

[662] Paul Mukiibi, "Land Information System and Land Registration in Kampala and Wakiso Land Offices," Uganda Management Institute, 2014.

its importance, stating that land registration provides tangible benefits such as access to credit and investment opportunities. A respondent explained,

> *"Land registration is good because it gives you a certificate that shows that you are the owner of the land. You can use it as collateral to get a loan from the bank or to attract investors who can help you develop your land"*[663]

Land registration serves as an economic asset that ensures security and drives financial growth by enabling individuals to access credit and investment avenues. A participant mentioned,

> *"I registered my land immediately after buying it to avoid any inconveniences that may occur thereafter. I have also been able to use my title as collateral for a bank loan for my business."*[664]

These accounts show the transformative potential of land registration in facilitating access to financial institutions, which view legally registered land as reliable collateral. This financial accessibility has significant implications for rural development, particularly in regions where informal land ownership limits economic opportunities.[665] Land registration also brings clarity and legitimacy to land transactions, as explained by a participant who stated,

> *"Yes, I know about land registration and I have a land purchase agreement. When I bought the land, both me and the seller signed in front of witnesses and the local council."*[666]

These processes ensure transactions are formalized and transparent, reducing the risks of disputes and fraudulent claims. In areas where customary land practices prevail, registration combines traditional and statutory systems, ensuring legal and historical claims are safeguarded.[667] This integration strengthens governance frameworks and fosters trust in the

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Https://www.Academia.Edu/Download/34643959/Land_Information_System_And_Land_Registration_In_Kampala_And_Wakiso_Land_Offices.Pdf.

[663] Focus Group Discussion, Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Bbaale Sub County," February 11, 2023.

[664] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kayonza Sub County," February 18, 2023.

[665] Rexford A. Ahene, "Measures to Improve Access to Land Resources and Related Benefits in Uganda," World Bank/FIG Conference on Land Governance in Support of the MDG's: Responding to New Challenges, Washington, DC, 2009, http://fig.net/resources/proceedings/2009/fig_wb_2009/papers/mkt/mkt_2_ahene.pdf.

[666] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Nazigo Sub County," January 29, 2023.

[667] Anthony, "The Right to Property and Compulsory Land Acquisition in the Albertine Graben."

system. The economic utility of registered land extends to its capacity to attract investment in critical sectors like agriculture, where land security incentivizes long-term planning and sustainable development. This shows how land registration ensures equitable access and promotes stability, ultimately positioning it as a foundation for economic and social progress in communities.[668] This is made possible by the legal authority conferred through land registration, as stipulated in the registration of Titles Act which establishes a certificate of title as definitive proof of ownership, ensuring security and protection against competing claims, which states that a certificate of title is conclusive evidence of ownership of land .[669]

On the other hand, participants also identified several challenges and risks associated with land registration as examined below;

Participants shared that disputes over boundaries, ownership, and inheritance frequently arise during the land registration process, particularly among family members and neighboring communities. They explained that formalizing land ownership often intensifies existing tensions as competing claims emerge when land is demarcated or registered. These conflicts are especially common in areas where traditional communal or family land ownership practices clash with statutory requirements. For instance, a respondent noted,

> *"When my brother started registering the land, he claimed the entire piece, ignoring the part we had agreed would belong to me. It caused such a rift that even the elders couldn't resolve it."*[670]

The lack of accessible conflict resolution mechanisms exacerbates these disputes, leaving families divided and relationships strained. Participants also highlighted the confusion created by inheritance laws, as unclear or contested wills often lead to multiple claimants for the same land. Moreover, the transition from customary to formal systems of land ownership has excluded rightful owners, causing frustration and mistrust in the process. This emphasises the need for community-based dispute resolution frameworks to work alongside formal mechanisms, ensuring fairness and inclusivity.[671] Without such measures, disputes will

[668] Mastewal Yami and Katherine A. Snyder, "After All, Land Belongs to the State: Examining the Benefits of Land Registration for Smallholders in Ethiopia," Land Degradation & Development 27, no. 3 (April 2016): 465–78, https://doi.org/10.1002/ldr.2371.
[669] Section 59 Registration of Titles Act, Cap. 240,
[670] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kangulumira Sub County," February 19, 2023.
[671]Mal Cherry Leonardi and Martina Santschi, Dividing Communities in South Sudan and Northern Uganda: Boundary Disputes and Land Governance (Rift Valley Institute, 2016), https://edoc.unibas.ch/51921/.e Land

continue to undermine the potential benefits of land registration, including tenure security and stability.

Participants revealed that the high costs associated with land registration present significant barriers, particularly for those in rural and economically disadvantaged areas. The cumulative expenses, including surveyor fees, mapping, legal services, and administrative charges such as stamp duty, are prohibitively high for many. A participant explained,

> *"The costs keep piling up, from hiring surveyors to paying government fees, and by the time you add the lawyer's charges, it becomes impossible for many of us to proceed."*[672]

Beyond the direct costs, hidden expenses in the form of bribes demanded to expedite processes further marginalize landowners, as emphasised by another participant:

> "*You are forced to pay bribes at every step, or your application will remain untouched indefinitely."*[673]

This reflects systemic flaws where corruption and inefficiency exacerbate existing financial burdens, leaving many unable to complete the registration process. Additionally, procedural complexities contribute to these challenges, requiring individuals to navigate multiple government offices often located far from rural areas. For many, this geographical and logistical burden adds to the financial strain, deterring them from pursuing registration and leaving them without formal titles, thus vulnerable to land disputes and exploitation. These realities emphasise how structural barriers within the land registration system disproportionately disadvantage marginalized populations, perpetuating inequality in land ownership and security.[674]

Participants shared that procedural inefficiencies embedded within the land registration

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Owner, Focus Group Discussion on Land Registration and grabbing in Kayunga District held in Galiraya Sub county, January, 2023.

[672] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kitimbwa Sub County," January 23, 2023.

[673] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Galiraya Sub County," February 15, 2023.

[674] Christine Kawala, The Effectiveness of New Land Law Regime as Compared and Contrasted to Land Law History in Uganda, Kampala International University; School of Law, 2019, https://ir.kiu.ac.ug/handle/20.500.12306/12885.

system have created substantial obstacles, particularly for individuals unfamiliar with bureaucratic requirements. The process was described as excessively lengthy and complicated, involving multiple stages such as surveying, valuation, and document authentication, which demand significant financial and time resources. Participants expressed frustration over unclear guidelines that leave applicants struggling to navigate the system. For instance, one respondent observed,

> *"You are never told exactly what is required; they wait for you to submit the wrong papers before sending you back"*[675]

Such inefficiencies disproportionately affect rural landowners, who often have to travel considerable distances to reach the relevant offices, incurring high transportation and accommodation costs. This procedural complexity has deterred many landowners from pursuing registration, leaving their land without formal titles and thus exposed to potential legal vulnerabilities and exploitation. The disjointed nature of the process, coupled with inadequate communication, undermines trust in the system and highlights the urgent need for reforms aimed at streamlining registration procedures, providing clarity, and reducing barriers to access.[676]

Participants highlighted widespread concerns about corruption within the land registration system, which they noted undermines the integrity and accessibility of the process. Corrupt practices were reported at various levels, with officials demanding bribes to expedite services or manipulating records to favor powerful individuals or entities. A participant recounted,

> *"You can submit your documents, but if you don't pay something, they will tell you your file is lost or delayed indefinitely. Sometimes they even find ways to make you pay multiple times for the same service by claiming new fees have been added or that your initial payment was not processed."*[677]

This recounting reflects how pervasive corruption creates systemic barriers, particularly for low-income landowners who are unable to afford bribes or challenge these exploitative practices. The manipulation of land records, including the creation of fraudulent titles and

[675] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Nazigo Sub County."
[676] Kawala, The Effectiveness of New Land Law Regime as Compared and Contrasted to Land Law History in Uganda.
[677] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kayunga Sub County," Febraury 24, 2023.

tampering with ownership details, was also noted as a significant problem, often leaving legitimate owners powerless in reclaiming their land. Such corruption entrenches inequality, allowing wealthy and influential individuals to exploit the system at the expense of marginalized communities.[678] The resulting lack of confidence in the land registration process discourages many from seeking formal registration, perpetuating a cycle of informal landholding that increases vulnerability to disputes and land grabbing. These observations underscore the urgent need for institutional reforms to ensure transparency, such as digitizing records to minimize human interference, enforcing strict penalties for corrupt officials, and fostering independent oversight to safeguard the interests of all landowners.

Participants also emphasised the financial burden associated with land registration, describing it as prohibitively expensive for many landowners, particularly those in rural or low-income settings. The process was described as involving multiple fees, including costs for surveying, mapping, valuation, and legal services, as well as payments for stamp duty and other administrative charges. One participant shared,

> "*To register my land, I had to hire a surveyor, pay for the map, and then meet the lawyer's costs. Even after all that, there were additional fees at the land office, and sometimes they ask for more money to push your file through."*[679]

This depiction highlights how the cumulative financial demands of registration deter many landowners, leaving their land unregistered and vulnerable to disputes or illegal encroachment. The inability to afford these costs not only excludes marginalized groups from the benefits of land registration but also deepens socioeconomic inequalities, as wealthier individuals can navigate the system with ease while poorer landowners are left behind. Additionally, the opaque nature of fee structures exacerbates the problem, with many participants reporting unexpected costs that were not transparently communicated at the start of the process.[680] These financial barriers emphasise the need for policy reforms to streamline and subsidize land registration processes, potentially through government-sponsored programs or reduced rates for economically disadvantaged groups, ensuring inclusivity and equity in formalizing land ownership.

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[678] Supra Note 13.
[679] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kitimbwa Sub County conducted in January, 2023."
[680] K. Deininger, "Land Policies for Growth and Poverty Reduction," World Bank, 2003, https://books.google.com/books?.

5.3 Theoretical Underpinning for Benefits and Challenges of Land Registration

The findings on the benefits and challenges of land registration in Kayunga District relate directly to the principles of Property Theory.[681] This theory posits that formalized property rights are fundamental for ensuring tenure security and facilitating economic transactions. Participants in this study identified benefits such as access to credit and investment opportunities which align with John Locke's argument that property rights empower individuals to engage in economic activities and enhance autonomy.[682] For instance, participants explained that land registration provided certificates which enabled them to secure loans from financial institutions.

Nevertheless, the challenges identified in the findings such as procedural inefficiencies and high costs reveal limitations in ensuring equitable access to land registration systems. These challenges correspond to critiques of Property Theory, particularly those articulated by Patricia Kameri Mbote[683] who highlighted how legal and administrative barriers disproportionately disadvantage marginalized populations. Participants described delays and bribery as systemic issues which undermine trust in the registration process and restrict its effectiveness as a safeguard for land rights.

From the perspective of Conflict Theory, the unequal distribution of resources and systemic inefficiencies in land registration highlight power imbalances where elites benefit at the expense of the vulnerable. This aligns with Karl Marx's [684] assertion that legal systems often serve the interests of the powerful. Participants observed that influential individuals could expedite land title processing through bribes which reflects how inequalities in resource allocation are entrenched within existing institutional frameworks.

5.4 The Perspectives of Local Community on Land Registration

This section presents the perspectives of local community on land registration in Kayunga District, gathered through interviews and focus group discussions (FGDs). The researcher focused on understanding the views of local community across various dimensions, including

[681] N Cocchiarella B, Property Theory. Https://Www.Rep.Routledge.Com/Articles/Thematic/Property-Theory/v-1 (1998).
[682] John Locke, Two Treatises of Government (Cambridge university press, 1967), https://books.google.com/books?
[683] Patricia Kameri-Mbote, Land Tenure, Land Use and Sustainability in Kenya: Towards Innovative Use of Property Rights in Wildlife Management, 2005, https://agris.fao.org/search/en/providers/122412/records/6473698908fd68d546062be2.
[684] Marx, Karl "The Communist Manifesto. John Smith.," 1848.

past experiences, economic implications, structural and institutional challenges, and cultural aspects. These perspectives provided a rich understanding of how land registration affects the community, reflecting a mix of personal and communal encounters with land-related challenges as examined below;

5.4.1 Past Experiences

Past experiences with land registration in Kayunga District reveal entrenched challenges stemming from the collision between traditional practices and formal legal frameworks. Participants shared vivid accounts of the tension this creates, particularly in cases where unwritten agreements over land ownership, common in generational practices, clash with the demands for documented proof required for registration. As a participant recounted,

> "*In 2008, my family had a dispute with a neighboring clan over boundaries that had been agreed upon by our elders many years ago. When they tried to register the land, it sparked conflict because those old agreements were not documented. It made us feel like land registration was erasing our history''.*[685]

This emphasises how formal registration disrupts long-standing informal arrangements, bringing disputes to the fore that might have been dormant under customary systems. The failure to integrate traditional knowledge into the legal process fosters a perception that registration imposes systems that disregard the social fabric of the community.

Participants also pointed to corruption and exploitation as factors exacerbating mistrust in land registration. A participant shared,

> "*My neighbor's family was forced to leave their ancestral land when a wealthy businessman bought it from the local council without their knowledge. Now, I'm scared to invest in my land without a title.''*[686]

Such incidents reveal systemic weaknesses where powerful actors exploit gaps in the system to the detriment of less informed or less influential community members. This creates a cycle of vulnerability where land registration, rather than providing security, becomes a tool for

[685] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kayunga Sub County conducted in February, 2023"
[686] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kayunga Sub County, conducted in February, 2023"

displacement. Past injustices further compound these perceptions, as highlighted by another participant:

> *"My grandfather used to tell me stories about how our family was displaced from our land during the colonial era. We've been fighting to get it back ever since. I don't want my children to go through the same struggle; that's why I'm advocating for land registration."*[687]

This perspective reflects how the legacy of land grabbing and forced evictions continues to shape attitudes, leaving communities wary of government-led initiatives. The interplay of these factors suggests that while land registration is intended to provide tenure security, its implementation often lacks the inclusivity and cultural sensitivity needed to gain community trust. Participants stressed the importance of bridging the gap between formal legal requirements and customary systems, ensuring that ancestral claims are not erased but instead integrated into the process. A deliberate focus on transparency, accountability, and community participation is necessary to counteract the widespread perception of land registration as a process fraught with risks and exploitation[688]. These past experiences imply that land registration must be approached with sensitivity to traditional practices and grievances. The community's concern over displacement and eviction aligns with findings by Musinguzi *et al*.,[689]who noted that unresolved past injustices undermine trust in formal land governance systems. Additionally, Coldham[690] argues that integrating customary practices into modern registration frameworks can mitigate these tensions and build confidence among local populations.

Human Rights implications

The findings highlight significant human rights concerns related to land registration and management in Kayunga District. Participants reported forced evictions, displacement, and land grabbing, which infringe upon rights to property, adequate housing, and security of

[687] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kayunga Sub County."
[688] Isaac Nuwaha, An Analysis of Legal Work on Convergence of Land in Uganda, Kampala International University, School of Law, 2017, https://ir.kiu.ac.ug/bitstream/20.500.12306/8793/1/img-0052.pdf.
[689] Moses Musinguzi et al., "Fit for Purpose Land Administration: Country Implementation Strategy for Addressing Uganda's Land Tenure Security Problems," Land 10, no. 6 (2021): 629.
[690] Simon Coldham, "Land Reform and Customary Rights: The Case of Uganda," Journal of African Law 44, no. 1 (2000): 65–77.

tenure as provided for in the Constitution of the Republic of Uganda 1995.[691] Instances where individuals lost land without compensation indicate violations of procedural fairness and access to justice, as outlined in international human rights instruments such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). The lack of transparency in land transactions, often involving corrupt officials or fraudulent documents, further breaches the right to equality and non-discrimination, disproportionately affecting marginalized communities.[692] Fear of dispossession and the erosion of traditional land management practices also impede the right to cultural heritage and self-determination. These human rights challenges emphasise the need for a rights-based approach to land registration, ensuring inclusivity, accountability, and protection for all stakeholders.[693]

5.4.2 Cultural Values

Participants in Kayunga District expressed strong views on the cultural implications of land registration. Participants emphasised that land serves as a spiritual and ancestral link, defining their heritage and identity. A participant stated,

> *"Land is not just a resource; it's our heritage. Our ancestors are buried on this land, and we have a spiritual connection to it. I am worried that land registration will lead to the commercialization of our land, eroding our cultural identity."*[694]

Concerns were raised about how formal land registration might conflict with traditional landholding systems that have long relied on communal farming, grazing, and shared stewardship. Another participant observed,

> *"We have always practiced communal farming and grazing in our community. Land registration might lead to individualization of land ownership, which could destroy our social fabric."*[695]

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[691] Article 26 and 237 of the Constitution of Uganda of 1995.
[692] Sarah Auma, "Land Conflict, Gender and Agricultural Production: A Case of Apac District, Northern Uganda" (Master's Thesis, Norwegian University of Life Sciences, as, 2016), https://nmbu.brage.unit.no/nmbu-xmlui/handle/11250/2399028.
[693] Supra Note 31.
[694] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kitimbwa Sub County."
[695] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Nazigo Sub County."

Participants emphasised the need to balance the benefits of land registration with the preservation of cultural and spiritual values. The move toward individualized ownership was viewed as potentially undermining the communal principles that have sustained these communities for generations. This highlights the importance of integrating customary practices into formal frameworks to ensure land governance respects cultural significance while maintaining social cohesion. Such an approach is essential for preserving heritage and avoiding conflicts that may arise from the erosion of traditional land management systems.[696] The findings reveal that land in Kayunga District holds profound cultural and spiritual significance, functioning not merely as a resource but as a heritage connecting individuals to their ancestors and communal identity.

Participants expressed concerns that land registration might commodify land, threatening its cultural and spiritual essence. For example, the registration process is perceived as potentially disruptive to communal practices like farming and grazing, raising fears about the individualization of land ownership and the resulting social fragmentation. This concern reflects the need for a culturally sensitive approach that incorporates customary land practices into formal frameworks to preserve cultural heritage and uphold social cohesion.[697] Additionally, participants indicated that the land registration process in Kayunga District presents several structural and practical challenges. The majority of land is held under customary tenure systems, which, while recognised under the Land Act cap 236 and Land Regulations, are largely unregistered due to low awareness and lack of resources. Participants noted the absence of local government initiatives to provide information or technical support for land registration, leading to dependency on external actors and inefficiencies in the process. Furthermore, the system's lack of transparency and accountability fosters mistrust, as participants reported instances where land titles were granted without the legitimate landowners' knowledge, reducing them to *bibanja* holders. These dynamics have contributed to a general reluctance among communities to engage in the land registration system, indicating a need for reforms that prioritise transparency, inclusivity, and respect for local landholding traditions.[698]

[696] Leonardi and Santschi, Dividing Communities in South Sudan and Northern Uganda.
[697] Matt Kandel, "Struggling over Land in Post-Conflict Uganda," African Affairs 115, no. 459 (2016): 274–95.
[698] Musinguzi et al., "Fit for Purpose Land Administration."

5.4.3 Economic Interests

Participants in Kayunga District shared varying views on the economic impact of land registration. Many smallholder farmers viewed it as a means of securing ownership and ensuring stability, which they believed was critical for economic empowerment. For example, one farmer noted,

> *"With a registered title, I can access credit facilities, invest in my farm, and plan for the future without fear of land dispossession."*[699]

Another emphasised the need for legal protection, saying,

> "*I have invested heavily in my farm, and I need to secure my investment through land registration. I don't want to lose my land to land grabbers or fraudulent transactions."*[700]

These sentiments reflect the belief that land registration offers tangible benefits, such as enabling access to better financial services and safeguarding investments. Though, some participants were willing to bear the associated costs for peace of mind, as expressed by a participant who stated,

> *"I am willing to pay the necessary fees to acquire a title for my land. It's a small price to pay for the security and peace of mind that comes with knowing my land is protected."*[701]

Though, participants also raised concerns about the unintended consequences of land registration on smallholder farmers and the local economy. They believed the process encouraged land speculation, which has led to increased land prices in urbanizing areas like Kayunga, Nazigo, and Kangulumira. This has displaced small farmers and limited their access to essential agricultural land.

[699] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kayonza Sub County conducted in February, 2023"
[700] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kitimbwa Sub County conducted in January, 2023"
[701] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Galiraya Sub County conducted in February, 2023"

As one farmer expressed,

> *"I am afraid that land registration will lead to an influx of large-scale agricultural investments, pushing smallholder farmers like me out of business and land on which to grow food. We need to ensure that our interests are protected."*[702]

Such concerns emphasise the fear that formal land registration could marginalize smallholder farmers, paving the way for wealthier entities to dominate land resources. This apprehension highlights a need for regulations to prevent speculative practices and ensure equitable access to land for agricultural and residential purposes.

Participants also criticized the transparency and accountability of the land registration process, expressing frustration over corruption and favouritism. They observed that some individuals had acquired land titles without legitimate ownership, undermining the credibility of the system. Participants voiced concerns about government prioritizing foreign investors over local interests, further eroding trust in the process. For instance, delays in completing essential infrastructure, like the Sezibwa bridge, have amplified feelings of neglect among residents. To address these challenges, participants called for inclusive and participatory approaches to land registration. They emphasised the importance of decentralized systems that respect diverse land tenure arrangements and promote the rights of community members enhancing transparency, ensuring accountability, and increasing community involvement were seen as crucial steps to rebuild trust and create equitable outcomes for all stakeholders[703].

5.4.4 Perspectives on structural matters in land registration

Land registration in Uganda is a crucial process that provides landowners with legal recognition and security of tenure. It serves as a foundation for land governance, reducing conflicts, preventing fraudulent claims, and facilitating economic development by enabling landowners to use their land as collateral for loans. The Ministry of Lands, Housing, and Urban Development (MLHUD) oversees the process through Ministry Zonal Offices (MZOs), ensuring compliance with legal and procedural requirements. Despite its importance, land registration remains a complex and resource-intensive exercise, particularly for smallholder farmers and rural landowners. While the legal framework provides a structured pathway for registration, various barriers, including bureaucratic inefficiencies, accessibility issues, and

[702] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kangulumira Sub County conducted in February, 2023"
[703] Ahene, "Measures to Improve Access to Land Resources and Related Benefits in Uganda."

high costs, continue to limit the effectiveness of the process. Land registration in Kayunga District faces significant structural challenges that hinder access and create barriers for local landowners, particularly smallholder farmers. Many participants emphasised the fragmented nature of the registration process, which involves multiple steps and visits to various offices, such as the sub-county, district, and sometimes even Kampala.

The land registration has been seen as a long legal process overseen by the Ministry of Lands, Housing, and Urban Development (MLHUD) through Ministry Zonal Offices (MZOs). The process involves multiple approvals, surveys, and documentation, leading to the issuance of a land title under freehold, leasehold, or Mailo tenure. It begins with an instruction to survey, which applicants obtain from the District Land Office (DLO) or MZO after submitting necessary documents, including a completed application form, proof of land ownership such as a sale agreement or customary ownership certificate, and a letter of no objection from the Area Land Committee (ALC) for unregistered land. The application is reviewed by the District Land Board (DLB), and if approved, an instruction to survey is issued, allowing a registered surveyor to demarcate the land boundaries. A licensed surveyor then conducts a cadastral survey and submits a deed plan to the Department of Surveys and Mapping in Entebbe for verification. Once approved, the applicant proceeds to land title registration by submitting the survey report, proof of ownership, land board minutes, and a national ID to the MZO or Land Registry. After review and endorsement by the Commissioner for Land Registration, the applicant pays registration fees, stamp duty, and any lease processing fees if applicable. The final step is the issuance of a land title, which is printed, signed, sealed, and collected by the applicant at the respective Ministry Zonal Office (MZO)[704].This bureaucratic process is time-consuming and financially draining for landowners, particularly those with limited resources. One farmer shared,

> *"The process to register land in this district feels like a maze. You have to visit the sub-county, the district, and sometimes even Kampala for approvals. Every time, they ask for a new document, which is exhausting and financially draining."*[705]

The complexity and inefficiency of the registration system discourage many landowners from completing the process. This leaves them vulnerable to disputes and land grabbing, as informal

[704] Ministry of Lands Housing and Urban Development, The Uganda National Land Policy Implementation Action Plan 2015/16 – 2018/19. Kampala: Ministry of Lands, Housing and Urban Development.
[705] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Busaana Sub County," February 16, 2023.

land ownership continues to prevail. The fragmented and cumbersome nature of the process exacerbates tenure insecurity, preventing landowners from securing legal protections for their land and maintaining ownership stability[706].

Another significant structural challenge is the concentration of land registration offices in urban centers, far from rural communities. The distance between rural landowners and land offices creates a major logistical barrier, as participants noted the difficulty and expense of traveling to these offices. One respondent described,

> *"I live deep in the village, and the nearest land office is at the district headquarters. Getting there requires two taxis and a full day of traveling, which disrupts my farming activities and costs money I cannot afford."*[707]

The need for multiple trips to urban centers is a significant deterrent for rural landowners, especially those whose livelihoods depend on farming. As a result, many rural landowners face exclusion from the formal land registration process, while the centralization of services heightens the inequality between rural and urban landowners. This disparity leaves rural communities underrepresented in land registration systems and vulnerable to illegal land transactions and dispossession[708].

In Kayunga District, land matters are primarily handled at the Kayunga District Land Office, located at the district headquarters in Kayunga Town, while actual land registration is processed at the Mukono Ministry Zonal Office (MZO) in Mukono Town, approximately 50 kilometers away[709]. Many residents from far-off sub-counties face substantial difficulties in reaching these offices, leading to delays, financial strain, and exclusion from the formal land registration process. During interviews, one resident from Bbaale revealed the immense hardship caused by these distances. He explained,

> *"I wanted to process my land title, but I live far in Bbaale. When I calculated transport to Kayunga Town, I needed at least UGX 30,000 for taxis and another*

[706] Kathryn Gardner and Harold Perkins, "Ambiguity, Contradiction, and an International Land Acquisition: Lessons Learned from the Establishment of the Kaweri Coffee Plantation in Mubende, Uganda," ACME: An International Journal for Critical Geographies 21, no. 6 (2022): 693–709.
[707] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kitimbwa Sub County."
[708] K. Deininger, "Land Policies for Growth and Poverty Reduction," 2003.
[709] Kayunga District Local Government, Kayunga District Profile (2018), https://kayunga.go.ug/about-us/district-profile.

UGX 50,000 for boda bodas. That was just for one trip. I was told I would need to return for follow-ups, and I could not afford it, so I abandoned the process."[710]

Many rural landowners face similar challenges, with some failing to register their land altogether, while others accumulate debts just to make the necessary trips.

The transport costs vary across the district, making it especially difficult for those in remote sub-counties. Traveling from Kayunga Town to the District Land Office costs between UGX 3,000–5,000 (≈ USD 0.80–1.30) by taxi and UGX 5,000–7,000 (≈ USD 1.30–1.80) by boda boda. From Busaana, transport costs range between UGX 7,000–10,000 (≈ USD 1.80–2.60) by taxi and UGX 10,000–15,000 (≈ USD 2.60–3.90) by boda boda. Those traveling from Nazigo spend between UGX 8,000–12,000 (≈ USD 2.10–3.10) by taxi and UGX 12,000–18,000 (≈ USD 3.10–4.70) by boda boda. In Kangulumira, costs are higher, with taxis charging between UGX 10,000–15,000 (≈ USD 2.60–3.90), while boda bodas charge between UGX 15,000–20,000 (≈ USD 3.90–5.20). Kayonza residents spend UGX 12,000–18,000 (≈ USD 3.10–4.70) on taxis and UGX 18,000–25,000 (≈ USD 4.70–6.50) on boda bodas. From Kitimbwa, costs range between UGX 15,000–22,000 (≈ USD 3.90–5.70) by taxi and UGX 22,000–30,000 (≈ USD 5.70–7.80) by boda boda. The most distant areas, Bbaale and Galiraya, have the highest transport costs, with trips to Kayunga Town ranging between UGX 20,000–30,000 (≈ USD 5.20–7.80) by taxi and UGX 30,000–40,000 (≈ USD 7.80–10.40) by boda boda from Bbaale, while those from Galiraya spend between UGX 25,000–35,000 (≈ USD 6.50–9.10) on taxis and UGX 40,000–50,000 (≈ USD 10.40–13.00) by boda boda.[711]

For those with private cars, fuel costs add another financial burden. A round trip from Kayunga Town to Mukono MZO requires approximately 6–8 liters of fuel, costing between UGX 35,000–50,000 (≈ USD 9–13), depending on fuel prices. From more distant areas such as Bbaale or Galiraya, fuel costs range between UGX 80,000–150,000 (≈ USD 21–38), making land registration an expensive process that only a few can afford. Those who cannot afford transport sometimes attempt to walk, but the distances are often too long. Walking from Kayunga Town takes about 30–45 minutes, from Busaana about two to three hours, and from Nazigo three to four hours. Those from Kangulumira walk for four to five hours, while

[710] Focus Group Discussion, Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing conducted on 19th February, 2023"
[711] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Galiraya Sub County conducted on 16th February, 2023."

residents from Kayonza take five to six hours, Kitimbwa six to seven hours, and Bbaale between seven to nine hours. The longest walking distance is from Galiraya, requiring over ten hours, making the journey impractical for most.[712]

A resident from Kangulumira expressed his frustration, saying,

> *"I walked to Kayunga once because I could not afford transport. By the time I arrived, the office had closed. I had to sleep at a friend's place and try again the next day. This is why many of us delay land registration; the process is too expensive and exhausting."*[713]

Others, particularly in areas like Bbaale and Galiraya, often borrow money to cover transport expenses, putting themselves into debt just to access land services. For those who manage to reach the land offices, some are turned away due to missing documents or delays in processing, forcing them to return multiple times. One frustrated landowner from Kitimbwa recounted,

> *"I borrowed UGX 50,000 for transport and spent the whole day at the office. They told me my file was missing, and I had to return another day. I had no money left, so I gave up."* [714]

These financial and logistical challenges leave many rural landowners vulnerable to illegal land transactions and dispossession, as they struggle to navigate the formal registration system.

High costs also remain a substantial barrier in the land registration process, further marginalizing economically disadvantaged groups. Participants consistently voiced concerns about the fees associated with land registration, including those for surveying, valuation, and title applications. One participant explained,

[712] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Galiraya Sub County, 18th February, 2023."
[713] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kangulumira Sub County, 19th February, 2023"
[714] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Galiraya Sub County, 18th February, 2023."

"They told me I had to pay for the surveyor, the valuation, and the title application separately. By the time I calculated the total, I realized it would cost more than I earn in a year."[715]

These financial obstacles make the registration process unattainable for many landowners, especially those in poverty. The high costs of formalizing land ownership create a system where only wealthier individuals can afford to protect their land legally, leaving the economically disadvantaged exposed to exploitation and land disputes. These financial barriers continue to hinder the inclusivity of land registration systems and contribute to the perpetuation of informal land tenure systems. The reliance on informal means of securing land, including through informal brokers, only adds to the instability and insecurity of land tenure for many.[716] The structural challenges observed in Kayunga District align with broader findings in land governance literature, which highlight how inefficiencies, corruption, and accessibility barriers disproportionately impact marginalized groups. Amadi argued that fragmented land registration systems exacerbate tenure insecurity, as communities without formal ownership documentation remain vulnerable to exploitation and displacement.[717] The findings underscore the need for systemic reforms to address these challenges, ensuring that land registration systems are accessible, transparent, and inclusive for all stakeholders. The high cost of transport, the long distances, and the multiple trips required for land registration disproportionately affect rural landowners. The centralized nature of land offices, combined with poor infrastructure and high transport costs, heightens inequality between rural and urban residents, making land registration an expensive and inaccessible process for many.

[715] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kitimbwa Sub County. conducted on 17th January, 2023"
[716] Francisco MP Mugizi and Tomoya Matsumoto, "From Conflict to Conflicts: War-Induced Displacement, Land Conflicts, and Agricultural Productivity in Post-War Northern Uganda," Land Use Policy 101 (2021): 105149.
[717] Anthea Patricia Amadi-Echendu, Towards a Framework for the Integration of Data and Data Sources in the Automation and Dematerialisation of Land Administration Systems (University of Pretoria (South Africa), 2016), https://search.proquest.com/openview/c937d1dd3cd4c8c5efdf26066089ad2f/1?pq-origsite=gscholar&cbl=2026366&diss=y.

5.4.5 Institutional perspectives

The study revealed concerns regarding the institutional aspects of land registration in Kayunga District, with participants pointing to inefficiencies, corruption, and capacity issues within land governance bodies. A recurrent observation was the prevalence of corruption within land offices. A participant noted,

> "*You cannot move your file through the land office unless you pay something. Those with money always get their work done quickly, while we, the ordinary people, are left waiting for months."*[718]

Corruption and reliance on informal payments exacerbate existing inequalities, where the wealthy can expedite their applications, while economically disadvantaged individuals experience delays and obstacles. These practices undermine public trust in the fairness of the system, as the economically vulnerable feel marginalized and left out of the legal protections that land registration is supposed to provide.

Participants also reported the lack of coordination among various departments involved in land registration. A respondent explained,

> *"When you apply for land registration, you are sent from one office to another because the surveyors, land board, and registrar do not share information. This makes the process unnecessarily complicated and time-consuming."*[719]

The fragmentation of the registration process means that each step becomes a separate challenge, requiring more time and resources than necessary. Delays and complications create opportunities for corruption, as gaps in the system can be exploited. The lack of coordination results in an inefficient, frustrating process for landowners, undermining their faith in the formal land registration system. Failing to streamline operations and ensure cooperation among relevant departments, the system perpetuates inefficiency and weakens the potential for transparency in land governance.[720]

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[718] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kangulumira Sub County, conducted on 16th February, 2023"
[719] Land Owner, "Focus Group Discussion on Land Registration and Grabbing in Kayunga District Held in Nazigo, Sub County," February, 11, 2023.
[720] Anthony, "The Right to Property and Compulsory Land Acquisition in the Albertine Graben."

The lack of institutional capacity also emerged as a major concern, particularly when participants described the delays and inadequate service delivery. A participant shared,

> *"The officers are overwhelmed with work, and there are very few of them to handle all the files. Sometimes they say they cannot proceed because they lack basic resources like paper or fuel for transport."*[721]

The inability of land offices to manage the volume of land registration applications results in backlogs and extended waiting times for landowners. Participants also pointed out that there was little recourse for those whose applications were delayed or mishandled. The lack of accountability deepens the sense of frustration and powerlessness among landowners, who feel that the system was not designed to cater to their needs. Under-resourced land governance institutions further perpetuate a cycle of inefficiency and injustice, leaving landowners without access to the services and protections they are entitled to.[722]

5.5 The Perspectives of local community on Land Grabbing

Participants in Kayunga District expressed deep concerns about land grabbing, describing it as a pervasive issue that disrupts livelihoods and undermines their social and cultural structures. Many emphasised the role of influential individuals and companies, often backed by government or local authorities, in perpetuating these injustices. A farmer lamented,

> *"We are seeing large tracts of land being taken over by powerful individuals and companies, often with the backing of the government and local authorities. It's not just about the loss of land; it's also about the loss of livelihoods, cultural heritage, and community identity."* [723]

This reflects the broader impact of land grabbing beyond economic losses, touching on the erosion of traditional values and community cohesion.

The problem of land grabbing is further compounded by the lack of transparency and accountability in land transactions. Participants highlighted the secrecy surrounding land deals, which often leaves communities unaware of transactions that affect their ancestral land. A participant from Kayonza sub-county shared,

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[721] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Nazigo Sub County, 11th Febraury 2023."
[722] Supra Note 46.
[723] In-depth Interview, Legal Professional, "Interview on Land Registration Disputes in Kayunga District," January, 2023.

> *"One of the most frustrating things is the lack of transparency and accountability in land transactions. We are often not informed about the sale of our land, and even when we are, the deals are often shrouded in secrecy. It's like they're trying to hide something from us."*[724]

This lack of clarity fosters mistrust toward authorities and creates fertile ground for fraudulent practices, leaving legitimate landowners vulnerable to exploitation.

The displacement caused by land grabbing has far-reaching consequences for the affected communities. Participants recounted stories of families losing not only their homes but also their primary means of livelihood. One participant stated,

> *"I have seen how land grabbing has led to the displacement of families, the destruction of crops, and the erosion of our traditional way of life. It's heart-breaking to see our ancestors' land being taken away from us, and we are left with nothing."*[725]

Such accounts reveal the extent of harm inflicted on smallholder farmers and highlight the critical need for measures that prevent further marginalization. The social conflicts arising from these disputes further exacerbate poverty and inequality, creating a cycle of disenfranchisement that deeply affects rural communities.

These findings imply that addressing land grabbing requires a comprehensive legal response aimed at strengthening land governance systems, ensuring accountability, and safeguarding the rights of vulnerable landowners. The consistent failure to enforce Uganda's Land Act Cap 236 and constitutional guarantees undermines the credibility of land governance institutions. Reforms must focus on transparency in land transactions, incorporating mechanisms that require free, prior, and informed consent to protect smallholder farmers from exploitation. Furthermore, policies should regulate speculative acquisitions and prioritise the protection of local land users. Participatory and inclusive governance models that respect cultural values and local traditions can help resolve conflicts and foster trust in land systems[726].

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[724] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kayonza Sub County, February, 2023"

[725] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kayunga Sub County, conducted on 19th February, 2023"

[726] Samuel B. Mabikke, "Escalating Land Grabbing in Post-Conflict Regions of Northern Uganda: A Need for Strengthening Good Land Governance in Acholi Region," International Conference on Global Land Grabbing, 2011,6–8,https://www.researchgate.net/profile/Samuel-

The findings highlight land grabbing as a pervasive challenge in Kayunga District, with severe implications for the legal rights, livelihoods, and cultural heritage of the people in the district. Participants described land grabbing as a systematic violation of their ownership and tenure rights, with large-scale investors, speculators, and powerful individuals encroaching on their lands. Legally, this undermines the principles of property rights and the protection of lawful landholders enshrined in Uganda's Land Act, cap 236, which emphasises securing land tenure for all citizens, including those under customary ownership. Nevertheless, participants' accounts suggest that these legal protections are inadequately enforced, creating a vacuum where smallholder farmers are left exposed to coercion, manipulation, and outright dispossession. This lack of enforcement undermines the very essence of a legal framework intended to promote justice and equity in land management.[727]

Participants emphasised the economic and social consequences of losing their land, as it directly threatens their legal entitlement to property, a key principle under Uganda's Constitution. Coercive tactics, such as intimidation or fraudulent demarcations, highlight a failure in upholding the right to due process and justice, as mandated by law. For instance, when land is demarcated without the consent of its occupants, it not only breaches constitutional guarantees against arbitrary deprivation of property but also violates international principles, such as free, prior, and informed consent (FPIC). FPIC is a cornerstone of equitable land governance and ensures that communities are actively involved in decisions affecting their land rights. The absence of these safeguards in Kayunga District has heightened the community's mistrust of formal systems and left them vulnerable to exploitation.

The findings also reveal that the cultural and communal significance of land is deeply impacted by land grabbing. Participants highlighted that land is more than an economic asset, it is a cultural heritage linking them to their ancestors, traditions, and spiritual identity. For instance, the displacement of families and destruction of crops, as shared by participants, demonstrate the far-reaching consequences of land grabbing, which erodes community cohesion and disrupts traditional ways of life. Mbabazi *et al.*, emphasise that land grabbing not only displaces people but also disintegrates the social and cultural fabric of communities.[728] In contexts like

Mabikke/publication/261805324_Escalating_Land_Grabbing_in_Postconflict_Regions_of_Northern_Uganda/links/02e7e5358cf6070c87000000/Escalating-Land-Grabbing-in-Post-conflict-Regions-of-Northern-Uganda.pdf.

[727] Anthony, "The Right to Property and Compulsory Land Acquisition in the Albertine Graben."

[728] Pamela Mbabazi et al., "11. Land Grabbing in the Albertine Graben: Implications for Women's Land Rights and the Oil Industry in Uganda," in Oil Wealth and Development in Uganda and Beyond: Prospects,

Kayunga District, where land defines identity and heritage, such disruptions have long-term implications for social stability and cultural preservation. In a study by Luyombya & Obbo suggest that the imposition of market-oriented land systems without regard for cultural values exacerbates conflicts and leaves communities alienated from their heritage.[729] This aligns with the findings, where participants expressed fears of losing their ancestral connection to land.

The lack of transparency and accountability in land transactions further compounds these issues. Participants noted that land deals are often conducted in secrecy, with limited or no involvement of the affected communities. This lack of openness violates principles of good governance, including accountability, fairness, and inclusivity. Opaque land governance systems create an environment ripe for exploitation, where powerful individuals manipulate processes to their advantage at the expense of smallholder farmers. Their research argues that such practices worsen inequalities and deepen social divisions, particularly in areas where land tenure security is already fragile. The findings echo this concern, as participants described instances where landowners were excluded from negotiations and decisions, leaving them feeling powerless and marginalized. Moreover, the economic consequences of land grabbing, such as displacement and loss of agricultural land, have left smallholder farmers unable to sustain their livelihoods. Mugizi & Tomoyo extensively discuss the impact of unregulated land acquisitions, noting that the displacement of rural communities for large-scale agricultural investments often results in increased poverty and inequality.[730] Their work highlights that, while investments can bring economic benefits, these are rarely equitably distributed, as vulnerable groups are often excluded from the gains while bearing the brunt of the losses. This mirrors the accounts in Kayunga, where participants feared that speculative land acquisitions and large-scale investments were prioritizing profits over the well-being of the people in the district.[731]

5.6 Cases of Land Grabbing

The researcher also reviewed various cases of land grabbing in Kayunga District to examine the legal complexities and implications surrounding the unlawful acquisition of land. These cases provide insight into how land grabbing occurs, often involving abuses of power,

Opportunities,andChallenges(LeuvenUniversityPress,2020),239–64, https://muse.jhu.edu/pub/258/edited_volume/chapter/2494360.

[729] David Luyombya and Dennis Fred Obbo, "The State of Digitisation of the Land Registry Operations in Uganda," Journal of the South African Society of Archivists 46 (2013): 25–25.

[730] Mugizi and Matsumoto, "From Conflict to Conflicts."

[731] Supra Note 679.

procedural irregularities, and violations of land rights. These are evident in the cases described in this section below: Case 1: State House Officials Accused of Land Grabbing in Forest Reserves, Case 2: Police Chief Blamed for Siding with Land Grabbers in Kayunga District, and Case 3: Landlord Burnt to Death by Angry Tenants in Kayunga District illustrate tactics such as the use of intimidation, fraudulent transactions, and the exploitation of legal and administrative loopholes by influential actors, including state officials and private entities. The cases also underscore the legal and human rights violations resulting from these actions, including forced evictions, deprivation of property, and breaches of due process and natural justice principles. These examples emphasise the critical need for legal redress mechanisms, adherence to principles of equity and accountability, and strong enforcement of land governance frameworks to uphold the rule of law and protect the rights of affected individuals and communities. The cases are examined below;

Case 1: State House officials accused of land grabbing in forest reserves[732].

The allegations against government officials in Kayunga District regarding land grabbing in forest reserves such as Bajjo, Wamale, and Kiula have brought to light serious concerns about land governance and the misuse of authority. Residents of Ggaliraya and Bbale sub-counties reported that these officials claimed to have a directive to reallocate the forest reserves to a private company. This company, according to the residents, cleared portions of the forest to plant sugarcane, displacing those who had been allowed by the National Forestry Authority (NFA) to graze animals and grow crops. The severity of the issue escalated when considering the threats made to the residents. For instance, one resident recounted being threatened with death by individuals allegedly using a government-linked phone number. He stated:

> *"I request the commission to investigate this number, 0313300800, from State House. The caller tells me to leave matters of the land if I want to be alive"*

Despite appealing to the Commission of Inquiry into Land Matters, residents reported no tangible outcomes from their efforts. This situation highlights significant gaps in accountability within land governance institutions and raises concerns about the transparency of processes involving government directives. Legally, directives in Uganda do not have the force of law unless backed by legislative approval or statutory provisions. The 1995 Constitution of Uganda vests land ownership in the citizens and mandates that public land, including forest reserves, be managed in the public interest under the public trust doctrine. Relevant case law has

[732] Displacement of Farmers for Large-Scale Industrial Development.

emphasised that state authorities hold natural resources in trust for the public and cannot allocate them arbitrarily to private entities. The Land Act (Cap 236) and the National Forestry and Tree Planting Act (2003) further provide that forest reserves cannot be reallocated without following due legal procedures. The failure of institutions such as the Commission of Inquiry into Land Matters to address these complaints reflects broader governance failures and the challenges of holding powerful actors accountable in land disputes.

Case 2: Police chief blamed for siding with land grabbers in Kayunga District

The accusations by the former state minister for Lands, Ms. Idah Nantaba, against the Inspector General of Police, Gen. Kale Kayihura, illustrate the complexities of land conflicts in Kayunga District and the alleged involvement of law enforcement in perpetuating land grabbing. Ms. Nantaba claimed that Gen. Kayihura forced evictees to share land with individuals accused of grabbing it, rather than supporting rightful landowners. This approach, she alleged, reflected police collusion with land grabbers, as evidenced by their failure to arrest or prosecute those responsible for the crimes. Ms. Nantaba further noted resistance from Gen. Kayihura against her directive to remove cattle from disputed farms, herd them into markets, and allocate land to tenants (bibanja holders), actions she described as being within the law to protect victims. She remarked,

> *"They* [the land grabbers] *have brought cattle which have destroyed the crops. When I condemn this, they say I am not acting within the confines of the law. Police have connived with land grabbers and even today, when the victims have been kidnapped, police have not arrested any of the kidnappers."*[733]

These assertions highlight the perception of institutional bias and inefficiency in addressing land conflicts, leading to a loss of community trust in law enforcement as a neutral arbiter. The alleged complicity of the police in land grabbing further undermines efforts to resolve land disputes, fostering an environment where victims feel abandoned by the state. Attempts to address land disputes in Kayunga have been described as superficial and populist which has led to failure to address the underlying causes. These allegations raise serious concerns about the impartiality and integrity of law enforcement agencies in handling land disputes, further eroding public confidence in legal institutions. The failure of law enforcement to uphold property rights and intervene in cases of illegal land acquisition creates an environment where landowners and lawful occupants are left without effective legal remedies, rendering them

[733] Police Chief Blamed for Siding with Land Grabbers in Kayunga District.

susceptible to continued exploitation and displacement. Previous academic discourse has characterized land dispute resolutions in Kayunga as perfunctory and populist, as they fail to address the root causes of tenure insecurity, thereby perpetuating systemic land conflicts.

These assertions highlight the perception of institutional bias and inefficiency in addressing land conflicts, leading to a loss of community trust in law enforcement as a neutral arbiter. Nonetheless, some political figures who positioned themselves as defenders of tenure security have also faced accusations of encroachment and irregular interventions, which at times intensified disputes. Such contentious engagements highlight the legal and procedural complexities surrounding land disputes in Uganda, where political figures, law enforcement, and private claimants frequently clash over land rights, further complicating efforts to achieve equitable land administration and justice for affected people. Scholars such as Nakayi, & Wiegratx[734] state that such situations exacerbate tensions, leaving landowners without recourse and perpetuating cycles of displacement, loss of livelihoods, and mistrust in governance.

Case 3: Landlord burnt to death by angry tenants in Kayunga District

The case of a landlord (name withheld) who was killed in Kayunga District in 2009 exposes the deep tensions and conflicts stemming from land disputes, particularly where customary land rights and formal land ownership intersect. The landlord had sold part of his land to a businessperson planning to establish a fish farm. Though, tenants who claimed generational occupancy and customary rights vehemently opposed the sale. Feeling displaced and unheard, the tenants attacked the landlord and his workers with machetes and spears, ultimately setting his house on fire and burning him alive inside. One tenant stated:

> *"We have been living on this land since our ancestors. We have nowhere else to go. We cannot allow this man [name withheld] to sell our land to strangers. He is greedy and selfish. He does not care about us."*[735]

The violence escalated, leading to further deaths and injuries across the district. This case highlights the volatile nature of land disputes in settings where traditional land claims clash with formal land transactions, underlining the critical need for effective systems to mediate

[734] Rose Nakayi and Jörg Wiegratz, "Populism-in-State-Practice under Neoliberalism: Museveni's Ad-Hoc Squads to 'Halt All Evictions' from Land in Uganda," Journal of Eastern African Studies, October 16, 2024, 1–28, https://doi.org/10.1080/17531055.2024.2412883.
[735] Land Boundary Disputes Leading to Violent Clashes.

such disputes and address the grievances of affected communities. It also emphasises the necessity for governance systems that balance historical ties to land with legal frameworks in a way that prioritises conflict prevention.[736]

Community resistance to land grabbing in Kayunga District has taken multiple forms, ranging from violent actions such as mob justice, arson, and physical confrontations to lawful and strategic expressions including petitions, community mobilization, and public demonstrations. While the violent incidents such as the burning of landlords' homes and clashes with security forces illustrate the depth of frustration and loss of trust in state institutions, the more organized and peaceful forms of resistance such as engaging the Commission of Inquiry into Land Matters, filing court cases, and mobilizing through local associations reflect the agency of affected communities in asserting their land rights. These efforts reveal a growing awareness among residents of their constitutional entitlements and a shift towards using legal and political platforms to challenge injustice. Resistance in this context therefore embodies both a cry against dispossession and a strategic effort to reshape land governance discourse towards accountability, fairness, and the protection of human rights.

5.7 Role of government and other actors in land governance

The participants evaluated the role of government and other actors who were local leaders, clan representatives, and religious authorities in land registration in terms of the legal and institutional framework, policy implementation and enforcement, accountability and transparency, and participation and representation as elaborated below;

The government's role in land governance in Kayunga District was portrayed by participants as significantly lacking in effectiveness due to systemic failings in implementing and enforcing legal frameworks such as the Land Act Cap 236 and the National Land Policy (2013). A participant explained in detail,

> *"The government has good laws and policies on paper, but they are not working on the ground. The government does not have enough staff, equipment, or funds to do its work properly. The government does not follow or respect its own laws or rules, and it does not listen or care about us when we raise complaints. They do not tell us what is going on or how to protect our rights."*[737]

[736] Kandel, "Struggling over Land in Post-Conflict Uganda."
[737] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Nazigo Sub County 11th January, 2023"

This emphasises the deep-seated frustrations of local landowners with the operational failures of land governance systems. While structures like District Land Boards (DLBs) and Area Land Committees (ALCs) are in place, participants observed that these institutions often operate without adequate resources, leaving them ineffective in addressing critical land issues[738]. Furthermore, participants highlighted that the lack of transparency and absence of consultation with landowners alienate communities from processes meant to secure their tenure. This disconnect between policy and practice fosters mistrust, allowing corrupt practices to thrive, and leaving marginalized groups particularly vulnerable to exploitation. These structural inadequacies reveal the fragility of governance systems and emphasise the urgent need for stronger accountability measures within land governance institutions[739] .

Participants conveyed varied perspectives regarding the involvement of local leaders, such as LC1 chairpersons and land committees, in land transactions. Many participants acknowledged their roles in legitimizing agreements and verifying ownership. A participant noted,

> *"The chairperson LC1 and his committee were available to write the agreement for me. They gathered all the necessary documentation from the seller, and their presence assured me of the security of my land."*[740]

This reliance on local leaders integrates customary practices with formal legal frameworks, offering assurance in land transactions. Though, concerns emerged regarding potential vulnerabilities within these informal systems. A participant remarked,

> *"Local leaders help ensure no one can claim the same land again, but the process of getting documents approved and finalized is still slow and unreliable."*[741]

This highlights the challenge of balancing community trust in grassroots authority with the need for formal procedural rigor. Furthermore, the dependency on local leaders raises questions about the consistency of land governance, as their capacity to enforce agreements varies significantly.[742] Strengthened coordination between grassroots and formal governance

[738] Raymond Talinbe Abdulai and Edward Ochieng, "Land Registration and Landownership Security: An Examination of the Underpinning Principles of Registration," Property Management 35, no. 1 (2017): 24–47.
[739] Sara Adriano, "The Case of The Amuru Sugar Works in Uganda: Land Grabbing, Gendering, And Western Knowledge Production," Food Sovereignty And Land Grabbing, 2023, 59.
[740] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Nazigo Sub County conducted on 11th January, 2023."
[741] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kayunga Sub County conducted on 18th February, 2023"
[742] Gardner and Perkins, "Ambiguity, Contradiction, and an International Land Acquisition."

structures is necessary to establish equitable and reliable land administration processes, minimizing disputes and enhancing community confidence[743].

Participants expressed mixed experiences regarding the role of local authorities in land transactions, noting both their critical involvement and procedural limitations. A participant shared,

> *"I involved the local leaders of our cell because they have all the data about that land. They coordinate with clan members and old community members who can witness and verify the sale. Their presence ensures the agreement is respected, and no one can come later to claim the same land."*[744]

Such accounts highlight how local authorities act as intermediaries between traditional landholding systems and statutory frameworks, providing legitimacy and conflict resolution. Though, procedural delays and reliance on outdated practices were consistently raised as issues. A participant commented,

> *"Even after the local leaders help, the process of transferring the land to my name takes months due to inefficiencies at higher levels."*[745]

This reflects gaps in institutional efficiency and the uneven integration of grassroots authority into formal systems. While local leaders provide an essential layer of security and mediation, the lack of alignment with streamlined, legally binding processes undermines the long-term reliability of these transactions[746]. Enhanced training and resources for local authorities, coupled with stronger institutional partnerships, could address these weaknesses and foster a more cohesive land governance system[747].

Participants expressed concerns about the role of police and enforcement agencies in land governance, particularly regarding their impartiality and efficiency. A participant shared,

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[743] Adventino Banjwa, "Land for Development? Neoliberal Restructuring and the Dynamics of Land Reforms in Uganda," in Capital Penetration and the Peasantry in Southern and Eastern Africa, ed. Freedom Mazwi et al., Advances in African Economic, Social and Political Development (Cham: Springer International Publishing, 2022), 57–77, https://doi.org/10.1007/978-3-030-89824-3_3.

[744] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kayunga Sub County conducted on 16^{8h} February, 2023"

[745] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Busaana Sub County conducted on 21th February, 2023"

[746] patricia ackah-baidoo et al., "5 gender, land grabbing, and glocal land governance in ghana and uganda," Natural Resource–based Development in Africa, 2022, 101.

[747] Ronald Twongyirwe et al., "Projected Land Use Change in an Oil-Rich Landscape in Uganda: A Participatory Modelling Approach," The Extractive Industries and Society 10 (2022): 101071.

> *"Police is usually notified, including the land board and politicians, when disputes arise. Though, when the issue escalates, we often resort to media exposure because taking a land matter to court takes forever, and many people have lost faith in the system."* [748]

This reliance on law enforcement highlights frustrations with delays and perceived biases. Concerns were raised about law enforcement prioritizing influential individuals, as another participant remarked in Nazigo Sub County revealed that;

> "*The police often side with those who have money or political connections, leaving us with no choice but to seek informal resolutions or abandon our claims entirely."*[749]

These issues erode trust in formal dispute resolution mechanisms, contravening the constitutional principles of equality and justice outlined in Uganda's Land Act Cap 236. The reliance on external entities, such as media outlets, reflects deficiencies in institutional capacity to address land-related grievances, emphasizing the need for accountability and strict adherence to legal frameworks in land governance.[750]

Participants emphasised the significant role of local leaders, particularly LC1 chairpersons and land committees, in mediating land transactions and ensuring adherence to agreed terms. A participant explained,

> *"The LC1 chairperson and his committee are crucial because they verify ownership and witness agreements between buyers and sellers. Their involvement ensures that no one can challenge the legitimacy of the transaction later."*[751]

This involvement bridges the gap between customary land practices and statutory legal frameworks, offering a layer of community-based legitimacy. Though, the dependency on local leaders also presents risks, as their discretionary authority can sometimes lead to favouritism or manipulation. Another participant stated,

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[748] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Nazigo Sub County."
[749] In-depth Interview, Legal Professional, "Interview on Land Registration Disputes in Kayunga District."
[750] Muyiwa Elijah Agunbiade, Land Administration for Housing Production (University of Melbourne, Department of Infrastructure Engineering, 2012), https://eng.unimelb.edu.au/__data/assets/pdf_file/0012/3928818/muyiwa-agunbiade-phd-thesis.pdf accessed on 2024-11-23.
[751] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kayunga Sub County conducted on 19th February, 2023"

> *"The local leaders know all the historical details of the land, including disputes and ownership, but if they are compromised, they can easily support fraudulent claims."*[752]

Such actions undermine the integrity of land governance and violate the procedural fairness enshrined in Uganda's Constitution and the Land Act Cap 236. The critical role of local leaders highlights the need for their capacity-building and accountability to ensure equitable and lawful land transactions, particularly in rural areas where formal institutions may be less accessible[753].

Participants acknowledged the involvement of various actors in land transactions, including local leaders, clan representatives, and religious authorities, whose roles were described as pivotal in legitimizing agreements. A participant shared,

> *"The LC1 chairperson and his committee, alongside a respected religious leader, witnessed my agreement to ensure it was fair and aligned with community values. This gave me confidence in the process."*[754]

Religious leaders were particularly noted for their moral authority, often mediating disputes and endorsing agreements to foster trust and social cohesion.[755] Nevertheless, participants expressed concerns about the potential misuse of this influence, as one remarked,

> *"While religious leaders should remain neutral, there are instances where their involvement has supported biased claims, especially when they align with powerful individuals."*[756]

This dual role emphasises the complexity of integrating traditional and statutory governance systems. Religious leaders, while not formal legal actors, provide a bridge between community-

[752] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Galiraya Sub County conducted on 18th February, 2023"
[753] Twishime Gerald Byensi, "Land Conflicts Management and National Security In Uganda: A Case of Wakiso District," Police College Journal Of Law Enforcement And Crime, 2023, 190.
[754] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Nazigo Sub County conducted on 11th January, 2023"
[755] B. Georges Bosakaibo, "Land Administration Problems in the Democratic Republic of Congo: Case Study of Bongandanga Territory.," (2022): 103–24.
[756] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kitimbwa Sub County on 14th January, 2023"

based practices and formal legal expectations, necessitating their alignment with statutory principles under the Land Act Cap 236 to ensure fairness and accountability[757].

Participants recognised the involvement of local leaders, clan representatives, and religious authorities in land transactions, emphasizing their crucial roles in ensuring agreements' legitimacy. A participant shared,

> *"The LC1 chairperson and his committee, alongside a respected religious leader, were involved in my land agreement to confirm fairness and compliance with community customs. Their presence reassured all parties involved."*[758]

Religious leaders often mediate disputes, leveraging their moral authority to foster trust and cohesion, particularly in culturally sensitive contexts. Though, participants raised concerns over potential bias, with one noting,

> *"Religious figures, though respected, sometimes align with powerful individuals, influencing decisions against vulnerable landowners."*[759]

This reflects how traditional actors like religious leaders, while instrumental in bridging formal and customary systems, must align their roles with statutory obligations under the Land Act Cap 236 to uphold fairness [760]. Their actions, when inconsistent or partisan, risk compromising the integrity of the transaction and exacerbating mistrust in land governance frameworks. Such dynamics underscore the need for enhanced regulation and accountability to ensure these influential roles are exercised equitably[761].

5.8 Theoretical Underpinning

The issue of land grabbing in Kayunga District aligns with the principles of Conflict Theory which posits that societal structures inherently favor the elite while marginalizing weaker groups. Participants shared examples of powerful individuals acquiring land through fraudulent means which demonstrates how institutional mechanisms are manipulated to serve the interests

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[757] Carolin Dieterle, "Global Governance Meets Local Land Tenure: International Codes of Conduct for Responsible Land Investments in Uganda," The Journal of Development Studies 58, no. 3 (2022): 582–98, https://doi.org/10.1080/00220388.2021.1983165.

[758] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Galiraya Sub County conducted on 16th February, 2023"

[759] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Busaana Sub County conducted on 18th February, 2023"

[760] Mabikke, "Escalating Land Grabbing in Post-Conflict Regions of Northern Uganda."

[761] Mathijs Van Leeuwen, "Localizing Land Governance, Strengthening the State: Decentralization and Land Tenure Security in Uganda," Journal of Agrarian Change 17, no. 1 (2017): 208–27, https://doi.org/10.1111/joac.12143.

of the *bourgeoisie* at the expense of vulnerable landowners. For instance, participants in the interviews held in the different sub counties explained how government officials and investors acquired large tracts of land without community consent which reflects the systemic failure to uphold the principles of equity and justice in land governance.[762]

Production Theory is also evident in the findings as it explains how economic incentives drive the exploitation of land and natural resources. [763] Participants described how land was often acquired to facilitate commercial agriculture and industrial expansion. This corresponds with Wolman's critique of how capitalist systems prioritise production and profitability over the equitable distribution of resources. For example, participants reported that their land was taken to establish sugar plantations without adequate compensation or legal redress which reveals the exploitative nature of land grabbing practices.

Theory particularly regarding the commodification of land. Participants emphasised that land grabbing erodes traditional landholding systems which have spiritual and ancestral significance. For instance, respondents noted that their land was not merely a resource but also a heritage connecting them to their ancestors which is often disregarded under formal property systems.

5.9 Conclusion

The main objective of this chapter was to assess the perspectives of local communities on the relationship between land registration and land grabbing in Kayunga District on the relationship between land registration and land grabbing. The data was collected from focus group discussions with different groups of local community members, such as farmers, women, youth, elders, and leaders. The data was analysed using thematic analysis and interpreted and explained using the literature review and the theoretical framework.

In Kayunga District, the local community's perspectives on land registration and land grabbing revealed a complex relationship marked by both positive and negative opinions. While some respondents viewed land registration as an essential tool for securing land ownership, facilitating access to credit, and protecting against land grabbing, others expressed significant

[762] Male Land Owner, "Focus Group Discussion on Land Registration and Grabbing in Kayunga District Held in Galiraya Sub County," January, 2023; Land Owner, "Focus Group Discussion on Land Registration and Grabbing in Kayunga District Held in Bbaale Sub County," February 2023; Land Owner, "Focus Group Discussion on Land Registration and Grabbing in Kayunga District Held in Kayonza, Sub County," February, 2023.
[763] L Wolman, The Theory of Production. The American Economic Review, 11(1), 37-56, vol. 11 (American Economic Association, 1921).

reservations. Their concerns stemmed from the perceived high costs, complex procedures, and fears of fraudulent activities and corruption in the registration process. This divergence in opinion largely reflects varying levels of education, trust in public institutions, and understanding of legal frameworks.

The demographic data further highlighted the differences in views among different groups. For instance, landowners with higher education levels generally saw land registration as an important security measure, while those with less formal education were more suspicious of the system, viewing it as a potential avenue for land grabbers to dispossess them. The more educated groups recognised the legal protections afforded by land registration, such as the ability to use land titles as collateral for loans, while others, especially those in rural areas, viewed the formalization of land ownership as a tool for exploitation, favoring the wealthy or well-connected individuals and businesses.

From a cultural standpoint, many respondents emphasised the deep connection between land and heritage. In communities with a strong attachment to ancestral lands, the process of registration was often viewed as an intrusion into traditional systems of land management, which operate based on communal ownership and ancestral customs. This tension between customary land practices and formal land systems underscores the broader conflict in Kayunga District between modern legal frameworks and the cultural norms that have historically governed land ownership.

The community's attitude toward land grab reflected deep concern over its continued occurrence and consequences. Their responses showed a deep sense of powerlessness and frustration, as many felt unable to challenge or prevent land loss. While the community acknowledged that land grabbing has been a persistent issue, their responses highlighted a general sense of powerlessness and frustration. The lack of accountability in the land registration process was frequently cited as an enabler of land grabbing, with participants pointing out that corrupt practices and bureaucratic inefficiencies allowed powerful individuals and companies to exploit the system. Furthermore, participants expressed a significant lack of trust in the government’s commitment to protecting local landowners, citing instances where land grabbing continued despite legal protections. This mistrust of public institutions reflects a broader issue of institutional failure to effectively enforce land laws and uphold the rights of the community.

Nevertheless, a concern identified was the absence of consistent accountability and transparency in land registration processes. Participants highlighted that procedural delays and the exploitation of legal loopholes often favored powerful actors at the expense of vulnerable groups. These views were strongest among marginalized landowners, who repeatedly emphasised the lack of protection for their customary rights and the prevalence of fraudulent practices. Nevertheless, there was no direct critique of recent legal reforms or amendments aimed at improving land governance. This omission suggests either limited awareness or a general disillusionment with the efficacy of such measures. Additionally, participants did not extensively debate the interplay between land registration and customary tenure systems, focusing instead on external threats like land grabs by investors. This lack of attention to customary tenure conflicts was unexpected, given its prominence in theoretical and legislative debates about land governance in Uganda.

Study respondents emphasised that land registration and land grabbing in Kayunga District were intricately linked, as land registration, while intended to secure ownership, often became a gateway to land grabbing. The formalization of land through registration was seen as creating opportunities for powerful individuals and institutions to exploit legal and administrative loopholes, acquiring land at the expense of vulnerable communities. Unregistered land, particularly under customary tenure, was more susceptible to fraudulent claims, while the registration process itself was perceived as a mechanism that enabled land grabbing when accompanied by corruption and procedural inefficiencies. This relationship underscored how land registration, despite being designed to reduce disputes and secure tenure, paradoxically contributed to land grabbing when its systems were not implemented transparently or inclusively.

Therefore, the findings from this study reveal the complexities of land registration and land grabbing in Kayunga District. There is a clear need for comprehensive education campaigns to demystify the land registration process, alongside reforms that ensure transparency and accountability in land governance. While land registration is intended to provide security of tenure and protect landowners, the lengthy, bureaucratic, and costly procedures often deter many from completing the process. The requirement for multiple approvals, extensive documentation, and numerous visits to district and zonal offices makes registration inaccessible to low-income rural landowners, further exacerbating land insecurity. The findings highlight the urgent need for streamlined and accessible land registration procedures, reducing

bureaucratic hurdles and associated costs to encourage more landowners to formalize their ownership. Furthermore, addressing the cultural and historical concerns regarding land ownership is crucial to fostering greater trust in the system. The local community's concerns highlight the necessity of a more inclusive, community-based approach to land management, one that respects traditional practices while ensuring legal protections for all landowners. The government, civil society, and other stakeholders must work together to create a more transparent and fair land registration system that balances the needs of modern development with the protection of local land rights.

Furthermore, it is evident that the Systematic Land Adjudication and Certification (SLAAC) program has been a critical intervention in enhancing land tenure security in Uganda through the systematic adjudication and certification of land rights.[764] This government initiative was established to reform land administration by reducing procedural bottlenecks, minimizing costs, and ensuring equitable access to land registration services, particularly for rural and vulnerable landowners. The program has been operational in several districts, including Mbarara, Kiruhura, Ibanda, Oyam, Kaabong, Kotido, Moroto, Napak, Amudat, Kakumiro, Buliisa, Agago, Nwoya, Mubende, Kabale, Kibaale, and Kayunga, where it has facilitated the formation of Community Land Associations (CLAs) and the adjudication and surveying of tens of thousands of land parcels. The implementation of SLAAC has contributed to the formalization of tenure rights, promoting legal certainty in land ownership while reducing disputes over land boundaries. This approach aligns with the principles of the Registration of Titles Act and the Land Act, which emphasise the protection of proprietary interests through recognised legal frameworks. The systematic nature of SLAAC ensures that adjudication is conducted transparently, protecting landowners from fraudulent claims, multiple titling, and illegal evictions, which have been prevalent under the sporadic land registration system.[765]

More so, by the time of data collection in 2023, the SLAAC program had not been fully institutionalized in Kayunga District, which meant that most landowners and tenants were not familiar with its implementation. The absence of the program in Kayunga left many landowners reliant on sporadic land registration, which is characterized by high transaction costs, protracted bureaucratic processes, and legal uncertainty. Legal practitioners, religious leaders,

[764] Competitiveness and Enterprise Development Project (CEDP), Land Administration Reform (LAR) (2025), https://cedp.go.ug/timeline/land-administration-reform-lar/.
[765] Ibid.

and other key informants were, however, conversant with the program and acknowledged its potential to address the persistent land tenure challenges in the district. The legal community emphasised that SLAAC, once fully implemented, would serve as a mechanism to rectify tenure insecurity, strengthen customary ownership rights, and provide statutory protections for landowners under the existing land laws. The integration of systematic adjudication would also enhance due process in land transactions, ensuring that landowners acquire legally recognised documentation, which is enforceable against third-party claims. The program's anticipated expansion to Kayunga is expected to reinforce compliance with land administration regulations and improve the efficiency of dispute resolution mechanisms in land governance.

CHAPTER SIX

THE NATURE AND DRIVERS OF LAND GRABBING IN KAYUNGA DISTRICT

6.0 Introduction

"The struggle for land is not just a conflict over territory; it is a contest over power, rights, and access to resources that define the livelihood of entire communities."[766] The phenomenon of land grabbing constitutes a fundamental threat to land tenure security, particularly in jurisdictions where legal and institutional frameworks exhibit inconsistencies. This chapter presents the nature of land grabbing in Kayunga District as well as the main drivers of land grabbing , as shared by the participants during the course of the FGDs. Participants generally revealed that land grabbing was mainly characterised of brutality, militarization of land issues and unresolved court cases. The main themes that arouse as the main drivers of land grabbing were convergence of statutory ambiguities, institutional inefficiencies, and economic incentives that facilitate the irregular acquisition and dispossession of land. Participants shared that land disputes within the district remain prevalent, marked with unlawful evictions, fraudulent transactions, and administrative manipulation of land titles as individuals wield political and economic influence.

6.1 The Nature of Land Grabbing in Kayunga District

In the different FGDs conducted, participants revealed that Land grabbing in the area was characterised of illegal, coercive, and deceptive practices that strip communities of their ancestral and legally occupied land. While Uganda's legal framework recognises multiple land tenure systems such as mailo, leasehold, freehold, and customary tenure; these systems have been manipulated by powerful individuals, corporations, and state actors to unlawfully acquire land. The study revealed that land grabbing is not merely a result of land scarcity but rather a systematic exploitation of governance weaknesses, legal loopholes, and socio-economic vulnerabilities. Participants described land dispossession as an overwhelming force that disrupts entire livelihoods, as families are often left homeless, landless, and without a means of survival. Various manifestations of land grabbing emerged, including forced evictions, fraudulent land transactions, speculative acquisitions, and encroachment on communal lands. The study further established that state complicity, corruption in land administration, and

[766] Olivier De Schutter, "How Not to Think of Land-Grabbing: Three Critiques of Large-Scale Investments in Farmland," Journal of Peasant Studies 38, no. 2 (2011): 249–79, https://doi.org/10.1080/03066150.2011.559008.

judicial inefficiencies contribute significantly to the persistence of land grabbing in Kayunga. The subsequent sections below reveal the nature of land grabbing in the district;

6.1.1 Forced Evictions and Displacement of Smallholder Farmers

The study revealed that forced evictions constitute one of the most aggressive and destabilizing forms of land grabbing in Kayunga District. Families reported being expelled from land they had occupied for generations without due process, often under the pretext of development, land reallocation, or alleged ownership disputes. A resident from Bbale sub-county shared,

> *"One morning, we saw a group of men accompanied by police officers. They had documents we had never seen before, and they told us we had to leave immediately. They didn't care that our homes and gardens were there."*[767]

This statement underscores the abruptness with which evictions occur, leaving families in a state of shock and despair. The legal implication of such abrupt evictions is a violation of fundamental land rights enshrined in Uganda's legal framework. The 1995 Constitution of Uganda and the Land Act, Cap. 236 provide protection for lawful and bona fide occupants, ensuring that no person should be evicted without due legal process. Nevertheless, scholars such as Mbabazi *et al* argue that the absence of strict enforcement mechanisms has turned legal protections into mere theoretical provisions, easily overridden by more influential parties.[768] The lack of prior notice, absence of alternative resettlement options, and failure to conduct fair consultations before evictions contravene legal principles of fair administration and land tenure security.

The study further found that many evictions in Kayunga occur through dubious land allocations facilitated by local officials who misuse their administrative authority to favour wealthy individuals. A widow from Kangulumira sub-county shared,

> *"After my husband died, some officials came and told me that the land no longer belonged to my family. When I protested, they showed me papers that I had never*

[767] Focus Group Discussion, Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Bbaale Sub County conducted on 12th February, 2023"
[768] Pamela Mbabazi et al., "11. Land Grabbing in the Albertine Graben: Implications for Women's Land Rights and the Oil Industry in Uganda," in Oil Wealth and Development in Uganda and Beyond: Prospects, Opportunities, and Challenges (Leuven University Press, 2020), 239–64, https://muse.jhu.edu/pub/258/edited_volume/chapter/2494360.

seen before. They said my husband had sold the land, yet he had never discussed such a thing with me."[769]

This reflects a broader trend where fraudulent land transfers occur without the knowledge of rightful occupants, and upon discovery, the victims lack the financial resources to contest the dispossession in court. According to Luyombya & Obbo,[770] land governance in Uganda remains susceptible to elite capture, where officials entrusted with enforcing land laws instead facilitate land-grabbing syndicates. The implications of this trend are dire as landowners find themselves displaced, legal avenues for redress are often inaccessible due to bureaucratic complexities, and courts are overwhelmed with land disputes, many of which take years to resolve. Moreover, the failure of land administration bodies to uphold due diligence in land transactions weakens public trust in legal institutions, fostering a perception that justice is only available to those with financial or political influence.

The study revealed that displaced families face a sharp decline in their economic stability, as land is their primary source of livelihood. Many evictees, particularly smallholder farmers, rely on land for food production, income generation, and subsistence farming. The loss of land forces them into precarious situations, where they either become laborers on the very land they once owned or migrate to urban areas to seek alternative employment. A father of five from Kayonza sub-county explained,

"Since we lost our land, I have been moving from place to place trying to find work. My children can no longer go to school because I have nothing left."[771]

This reflects a wider pattern where land dispossession leads to increased poverty, disrupted education for children, and heightened food insecurity among affected families. Owusu & Chigbu[772] argue that forced evictions, if not adequately addressed, contribute to long-term socio-economic marginalization. The inability of displaced persons to access alternative land leads to intergenerational poverty, as families who once thrived on subsistence farming become

[769] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kangulumira Sub County conducted on 16th February, 2023"
[770] Luyombya and Obbo, "The State of Digitisation of the Land Registry Operations in Uganda," 2013.
[771] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kayonza Sub County conducted on 22th February, 2023"
[772] Barikisa Owusu Ansah and Uchendu Eugene Chigbu, "The Nexus between Peri-Urban Transformation and Customary Land Rights Disputes: Effects on Peri-Urban Development in Trede, Ghana," Land 9, no. 6 (2020): 187.

entirely dependent on casual labor or external aid. Furthermore, the breakdown of community structures due to forced evictions results in loss of cultural and social ties, affecting communal land management systems and local governance structures. The law, therefore, must not only be strengthened to prevent illegal evictions but must also ensure that land disputes are resolved in a manner that prioritises the protection of vulnerable groups.

The study also found that resistance to forced evictions in Kayunga often results in violent confrontations between affected communities and law enforcement agencies. Several participants reported cases where individuals who attempted to resist eviction were arrested, assaulted, or threatened. One elderly woman in Kitimbwa sub-county shared,

> *"When we tried to protest, they called the police on us. They arrested some of our young men and told us that if we didn't leave, we would also be arrested."*[773]

This reveals the extent to which state mechanisms are sometimes used to suppress resistance against land dispossession. As Kameri-Mbote & Odote argue, when security agencies are used to enforce land evictions without due process, it erodes the rule of law and legitimizes impunity.[774] The failure of the judiciary to hold perpetrators accountable further emboldens land grabbers, creating an environment where dispossession becomes an institutionalized practice rather than an exception. Legal scholars advocate for stronger land tribunals that operate independently of political influence to ensure that land disputes are adjudicated fairly and within reasonable timeframes.

Therefore, forced evictions in Kayunga District highlight the fragility of land tenure security in Uganda, where statutory protections are often undermined through corruption, judicial inefficiencies, and state complicity. The study revealed that the absence of robust enforcement mechanisms allows land grabbers to exploit legal loopholes, displacing entire communities without due process. The socio-economic consequences of these evictions extend far beyond loss of land, affecting livelihoods, access to education, and food security. Legal scholars argue that Uganda's land governance framework must be restructured to address these weaknesses, ensuring that vulnerable groups receive adequate protection and access to justice. Until land administration bodies operate with transparency and accountability, forced evictions will

[773] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kitimbwa Sub County conducted on 14th January, 2023"
[774] Kameri-Mbote and Odote, "Courts as Champions of Sustainable Development."

continue to exacerbate land conflicts in Kayunga, undermining efforts to achieve equitable land distribution and sustainable development.

6.1.2 Militarization of Land Conflicts

The study revealed that militarization plays a critical role in land conflicts in Kayunga District, where security forces are frequently deployed to facilitate land evictions and suppress resistance. Participants described multiple incidents where armed personnel were used to enforce contested evictions, often without proper legal procedures. A resident of Busana Town Council narrated,

> *"They came early in the morning with guns and started pulling people out of their homes. When we asked why, they said the land no longer belonged to us and that orders had been given from above."*[775]

This implied that security forces are not only used as enforcers of land evictions but also as instruments of intimidation, making it nearly impossible for affected communities to resist.

The involvement of the military and police in land disputes raises concerns about state neutrality in land governance. The study found that security forces are often deployed in cases where politically connected individuals seek to acquire land occupied by local communities. A farmer from Kayunga Sub County explained,

> *"We had been living on this land for over 30 years, but suddenly, a businessman claimed ownership. When we challenged it, police officers were sent to force us out."*[776]

This implied that the presence of security forces in land matters often favours those with financial or political influence, rather than serving to uphold justice. According to Kisekka[777], Uganda's land governance system has become increasingly vulnerable to elite capture, where

[775] Female Tenant, "Focus Group Discussion on Land Registration and Grabbing in Kayunga District Held in Busaana Sub County," February, 2023.
[776] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kayunga Sub County conducted on 19th February, 2023"
[777] Fredrick Kisekka-Ntale, "Institutions as Images of Political Authority and Power Hierarchies: Understanding Land Tenure Dynamics of State-Making in Zimbabwe and Uganda," Journal of Land and Rural Studies 12, no. 1 (2024): 92–115, https://doi.org/10.1177/23210249231212102.

those in power manipulate state institutions to acquire land through coercion rather than due legal process.[778]

The study also found that security forces have been used to suppress resistance from communities attempting to defend their land. Several participants reported that individuals who organized protests against land evictions were arrested, threatened, or charged with criminal offenses. A youth leader in Kangulumira sub-county stated,

> *"We wanted to petition the district leaders, but before we could mobilize, some of our leaders were arrested and accused of inciting violence."*[779]

This implied that the use of security forces in land conflicts extends beyond physical evictions to the suppression of land rights activism, limiting the ability of communities to legally challenge dispossession. Ackah[780] argues that the criminalization of land rights activism is a growing problem in Uganda, where community leaders advocating for fair land distribution face intimidation and legal persecution.[781] The study revealed that many evicted families lack alternative land or housing, pushing them into urban slums or forcing them into exploitative labor conditions. A displaced farmer from Nazigo sub-county explained,

> *"After being forced off our land, we had nowhere to go. Some of us ended up in the town selling small goods just to survive."*[782]

This implied that militarized evictions not only cause immediate loss of shelter but also disrupt economic livelihoods, deepening poverty and food insecurity. Musinguzi *et al.*, highlights that landlessness is one of the major contributors to rural poverty, as displaced individuals struggle to rebuild their lives without access to productive land.[783]

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[778] Kisekka-Ntale, "Institutions as Images of Political Authority and Power Hierarchies."
[779] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kangulumira Sub County conducted on 18th February, 2023"
[780] Patricia Ackah-baidoo, andrea m. collins, and j. Andrew grant, "5 gender, land grabbing, and local land governance in ghana and uganda," Natural Resource–based Development in Africa, 2022, 101.
[781] H Busingye, Customary Land Tenure Reform in Uganda: Lessons for South Africa. International Symposium on Communal Tenure Reform. PLAAS, Johannesburg, 2002.
[782] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Nazigo Sub County on 11th January, 2023"
[783] Musinguzi et al., "Fit for Purpose Land Administration."

The study further found that militarization limits the ability of affected individuals to seek legal redress. In many cases, those facing eviction are unable to access courts or legal assistance due to fear of retaliation. A former landowner in Kitimbwa sub-county recounted,

> *"We were told to report to the authorities if we had any issues, but when we went to the police, they ignored us because they were the ones who had carried out the eviction."*[784]

This implied that when security forces are involved in land disputes, the chances of affected individuals obtaining justice diminish significantly, as those enforcing evictions are often the same actors preventing legal interventions. According to Busingye, Uganda's land dispute resolution mechanisms remain ineffective when conflicts involve politically connected individuals, as judicial independence is frequently undermined.[785] The militarization of land conflicts in Kayunga District has transformed land disputes into high-stakes confrontations where security forces play an active role in facilitating land dispossession. The study established that the deployment of armed personnel creates fear, suppresses community-led resistance, and weakens legal protections for landowners. The involvement of military and police officers in land conflicts reflects a broader pattern of state complicity in land grabbing, where influential actors leverage state institutions to secure land at the expense of vulnerable populations.

6.1.3 State-Backed Land Allocations to Foreign Investors

State-backed land allocations to foreign investors have contributed to the displacement of communities in Kayunga District. Large tracts of land have been leased to international companies for commercial agriculture, industrial expansion, and infrastructure projects, often without prior consultation with the affected land users. A resident from Kayunga sub-county shared,

[784] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kitimbwa Sub County conducted on 14th January, 2023"
[785] Busingye, Customary Land Tenure Reform in Uganda: Lessons for South Africa. International Symposium on Communal Tenure Reform. PLAAS, Johannesburg,.

> *"One day, we saw government officials and surveyors on our land. When we asked what was happening, they told us that it had been given to an investor."*[786]

This implied that communities have little or no involvement in decisions concerning land they have occupied for generations. The process of allocation often occurs behind closed doors, making it difficult for affected individuals to contest or prepare for the changes that follow. As revealed in Cotula, foreign investments in land acquisition tend to prioritise commercial gain over the rights of indigenous communities, often leading to forced displacements and contested land ownership.[787] It is evident that foreign land allocations in Uganda follow a similar pattern, where affected communities remain uninformed until it is too late to intervene.

These land allocations are formalized through long-term leases, which legally remove access rights from the local population. These leases, which last between 49 and 99 years, effectively prevent communities from reclaiming land even when investors fail to develop it. A resident from Nazigo sub-county explained,

> *"They fenced off the land, but years later, nothing has been done with it. We cannot enter, and no one tells us what is happening."* [788]

This implied that state-backed land acquisitions result in land being locked away for decades, depriving communities of land they previously depended on for farming and settlement. As Deininger *et al*., observed, long-term leases granted to investors create a situation where land is held for speculative purposes, preventing its productive use by the communities that once occupied it.[789] It is evident that such leasing structures deepen land tenure insecurity, as affected individuals lose their ability to reclaim land even when it remains underutilised.

Many of these investors do not deliver on promises of employment or development. A resident from Nazigo Town Council shared,

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[786] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kayunga Sub County conducted on 18th February, 2023"
[787] Lorenzo Cotula, Land Grab or Development Opportunity?: Agricultural Investment and International Land Deals in Africa (Iied, 2009), https://books.google.com/books?
[788] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Nazigo Sub County on 11th January, 2023"
[789] K. Deininger, "Land Policies for Growth and Poverty Reduction," World Bank, 2003, https://books.google.com/books?hl=en&lr=&id

> *"We were told that this project would create jobs, but only a few people got work, and even those jobs lasted for a short time."*[790]

This implied that the anticipated economic benefits often do not materialize, leaving communities worse off than before. As highlighted in Muriisa,[791] large-scale land acquisitions in Uganda often fail to generate meaningful employment opportunities for local populations, as investors prioritise mechanized agriculture and external labor sources.[792] It is evident that the promised economic gains rarely trickle down to displaced communities, as the nature of foreign investment often prioritises efficiency over social impact.

Government agencies facilitating these allocations rarely conduct proper due diligence to verify existing land claims. A resident from Kitimbwa sub-county stated,

> *"We went to the land office to check on the status of our land, only to be told it had been leased to an investor, and there was nothing we could do about it."*[793]

This implied that formal land administration structures prioritise investor interests over the rights of local land users, creating an imbalance where affected communities lack mechanisms to challenge or contest these land allocations. As revealed in Mugambwa, land governance in Uganda is often characterized by weak institutional oversight, allowing for irregular land transfers that disregard customary tenure arrangements .[794] It is evident that this governance weakness exacerbates conflicts, as affected communities are left with limited options for seeking redress.

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[790] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Nazigo Sub County conducted on 11th January, 2023"

[791] K. R. Muriisa et al., "Land Deals in Uganda: An Invisible Hand into Land Grabbing and Rural Development," International Land Deals in Eastern and Southern Africa, Addis Ababa: Organization for Social Science Research in Eastern and Southern Africa (OSSREA), 2014.

[792] Muriisa et al., "Land Deals in Uganda."

[793] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kitimbwa Sub County conducted on 14th January, 2023"

[794] John Tamukedde Mugambwa, Principles of Land Law in Uganda (Fountain, 2002), https://researchportal.murdoch.edu.au/esploro/outputs/book/Principles-of-land-law-in-Uganda/991005543424907891.

Once land has been allocated to investors, legal avenues for redress become difficult to access. A community elder from Busana sub-county explained,

> *"We tried to challenge the allocation, but the officials told us that the lease had already been signed. We had no choice but to leave."*[795]

This implied that once a lease agreement is formalized, even legal challenges become ineffective, as the state considers the allocation legally binding. As stated in Sabiiti,[796] Uganda's legal framework does not provide sufficient mechanisms for challenging land allocations once they have been approved, making it nearly impossible for affected communities to reclaim land that has been leased to foreign entities. It is evident that this lack of legal recourse places affected individuals in a vulnerable position, as they are often forced to accept unfavourable terms without any possibility of reversal.

In some cases, communities are offered compensation, but the amounts given do not reflect the true value of the land lost. A resident from Kayunga Sub County shared,

> *"They offered us money, but it was too little to buy another piece of land or rebuild our homes."*[797]

This implied that compensation, when provided, is often inadequate and does not restore the livelihoods that are disrupted. As documented in Mwebaza, compensation for land acquisition in Uganda is frequently undervalued, as government agencies rely on outdated valuation methods that do not account for the long-term socio-economic impact of displacement.[798] It is evident that compensation schemes do not offer meaningful redress to displaced communities, leaving many without sufficient resources to rebuild their lives.

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[795] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Busaana Sub County conducted on 24th February, 2023"

[796] Olive Sabiiti, Understanding the Evolution of Property Rights to Land in Uganda: 1900-2010 (The University ofManchester(UnitedKingdom),2014),https://search.proquest.com/openview/aa13fcd4b915638882d4b188d47aa31c/1?pq-origsite=gscholar&cbl=2026366&diss=y.

[797] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kayunga Sub County."

[798] Rose Mwebaza, How to Integrate Statutory and Customary Tenure? The Uganda Case, International Institute for Environment and Development. 1999.

6.1.4 High fraudulent Land transactions and title Manipulation

The study revealed that land grabbing is topped by the fraudulent land transactions and title manipulation serve as one of the primary mechanisms through which land grabbing occurs in Kayunga District. Residents frequently discover that land they have occupied for decades has been registered in another person's name, often without their knowledge or consent. These fraudulent transactions occur due to loopholes in the land administration system, corruption among land officials, and the lack of legal literacy among landowners. A resident from Kayunga Sub County explained,

> *"One day, someone came with documents claiming they owned our land. We had never seen these documents before, yet they had a title with an official stamp."*[799]

The legal implication of such cases is that land ownership is determined not by occupation or use but by documentary evidence, which can be manipulated by those with access to land offices and financial resources. According to Oloka-Onyango, land laws in Uganda prioritise title registration as conclusive proof of ownership, a system that is vulnerable to abuse when proper safeguards are not enforced.[800] The Torrens system of land registration, which is supposed to provide conclusive security to landowners, has instead facilitated land grabbing due to fraudulent transactions. Luyombya & Obbo argue that corrupt land officials exploit gaps in the registration process to issue multiple titles for the same piece of land, resulting in prolonged legal battles that favour those with financial and political influence.[801] The study established that individuals who engage in fraudulent land acquisitions often use their connections to expedite title processing while legitimate landowners face bureaucratic delays and legal obstacles in defending their property rights.

The consequences of fraudulent land transactions extend beyond individual dispossession. The study revealed that entire communities in Kayunga face land insecurity due to irregular land allocations facilitated by corruption. One village elder from Nazigo Town Council shared,

[799] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kayunga Sub County conducted on 18th February, 2023"
[800] Oloka-Onyango, Land Injustice, Impunity and State Collapse in Uganda.
[801] Luyombya and Obbo, "The State of Digitisation of the Land Registry Operations in Uganda," 2013.

> *"We applied for customary land titles as a community, but before we could complete the process, we found that someone else had already been issued a title for the same land."* [802]

This reflects a broader systemic failure where local communities, despite their historical occupation of land, are unable to secure formal recognition of their tenure rights. In legal terms, this practice undermines the principle of bona fide occupancy, which is protected under the Land Act, Cap. 236. The law stipulates that occupants who have lived on land for more than twelve years without contestation should have a legal right to remain on that land. Though, fraudulent transactions often override these protections, leaving affected individuals with limited options for legal redress.[803]

The study also found that fraudulent land transactions in Kayunga are facilitated through the manipulation of official land records. Cases were reported where landowners visited district land offices to verify their ownership status, only to find that their records had been altered. A farmer from Kitimbwa sub-county explained,

> *"I went to check on my land title, only to be told that the file was missing. Later, I discovered that someone else had already registered the land in their name."*[804]

Such practices are not isolated but are part of a larger network of land fraud where officials manipulate registry data to benefit land speculators and investors. The legal and economic consequences of fraudulent land transactions are severe. The study revealed that many landowners who fall victim to land fraud lack the financial resources to challenge fraudulent titles in court. Land cases often take years to resolve, and legal fees are prohibitively expensive. According to Owusu & Chigbu, the inability of smallholder landowners to navigate the formal legal system results in widespread land dispossession, as those who acquire fraudulent titles continue to develop or sell the land while legal disputes remain unresolved.[805] This dynamic

[802] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Nazigo Sub County conducted on 11th January, 2023"
[803] New Vision, "Bibanja Holders Can Obtain Title Through Adverse Possession," 2025, https://www.newvision.co.ug/category/news/bibanja-holders-can-obtain-title-through-adve-NV_190813.
[804] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kitimbwa Sub County conducted on 14th January, 2023"
[805] Owusu Ansah and Chigbu, "The Nexus between Peri-Urban Transformation and Customary Land Rights Disputes."

perpetuates cycles of landlessness, as individuals and families who lose land through fraud struggle to secure alternative settlements.

Thus, fraudulent land transactions and title manipulation have emerged as a critical driver of land grabbing in Kayunga District. The study established that these transactions are facilitated by corruption within land administration offices, weak enforcement of land laws, and the exploitation of legal loopholes by powerful actors. The consequences of these fraudulent practices extend beyond individual landowners, affecting entire communities and undermining the integrity of Uganda's land governance framework. Legal scholars argue that urgent reforms are needed to enhance transparency in land transactions, strengthen oversight mechanisms, and provide accessible legal remedies for victims of land fraud. Without these interventions, fraudulent land dealings will continue to exacerbate land conflicts in Kayunga, further entrenching socio-economic inequalities and tenure insecurity.

6.1.5 Land Speculation and the Rise of 'Middlemen'

The study revealed that land speculation which is facilitated through the activities of middlemen, has become a prominent feature of land grabbing in Kayunga District. Participants explained that individuals and companies acquire large tracts of land, not for immediate development or productive use, but to hold it in anticipation of price appreciation. A resident from Kangulumira sub-county stated,

> *"People come pretending to be buyers, and they convince the poor to sell their land cheaply. After a few years, they sell the same land at a price ten times higher to big companies."*[806]

This implied that those engaging in land speculation target vulnerable landowners, exploiting their financial hardships and lack of awareness of the real value of their land. Land speculation is not merely an economic activity; it transforms land into a commodity that benefits a few while displacing many. According to Cpickering, speculative land acquisitions distort land markets by artificially inflating land prices, making it difficult for local populations to access land for agriculture and settlement.[807] This implied that the commodification of land shifts

[806] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kangulumira Sub County conducted on 19th February, 2023"
[807] Anne Cpickering, "Customary Land Tenure: A Key Area for Consideration in Development Opportunities and Challenges in Pacific Island Countries," Journal of South Pacific Law 2017 (2017): 125–45.

control away from those who depend on it for survival to those who view it purely as an investment opportunity. In legal terms, Uganda's National Land Policy advocates for equitable land access, yet the speculative acquisition of land undermines this principle, as wealthy individuals and corporate investors accumulate vast areas of land at the expense of smallholder farmers.

The study also found that land speculation in Kayunga is largely driven by individuals who act as intermediaries between sellers and large-scale investors. Participants described these middlemen as individuals who have no intention of using the land themselves but instead manipulate transactions for personal gain. One farmer from Bbale sub-county explained,

> *"A man came and told me he wanted to buy my land for farming. He gave me little money, and later I found out he had sold it for a much higher price to a businessman in Kampala."*[808]

This implied that middlemen exploit the financial desperation of rural landowners, acquiring land at undervalued prices before reselling it at inflated rates. It is believed that speculative land acquisitions violate the spirit of Uganda's land tenure laws, which prioritise land use over landholding for profit. According to Ackah *et al.,* speculative land acquisitions disrupt traditional land ownership structures, as land that was once communally owned or inherited is increasingly treated as a tradable asset.[809] This implied that land speculation not only affects individual landowners but also alters the socio-economic fabric of communities, as land ceases to be a source of livelihood and instead becomes a financial instrument for a few privileged actors.

The consequences of land speculation extend beyond inflated land prices. The study revealed that in Kayunga, vast areas of land acquired for speculative purposes often remain undeveloped for years, while land shortages continue to affect smallholder farmers. A community leader in Nazigo sub-county lamented,

[808] Focus Group Discussion, Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Bbaale Sub County conducted on 24th February, 2023"
[809] Ackah-Baidoo et al., "5 Gender, Land Grabbing, and Glocal Land Governance in Ghana and Uganda," 2022.

"Many people sold their land thinking they had no option, only to later realize that the new owners were not using it at all."[810]

This implied that speculative land acquisitions contribute to land hoarding, where productive land remains idle, worsening food insecurity and unemployment in the district. Land speculation and the activities of middlemen have significantly contributed to land grabbing in Kayunga District. The study established that speculative land acquisitions manipulate market prices, create artificial land shortages, and displace vulnerable populations. Middlemen, acting without accountability, exploit rural landowners by undervaluing land and reselling it at exorbitant rates. The legal implications of this trend suggest that land speculation contradicts Uganda's land policy objectives, which aim to ensure fair and equitable land access. Without regulatory interventions to curb speculative acquisitions, smallholder farmers and rural communities will continue to be marginalized, leading to increased socio-economic instability in Kayunga.

6.1.6 Dispossession Through Lease Expirations

Dispossession through lease expirations has become an increasingly contentious issue in Kayunga District, where leasehold tenure exposes land users to the risk of eviction when their lease term ends. Leasehold tenure, initially promoted as a means of securing land rights, has instead created conditions for land loss, particularly among those who lack the financial or legal capacity to renew their leases. A resident from Kitimbwa sub-county shared,

"We had settled on this land for years, but when the lease expired, we were informed that a new owner had taken over. No one asked us if we wanted to renew"[811]

This implied that lease expiration serves as a legal avenue for transferring land from long-term occupants to new claimants, often without the input of previous occupants. As Alexander & Peñalver explained, leasehold systems tend to favour those with economic power, as the ability to renew a lease depends not only on tenure history but also on financial and political

[810] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Nazigo Sub County conducted on 11th January, 2023"
[811] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kangulumira Sub County conducted on 19th February, 2023"

influence.[812] It is evident that the expiration of leases in Uganda has enabled a shift in land ownership, where wealthier and more influential actors gain access to land at the expense of communities that previously occupied it.

Leaseholders often face challenges in renewing their leases due to bureaucratic delays, corruption, and competing claims over land. Many leaseholders are unaware of renewal deadlines or are deliberately frustrated when they attempt to extend their tenure. A farmer from Kangulumira sub-county explained,

> *"When we applied for lease renewal, they kept telling us to come back. After months of waiting, we found out that the land had already been leased to someone else."*[813]

This implied that administrative inefficiencies create opportunities for officials to reallocate land to those with better financial incentives. As Jain highlighted, institutional weaknesses in land administration contribute to unfair land allocations, as leaseholders who are unable to manoeuvre through bureaucratic procedures often find themselves dispossessed.[814] It is evident that the complexity of lease renewal processes disadvantages ordinary land users, while facilitating land accumulation by those who understand and manipulate the system.

In some cases, lease expirations result in land grabbing disguised as legal repossession by the government or investors. Once a lease expires, the land is often reassigned for commercial use, leaving former occupants without compensation or alternative settlement options. A resident from Nazigo sub-county narrated,

> *"We were told that our land was needed for an agricultural project, yet the new owners only fenced it off. We lost everything."*[815]

This implied that lease expirations are often justified under the pretence of economic development, even when the new leaseholders do not utilise the land productively. According

[812] Gregory S. Alexander and Eduardo M. Peñalver, An Introduction to Property Theory (Cambridge University Press, 2012).
[813] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kangulumira Sub County conducted on 19th February, 2023"
[814] Jain, "Doctrinal and Non-Doctrinal Legal Research. In S. K. Verma & M. Afzal Wani (Eds.), Legal Research Methodology. Indian Law Institute."
[815] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Nazigo Sub County conducted on 11th January, 2023"

to Cotula, large-scale land acquisitions often occur through state-backed legal mechanisms that facilitate the transition of land ownership from smallholders to large investors.[816] It is evident that lease expirations provide an opportunity for private entities to acquire land under government authorization, further marginalizing those who previously held tenure rights.

Leaseholders who lose their land often struggle to seek legal recourse, as expired leases are rarely challenged successfully in court. The legal framework governing leasehold tenure in Uganda provides limited protections for those whose leases have ended, making it difficult for displaced individuals to claim restitution. A former leaseholder in Busana sub-county stated,

> *"We wanted to take the matter to court, but we were told that the law was not on our side because the lease had expired."*[817]

This implied that leaseholders are often left with no legal avenues to contest their displacement. As Dagan pointed out, property rights frameworks tend to favor formal landowners over informal occupants, reinforcing disparities in land access and security .[818] It is evident that lease expiration is not merely an administrative process but a legal instrument that determines who retains or loses access to land.

Compensation for lease expirations remains another unresolved issue, as many displaced individuals receive little or no financial settlement. In cases where compensation is provided, it is often insufficient to acquire alternative land or rebuild lost homes. A resident from Kayunga town council noted,

> *"They gave us some money, but it was not enough to buy land elsewhere. We had no choice but to move to town and start over."*[819]

This implied that compensation schemes, when offered, do not adequately address the full extent of losses incurred through lease expiration. As Deininger & Byerlee explained, land valuation in Uganda is often skewed in favour of new investors, meaning that compensation to

[816] Lorenzo Cotula, Land Grab or Development Opportunity?: Agricultural Investment and International Land Deals in Africa (Iied, 2009), https://books.google.com/books?
[817] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Busaana Sub County conducted on 24th February, 2023"
[818] Hanoch Dagan, A Liberal Theory of Property (Cambridge University Press, 2021).
[819] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kayunga Sub County conducted on 19th February, 2023"

former occupants rarely reflects the true market value of the land lost.[820] It is evident that financial settlements offered to displace leaseholders fail to restore their economic security, further exacerbating social inequalities.

Dispossession through lease expirations has created significant uncertainty for land tenure in Kayunga District, with many leaseholders losing land due to administrative inefficiencies, legal loopholes, and investor-driven acquisitions. The lack of awareness regarding lease renewal procedures, coupled with bureaucratic corruption and weak legal protections, has made it difficult for communities to maintain their tenure. Without reforms to strengthen leasehold security, improve transparency in lease renewal processes, and provide adequate compensation for displaced leaseholders, lease expirations will continue to be a major driver of land dispossession. As Locke and Laslett emphasised, land tenure systems that do not incorporate social protections ultimately serve the interests of the powerful at the expense of the vulnerable.[821] It is evident that unless leasehold policies are restructured to safeguard the rights of occupants, land dispossession through lease expirations will remain a persistent challenge in Kayunga.

6.1.7 Customary land tenure manipulation as a land grabbing tactic

Customary land tenure in Kayunga District remains highly vulnerable to land grabbing due to weak legal protections and the lack of formal land documentation. Many customary landowners have reported losing their land after investors obtained legal titles through fraudulent means. A resident from Kitimbwa sub-county explained,

> *"We have lived here for generations, but one day, we were told that someone else had been issued a land title. We were not even aware that the land was being sold."*[822]

This implied that the absence of formal documentation has made customary landowners vulnerable to fraudulent land acquisitions. As Ahluwalia noted, the failure to integrate customary tenure into formal legal frameworks has resulted in widespread tenure insecurity,

[820] Klaus Deininger and Derek Byerlee, Rising Global Interest in Farmland: Can It Yield Sustainable and Equitable Benefits? (World Bank Publications, 2011), https://books.google.com/books?

[821] John Locke, Two Treatises of Government (Cambridge university press, 1967), https://books.google.com/books?

[822] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kitimbwa Sub County conducted on 14th January, 2023"

allowing powerful individuals to manipulate land laws to displace communities.[823] It is evident that customary land tenure, rather than protecting land rights, has been systematically exploited to facilitate land grabbing.

Another strategy used in customary land grabbing is the forced conversion of customary land to leasehold or freehold tenure without the consent of the original occupants. Some government officials and investors work together to reclassify land ownership, bypassing customary rights in favour of formal leases. A community elder from Kangulumira sub-county stated,

> *"We were told to register our land under leasehold, but when we went back, we found out that it had been transferred to an investor."*[824]

This implied that land tenure conversion is often manipulated to facilitate land grabbing rather than protect landowners. As Mugambwa pointed out, land tenure reforms in Uganda have been exploited by political and business elites, who use legal technicalities to acquire large areas of land under the guise of modernization.[825] It is evident that land tenure reform has been weaponized to strip customary landowners of their rights, making them more susceptible to displacement.

Customary landowners also face legal disadvantages when attempting to challenge land grabs in court, as Uganda's legal system often prioritises registered landowners over customary occupants. Many landowners have reported losing their land in court cases simply because they lacked formal documentation. A displaced farmer from Busana sub-county shared,

> *"We went to court, but they told us that since we had no title, we had no case. The new owner had documents, so we lost."*[826]

This implied that Uganda's legal framework disproportionately favours formal titleholders, leaving customary landowners with little recourse to defend their land. As Nakayi & Kirya highlighted, the exclusion of customary land tenure from strong legal protections has allowed

[823] D. P. Ahluwalia, "Contradictions in Uganda's Development: The Case of the Sugar Industry," The African Review: A Journal of African Politics, Development and International Affairs, JSTOR, 1993, 81–93.
[824] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kangulumira Sub County conducted on 19th Febraury, 2023"
[825] Mugambwa, Principles of Land Law in Uganda.
[826] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Busaana Sub County conducted on 24th Febraury, 2023"

land grabbers to exploit the legal system to legitimize dispossession.[827] It is evident that unless Uganda strengthens legal protections for customary land tenure, rural landowners will continue to face mass displacement.

6.1.8 Violent evictions and human rights abuses in land grabbing

Findings from the study revealed that land grabbing in Kayunga District is frequently accompanied by severe human rights abuses, including violent evictions, destruction of property, and intimidation. Residents reported that evictions often occur under the cover of darkness, instilling fear and confusion among the affected communities. A resident from Misaanga Village recounted,

> *"They came in the middle of the night, armed and shouting, ordering us to leave immediately. We had no time to gather our belongings or protect our homes."*[828]

This implies that nocturnal operations are strategically employed to minimize resistance and exploit the vulnerability of residents during such hours. Furthermore, these forced evictions often involve the destruction of homes and essential plantations, such as *matooke* (banana) fields, which are vital for the community's sustenance and economic well-being. A local farmer lamented,

> *"They not only tore down our houses but also slashed our banana plantations, leaving us without shelter or food."* [829]

This implies that the deliberate destruction of property and crops serves to dismantle the economic foundations of these communities, making it exceedingly difficult for them to reclaim or rebuild their livelihoods.

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[827] Rose Nakayi and Monica T. Kirya, The Legal, Policy and Institutional Framework of Land Governance in Uganda: A Critical Analysis (Human Rights and Peace Centre, 2017), https://www.researchgate.net/profile/Rose-Nakayi/publication/321361625_The_Legal_Policy_and_Institutional_Framework_of_Land_Governance_in_Uganda_A_critical_Analysis/links/5a1eb4b50f7e9b9d5e000ba8/The-Legal-Policy-and-Institutional-Framework-of-Land-Governance-in-Uganda-A-critical-Analysis.pdf.

[828] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Busaana Sub County conducted on 24th Febraury, 2023"

[829] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Busaana Sub County conducted on 24th Febraury, 2023"

Additionally, the findings revealed that individuals who resist these evictions often face threats of violence, arbitrary arrests, and prolonged legal battles. A community leader shared,

> *"When we stood up to defend our land, they threatened us with imprisonment and death. Some of us have cases still dragging in courts, with no resolution in sight."*[830]

This implies that the use of legal intimidation and the perpetuation of unresolved court cases are tactics employed to suppress opposition and exhaust the resources of those defending their land rights. The implication of these findings is that land grabbing in Kayunga District is not merely about the unlawful acquisition of land but also involves systematic human rights violations designed to suppress resistance and expedite land transfers. The use of night-time evictions, destruction of vital resources, and legal intimidation creates an environment of fear and helplessness among residents. This not only disrupts the social fabric and economic stability of the affected communities but also undermines trust in legal and governmental institutions. Without effective interventions and the enforcement of land rights, these practices are likely to continue, perpetuating cycles of poverty, displacement, and social unrest in Kayunga District.

6.1.9 Encroachment on communal and cultural lands

The study revealed that encroachment on communal and cultural lands has become a major driver of land conflicts in Kayunga District. Participants explained that land historically used for communal activities, including grazing, cultural gatherings, and traditional practices, is increasingly being fenced off and sold to private individuals or companies. An elder from Nazigo sub-county stated,

> *"We had a place where our community used to graze cattle and conduct ceremonies, but now it has been taken by someone who claims to have a land title."*[831]

[830] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kangulumira Sub County conducted on 19th Febraury, 2023"
[831] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Nazigo Sub County conducted on 14th January, 2023"

This implied that communal lands, once protected through customary tenure systems, are now being converted into private property, leaving local communities without access to resources that have historically sustained them.

Encroachment on communal land is often justified under the pretext of development or modernization, yet it disproportionately affects indigenous populations who depend on such land for their survival. According to Mbabazi *et al*., the failure to formally recognise communal tenure in Uganda's legal framework has left many communities vulnerable to land dispossession.[832] This implied that legal protections for customary land rights remain weak, enabling individuals and investors to claim ownership over land that has traditionally belonged to the community. In many cases, land grabbers exploit the absence of documentation to assert ownership, disregarding the fact that customary tenure is recognised under the 1995 Constitution of Uganda and the Land Act, Cap. 236.

The study further established that the loss of communal land has profound socio-cultural consequences. Participants explained that some of the land taken by private developers included burial grounds, sacred forests, and cultural meeting places. A traditional leader in Kayonza sub-county lamented,

> *"Our ancestors are buried there, but now we are being told that it is no longer our land. How can we abandon the graves of our forefathers?"*[833]

This implied that land dispossession extends beyond economic loss, affecting the cultural identity and heritage of affected communities. According to Owusu & Chigbu, the privatization of communal lands leads to the erosion of indigenous cultural practices, as communities lose access to sites that hold religious and spiritual significance.[834]

The legal dimension of communal land encroachment in Kayunga reveals significant gaps in land governance. The study found that in some cases, local authorities facilitate the allocation of communal land to private investors without consulting community members.

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[832] Mbabazi et al., "11. Land Grabbing in the Albertine Graben" (Leuven University Press, 2020).
[833] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kayonza Sub County on 14th February, 2023"
[834] Supra Note 754

A resident of Kitimbwa sub-county explained,

> *"One day we heard that our communal land had been leased to a company, but no one from the village had been consulted."*[835]

This implied that decision-making processes regarding land use are often dominated by elites who disregard the rights of local communities. Scholars such as Luyombya & Obbo argue that local government authorities in Uganda frequently prioritise investor interests over communal rights, citing economic growth as justification for land transfers .[836] Though, such practices violate provisions of the Land Act in Section 27, which stipulates that decisions regarding customary land should be made with the full participation of the affected communities.

The study also found that resistance to communal land encroachment is often met with intimidation or legal challenges. Some community members who attempted to reclaim their land reported being threatened by individuals claiming legal ownership. A resident of Bbale sub-county explained,

> *"We tried to protest, but the people who took our land had connections. They even warned us that we could be arrested if we continued resisting."*[837]

This implied that power dynamics in land disputes favour those with financial resources and political influence, while ordinary land users struggle to defend their rights. Kameri-Mbote & Odote argue that when land conflicts involve influential actors, local communities rarely receive justice, as the judicial system often lacks the independence or capacity to challenge politically connected individuals.[838]

The encroachment on communal and cultural lands in Kayunga District has significantly disrupted traditional land use practices and community cohesion. The study established that land historically managed under customary tenure is increasingly being converted into private property, leading to the loss of vital resources for local populations. The legal framework governing communal land remains weak, enabling land grabbers to manipulate tenure systems

[835] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kitimbwa Sub County conducted on 14th Janaury, 2023."
[836] David Luyombya and Dennis Fred Obbo, "The State of Digitisation of the Land Registry Operations in Uganda," Journal of the South African Society of Archivists 46 (2013): 25–25.
[837] Focus Group Discussion, Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Bbaale Sub County conducted on 17th February, 2023"
[838] Supra Note 723.

for their benefit. The socio-cultural impact of this trend is severe, as communities lose access to culturally significant sites and face threats when they attempt to reclaim their land. Legal scholars argue that stronger legislative protections are necessary to safeguard communal land rights and ensure that affected communities have a say in land transactions that impact their livelihoods. Without such reforms, the continued encroachment on communal lands will perpetuate social and economic inequalities in Kayunga.

6.2 Drivers of land grabbing

Ideas for this section were obtained from well-informed legal practitioners, as most local community members, such as farmers had knowledge about the drivers of land grabbing however, they had limited legal implication and underpinning, to avoid bias in the findings lacking legal backup, legal practitioners were consulted. Mainly three themes arouse as the main causes of land grabbing in the district; these were population growth and land scarcity, lack of awareness of land laws and environmental degradation and overuse. Participants shared the causes of land grabbing as prescribed below;

6.2.1 Population growth and land scarcity

As population increases, there is need for more land to accommodate the new population since humans have to satisfy their needs, however, land does not expand in size but does only in value.[839] Population growth, both in Kayunga District and across Uganda, has risen from approximately 2.5 million in 1911, during the first official census, to an estimated 48 million in the 2024 population census. Population growth and land scarcity in Kayunga District have created conditions that foster land grabbing, particularly in areas governed by customary land tenure systems. As population pressures increase, communities are forced to divide ancestral land into smaller parcels, weakening the traditional systems that once managed land ownership and use effectively. This situation has left many customary landholders vulnerable, as they lack formal legal protections under statutory frameworks such as the Registration of Titles Act, Cap. 240.

[839] Amadi-Echendu, Towards a Framework for the Integration of Data and Data Sources in the Automation and Dematerialisation of Land Administration Systems.

A participant remarked,

> *"Population pressures have heightened competition for land, particularly in areas where ownership is informal, leaving vulnerable groups exposed to fraudulent claims and illegal transactions."*[840]

This vulnerability is exacerbated by the financial and procedural barriers faced by rural landowners, who often cannot afford the costs or navigate the complexities of formal land registration. Opportunistic actors exploit these gaps, leveraging statutory laws to claim ownership over land that has been informally managed by families for generations. A participant shared,

> "*The informal nature of most land ownership in these areas provides a fertile ground for opportunistic actors to claim ownership under statutory systems."*[841]

The interplay between population-driven demand and the lack of harmonization between customary and statutory systems creates a fertile ground for inequities, where powerful entities manipulate legal systems to their advantage, displacing rural communities.[842] The absence of safeguards to integrate these systems not only exacerbates land disputes but also perpetuates socio-economic disparities, leaving rural landholders with limited recourse to protect their ancestral rights. Effective reforms are essential to bridge these systemic gaps, ensuring fair and equitable access to land amidst increasing pressures from population growth and land scarcity.[843] Busingye & Nsamba-Gayiiya criticizes Uganda's dual land tenure framework for being fragmented and poorly harmonized, arguing that this institutional gap enables elites to manipulate the system at the expense of rural communities. The lack of integration between customary and statutory systems has worsened disputes, entrenched socio-economic disparities, and left rural landholders with little recourse to defend ancestral rights.[844]

[840] In-depth Interview, Legal Professional, "Interview on Land Registration Disputes in Kayunga District."
[841] In-depth Interview, Legal Professional, "Interview on Land Registration Disputes in Kayunga District."
[842] Agunbiade, Land Administration for Housing Production.
[843] Margaret A. Rugadya, "Escalating Land Conflicts in Uganda," A Review of Evidence from Recent Studies and Surveys. The International Republican Institute, The Uganda Round Table Foundation, 2009, https://www.academia.edu/download/62318679/escalating_Uganda_landconflicts20200309-42094-1pptf2d.pdf.
[844] John Busingye and Elizabeth Nsamba-Gayiiya, Land Tenure Reform in Uganda: Experiences from the Uganda Land Alliance (Uganda Land Alliance, 2014).

6.2.2 Corruption and power imbalance

Corruption and power imbalance were identified by participants as one of the key enablers of land grabbing in Kayunga District, where influential individuals, politicians, and businesses exploit systemic weaknesses to appropriate land unlawfully. A respondent shared,

> *"Corruption permeates all aspects of land governance, from falsifying land titles and bribing local officials to leveraging judicial systems in favour of the powerful."*[845]

These actions illustrate how systemic corruption distorts the land governance process, placing legal protections out of reach for vulnerable groups. Another participant observed,

> *"The disparity in power between the wealthy and ordinary citizens creates an environment where the legal system is weaponized against the marginalized, with the rich manipulating records and intimidating opponents through protracted and expensive legal proceedings."*[846]

This imbalance ensures that land rights for ordinary citizens are routinely compromised, eroding trust in legal institutions. Further, local authorities' actions exacerbate the issue. As a participant noted,

> "*Authorities often prioritise investors over residents, issuing land titles without proper verification or community consultation, which directly contravenes statutory protections like the Land Act Cap 236."*[847]

Such practices marginalize rural communities and delegitimize formal governance systems, fostering disillusionment and mistrust. The effects of this systemic exploitation are far-reaching, undermining the principles of equitable land access enshrined in constitutional and statutory provisions. The findings accentuate the need for institutional reforms that prioritise transparency and accountability to protect vulnerable populations from exploitation and uphold the integrity of land governance frameworks.[848]

[845] In-depth Interview, Legal Professional, "Interview on Land Registration Disputes in Kayunga District."
[846] Ibid.
[847] Ibid.
[848] Tilahun Mulatu et al., "The Impact of Land Governance and Ownership Regimes on Public Green Spaces in East African Cities: The Case of Addis Ababa (Ethiopia) and Kampala (Uganda)," Cities 156 (2024): 105539.

6.2.3 Lack of awareness of land laws

The lack of awareness of land laws in Kayunga District has created a fertile ground for land grabbing, as communities operate without adequate knowledge of their legal rights and protections. Many individuals are unfamiliar with key provisions in the Land Act cap 236 and the Registration of Titles Act, Cap. 240, leaving them vulnerable to exploitation. A legal expert noted,

> *"Ignorance of the law is one of the most exploited vulnerabilities. Unsuspecting landholders often sign agreements or relinquish property without understanding the implications or recognizing available protections."*[849]

Such scenarios enable exploiters to manipulate the legal system to their advantage. Another participant highlighted,

> *"While legal protections exist, they remain largely inaccessible, as they are not disseminated in languages or formats comprehensible to the average landholder."*[850]

This gap isolates communities from the formal systems meant to protect them, creating an environment where procedural loopholes can be exploited. A participant added,

> *"In land disputes, many individuals rely on informal resolutions that do not hold up in statutory systems, further weakening their claims."*[851]

This lack of awareness fractures community cohesion as disputes over unclear ownership escalate, leaving landholders at a disadvantage in the face of exploitative practices. The pervasive lack of legal knowledge in the district highlights the structural barriers that perpetuate vulnerability among landowners, fostering continued cycles of dispossession and marginalization.[852]

6.2.4 Environmental degradation and overuse

Environmental degradation and mismanagement have significantly contributed to land grabbing in Kayunga District by creating conditions that powerful entities exploit. Depleted

[849] In-depth Interview, Legal Professional, "Interview on Land Registration and Land Grabbing in Kayunga District," January, 2023.
[850] Ibid.
[851] Ibid.
[852] Mark Momberg, Exploring the Dynamics and Potential Outcomes of an Integrated Land Information System for Land Development-A Case Study of Johannesburg's Land Information System, n.d., accessed November 23, 2024, https://wiredspace.wits.ac.za/items/2f96dfb9-e2d5-465f-840c-59d076eee353.

soil quality, widespread deforestation, and unregulated agricultural practices have reduced the availability of arable land and intensified competition among land users. A respondent remarked,

> *"Environmental pressures increase competition for land, and where enforcement is weak, these pressures can easily lead to land grabbing."*[853]

Such pressures weaken the position of rural communities, who often lack the resources to restore degraded land, leaving them vulnerable to exploitation by wealthier and more influential actors. Another participant explained,

> *"Deforestation and degradation place rural communities at a disadvantage since they lack the resources to restore the land, making it easier for influential parties to take over such plots through statutory claims."*[854]

The absence of integrated policies linking land governance with environmental protection exacerbates these vulnerabilities. A participant specializing in land law emphasised,

> *"The lack of cohesive land and environmental policies in districts like Kayunga enables exploitation that disproportionately harms disadvantaged communities."*[855]

This systemic failure allows degraded lands, often misclassified as idle or underutilised, to be targeted for development or agricultural expansion projects, deepening inequalities and eroding ecological stability. These trends highlight the urgent need for reforms to align land governance with sustainable practices to protect vulnerable communities and ensure the viability of land tenure systems.[856]

A critical challenge is the lack of regulatory oversight on environmentally degraded land, which has facilitated illegal land acquisitions disguised as conservation or agricultural rehabilitation projects.

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[853] In-depth Interview, Legal Professional, "Interview on Land Registration and Land Grabbing in Kayunga District."
[854] In-depth Interview, Legal Professional, "Interview on Land Registration and Land Grabbing in Kayunga District."
[855] In-depth Interview, Legal Professional, "Interview on Land Registration and Land Grabbing in Kayunga District."
[856] Doreen Nancy Kobusingye, "African Youths; the Forgotten Category in Land Governance. A Case Study of Post-Conflict Acholi Region, Northern Uganda," Geoforum 109 (2020): 135–42.

A respondent noted,

> "*When land is degraded, speculators move in and claim they will restore it, but instead, they fence it off and use legal loopholes to take ownership."*[857]

This practice has led to the displacement of indigenous landowners who are accused of failing to utilise the land productively, even though their capacity to do so is often constrained by poverty and a lack of technical support. Furthermore, government-backed environmental policies have occasionally been manipulated to justify land evictions, particularly where land is reclassified for conservation without consulting local communities. One legal expert commented,

> *"The law must distinguish between genuine conservation efforts and those being used as an excuse to take over land."*[858]

Without clear legal protections for communities living on environmentally sensitive land, degradation will continue to be used as a tool for land appropriation, further marginalizing vulnerable populations and eroding their land tenure security. Environmental degradation is widely recognised as a critical driver of land grabbing in Uganda, as diminished soil fertility, deforestation, and poor land management increase competition and render rural communities more vulnerable to dispossession. Rugadya supports this view, noting that degraded land is often reclassified as idle and targeted for acquisition by elites or investors under the guise of agricultural or conservation projects.[859] In a related argument, Kobusingye, Van Leeuwen, & Van Dijk explain that weak integration of environmental and land governance frameworks allows influential actors to exploit statutory loopholes to displace customary landholders.[860] On the other hand, Busingye & Nsamba-Gayiiya contend that while environmental pressures may exacerbate land conflicts, the core problem lies in institutional corruption and policy failures rather than ecological degradation itself.[861] Okuku similarly emphasises that land grabbing persists even in fertile areas, showing that power relations and governance

[857] In-depth Interview, Legal Professional, "Interview on Land Registration and Land Grabbing in Kayunga District."
[858] In-depth Interview, Legal Professional, "Interview on Land Registration and Land Grabbing in Kayunga District."
[859] Margaret Rugadya, "Escalating Land Conflicts in Uganda: A Review of Evidence from Recent Studies and Surveys," International Republican Institute Working Paper, 2009, https://www.landcoalition.org/en/resources/escalating-land-conflicts-in-uganda.
[860] Kobusingye et al., "Where Do I Report My Land Dispute? The Impact of Institutional Proliferation on Land Governance in Post-Conflict Northern Uganda."
[861] Busingye and Nsamba-Gayiiya, Land Tenure Reform in Uganda: Experiences from the Uganda Land Alliance.

weaknesses, rather than environmental scarcity alone, are the primary enablers.[862] These contrasting perspectives suggest that while environmental degradation contributes to land grabbing in districts such as Kayunga, it interacts with governance failures, corruption, and power asymmetries, making it insufficient on its own to fully explain the persistence of unlawful land acquisitions.

6.2.5 Financial Exploitation and Manipulation of Landowners

Financial exploitation has emerged as a major driver of land grabbing in Kayunga District, where vulnerable landowners are targeted through manipulative financial practices, debt traps, and coercive lending agreements. Wealthy individuals, investors, and corrupt officials take advantage of financial insecurities among local landowners, using predatory financial schemes to acquire land at unfair prices or force owners into distress sales. Many landowners, particularly those struggling with economic hardships, medical bills, or business losses, become easy targets for financial manipulation.

The most common tactics used in land grabbing involves offering high-interest loans to financially distressed landowners with land as collateral. Participants shared that unsuspecting individuals, especially those without formal financial education, are often lured into signing agreements that they do not fully understand. A participant explained,

> "*Many landowners unknowingly sign documents thinking they are securing financial assistance, only to realize later that they have signed away their land. Some agreements are designed to appear legitimate but contain clauses that transfer land ownership if the borrower defaults on even a single payment."*[863]

In addition to unfair lending practices, financial brokers, corrupt land officers, and well-connected business elites manipulate land valuations to facilitate the illegal transfer of property. A participant noted,

> *"Valuation fraud is one of the most common ways through which land is taken away. Officials deliberately undervalue land, classify it as idle, or claim it is not being put to productive use. This provides justification for transferring ownership*

[862] J. A. Okuku, "The Land Act (1998) and Land Tenure Reform in Uganda," Africa Development 31, no. 1 (2006): 1–26.
[863] In-depth Interview, Legal Professional, "Interview on Land Registration and Land Grabbing in Kayunga District."

to individuals with financial power under the pretext of development or investment."[864]

Another participant emphasised the role of misinformation in financial exploitation, stating,

"Many rural landowners do not have access to accurate financial or legal information. They rely on brokers and middlemen who mislead them about the terms of agreements. Some landowners only discover that their land has been sold when they see new owners taking possession. Others are tricked into selling their land at prices far below market value because they are made to believe that their land has no formal legal recognition."[865]

The lack of financial literacy among landowners further exacerbates this issue, as many are unfamiliar with contract terms, repayment obligations, and legal rights related to land transactions. Participants reported cases where individuals unknowingly signed binding agreements under financial distress without understanding the long-term implications. One participant shared,

"Some landowners take loans without realizing that they have no means to repay. When they default, the lenders seize their land immediately, leaving them landless and homeless. These financial schemes are deliberately set up to push landowners into situations where they are forced to surrender their land."[866]

This form of financial manipulation is particularly devastating for vulnerable groups, including the elderly, widows, and individuals with low literacy levels. A participant explained,

"Some elderly landowners have been pressured into signing documents they cannot read, believing they are securing financial support for medical expenses or household needs. Only later do they find out that their land has been transferred to someone else through legally binding contracts they did not fully comprehend."[867]

[864] In-depth Interview, Legal Professional, "Interview on Land Registration and Land Grabbing in Kayunga District."
[865] In-depth Interview, Legal Professional, "Interview on Land Registration and Land Grabbing in Kayunga District."
[866] Key Informant Interview, District Land Committee Member, "Interview on Land Registration and Grabbing in Kayunga District," February, 27, 2023.
[867] Key Informant Interview, District Land Committee Member, "Interview on Land Registration and Grabbing in Kayunga District."

Financial exploitation as a driver of land grabbing underscores the intricate relationship between economic vulnerability, misinformation, and institutional weaknesses in land governance. According to Alden[868], landowners in regions with weak legal protections are often manipulated through deceptive financial arrangements, where land is used as collateral for unsustainable loans.[869] This process creates a legal avenue for land speculators and financial elites to acquire large tracts of land under the guise of debt recovery. Zoomers further explains that financial exploitation is particularly prevalent in areas where land tenure is informal or not well documented, making it easier for powerful actors to coerce landowners into parting with their property.[870] In many cases, those targeted are unaware of legal loopholes that favor creditors in disputes over collateralized land. This phenomenon reflects a larger trend in which financial institutions, often working alongside investors, play a central role in transferring land from smallholders to corporations or wealthy individuals, significantly altering traditional landholding structures.

The financialization of land grabbing also perpetuates economic inequalities, exacerbating social divisions within affected communities. Mwesigye & Tomoyo argues that financial institutions and brokers who facilitate land-based loans exploit the economic desperation of landowners, often under the pretense of providing investment opportunities.[871] The growing involvement of speculative capital in land transactions, particularly in developing economies, has led to a systematic transfer of land from the poor to the wealthy, weakening the economic stability of marginalized groups. Musinguzi notes that this process is not only driven by local financial elites but also by transnational financial networks, where international investors and lending institutions fund land acquisitions, further marginalizing local populations.[872] This cycle of dispossession leaves displaced landowners with limited economic alternatives, forcing them into low-wage labor markets or migration in search of livelihood opportunities. Without strong regulatory oversight, financial exploitation continues to erode land security, deepen wealth disparities, and contribute to persistent socio-economic instability.

[868] Wily Alden L, The Law and Land Ownership in Africa: A Review of the Literature. Journal of African Law, 55(1),24, 2011.
[869] Alden, The Law and Land Ownership in Africa: A Review of the Literature. Journal of African Law, 55(1),24.
[870] Gardner and Perkins, "Ambiguity, Contradiction, and an International Land Acquisition."
[871] Francis Mwesigye and Tomoya Matsumoto, "Rural-Rural Migration and Land Conflicts: Implications on Agricultural Productivity in Uganda," GRIPS Discussion Papers, GRIPS Policy Research Center, 2013, https://grips.repo.nii.ac.jp/?action=pages_view_main&active_action=repository_view_main_item_detail&item_id=1128&item_no=1&page_id=13&block_id=24.
[872] Musinguzi et al., "Fit for Purpose Land Administration."

6.3 Consequences land grabbing

Land grabbing has led to far-reaching consequences that impact individuals, communities, and the overall socio-economic structure of affected areas. While some effects are immediate and visible, others manifest over time, significantly disrupting livelihoods, land ownership rights, and access to essential resources. The consequences as per the study findings are examined below;

6.3.1 Forced displacement and homelessness.

Land grabbing in Kayunga District has led to widespread forced displacement and homelessness, with many families being uprooted from their ancestral lands and left without shelter or support. For generations, families have lived and farmed on these lands, relying on them for housing, agriculture, and community stability. Though, with increasing land acquisitions, many residents are evicted, often without adequate notice, fair compensation, or alternative resettlement options, leaving them vulnerable to homelessness and extreme poverty. Displaced individuals often struggle to find new places to settle, forcing some to seek refuge in overcrowded urban areas, migrate to distant regions, or live in temporary makeshift shelters under dire conditions. Lawyers who have handled such cases emphasise that evictions frequently occur with minimal adherence to legal procedures, with many affected residents lacking the proper documentation or legal representation to challenge the removals. The absence of clear land tenure rights, corruption, and the manipulation of land laws by powerful individuals further exacerbate the crisis, making it difficult for victims to seek justice. Many evictions are carried out forcefully and abruptly, leaving families with no time to salvage their possessions or make alternative arrangements, further disrupting their livelihoods, access to education, and healthcare. If this trend continues unchecked, it will contribute to rising homelessness, socio-economic instability, and deepening poverty levels in the district. A participant observed,

> *"Evictions carried out under the guise of development often disregard fundamental rights, leaving people destitute and without a place to call home."* [873]

[873] In-depth Interview, Legal Professional, "Interview on Land Registration and Land Grabbing in Kayunga District."

Another respondent noted,

> *"The constitutional guarantee against arbitrary deprivation of property is systematically ignored in these cases, with victims having little recourse to justice."* [874]

These observations reveal a grave failure of the legal system to protect vulnerable populations. Displacement undermines the social and economic stability of communities, as argued by Wabineno *et al.*, who highlights that forced removals erode faith in governance systems and deepen inequality. [875] This situation creates a cycle of poverty and insecurity, leaving affected individuals without the means to rebuild their lives or access justice.

6.3.2 The destruction of livelihoods.

In Kayunga District, agriculture is the primary source of income and sustenance for many households, with families depending on farming for both food production and economic stability. Nevertheless, land grabbing has led to forced evictions, loss of farmland, and restricted access to vital resources, leaving many without a means of survival. The displacement of local farmers disrupts agricultural activities, leading to reduced crop yields, food insecurity, and increased poverty levels. Without alternative employment opportunities, affected families struggle to meet basic needs such as food, education, and healthcare, pushing many into financial hardship. The loss of agricultural land also impacts local markets and supply chains, affecting the broader community that relies on farming for trade and subsistence. As more land is taken over for commercial purposes or private ownership, the livelihoods of smallholder farmers and rural households continue to be threatened, exacerbating economic inequality and social distress in the district. A respondent remarked,

> *"When people are evicted from their farmland, they lose their primary means of survival, plunging them into poverty."*[876]

[874] In-depth Interview, Legal Professional, "Interview on Land Registration and Land Grabbing in Kayunga District."
[875] Lilian Mono Wabineno et al., "Land Information Management in Uganda: Current Status," The First Conference on Advances in Geomatics Research; Gidudu, A., Otukei, JR, Musinguzi, M., Eds, 2011, 211–23, https://www.academia.edu/download/67075623/Land_Information_Management_in_Uganda_Cu20210504-12202-5rbk0z.pdf.
[876] In-depth Interview, Legal Professional, "Interview on Land Registration and Land Grabbing in Kayunga District."

Reflecting on similar cases, a participant added,

> *"The lack of legal protections for smallholder farmers exacerbates these challenges, as they are often unable to defend their rights against powerful interests"*[877]

These findings point to systemic flaws in the enforcement of Uganda's Land Act, which seeks to protect equitable access to land. Nakayi & Kirya, discuss how land dispossession disrupts local economies and perpetuates poverty, creating long-term challenges for affected populations. This disruption of livelihoods highlights the need for effective legal mechanisms to safeguard the economic stability of vulnerable groups.[878]

6.3.3 Social conflicts.

Land grabbing in Kayunga District has intensified social conflicts, leading to frequent disputes over land ownership, boundaries, and usage rights. As land is forcibly taken or acquired under unclear circumstances, affected communities often resist eviction, resulting in tensions between local residents, investors, and government authorities. The lack of proper documentation, fair compensation, and transparent legal processes further fuels mistrust and grievances, making peaceful resolution difficult. Participants have observed that such disputes frequently escalate into violence, as affected individuals and groups struggle to defend their ancestral land and livelihoods. These conflicts are often exacerbated by misinformation, political interference, and manipulation by influential actors, who exploit community divisions for their own economic and political gain. Some landowners, tenants, and squatters have reported being misled about land rights and compensation procedures, leading to resentment, protests, and, in some cases, physical confrontations. If left unresolved, these land-related conflicts threaten social cohesion, disrupt economic activities, and create long-term instability in the district. A respondent commented,

> *"Land conflicts not only displace individuals but also fracture communities, leading to hostility and long-lasting divisions."*[879]

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[877] In-depth Interview, Legal Professional, "Interview on Land Registration and Land Grabbing in Kayunga District."
[878] Nakayi and Kirya, The Legal, Policy and Institutional Framework of Land Governance in Uganda.
[879] In-depth Interview, Legal Professional, "Interview on Land Registration and Land Grabbing in Kayunga District."

These divisions weaken traditional governance structures and community resilience, making it harder for affected groups to resist further exploitation. Sanjines highlights that unresolved land disputes exacerbate social fragmentation, leaving communities vulnerable to external manipulation.[880] The persistent conflicts in Kayunga District elucidate the broader failure of land governance systems to mediate disputes effectively, undermining trust in both customary and statutory frameworks.

6.3.4 Environmental degradation.

Large-scale land acquisitions in Kayunga District have led to significant environmental degradation, affecting both the natural ecosystem and the livelihoods of local communities. The conversion of vast land areas for commercial agriculture, urban expansion, and private investments has resulted in deforestation, overgrazing, and destruction of wetlands, disrupting biodiversity and reducing the land's natural ability to regenerate. The loss of tree cover has contributed to soil erosion, declining water retention, and unpredictable climatic conditions, ultimately threatening agricultural productivity and food security. The destruction of wetlands, which act as natural water filtration systems and flood regulators, has led to reduced groundwater recharge and increased vulnerability to droughts and flooding. A respondent emphasised that

> *"The unchecked clearing of forests and wetlands for commercial purposes destroys ecosystems and diminishes agricultural productivity, leaving communities worse off in the long run."*[881]

Such actions contravene the National Environmental Act, which mandates sustainable land use practices. Moreri argues that environmental degradation caused by land grabbing exacerbates poverty and food insecurity, as communities lose access to natural resources critical for their survival.[882] In Kayunga, the destruction of forests and wetlands not only affects the

[880] M. Sanjines et al., "Land Administration Domain Model (Ladm) and Its Contribution to Monitoring of Land Governance in Uganda," Paper Prepared for Presentation at the "2018 World Bank Conference on Land and Poverty" the World Bank-Washington Dc, 2018, http://www.isoladm.org/assets/49c029__09-15-Sanjines_Mancilla-739_paper.pdf.
[881] In-depth Interview, Legal Professional, "Interview on Land Registration and Land Grabbing in Kayunga District."
[882] Kealeboga Kaizer Moreri, "The Role of Volunteered Geographic Information in Land Administration Systems in Developing Countries" (PhD Thesis, Newcastle University, 2019), http://theses.ncl.ac.uk/jspui/handle/10443/4549.

environment but also deprives locals of essential resources like clean water and arable land, further deepening their vulnerability.

6.3.5 Economic inequality.

Land grabbing in district has widened economic inequality, as wealth and land ownership become increasingly concentrated in the hands of a few powerful individuals and entities, while displaced communities face financial hardship and social exclusion. Many of those evicted from their land lack the resources or legal backing to reclaim their property or demand fair compensation, leaving them economically vulnerable. Without land to cultivate or property to leverage for financial stability, displaced individuals struggle to rebuild their lives, often resorting to low-paying, unstable jobs or informal labor that offer little opportunity for economic advancement. This shift exacerbates disparities and limits the ability of displaced individuals to challenge their exploitation, as they become more dependent on landlords, employers, and market forces that favor wealthier landowners and investors. The loss of generational landownership further weakens intergenerational wealth transfer, making it difficult for affected families to escape poverty. As a result, the gap between landowners and landless communities continues to widen, reinforcing social stratification and limiting economic mobility for the most vulnerable populations in Kayunga District. This shift exacerbates disparities and limits the ability of displaced individuals to challenge their exploitation. Another participant highlighted that;

> *"The financial and political clout of land grabbers often tilts the legal system in their favor, leaving marginalized groups without recourse."*[883]

This trend undermines the principles of equity and justice enshrined in Uganda's Constitution and Land Act, which seek to promote fair access to land. Coldham discusses how the economic exclusion resulting from such practices stifles local development and deepens societal tensions.[884] The consequences in Kayunga reflect a broader pattern of systemic inequality, where the legal protections intended to safeguard the vulnerable are often rendered ineffective.

[883] In-depth Interview, Legal Professional, "Interview on Land Registration and Land Grabbing in Kayunga District."
[884] Coldham, "Land Reform and Customary Rights," 2000.

6.3.6 Food insecurity.

The loss of agricultural land due to land grabbing in Kayunga District has significantly contributed to food insecurity, as families who once relied on farming for sustenance and income now struggle to access sufficient food. With large portions of fertile land being converted for commercial use, urban expansion, or private investment, local food production has declined, leading to shortages in staple crops, increased food prices, and reduced household food availability. Many displaced farmers, having lost their farmland, are unable to grow their own food or generate income to purchase nutritious meals, putting them at risk of hunger and malnutrition. The decline in local agricultural output also affects food supply chains, impacting markets, traders, and consumers who depend on small-scale farming. Vulnerable groups, including children, pregnant women, and the elderly, face the greatest risk, as malnutrition weakens immunity and exacerbates health problems. As land grabbing continues to shrink farmland and disrupt food systems, more families are being forced into dependency on food aid, reliance on expensive imports, or migration in search of better living conditions, further deepening the food crisis and economic struggles in the district. A respondent shared,

> *"Land grabbing disrupts the delicate balance of local food systems, forcing communities to rely on expensive and often inaccessible food sources."*[885]

Such outcomes directly violate the right to food as recognised under international human rights law[886]. Musinguzi highlights that food insecurity caused by land grabbing has cascading effects on health, education, and overall community well-being.[887] In Kayunga, the loss of fertile farmland due to large-scale acquisitions undermines the community's ability to achieve food security, perpetuating cycles of poverty and dependency.

6.4 Theoretical Underpinning

The phenomenon of land grabbing in Kayunga District can be analysed through the perspective of production theory which explains how those with economic and political power dominate and control natural resources for financial gain while disregarding the rights of marginalized communities .[888] This theory, grounded in classical economic thought, highlights the systemic

[885] In-depth Interview, Legal Professional, "Interview on Land Registration and Land Grabbing in Kayunga District."
[886] Universal Declaration of Human Rigts
[887] Moses Musinguzi et al., "Providng secure tenure for alL: A Country Implementation Strategy for Fit-For-Purpose Land Administration. The Case of Uganda," African Journal of Land Policy and Geospatial Sciences 3, no. 1 (2020): 213–25.
[888] Wolman, The Theory of Production. The American Economic Review, 11(1), 37-56, vol. 11.

prioritization of economic production and accumulation over equity and social justice. Participants in this study observed that wealthy investors, multinational agribusiness corporations, and politically connected elites have increasingly manipulated land laws and legal loopholes to acquire vast tracts of land, often under the pretext of economic development. This has been facilitated by weak institutional oversight, corruption within land governance institutions, and the lack of legal literacy among local communities. The study found that population growth, coupled with inadequate enforcement of land tenure laws, has created conditions where customary landholders are easily displaced, as they lack documented proof of ownership required to defend their tenure rights under Uganda's statutory land system. Furthermore, the failure of the District Land Boards and Ministry Zonal Offices to conduct proper due diligence in land allocations has allowed speculators to acquire multiple land titles over already occupied land, deepening tenure insecurity for local communities.

Conflict Theory is equally critical in explaining the consequences of land grabbing, particularly the social tensions, forced evictions, and economic disparities that arise from unequal access to land resources. Rooted in Karl Marx's critique of capitalism, Conflict Theory posits that land disputes are a direct result of power imbalances between dominant economic classes and vulnerable land-dependent populations.[889] The findings revealed that in many cases, land grabbers rely on state-backed enforcement mechanisms such as police and military interventions to forcibly evict long-term occupants. This aligns with Marxist arguments that state institutions are often complicit in perpetuating elite control over land and resources at the expense of the poor. Several respondents recounted experiences of eviction from ancestral land without prior consultation or compensation, particularly in cases where large-scale agricultural projects, infrastructure development, and speculative real estate ventures were approved without community engagement. The structural marginalization of local landowners in favor of corporate and political elites illustrates how land grabbing is not just an economic issue, but also a deeply entrenched socio-political conflict that disproportionately affects those without legal and financial means to challenge dispossession.

The consequences of land grabbing, including the destruction of livelihoods, forced displacement, environmental degradation, and increased land tenure insecurity, expose the limitations of Property Theory in ensuring equitable land governance.[890] Property Theory,

[889] Karl, The Communist Manifesto. John Smith.
[890] Gregory S. Alexander and Eduardo M. Peñalver, An Introduction to Property Theory (Cambridge University Press, 2012), https://books.google.com/books?

which advocates for formal property registration as a means of securing tenure and promoting economic stability, assumes that legal title deeds provide absolute protection against land dispossession. Though, this assumption fails in contexts where corruption, institutional weaknesses, and elite influence allow fraudulent land transactions to take precedence over customary land tenure claims. Participants in the study noted that despite Uganda's land laws recognizing customary tenure, communities that lack formal documentation remain vulnerable to eviction as statutory systems prioritise freehold and leasehold titles over traditional land claims. Moreover, the study found that unregulated land transactions have contributed to the conversion of forests, wetlands, and communal grazing areas into private commercial properties, exacerbating environmental degradation and undermining the ecological and social functions of land. This failure to balance economic development with environmental and social sustainability demonstrates the need for legal reforms to strengthen land governance frameworks, improve institutional transparency, and integrate environmental protection mechanisms into land registration processes.

Additionally, findings from Kayunga District are in substantial support of Property Rights Theory to the extent that indeterminate and weakly enforceable entitlements, especially under customary tenure, permit documentary title and administrative discretion to override long occupation, enabling fraud, duplicate titling, and summary evictions.[891] They are, however, in tension with the theory's formalist premise that mere titling secures tenure, because the record shows that corrupt issuance and manipulation of titles can defeat security absent credible enforcement. The findings are in strong support of Conflict Theory since politically connected actors and investors repeatedly leverage state machinery, procedural delay, and information asymmetries to redistribute land upward, producing recurrent eviction, social tension, and mistrust of institutions.[892] They are in qualified support of the Theory of Production because persistent insecurity, speculative holding, lease expiry dispossession, and displacement of smallholders depress investment, weaken input and output linkages, and lower total factor use. Yet the expectation that large-scale allocations inherently raise output is not borne out where concessions remain underutilised or enclose commons without compensating productivity gains. The evidence accords with the proposition that credible and enforced property relations

[891] Barry Shipley, "Curbing Corruption in Land: Sector Reform Experience and Strategies," CurbingCorruption.com, 2021, https://curbingcorruption.com/wp-content/uploads/2021/06/210618-Curbing-Corruption-in-Land-1.pdf.
[892] Kenneth W. Dam, "Land, Law and Economic Development," University of Chicago Law & Economics, Olin Working Paper No. 272, 2006, https://chicagounbound.uchicago.edu/law_and_economics/294/.

reduce conflictual appropriation and restore land's productive function, while also indicating that formalization without integrity, inclusion, and oversight is insufficient.[893]

6.5 Conclusion

The study established that land grabbing in Kayunga District manifests through various coercive, deceptive, and unlawful practices that deprive local communities of their land. Forced evictions, fraudulent land transactions, encroachment on communal lands, and militarized interventions were identified as the primary forms of land grabbing, with affected residents often experiencing abrupt displacement, destruction of property, and loss of livelihoods. Many evictions occur without proper legal procedures, leaving communities vulnerable to exploitation and lacking avenues for redress. The involvement of state agencies, including law enforcement, further exacerbates the situation, as resistance to dispossession is frequently met with intimidation, arrests, and prolonged legal battles. Additionally, land speculation and middlemen-driven acquisitions have transformed land into a commercial commodity, prioritizing profit over communal and livelihood needs. The study further revealed that large-scale land allocations to foreign investors, often facilitated through state-backed agreements, displace local populations under the guise of economic development, while expired leaseholds serve as a legal mechanism for dispossession. These findings underscore the entrenched weaknesses in land governance, where institutional corruption, lack of enforcement, and legislative loopholes enable continued land grabbing, leading to tenure insecurity, socio-economic disruption, and escalating conflicts in the district.

[893] Dam, "Land, Law and Economic Development."

CHAPTER SEVEN

CHALLENGES, OPPORTUNITIES, AND LEGAL REFORMS FOR ADDRESSING LAND GRABBING IN KAYUNGA DISTRICT

7.1 Introduction

"Land is life, and its mismanagement leads to societal instability."[894] Land is a fundamental resource for livelihoods, identity, and governance.[895] In Kayunga District, land disputes have evolved into a significant socio-economic and legal challenge, reflecting broader issues in land governance across Uganda. The district's fertile lands and increasing economic activity have attracted interest from various actors, some of whom exploit governance gaps and legal ambiguities to acquire land unlawfully. Land grabbing in Kayunga District which is characterized by unauthorized and often exploitative acquisition of land, disrupts the social fabric of communities and fuels tensions between various stakeholders. The issue is deeply rooted in Uganda's land ownership system, which integrates both formal and informal systems. While these systems aim to provide a comprehensive framework for land governance, their coexistence has often created overlapping claims, confusion, and conflict. Rural communities, typically reliant on communal ownership and lacking access to formal justice systems, are disproportionately affected, making them vulnerable to dispossession and marginalization. Compounding this problem is the broader context of urbanization and industrialization, which have transformed land into a highly commodified resource. This trend has intensified competition for land and exacerbated vulnerabilities for marginalized groups, particularly women, elderly individuals, and low-income families. Within Kayunga District, disputes frequently involve not only individuals and communities but also powerful actors such as private investors, political elites, and government entities, each leveraging systemic weaknesses for their gain.

This chapter presents an in-depth exploration of the dynamics surrounding land grabbing in Kayunga District. It builds upon data collected through key informant interviews, in depth interviews, and focus group discussions, offering a nuanced understanding of the socio-economic, cultural, and legal factors that contribute to the persistence of land disputes in the region. The chapter provides the groundwork for analyzing systemic barriers to land

[894] K. Deininger, "Land Policies for Growth and Poverty Reduction," 2003.
[895] Ibid.

governance and explores the interplay between formal and informal systems that shape land-related conflicts. It also contains findings on the possible legal and policy forms that participants suggested during the course of data collection.

7.2 Challenges in preventing and resolving land grabbing conflicts

Land grabbing in Kayunga District has manifested as a critical issue rooted in procedural irregularities, statutory non-compliance, and systemic lapses within the legal and administrative framework governing land tenure. Despite the constitutional entrenchment of property rights under Article 237 of the Constitution of Uganda (1995) and statutory safeguards articulated in the Land Act, Cap. 236, pervasive breaches of fiduciary obligations, procedural due process, and equitable doctrines have facilitated unlawful acquisitions. The existence of both formal and informal land ownership systems compounded by jurisdictional overlaps and inadequate enforcement mechanisms, further entrenches ambiguities that are routinely exploited by unscrupulous actors.[896] This section delineates the salient challenges undermining effective adjudication, equitable restitution, and enforcement of proprietary rights within the district's land governance framework.

7.2.1 Governance Failures and Corruption

Governance failures and corruption within land administration systems have significantly contributed to land grabbing conflicts in Kayunga District. These governance lapses undermine the principles of equity and justice articulated in Article 237 of the Constitution of Uganda (1995), which mandates that land resources be managed for the benefit of all citizens. Nevertheless, governance practices often deviate from these legal provisions, as land administration institutions have been accused of colluding with powerful individuals to facilitate irregular land transactions. Bribery, manipulation of land records, and biased decision-making by land boards compromise the integrity of land administration processes, disproportionately affecting vulnerable populations.[897]

[896] Byensi, "Land Conflicts Management and National Security in Uganda."
[897] Mulatu et al., "The Impact of Land Governance and Ownership Regimes on Public Green Spaces in East African Cities."

One respondent recounted,

> *"We tried to report a case of encroachment to the district land office, but they said someone had already processed the title. They told us the process was final, yet we had no idea when the title was issued."* [898]

Another individual also revealed that;

> *"When we seek help at the land office, they tell us to return later, but if someone pays them, their documents are prioritised even if the land is disputed."*[899]

This implies that procedural lapses and corruption hinder access to justice for rightful landowners. Such practices breach the objectives of the Land Act, Cap. 236, which provides for equitable and transparent land registration processes. Sauls emphasise that corruption entrenches structural inequities in land governance, eroding public confidence in legal and administrative institutions.[900] The persistence of corruption undermines the rule of law and perpetuates socio-economic inequalities by enabling the unlawful acquisition of land by elites. Usman argue that weak governance frameworks exacerbate land-related conflicts in resource-rich regions.[901] In Kayunga, the prioritization of financial power over lawful claims contravenes the constitutional guarantees of equity and justice. This governance deficit, compounded by the commodification of land, destabilizes communities and intensifies land-related disputes.

7.2.2 Weak legal frameworks and enforcement mechanisms

Weak legal frameworks and ineffective enforcement mechanisms are critical factors perpetuating land grabbing conflicts in Kayunga District. The formal and informal land ownership systems, which comprises statutory and customary frameworks, often creates ambiguities and contradictions that complicate land governance. The Constitution of Uganda (1995) and the Land Act, Cap. 236 both recognise customary tenure, yet they fail to provide

[898] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Galiraya Sub County."
[899] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Busaana Sub County."
[900] Laura Aileen Sauls et al., "Indigenous and Customary Land Tenure Security: History, Trends, and Challenges in the Latin American Context," Land Tenure Security and Sustainable Development, Springer International Publishing Cham, 2022, 57–79.
[901] Esv Muktar Usman Alhaji et al., "Contemporary Issues in Land Administration and Management: The Role of Estate Surveyors and Valuers: Department of Estate Management, School of Environmental Studies, Federal Polytechnic PMB 1006, Damaturu, Yobe State: Muktar1717. Mua@ Gmail. Com Phone No:+ 2348036508045," Fane-Fane International Multi-Disciplinary Journal 8, nos. 1, June (2024): 304–18.

robust mechanisms for its formalization, leaving many communities vulnerable to dispossession. Statutory law, which prioritises registered land titles, frequently marginalizes customary claims, further fueling land disputes.[902] A respondent remarked that,

> *"This land has been in my family for generations, but someone came with a title and said it's theirs. The court said the paper is stronger than my history. What do I do?"*[903]

This implies that the prioritization of statutory claims over customary claims undermines the land rights of rural communities. Another respondent remarked,

> *"We don't have documents because we inherited this land. Now they say if you don't have papers, you have no rights."*[904]

These experiences highlight the systemic vulnerabilities faced by customary landowners due to the lack of integration between customary and statutory frameworks. Conrad Musinguzi *et al* argue that the absence of harmonization between these systems creates a legal vacuum that is exploited by land grabbers.[905] Courts and administrative bodies often favor formalized titles, disregarding the historical and communal significance of customary tenure. This disconnect between legislative intent and judicial practice erodes public confidence in the legal system, leaving affected populations with limited recourse. The enforcement of land laws is another major challenge. Law enforcement agencies and local authorities frequently lack the resources, training, and autonomy required to implement land governance policies effectively. A member on the local council committee noted that,

> "*The Land Act provides guidelines for resolving disputes, but enforcement is weak. Many cases are delayed for years because we don't have enough resources to investigate or adjudicate."*[906]

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[902] J Springer, Land and Resource Tenure and Social Impacts [USAID Issue Brief,]. U.S. Agency for International Development. Https://Www.Land-Links.Org/Issue-Brief/Land-and-Resource-Tenure-and-Social-Impacts/, 2016.
[903] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Galiraya Sub County."
[904] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kayonza Sub County."
[905] Conrad Musinguzi et al., "The Relationship between Leadership Style and Health Worker Motivation, Job Satisfaction and Teamwork in Uganda," Journal of Healthcare Leadership Volume 10 (April 2018): 21–32, https://doi.org/10.2147/JHL.S147885.
[906] In-depth Interview, Legal Professional, "Interview on Land Registration and Land Grabbing in Kayunga District."

Weak legal frameworks and ineffective enforcement mechanisms remain central to the persistence of land grabbing in Kayunga District because statutory provisions prioritise registered titles while leaving customary claims vulnerable to contestation. Musinguzi et al. observe that the absence of harmonization between customary and statutory systems creates a legal vacuum readily exploited by land grabbers, while judicial practice tends to privilege documentary evidence over long-standing occupation, deepening tenure insecurity.[907] This tendency is reinforced by resource constraints and procedural inefficiencies within enforcement agencies, which delay or obstruct justice, as local council structures and police lack the autonomy and capacity to implement land laws effectively. Byensi further notes that such weaknesses erode public trust in the legal system, as affected communities perceive law as a tool for dispossession rather than protection. The discussion therefore underscores that unless the legal system integrates customary tenure and strengthens enforcement, land governance will continue to exacerbate, rather than resolve, conflicts in districts like Kayunga.[908]

Land registration has itself emerged as a source of exclusion and inequality in land governance. In Kayunga District, formal registration processes were designed to enhance tenure security, but in practice, they have marginalized customary owners and weakened communal land systems. The process of converting land into individualized property has favored politically and economically powerful individuals who can afford registration fees and navigate bureaucratic procedures. As a result, registration has deepened inequality by transferring land rights from communities to elites, while those lacking formal documents lose recognition of their ownership. This outcome confirms that the transformation of land into a marketable commodity often benefits those already advantaged, leaving customary users exposed to dispossession.[909]

The commodification of land under the registration system has further facilitated accumulation through dispossession. Land registration, intended to promote transparency, has instead enabled speculative acquisitions and market-driven transfers that undermine the social and economic functions of land. In Kayunga District, the study found that land previously used for

[907] Conrad Musinguzi et al., "Customary Land Tenure and Its Implications for Land Governance in Uganda," Journal of Land and Rural Studies 8, no. 2 (2020): 186–203, https://doi.org/10.1177/2321024920913125.
[908] Byensi, "Land Conflicts Management and National Security in Uganda."
[909] Ambreena S. Manji, The Politics of Land Reform in Africa: From Communal Tenure to Free Markets (Zed Books, 2006), https://books.google.com/books?

community farming and settlement has been converted into commercial estates and investment holdings. The formal title serves as a tool for accumulation, legitimizing ownership even when obtained through irregular processes. This pattern reflects how registration, rather than reducing conflict, can institutionalize inequality and fuel disputes among dispossessed households.[910]

Legal reforms promoting land registration have also reproduced historical and structural inequalities. The reliance on formal title as the ultimate proof of ownership disregards the plural realities of tenure in Uganda. Many residents in Kayunga District, especially women and low-income earners, cannot afford registration costs or legal services. As a result, they remain outside the formal system and are vulnerable to eviction. The focus on individual titling mirrors colonial systems that privileged elite ownership and disregarded communal stewardship. Consequently, registration reinforces the same hierarchies it was meant to correct, creating new classes of landowners and landless citizens within the same community.[911]

The political nature of land registration cannot be ignored. In Uganda, where land and political power are intertwined, registration has been used as a tool to consolidate elite dominance. In Kayunga District, titles are frequently issued to individuals with political connections, while ordinary land users face obstacles in formalizing their claims. This pattern demonstrates that land registration is not a neutral administrative exercise but a political process influenced by patronage and corruption. The concentration of power over land allocation within administrative and political elites erodes public trust in land governance institutions. Without addressing these political foundations, reforms in registration will continue to generate exclusion, inequality, and conflict.[912]

7.2.3 Socio-economic pressures and population growth

Socio-economic pressures, including poverty and unemployment, coupled with rapid population growth, significantly exacerbate land grabbing conflicts in Kayunga District. The increasing demand for land driven by economic vulnerabilities compels communities to engage in land transactions that often jeopardize their long-term security. The Constitution of Uganda (1995), under Chapter Four, guarantees socio-economic rights, including the protection of

[910] Saturnino M Borras and Jennifer C Franco, "Global Land Grabbing and Political Reactions 'From Below,'" Third World Quarterly 34, no. 9 (2013): 1723–47, https://doi.org/10.1080/01436597.2013.843845.
[911] Manji, The Politics of Land Reform in Africa.
[912] Borras and Franco, "Global Land Grabbing and Political Reactions 'From Below.'"

property. Though, these guarantees are frequently undermined in practice, as economically disadvantaged populations are left without adequate safeguards against exploitation. A respondent shared,

> *"I sold part of my land to pay for my children's school fees. The buyer promised he would only take what we agreed upon, but later, he started claiming the rest of my land. I cannot afford to take him to court."*[913]

This implies that financial desperation often forces individuals into unfair agreements that strip them of their ancestral land. Another respondent stated,

> *"Our family land has been divided so many times because of population growth that there is hardly enough left for farming. Each time we try to decide on boundaries, it ends in conflict."*[914]

These perspectives highlight the compounded effects of economic hardships and demographic pressures, particularly as land becomes a contested resource. Mbabazi, Ukiwo & Langer, notes that rapid urbanization and the growing commercialization of land exacerbate socio-economic inequalities, particularly in agrarian regions like Kayunga.[915] The expansion of industrial and infrastructure projects has further intensified the demand for land, often displacing rural communities without adequate compensation. For instance, government-initiated projects have been criticized for neglecting the social and economic impacts of land acquisitions. One community elder remarked,

> "*When surveyors come, they don't talk to us. They only care about marking land for roads or factories. After they take the land, where are we supposed to go?"*[916]

This implies that development projects often disregard the rights of affected communities, leading to displacement and heightened tensions.

For instance, in *Attorney General v Henley Property Developers Limited (Civil Appeal No. 421 of 2021) UGCA 1*[917], the Court of Appeal considered the legality of compulsory land

[913] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Galiraya Sub County."
[914] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kangulumira Sub County."
[915] Mbabazi et al., "11. Land Grabbing in the Albertine Graben" (Leuven University Press, 2020).
[916] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kayonza Sub County."
[917] Attorney General v Henley Property Developers Limited (Civil Appeal No. 421 of 2021) UGCA 1.

acquisition by the government without prior compensation. The dispute arose when the government attempted to take possession of land owned by Henley Property Developers for public infrastructure development before finalizing compensation agreements. The landowner challenged the move, arguing that it violated Article 26 of the 1995 Constitution, which guarantees the right to property and mandates that compensation must be prompt, fair, and adequate before expropriation. The court ruled in favor of the landowner, holding that the government must complete compensation before taking possession of private land, reinforcing the principle that compulsory acquisition must comply with constitutional safeguards. The ruling further emphasised that landowners have the right to challenge unlawful government acquisitions and that public interest projects do not override due process requirements. This case highlights the judiciary's role in ensuring procedural fairness in land acquisition, protecting landowners from arbitrary government actions, and upholding the fundamental right to property.

The implications of these socio-economic pressures are severe. Legal frameworks meant to protect vulnerable populations, such as the Land Act, Cap. 236, often fail in enforcement, leaving communities at the mercy of external actors. Economically driven land sales without adequate legal documentation frequently lead to disputes, as buyers encroach on additional land beyond what was agreed. Such conflicts undermine the constitutional obligation to ensure fair and equitable access to resources. Studies on land governance in Uganda argue that the absence of socio-economic safeguards in land policies exacerbates inequality and perpetuates poverty, particularly in regions where agriculture is the primary source of livelihood.[918]

Socio-economic pressures, including poverty, unemployment, and inadequate access to financial resources, coupled with rapid population growth, have significantly exacerbated land grabbing conflicts in Kayunga District. The economic vulnerabilities experienced by local communities have heightened the demand for land, leading to unregulated and exploitative transactions that often result in dispossession and tenure insecurity. While Chapter Four of the 1995 Constitution of Uganda guarantees socio-economic rights, including the protection of property, these rights remain largely unenforced for economically disadvantaged populations

[918] Samuel Elong, "Assessment of the Challenges and Effects of Delays in Compulsory Land Acquisition on the Performance of Road Construction Projects in Uganda" (PhD Thesis, Kyambogo University, 2020), https://kyuspace.kyu.ac.ug/handle/20.500.12504/348.

who lack the legal, financial, and institutional capacity to protect themselves against fraudulent transactions, forced evictions, and uncompensated land acquisitions.

A critical issue identified in this study is the absence of legal safeguards to protect vulnerable landowners from economic exploitation through unfair land transactions. A respondent shared,

> *"I sold part of my land to pay for my children's school fees. The buyer promised he would only take what we agreed upon, but later, he started claiming the rest of my land. I cannot afford to take him to court."*[919]

This response emphasises how financial desperation often compels landowners to enter into unfair agreements that result in the loss of their land rights. Under section 59 of the Registration of Titles Act, an indefeasible title is protected unless fraud is proven; however, fraud in economic distress-induced sales is difficult to establish, making it legally challenging to invalidate exploitative land transactions.

The study also found that population pressure and land fragmentation exacerbate land disputes, particularly in cases where land has been passed down through intestate succession. One respondent stated,

> *"Our family land has been divided so many times because of population growth that there is hardly enough left for farming. Each time we try to decide on boundaries, it ends in conflict."*[920]

This reflects a structural deficiency in Uganda's land tenure system, where the absence of a statutory framework to regulate land fragmentation has led to tenure insecurity and intergenerational conflicts. The Succession Act provides for inheritance rights, yet enforcement gaps and customary norms that favor male heirs over female heirs have led to inequitable distribution of land, further fuelling disputes.

The increasing commercialization of land and urbanization in agrarian regions such as Kayunga have further intensified socio-economic inequalities. Studies indicate that rapid urbanization without corresponding legal and policy frameworks for equitable land access has

[919] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Galiraya Sub County."
[920] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Nazigo Sub County."

allowed wealthy investors, government agencies, and private developers to manipulate land transactions, displacing local communities in the process. The expansion of industrial and infrastructure projects, often undertaken without adequate community consultations, has resulted in large-scale evictions without lawful compensation, in violation of Article 26 of the 1995 Constitution, which guarantees that no person shall be deprived of property without prompt, fair, and adequate compensation.

Another respondent noted,

> *"Investors came to our village and promised to build schools and hospitals, but instead, they took our land and built private estates. Now, we have nowhere to grow food."*[921]

This reflects the failure of legal and regulatory frameworks to protect customary landowners from expropriation under false pretences. The absence of mandatory impact assessments and regulatory oversight on large-scale land acquisitions has facilitated unscrupulous investments that deprive communities of their land without adequate safeguards. Furthermore, the study found that government-led development projects frequently result in mass displacement without adequate resettlement plans. A displaced resident noted,

> *"The government took our land to build a highway, but they did not give us alternative land. We had to move to a nearby town and start renting."*[922]

This emphasises the systemic failure in Uganda's compulsory land acquisition process, which does not prioritise the socio-economic stability of displaced persons. The National Land Policy calls for equitable access to land, yet implementation gaps have led to widespread forced displacements without alternative settlements for affected communities. Additionally, the legal inadequacies in regulating population-induced land fragmentation have made land inheritance a significant source of conflict. Many families lack clear legal guidelines on how to distribute land equitably, leading to disputes that often escalate into violent conflicts. The absence of

[921] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kitimbwa Sub County."
[922] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Galiraya Sub County."

legal support structures, such as free legal aid services for succession planning, has left many families vulnerable to fraudulent claims and boundary disputes.

The increasing urbanization of rural areas in Kayunga District has also driven speculative land transactions, where powerful elites acquire land at low costs, anticipating future market value appreciation. This practice has contributed to the rising cost of land, making it unaffordable for local communities. While land speculation itself is not illegal, its unregulated nature in Uganda has allowed land hoarding, limiting access to land for productive use and exacerbating socio-economic disparities. The Land Acquisition Act provides the government with the authority to acquire land for public interest, but loopholes in its enforcement have facilitated the use of public interest claims to justify private commercial ventures at the expense of vulnerable landowners.

Moreover, the socio-economic burden caused by climate change-induced migration has increased land-related disputes, particularly among internally displaced persons who have relocated to Kayunga District due to environmental degradation in their home regions. The lack of a legal framework addressing climate migration and land rights has resulted in informal settlements on land that is already contested, further worsening land tenure conflicts. Without legal provisions integrating environmental factors into land governance, climate-induced displacement will continue to put additional strain on land resources, leading to more disputes and tenure insecurity.

The intersection of socio-economic pressures and population growth has created an environment of heightened land tenure insecurity, particularly for customary landowners, economically disadvantaged persons, and rural communities. The lack of robust legal safeguards against exploitative land transactions, inadequate regulatory oversight on large-scale land acquisitions, and weak enforcement of property rights have further compounded these challenges. Addressing these issues requires legal and policy interventions that enhance the formalization of customary tenure, strengthen land dispute resolution mechanisms, enforce fair compensation laws, and integrate socio-economic protections into land governance frameworks. The judiciary, legislature, and executive must collaborate to ensure that land laws

are effectively implemented, safeguarding constitutional property rights while balancing economic development needs with community protection.[923]

7.2.4 Limited public awareness and legal literacy

Limited public awareness and legal literacy among communities in Kayunga District is a significant factor contributing to land grabbing conflicts. The Constitution of Uganda (1995) guarantees the right to access information and promotes equality before the law. Nevertheless, many rural populations lack an understanding of their legal rights under the Land Act (Cap. 236) and related frameworks. This gap leaves them vulnerable to exploitation by individuals who manipulate legal processes to acquire land unlawfully. A respondent explained,

> "*When someone comes with a document claiming they own your land, you don't know what to do. We don't understand the law, so we just agree because we fear getting into trouble."*[924]

This implies that limited legal literacy prevents communities from challenging unjust land claims, often resulting in the loss of their ancestral property. Another respondent observed,

> *"We don't have the resources to understand these laws, and the government doesn't educate us about our rights. When people come to take our land, they use our ignorance against us."*[925]

These statements illustrate the extent to which lack of awareness exposes communities to manipulation, particularly in transactions involving land registration and ownership disputes. Deininger argues that legal literacy is a fundamental tool for empowering communities to protect their land rights. [926] Without adequate knowledge of legal procedures, many landowners fail to document transactions or formalize ownership, creating opportunities for land grabbers to exploit their lack of documentation. In Kayunga District, this issue is compounded by the absence of accessible legal aid services and public education campaigns. Civil society organizations, while instrumental in raising awareness, often have limited capacity to reach remote areas, leaving a significant portion of the population uninformed.

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[923] Anthony, "The Right to Property and Compulsory Land Acquisition in the Albertine Graben."
[924] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kayunga Sub County."
[925] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kayunga Sub County."
[926] K. Deininger, "Land Policies for Growth and Poverty Reduction," 2003.

In cases where disputes escalate, affected individuals often lack the confidence or resources to seek legal redress, further entrenching inequities in land governance. One legal practitioner noted,

> *"The courts rely heavily on documented evidence, which many rural landowners do not have. This leaves them disadvantaged even when their claims are legitimate*."[927]

This implies that the judicial system, while theoretically impartial, often fails to accommodate the realities of customary landowners, whose tenure is rarely formalized. The absence of structured efforts to improve public awareness of land laws contravenes the constitutional mandate to ensure equal access to justice. Studies on land governance in Uganda emphasise that strengthening public knowledge of legal frameworks is essential for mitigating land-related conflicts[928]. The lack of awareness among rural communities not only perpetuates land grabbing but also undermines the broader goals of equitable and inclusive land governance.[929]

7.3 Opportunities for Effective Conflict Resolution

While the challenges related to land grabbing in Kayunga District are significant, opportunities exist to address these conflicts effectively through innovative and inclusive approaches. These opportunities are grounded in Uganda's legal and customary frameworks, which, if utilised appropriately, can provide a basis for equitable land governance. The Constitution of Uganda (1995) recognises the coexistence of statutory and customary systems, creating a foundation for integrating diverse mechanisms to resolve land disputes. Opportunities also lie in leveraging technological advancements, strengthening institutional frameworks, and enhancing community participation.

7.3.1 Leveraging customary governance systems

Customary governance systems hold immense potential for addressing land conflicts in Kayunga District, particularly in areas where statutory frameworks are inaccessible or misaligned with local practices. The Constitution of Uganda (1995) recognises customary tenure as a legitimate form of landholding under Article 237, placing it on equal footing with

[927] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Busaana Sub County."
[928] Abdulaziz Atiku, "Digitisation of Land Records: A means or An end to Fraud in Uganda's Land Sector?" (PhD Thesis, Cavendish University Uganda, 2024), https://asbatlibrary.s3.eu-central-1.amazonaws.com/b4a644af-f95c-475b-803c-dcff29807e35-ABDULAZIZ%20ATIKU%20A.pdf.
[929] B. Georges Bosakaibo, "Land Administration Problems in the Democratic Republic of Congo: Case Study of Bongandanga Territory."

statutory tenure systems. This legal recognition provides an opportunity to integrate customary mechanisms into formal land governance processes, enhancing their relevance and accessibility. A respondent noted,

> "*When we have disputes about land, the first place we go is to the elders. They understand the history of the land and can mediate fairly. Their decisions are respected by everyone in the community. The elders resolve disputes quickly and without the costs involved in going to court. For us, it is the best way to solve these problems."*[930]

This implies that customary leaders, due to their deep understanding of communal history and practices, are trusted arbiters in land disputes.

Customary governance systems are particularly effective in resolving disputes over boundaries, inheritance, and communal land use, which are common in rural settings. Coldham argues that customary systems, when supported by formal legal recognition, provide a culturally relevant and participatory approach to land management.[931] These systems emphasise restorative justice, focusing on reconciling conflicting parties and maintaining social harmony. In Kayunga, where familial and communal ties are central to social structures, customary governance aligns closely with local values, reducing the adversarial nature of disputes. The reliance on customary governance systems reflects the limitations of statutory frameworks in addressing rural land disputes. Customary leaders' knowledge of historical land boundaries and community dynamics enables them to resolve conflicts in a manner that is contextually appropriate and widely accepted. This suggests that integrating customary systems into formal land governance processes can enhance their legitimacy and effectiveness. Nevertheless, without adequate legal and institutional support, customary decisions may lack enforceability, limiting their impact in more complex or high-stakes disputes.[932]

Customary governance systems play a complementary role to statutory frameworks, particularly in areas where legal literacy and access to formal institutions are limited. In Uganda, statutory mechanisms often prioritise formal titles, disregarding the communal and historical significance of land under customary tenure. This creates a gap in land governance that customary systems are uniquely positioned to fill. By incorporating customary practices

[930] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Galiraya Sub County."
[931] Coldham, "Land Reform and Customary Rights," 2000.
[932] Ahene, "Measures to Improve Access to Land Resources and Related Benefits in Uganda."

into formal processes, land disputes can be resolved in a way that respects both legal principles and local traditions.[933]

Nevertheless, the integration of customary governance into formal systems must be carefully managed to avoid contradictions or conflicts. Formal recognition of customary decisions requires clear guidelines to ensure they align with constitutional principles, such as gender equality and non-discrimination. Geoffrey emphasises that while customary systems are effective in resolving disputes, they may inadvertently reinforce patriarchal structures, excluding women and other marginalized groups from land governance processes.[934] In Kayunga District, ensuring that customary governance practices are inclusive and consistent with statutory laws is essential for achieving equitable outcomes. The efficiency and accessibility of customary governance systems offer a practical solution to land disputes in rural areas like Kayunga. Strengthening these systems through formal recognition, training for customary leaders, and mechanisms to link them with statutory institutions can enhance their role in conflict resolution. Customary governance represents not only a practical approach but also a means of preserving cultural heritage and community cohesion, which are integral to sustainable land management.[935]

7.3.2 Enhancing public awareness and legal literacy

Public awareness and legal literacy are vital in addressing land grabbing conflicts, as they equip communities with the knowledge required to navigate governance systems and assert their rights. The Constitution of Uganda (1995) guarantees the right to information and the protection of property under Chapter Four. Nevertheless, gaps in public education about land laws and processes leave many individuals, especially in rural areas, vulnerable to exploitation. This lack of knowledge allows fraudulent actors to manipulate landowners, particularly in areas where legal systems are not easily accessible or comprehensible. Respondents noted,

> *"When someone comes with papers saying they own your land; you don't know how to fight back because you have never seen such documents. No one explains to us how to protect our land or what these laws mean."* [936] *"We hear about laws*

[933] Anthony, "The Right to Property and Compulsory Land Acquisition in the Albertine Graben."
[934] Geoffrey C. Hay, "Architecture for Instrument-Centred Land Administration Applications," Computer Science, 2013, https://www.academia.edu/download/36943592/HayGeoffreyC2013PhD.pdf.
[935] Tessa Laing and Sara Weschler, "Rural Radicalism and the Tactic of Third-Party Leverage: How Acholi Peasants Drew a UN Agency into Their Struggle against Land-Grabbing by the Ugandan State," African Studies Review, Cambridge University Press, 2024, 1–29.
[936] Land Owner, "Focus Group Discussion on Land Registration and Grabbing in Kayunga District Held in Busaana Sub County," January, 2023.

and rights, but they are written in ways we can't understand. If someone had explained these things to us, we could stop these problems before they start." [937]

"When my husband passed, I was left alone to handle the land, but I didn't know what to do. My in-laws told me women can't own land, and I didn't even know how to prove them wrong. I felt helpless." [938]

The lack of public awareness and legal literacy creates significant barriers to equitable land governance. Without understanding the principles of the Land Act (Cap. 236) or the mechanisms available to protect their rights, communities are unable to challenge fraudulent claims or formalize land ownership. This lack of knowledge undermines the protections guaranteed under the Constitution and perpetuates cycles of inequality and dispossession. The respondents' experiences illustrate how systemic gaps in legal education exacerbate vulnerabilities, particularly for women, who face additional barriers due to cultural norms and gender biases. The absence of widespread legal literacy programs reveals a structural weakness in Uganda's land governance framework. The Land Act, Cap. 236 provides for the formalization of customary tenure and the protection of property rights, yet these provisions are often inaccessible to communities due to insufficient dissemination of information. Wabineno *et al.*, emphasise that legal education is critical in bridging the gap between statutory and customary systems, enabling communities to make informed decisions and reduce the risk of disputes.[939] The Constitution's emphasis on equality and access to information remains unfulfilled when rural populations lack the resources to understand and apply these principles. Legal frameworks intended to empower landowners instead become tools for exploitation when communities are unaware of their rights or the processes required to secure them. Luyombya & Obbo argue that in contexts where land is both a livelihood and a cultural resource, failing to educate the public about governance processes exacerbates socio-economic inequalities and perpetuates land-related conflicts. [940]

The practical implementation of legal literacy programs has faced challenges, including insufficient funding, logistical constraints, and a lack of coordination between government bodies and civil society organizations. Current efforts are often fragmented, urban-focused, and

[937] Land Owner, "Focus Group Discussion on Land Registration and Grabbing in Kayunga District Held in Busaana Sub County," January, 2023.
[938] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Galiraya Sub County."
[939] Wabineno et al., "Land Information Management in Uganda."
[940] Luyombya and Obbo, "The State of Digitisation of the Land Registry Operations in Uganda," 2013.

limited in scope, leaving rural populations inadequately served. Addressing these gaps requires systemic investment in public education programs tailored to the needs of vulnerable populations. Materials should be translated into local languages, and participatory methods should be employed to ensure accessibility and engagement. The inclusion of marginalized groups, particularly women, in legal literacy initiatives is crucial for ensuring equitable outcomes. Patriarchal practices that exclude women from land-related decision-making undermine the principles of justice enshrined in the Constitution and the Land Act. Programs that address these cultural barriers can empower women to assert their rights and participate more fully in land governance processes. Enhancing public awareness and legal literacy strengthens the legitimacy of governance systems and reduces conflicts by equipping communities with the tools to protect their land. The integration of legal education into broader development initiatives can foster trust between communities and institutions, promoting a more inclusive and equitable approach to land management.

A key challenge identified in this study is the inaccessibility of Uganda's land laws due to legal language bureaucratic procedures, and inadequate community outreach programs. While the Land Act, Cap. 236 provides protections for landowners, these provisions remain largely theoretical for rural populations who are unaware of their existence or lack the resources to enforce them. Many community members are unable to interpret legal documents or engage with the formal justice system, which is often costly and difficult to navigate. Without legal literacy, individuals cannot effectively participate in land governance, making them susceptible to fraudulent land transactions, illegal evictions, and exploitative agreements. Moreover, public officials and law enforcement agents sometimes take advantage of this legal illiteracy to intimidate landowners or dismiss legitimate claims, further entrenching disparities in land ownership.

Women, in particular, face additional disadvantages due to cultural barriers and gender biases that limit their ability to assert their land rights. Many women are unaware that the Constitution and the Land Act protect their right to inherit and own land, allowing male relatives to unlawfully dispossess them. A widow in Kayunga District shared that after her husband's death, her in-laws claimed that women could not own land and forced her off her property.[941] This situation reflects the deep-rooted patriarchal practices that persist despite Uganda's legal

[941] Eye Media Uganda, "Kayunga Deputy RDC Trevor Baleke Saves Widow's Land, Warns Grabbers," 2024, https://eyemediauganda.com/2024/09/27/kayunga-deputy-rdc-trevor-baleke-saves-widows-land-warns-grabbers/?utm_source=chatgpt.com.

commitments to gender equality. Legal literacy programs must specifically target women, ensuring that they have the knowledge and resources needed to protect their land rights. The introduction of community-based paralegal programs could serve as an effective mechanism for assisting women and other vulnerable groups in understanding their legal protections and seeking redress for land-related injustices.

Beyond individual awareness, collective community knowledge of land rights and governance processes is essential in preventing land-related conflicts. In many cases, disputes arise because local leaders and elders are themselves unaware of legal provisions governing land ownership and registration. Traditional dispute resolution mechanisms often rely on unwritten customary laws that do not align with statutory protections, leading to confusion and inconsistencies in land governance. Training local leaders, religious figures, and customary authorities in modern land laws and registration procedures would help bridge the gap between customary and statutory land governance, ensuring that informal systems do not inadvertently contribute to dispossession or unlawful land transactions.

Many government-led initiatives on legal education have been limited in scope, poorly funded, and fragmented across different institutions, making them ineffective in reaching the most vulnerable populations. There is an urgent need for a nationwide, decentralized land awareness campaign that includes radio broadcasts in local languages, mobile legal clinics, and interactive community meetings where individuals can ask questions and receive guidance. Collaboration between the government, civil society organizations, and local leaders is necessary to ensure that information is disseminated efficiently and that communities receive practical support in securing their land rights.

Formal education institutions can also play a pivotal role in integrating land rights awareness into school curriculums. Many land disputes in Uganda stem from inheritance conflicts, yet younger generations often lack the legal knowledge necessary to navigate succession and land tenure issues. Teaching land law and governance in secondary schools and adult education programs would equip future landowners with foundational knowledge on how to register land, prevent fraudulent claims, and resolve disputes through lawful means. Additionally, universities and legal training institutions should incorporate community service components in which law students provide pro bono legal assistance to rural populations as part of their academic programs.

Furthermore, technology can be leveraged to improve legal literacy and access to land-related information. The government should establish an online portal with simplified guides on land registration, dispute resolution, and compensation processes. Mobile applications and SMS-based services could also be used to provide real-time legal information to landowners, helping them verify land ownership documents and understand legal procedures before entering into transactions. Such initiatives would make land governance more transparent and accessible, particularly for individuals who live in remote areas with limited access to legal services.

Enhancing public awareness and legal literacy is essential for creating a more transparent, equitable, and just land governance system in Uganda. Without adequate knowledge of land laws, communities remain vulnerable to exploitation, tenure insecurity, and displacement. The government, legal institutions, and civil society must work together to ensure that land rights education reaches all citizens, empowering them to protect their property, prevent fraudulent transactions, and assert their rights in cases of dispute. Investing in long-term, community-centered legal education initiatives will not only reduce land conflicts but also foster trust between citizens and governance institutions, ensuring that land laws are applied fairly and consistently across all regions.

7.3.3 Strengthening Institutional Frameworks

Strengthening institutional frameworks is a critical opportunity for addressing land conflicts effectively. Land governance institutions, including district land boards, area land committees, and local courts, play a central role in managing land disputes, issuing titles, and protecting land rights. Nevertheless, their effectiveness is often undermined by capacity constraints, corruption, and lack of resources. The Constitution of Uganda (1995) mandates that public institutions ensure transparency and accountability in land governance, but these principles are frequently compromised in practice. Respondents explained,

> *"When we report a land dispute, the officers at the land office tell us to wait because they are overwhelmed. Sometimes they even lose the files, and the case is never resolved."*[942] *"The land board members don't seem trained for their work. They don't inspect the land properly, and they often rely on what the powerful people tell them. I have seen cases where someone bribes the officers to get a title*

[942] Land Owner, "Focus Group Discussion on Land Registration and Grabbing in Kayunga District Held in Bbaale Sub County," February 2023.

quickly, even when there is a dispute. How can we trust these institutions when they are easily manipulated?"[943]

The respondents' accounts illustrate the profound challenges caused by weak institutional frameworks. Limited capacity to handle disputes efficiently leaves many cases unresolved, creating opportunities for powerful actors to exploit the system. These issues undermine the rule of law and conflict with the principles outlined in the Constitution, which emphasises equitable resource management and access to justice. Corruption further exacerbates these weaknesses, as officials prioritise financial incentives over their legal and ethical responsibilities. The failure of institutions to act impartially and effectively reduces confidence in their ability to protect land rights and resolve disputes fairly.

Weak institutional capacity in land governance is both a cause and a consequence of persistent land conflicts. The Land Act, Cap. 236 assigns clear responsibilities to institutions such as district land boards and area land committees, yet these bodies often lack the technical expertise, resources, and independence needed to fulfill their mandates. Burke highlights that inadequate funding and political interference compromise the ability of these institutions to enforce land laws and resolve disputes, particularly in regions experiencing rapid urbanization and population growth.[944] Institutional weaknesses are further compounded by corruption, which distorts decision-making processes and prioritises the interests of elites over those of marginalized communities. Mbabazi, Ukiwo & Langer argue that corruption in land governance not only undermines transparency but also perpetuates socio-economic inequalities by enabling powerful actors to bypass regulations.[945] In rural areas, this dynamic disproportionately affects vulnerable groups, who often lack the financial resources or political connections needed to navigate corrupt systems. Strengthening institutional frameworks requires systemic reforms, including capacity building, digitization of records, and the establishment of independent oversight mechanisms. Investing in training programs for land officers and committee members can enhance their ability to manage disputes and assess claims impartially. The integration of technology, such as Geographic Information Systems (GIS), can

[943] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kitimbwa Sub County."
[944] Christopher Burke and C. Burke, "Understanding the Opportunities and Barriers to Securing Customary Land Title in the Albertine Sub-Region, Uganda," International Institute for Environment Development (IIED), 2020, https://mokoro.co.uk/wp-content/uploads/C.-Burke-ILSA-Land-Tenure-Security-Report-IIED-31-March-2020.pdf.
[945] Mbabazi et al., "11. Land Grabbing in the Albertine Graben" (Leuven University Press, 2020).

also improve efficiency and reduce opportunities for manipulation by providing accurate and transparent records of land boundaries.[946]

Institutional reforms must also address the cultural and socio-economic barriers that limit access to governance systems for certain groups. Women, for instance, often face discrimination in land-related decision-making processes, which undermines their ability to assert their rights. Ensuring that institutions are inclusive and sensitive to the needs of marginalized populations is critical for achieving equitable land governance.[947] The effectiveness of land governance institutions directly influences public trust and confidence in the broader legal system. Addressing the systemic weaknesses identified by respondents and scholars is essential for reducing conflicts, promoting accountability, and creating a fair and transparent framework for managing land disputes.

7.3.4 Leveraging technology for transparent land management

Technology offers a significant opportunity to transform land governance by addressing challenges such as fraudulent transactions, unclear boundaries, and manipulation of land records. Tools like Geographic Information Systems (GIS), digital land registries, and blockchain platforms have proven effective in creating transparent and tamper-proof systems. The Constitution of Uganda (1995) and the Land Act, Cap. 236, emphasise the importance of accurate and accessible land records, yet manual systems often fail to meet these standards, exposing communities to exploitation and disputes. A respondent highlighted the risks associated with current systems, stating,

> *"The paper records are easy to lose or change. Someone can pay a bribe, and suddenly the land that has been yours for years is gone in the files. Boundary conflicts are so common because we rely on old methods to mark land. If modern tools were used to map our land, no one could argue against those records. Those with money and connections can manipulate the land offices, but a digital system would make it harder for them to cheat us."* [948]

[946] A. O. Abolade et al., "Challenges of Digitalizing Land Administration System in Nigeria: The Kaduna State Experience," Proceedings of the 18th African Real Estate Society (AFRES) Annual Conference, 2018, 67–82, https://afres.architexturez.net/system/files/afres2018_108.pdf.
[947] Ackah-Baidoo et al., "5 Gender, Land Grabbing, and Glocal Land Governance in Ghana and Uganda," 2022.
[948] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kayunga Sub County."

Adopting technology can address the inefficiencies and vulnerabilities of traditional land governance systems. Reliable and secure digital tools can enhance transparency and reduce opportunities for manipulation. Lessons from Rwanda demonstrate the effectiveness of a comprehensive approach to digitizing land records. Rwanda's nationwide land registration program, which utilised GIS and digital tools, significantly reduced disputes by providing clear and accessible records for all stakeholders. Similarly, Ghana's implementation of blockchain technology in its land registry ensured tamper-proof ownership records, building public confidence in governance systems.

Digital tools such as GIS and blockchain have been widely recognised for their ability to modernize land governance and mitigate conflicts. GIS mapping provides precise boundary definitions, minimizing disputes caused by overlapping claims. Blockchain technology adds a layer of security by creating immutable records, reducing opportunities for fraudulent alterations. Digital registries, when properly implemented, ensure that ownership details are accessible, verifiable, and protected from corruption.[949] Efforts to implement technology-driven systems in Uganda have shown promise but face challenges, particularly in rural areas where infrastructure and technical capacity are limited. The National Land Information System (NLIS) aims to digitize land records and improve accessibility, yet the pace of implementation has been uneven. Scholars emphasise that successful adoption requires complementary measures such as capacity building, community involvement, and public education to ensure accessibility for all stakeholders[950]. Community engagement during the registration process fostered trust and encouraged widespread acceptance of the digital system. Ghana's use of blockchain demonstrated how secure records enhance accountability, ensuring that all claims are backed by verifiable data. These implementations underscore the need to design systems that are inclusive and adaptable to the socio-economic realities of the population.[951] The adoption of technology also addresses systemic issues such as corruption and inefficiency by automating processes and reducing reliance on human intermediaries. Nevertheless, the design and implementation of these systems must prioritise equity, ensuring that marginalized groups such as women and smallholder farmers are not excluded. Programs to improve digital literacy and expand access to digital platforms can help overcome barriers and maximize the benefits of technology in land governance. The integration of technology into Uganda's land

[949] Luyombya and Obbo, "The State of Digitisation of the Land Registry Operations in Uganda," 2013.
[950] A. B. Miskin, "Land Registration," J. Afr. Admin. 5 (1953): 72.
[951] Moreri, "The Role of Volunteered Geographic Information in Land Administration Systems in Developing Countries."

governance framework has the potential to address structural weaknesses, enhance transparency, and foster trust in governance institutions.

7.3.5 Enhancing multi-stakeholder collaboration

Multi-stakeholder collaboration provides a critical opportunity for addressing land conflicts through inclusive and participatory approaches. Land disputes often involve diverse actors, including government agencies, traditional leaders, civil society organizations, private investors, and local communities. Coordinating the efforts of these stakeholders ensures that decisions reflect a broad spectrum of interests and foster equitable and sustainable outcomes. The Constitution of Uganda (1995) acknowledges the role of different entities in governance, emphasizing accountability, inclusivity, and fairness in resource management. A resident in a the FGD in Kayunga Town Council explained,

> *"Land conflicts involve many people, but decisions are usually made by a few powerful individuals. If everyone affected was included in discussions, we could solve these problems better."*[952]

More so, a religious leader shared that;

> *"Traditional leaders and elders understand our history, but they are often excluded from formal processes. Their involvement would help prevent disputes from escalating, organizations that work with communities know our struggles and can help us understand the law. Without them, many people wouldn't know their rights."*[953]

Engaging multiple stakeholders in land governance reflects the complexity of land-related conflicts and the need for holistic solutions. The involvement of traditional leaders leverages their deep knowledge of local histories and cultural norms, while civil society organizations contribute to public education and advocacy. Government agencies are essential for enforcing legal frameworks and ensuring accountability. Multi-stakeholder collaboration addresses several systemic challenges in land governance, including the exclusion of marginalized groups, lack of transparency, and insufficient community engagement. Traditional leaders play a critical role in bridging the gap between customary and statutory systems, providing

[952] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kangulumira Sub County."
[953] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Nazigo Sub County."

culturally relevant perspectives that enhance the legitimacy of governance processes. Though, their contributions are often underutilised in formal mechanisms, limiting their impact. Civil society organizations strengthen multi-stakeholder approaches by advocating for vulnerable populations, raising public awareness, and facilitating dialogue among stakeholders. Their involvement ensures that marginalized groups, such as women and smallholder farmers, are represented in decision-making processes. Collaborative frameworks improve transparency and reduce conflicts by fostering consensus and shared accountability.

Government agencies have the legal mandate to oversee land governance and enforce decisions. Effective collaboration requires these institutions to coordinate with traditional leaders and civil society actors, ensuring that governance systems are both inclusive and legally sound. Coordination mechanisms, such as joint task forces or multi-stakeholder committees, have been successful in other contexts. In Kenya, the establishment of land governance councils that include representatives from communities, civil society, and government has improved transparency and reduced disputes over land allocation. The success of multi-stakeholder collaboration depends on clear roles and responsibilities, transparent processes, and open communication among all parties. Addressing power imbalances is essential to ensure that the voices of vulnerable groups are not overshadowed by more influential actors. Additionally, fostering trust through consistent engagement and equitable decision-making strengthens the legitimacy of collaborative efforts. Enhancing collaboration among stakeholders is a transformative approach to land governance. By incorporating diverse perspectives and fostering shared accountability, multi-stakeholder frameworks address the root causes of conflicts and create pathways for sustainable land management.[954]

7.3.6 Strengthening legal and policy frameworks

Reforming and strengthening legal and policy frameworks provides a critical opportunity to address the systemic causes of land conflicts and improve equity in land governance. Uganda's formal and informal systems, which incorporates both statutory and customary rights, often creates ambiguities that exacerbate disputes. While the Constitution of Uganda (1995) and the Land Act, Cap. 236 provide a legal foundation for land management, their implementation and enforcement remain inconsistent. Addressing these gaps through comprehensive reforms can ensure greater inclusivity and clarity in land governance. A respondent shared,

[954] Grace Sommadossi, Resilient Communities to Face Land Grabbing, Università Ca'Foscari Venezia, 2022, http://dspace.unive.it/handle/10579/22018.

> "*The laws exist, but they don't protect us. The wealthy use them to take land, while those of us without resources can't even get justice. The government talks about respecting communal land ownership, but in reality, they always favor the person with the title. This makes it hard for us to trust the law. If the laws were simpler and easier to enforce, we wouldn't see so many land conflicts. People don't know their rights because the system is too complicated."* [955]

The lack of harmonization between statutory and customary laws creates legal uncertainty that allows powerful actors to exploit governance systems. Customary tenure, while recognised by the Land Act, Cap. 236, is often disregarded in favor of statutory claims, leaving rural and marginalized populations at risk of dispossession. The respondents' frustrations reflect the systemic failure to enforce legal protections consistently, eroding public confidence in governance systems. Comparative examples from Ghana, where reforms have integrated customary and statutory frameworks under the Land Administration Project, show that legal harmonization can significantly reduce conflicts and improve land tenure security.

Strengthening legal and policy frameworks in Uganda requires targeted reforms to address the procedural and substantive gaps in the current system. Procedurally, there is a need to clarify the relationship between customary and statutory systems to ensure that both forms of tenure are treated equitably. The prioritization of statutory titles over customary claims, as highlighted in Ashukem perpetuates inequities and contributes to the marginalization of rural communities. [956] Harmonizing these systems can create a more cohesive and inclusive legal framework, reducing the ambiguity that fuels disputes. Substantively, the establishment of specialized land courts could improve access to justice and streamline the resolution of land-related disputes. Kenya's Environment and Land Court provides a valuable model, demonstrating how dedicated judicial mechanisms can reduce case backlogs and improve fairness in adjudication. Such courts, if implemented in Uganda, could enhance the enforcement of land laws and strengthen public trust in governance institutions. The enforcement of land policies also requires robust mechanisms to address corruption and manipulation within governance systems. Gardner & Bryson argue that weak enforcement not only undermines the efficacy of land laws but also entrenches socio-economic inequalities.[957] Digital tools, such as blockchain-

[955] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kayonza Sub County."
[956] Ashukem, "Land Grabbing and Customary Land Rights in Uganda."
[957] Emma C. Gardner and John R. Bryson, "The Dark Side of the Industrialisation of Accountancy: Innovation, Commoditization, Colonization and Competitiveness," in The Dark Side of Innovation (Routledge, 2022), 56–71,

based registries, can enhance transparency and accountability, but their adoption must be supported by enforceable legal mandates.

Legal and policy reforms must also prioritise inclusivity, particularly for marginalized groups such as women and smallholder farmers. Patriarchal norms often exclude women from land-related decision-making processes, limiting their ability to assert their rights. Rwanda's land tenure reforms, which explicitly incorporated gender equality principles, demonstrate that inclusive policies can reduce conflicts and promote sustainable land management. Adopting similar approaches in Uganda could ensure that all citizens benefit from the protections offered by the law. The reform and strengthening of Uganda's legal and policy frameworks are essential for resolving land conflicts and fostering equitable governance. Aligning statutory and customary systems, improving enforcement mechanisms, and ensuring inclusivity will create a fairer and more effective framework for managing land disputes.[958]

7.3.7 Land Committee Resolutions and Institutional Reforms for Conflict Resolution

Uganda's land committees and dispute resolution mechanisms have played a critical role in addressing land conflicts, yet they face significant structural and legal challenges that hinder their effectiveness. Findings of the study revealed that many land disputes in Kayunga District remain unresolved due to weaknesses in institutional structures, delays in legal proceedings, and the lack of enforcement of land committee decisions. The Commission of Inquiry into Land Matters,[959] chaired by Justice Catherine Bamugemereire, was established to investigate and provide recommendations on systemic issues in Uganda's land governance. In its 2020 report to President Yoweri Museveni, the commission documented over 8,528 complaints related to land conflicts from 123 out of 135 districts, demonstrating the scale of land-related injustices in the country. A respondent from Galiraya stated,

> *"We reported our case to the land office, but it has been years without a resolution. The land committee says they are waiting for guidance, but meanwhile, the people who took our land continue using it."*[960]

https://www.taylorfrancis.com/chapters/edit/10.4324/9781003259084-4/dark-side-industrialisation-accountancy-innovation-commoditization-colonization-competitiveness-emma-gardner-john-bryson.

[958] Anthony, "The Right to Property and Compulsory Land Acquisition in the Albertine Graben."

[959] LandWatch, All Land Needs to Be Registered – Land Probe Commission Recommends. (2020).

[960] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Galiraya Sub County."

This implied that institutional delays and the lack of follow-through on committee resolutions have contributed to prolonged land disputes and frustration among affected landowners.

Despite its extensive investigations, the effectiveness of the Bamugemereire Commission has been a subject of debate. In 2020, the Constitutional Court ruled that the commission had overstepped its mandate by exercising judicial powers, which are constitutionally vested in the courts of law. This ruling weakened the enforcement of the commission's findings, leaving many recommendations unimplemented. A resident from Nazigo sub-county expressed disappointment in the process, stating,

> *"We thought the land probe would help us get justice, but after the findings were released, nothing changed. The same people who grabbed our land are still there."*[961]

This implied that the lack of legal authority to enforce the commission's resolutions has reduced its impact, making it difficult for victims of land grabbing to obtain redress. The study further established that while the commission's work highlighted key governance failures, its inability to provide lasting resolutions left many cases unresolved, further complicating land disputes in Kayunga.

This implies that Uganda's land dispute resolution mechanisms require fundamental reforms to ensure their effectiveness and enforceability. Strengthening the powers of land committees, ensuring timely implementation of resolutions, and integrating findings from independent investigations, such as the Bamugemereire Commission, into statutory frameworks are essential steps toward achieving lasting solutions. The reliance on legal loopholes and bureaucratic delays by land grabbers has eroded trust in governance institutions, necessitating a more robust enforcement mechanism. A well-structured system that integrates land committee resolutions into judicial processes, alongside mechanisms to hold land grabbers accountable, would enhance the effectiveness of Uganda's land governance system. If properly implemented, these reforms can contribute to a more just and transparent land administration framework that effectively addresses disputes and upholds land rights in Kayunga District and beyond.

[961] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Nazigo Sub County."

7.4 Theoretical Underpinnings

The findings of the study are consistent with the propositions of Property Rights Theory, Conflict Theory, and the Theory of Production. Under Property Rights Theory, the findings show that the absence of clear, secure, and enforceable land rights in Kayunga District has created tenure insecurity, discouraged investment, and exposed customary occupants to dispossession. In line with Conflict Theory, the findings establish that land grabbing conflicts are rooted in structural inequalities, where political elites, investors, and other powerful actors manipulate weaknesses in land administration systems to the disadvantage of vulnerable groups, thereby perpetuating social tension and contestation. Consistent with the Theory of Production, the findings further demonstrate that land disputes and insecure tenure arrangements constrain agricultural productivity and limit land's contribution to broader economic development. Collectively, the findings affirm that insecure property rights invite conflict, conflict undermines social cohesion, and both dynamics suppress the productive potential of land in Kayunga District.

7. 5 Legal and Policy Reforms for curbing down land grabbing in protection of land rights.

Participants shared a number of possible legal and policy reforms for curbing down land grabbing in protection of land rights; given that these proposals came from the affected local community, legal practitioners, land board members, and Ministry Zonal Office members, they are highly relevant as they reflect both lived experiences and professional perspectives. The views focused on strengthening existing frameworks, improving enforcement mechanisms, closing loopholes in land administration, and enhancing community awareness to ensure that land rights are secured and protected from unlawful acquisition, as analysed below;

7.5.1 Recognition of customary land tenure

Customary tenure remains an important way through which communities in Kayunga District describe and interpret their access to land, even though its existence in the strict legal sense under the Land Act is disputed. Before conducting FGDs and interviews, the concept of customary tenure was explained to participants to ensure that discussions reflected an informed understanding of the term as used in law and practice. Despite this clarification, many participants used "customary ownership" in a broader, informal sense to describe long-term occupation, inheritance, and family-based control rather than the legally recognised form of customary tenure contemplated under the Land Act. This divergence between statutory

meaning and community usage contributes to insecurity, particularly in areas classified by the State as public land such as forest reserves, wetlands and former government estates. During an FGD, a landowner remarked that many individuals occupying such public lands present themselves as customary holders "whereas not," highlighting the tension between socially rooted claims and the stricter requirements of legal recognition. Consequently, even where communities believe that longstanding occupation amounts to customary tenure, the absence of formal legal recognition exposes them to contestation, displacement and land grabbing.

> *"For generations, we have lived on this land, cultivating it, burying our loved ones here, and raising our children. But now, we are told that without documents, we have no proof that this land is ours. How can we, the people who have lived here all our lives, suddenly not own it? This is the land of our ancestors, and it carries our history and identity. It is not just a piece of property but it is our life."*[962]

Participants further highlighted the inaccessibility of the process for obtaining Certificates of Customary Ownership (CCOs). A farmer described the process as overly bureaucratic and prone to corruption:

> *"You have to travel miles to reach the office, and when you get there, they ask for fees you can't afford. If you don't pay what they call 'facilitation,' your application is delayed indefinitely. It is as if the system is set up to make sure we fail. How can ordinary people like us ever hope to get these certificates?"*[963]

These challenges discourage many rural landowners from formalizing their land rights, leaving them exposed to exploitation and eviction.

Another major issue highlighted during FGDs was the legal ambiguity created by the coexistence of formal and informal systems of land ownership. A respondent recounted how their communal land was fraudulently sold to private developers:

> *"They came with papers we had never seen before, claiming to own the land. How can a group of strangers have more rights than the people who have lived here for*

[962] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Galiraya Sub County."
[963] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kitimbwa Sub County."

centuries? We went to the authorities, but they told us the papers were valid. It felt like betrayal our own government recognizing outsiders over us."[964]

Land board members reinforced these concerns by pointing out the institutional gaps that undermine recognition of customary tenure. One member remarked,

"We receive many applications from local people, but our offices lack the resources and manpower to process them quickly. Sometimes files go missing, and disputes over the same piece of land pile up. Until government strengthens land administration at the district level, customary owners will remain disadvantaged."[965]

This reflection illustrates how systemic weaknesses such as understaffing, inadequate record keeping, and bureaucratic inefficiencies have left communities frustrated and distrustful of the land management system. For land board members, the problem is not only the absence of resources but also the lack of clear coordination between district boards and Ministry Zonal Offices, which creates overlaps, duplication of work, and long delays in resolving cases. As a result, rural families who try to register or validate their customary land are often left waiting for months or years, while opportunists take advantage of the confusion to grab land through fraudulent titles or illegal sales.

Similarly, legal practitioners stressed that the current legal framework provides limited protection for customary landholders. One lawyer argued,

"The law allows customary ownership, but in practice, it is treated as inferior to freehold or leasehold. In court, cases involving customary land are dragged out for years because of inadequate documentation. Unless reforms are made to elevate customary tenure to equal legal status, communities will continue to lose their land to powerful interests."[966]

Lawyers working in Kayunga District noted that many land grabbing cases collapse in court because claimants cannot produce formal documentation such as titles or certificates. This weakens the enforceability of their claims, even when families have lived on and cultivated the

[964] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kayunga Sub County."
[965] Key Informant Interview, District Land Committee Member, "Interview on Land Registration and Grabbing in Kayunga District."
[966] In-depth Interview, Legal Professional, "Interview on Land Registration and Land Grabbing in Kayunga District."

land for generations. Legal practitioners further emphasised that the cost of litigation is another barrier because poor rural households cannot afford to sustain lengthy legal battles against wealthier individuals or companies with access to experienced lawyers and financial resources. Consequently, justice is often delayed or denied, reinforcing the perception that the system protects the powerful rather than safeguarding the rights of ordinary people.

Taken together, the concerns of community members, land board officials, and legal practitioners paint a picture of structural exclusion that leaves customary landowners in a vulnerable position. The lack of recognition and accessibility in formalizing customary tenure discourages many rural families from pursuing Certificates of Customary Ownership. This exposes them to exploitation by speculators, manipulation by corrupt officials, and eviction by individuals who exploit gaps in the system. Without deliberate reforms to strengthen institutional capacity, simplify registration processes, and elevate the legal status of customary tenure, communities will remain marginalized and land grabbing will persist as a major source of conflict and insecurity in Kayunga District.

These cases demonstrate the systemic failure to integrate customary practices into the statutory framework, which often leaves communities powerless in disputes involving powerful actors. The findings reveal profound vulnerabilities in Kayunga District's land governance framework, particularly with respect to the recognition and protection of customary land ownership. As articulated by respondents, land in this context is not merely an economic resource but a cornerstone of cultural identity, social stability, and community heritage. The testimonies emphasise how the lack of formal documentation undermines these connections, leaving residents unable to defend their rights in disputes. This situation contradicts the principles of equity and inclusivity enshrined in Article 26 of Uganda's Constitution, which guarantees the right to own property individually or in association with others.

The challenges associated with obtaining CCOs reflect systemic failures in the operationalization of Uganda's Land Act Cap 236. While the Act recognises customary tenure as a legitimate form of landholding, its implementation has been hindered by inefficiencies, corruption, and limited outreach to rural communities. The accounts of bureaucratic delays and demands for bribes highlight the pervasive corruption within land administration offices, which not only impedes access to formalization but also erodes public trust in governance institutions. These practices violate Uganda's Anti-Corruption Act, which mandates accountability and

transparency in public service delivery.[967] The fraudulent sale of communal land in Nazigo further underscores the legal ambiguities arising from the coexistence of formal and informal land ownership systems. While customary tenure is theoretically recognised, its practical enforcement is often subordinated to statutory claims, particularly in cases involving private developers or politically connected individuals. This imbalance contradicts the objectives of Uganda's National Land Policy, which calls for the harmonization of land tenure systems to promote equitable access and sustainable development. Without clear legal guidelines to resolve conflicts between these systems, customary landowners will remain at a disadvantage.

The testimonies also highlight the broader socio-cultural implications of weak land governance. For residents of Kayunga District, land is deeply tied to their identity and way of life. The failure to protect customary land owners not only threatens livelihoods but also disrupts social cohesion and community stability. Addressing these challenges requires reforms that respect both the legal and cultural dimensions of landholding, ensuring that customary rights are preserved and formalized in a manner that reflects the realities of rural Uganda. The testimonies of residents underscore the emotional toll of tenure insecurity, as families face the threat of losing not just their land but their history and identity. This cultural dimension of landholding must be at the forefront of any reform efforts, as it highlights the need for policies that respect and integrate traditional practices. The bureaucratic and financial barriers associated with obtaining CCOs illustrate how systemic inefficiencies perpetuate inequality in access to formal land rights.[968] The accounts of corruption within land administration offices are particularly alarming, as they undermine the credibility of governance institutions and create an environment where powerful actors can exploit systemic weaknesses to dispossess vulnerable populations. These practices are not only unethical but also illegal under Uganda's Anti-Corruption Act, which emphasises the need for transparency and accountability in public service delivery. Addressing these issues requires not only procedural reforms but also stronger oversight mechanisms to ensure that land administration officials act in the public interest.

The fraudulent sale of communal land in Nazigo highlights the urgent need to harmonize formal and informal land ownership systems. The current legal framework prioritises statutory claims over customary rights, creating a hierarchy that disadvantages rural communities. This

[967] Ignatius Kyomuhendo, "Land Ownership in Uganda: Tenure, Challenges, and Legal Framework," National Association of Law Students, 2025, https://nalaw.org/2025/02/18/land-ownership-in-uganda-tenure-challenges-and-legal-framework/.
[968] Kirabo et al., Complexities and Conflicting Systems and Structures Breeding Corruption in the Land Sector.

imbalance contradicts the principles of equity and inclusivity outlined in Uganda's National Land Policy, as well as the constitutional guarantee of equal protection under the law. By failing to resolve these conflicts, the government risks exacerbating tensions and undermining social cohesion in affected communities. Clear legal guidelines for adjudicating disputes between customary and statutory claims are essential to address these challenges [969].The findings emphasise the importance of decentralizing land administration processes to improve accessibility for rural communities. Mobile registration units, as suggested by respondents, would address logistical and financial barriers by bringing services closer to the people. This approach aligns with the principles of decentralized governance outlined in Uganda's Local Governments Act, which emphasises the need for public services to be accessible to all citizens. Streamlining and decentralizing the issuance of CCOs, the government can enhance trust in land governance institutions and empower rural landowners to assert their rights.

The government should therefore amend the Land Act to strengthen access to customary land documentation by introducing systematic mobile registration units, not as a decentralisation measure but as an outreach mechanism that complements the already decentralised CCO process which begins at the Area Land Committee and involves the Parish and Subcounty Recorders who issue and maintain CCO records. These mobile units would serve to extend coverage to hard-to-reach areas such as Kitimbwa and Kangulumira by providing on-site verification, boundary mapping and public sensitisation in a structured and periodic manner rather than sporadic visits, thereby supporting communities that struggle to reach existing land administration offices. To address corruption, independent oversight committees should be instituted at the district level to monitor the registration process and investigate complaints. A centralized digital registry should also be developed to integrate both customary and statutory records, building on the ongoing transformation of the National Land Information System which is being enhanced to include a CCO layer; the recommendation here emphasises strengthening functional integration so that customary records are systematically linked to statutory entries while recognising that CCOs are evidence of customary rights and not indefeasible titles. Furthermore, clear legal guidelines must be established to resolve conflicts between customary and statutory claims, ensuring that customary rights are protected in accordance with Uganda's National Land Policy and constitutional guarantees of equity and inclusivity. These measures will enhance transparency, improve institutional coordination

[969] Mathijs Van Leeuwen, "Renegotiating Customary Tenure Reform–Land Governance Reform and Tenure Security in Uganda," Land Use Policy 39 (2014): 292–300.

between zonal and district offices, and ensure that community members can obtain legal documentation without unnecessary delays or corruption.

7.5.2 Protection of women's inheritance and land ownership

Women in Kayunga District face significant challenges in asserting their rights to inherit and own land due to cultural norms that favor male heirs. During an FGD in Busaana Sub County, one widow shared her plight:

> *"When my husband passed away, his brothers came and told me that the land no longer belonged to me. They said, 'This land is for the family, and you are just a woman who no longer has a place here.' I tried to defend myself, but even the local council sided with them, saying it was the custom. I was left with nothing, not even a home for my children."*[970]

Her story exemplifies the cultural norms that deny women access to land, despite statutory laws guaranteeing their rights. In Kitimbwa, participants explained how women's contributions to family welfare are often overlooked when decisions about land ownership are made. One participant remarked,

> *"Even if a woman works on the land her whole life, the moment her husband dies, she is pushed aside. The family takes the land, saying it belongs to the clan. No one cares about how much she sacrificed or contributed."*[971]

This highlights the systemic gender inequality that persists in land governance, where women are excluded despite their significant economic and social contributions. Participants from Kangulumira also emphasised the role of local leaders in perpetuating these practices. One woman explained,

[970] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Busaana Sub County."
[971] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kitimbwa Sub County."

> *"When you go to the local council to complain, they tell you to respect the family's decision. They act like the law doesn't exist. Instead of helping us, they reinforce these harmful customs."*[972]

Legal professionals interviewed in Kayunga District acknowledged the difficulty of enforcing women's rights under the Succession Act. One lawyer observed,

> *"The Succession Act gives women rights to inherit property, but in practice, these rights are ignored. When cases reach court, they drag on for years, and many women abandon them because they cannot afford legal fees. The law is on their side, but access to justice is beyond their reach."*[973]

Land board and Ministry Zonal Office members also admitted institutional weaknesses in protecting women's land rights. One member explained,

> *"We receive many complaints from widows and daughters who have been denied access to land, but our hands are tied. Most of these cases are pushed back to local councils, and once customs are applied, women lose out. Without stronger government direction, women will continue to suffer silently."*[974]

Another land officer added,

> *"Even when women come forward, the process of verification is slow and expensive. Many give up before they are helped, and this discourages others from even trying. Until there is clear policy to prioritise women's land claims, the problem will persist."*[975]

This lack of enforcement of statutory laws at the local level leaves women without recourse, perpetuating cycles of exclusion and poverty. The findings highlight a critical gap between statutory inheritance laws and their enforcement in Kayunga District. Uganda's Succession Act

[972] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kangulumira Sub County."
[973] In-depth Interview, Legal Professional, "Interview on Land Registration and Land Grabbing in Kayunga District."
[974] Key Informant Interview, District Land Committee Member, "Interview on Land Registration and Grabbing in Kayunga District."
[975] Key Informant Interview, District Land Committee Member, "Interview on Land Registration and Grabbing in Kayunga District."

explicitly provides for equitable distribution of property among heirs, including widows, but these legal protections are often overridden by cultural practices that favor male relatives. This discrepancy undermines constitutional guarantees of equality under Article 21, which prohibits discrimination based on gender, and Article 33, which affirms women's right to equality in all spheres of life.[976]

The findings also reveal the socio-economic consequences of excluding women from land ownership. Women's contributions to agriculture and family welfare are vital in rural areas like Kitimbwa and Kangulumira, where livelihoods depend heavily on farming. Denying women inheritance rights, cultural practices not only marginalize them economically but also destabilize households, as women often bear the primary responsibility for supporting their families. This exclusion contravenes Uganda's National Gender Policy, which aims to promote gender equity in access to resources and decision-making. The role of local councils in perpetuating these practices further compounds the issue.[977] As seen in Kangulumira, local leaders often defer to cultural norms, framing inheritance disputes as family matters rather than legal issues. This reflects a lack of accountability and capacity within local governance structures, which undermines the enforcement of statutory laws. The findings indicate that this gap in enforcement allows harmful practices to persist, leaving women without effective avenues for redress. The emotional impact on women who are excluded from inheritance is profound. Losing access to land not only disrupts their economic stability but also erodes their sense of security and belonging. These outcomes contribute to a broader mistrust of governance institutions, as women perceive the legal system as failing to protect their rights. Addressing these challenges requires reforms that bridge the gap between statutory provisions and cultural realities, ensuring that women are fully included in land governance processes.[978]

The findings emphasise the systemic exclusion of women from land inheritance in Kayunga District, despite Uganda's Succession Act mandating equitable distribution of property. The dominance of cultural norms over statutory laws creates a dual framework where women are routinely sidelined. Local leaders' failure to enforce statutory provisions reflects the broader inadequacy of governance institutions in addressing gender-based discrimination in land

[976] Abolade et al., "Challenges of Digitalizing Land Administration System in Nigeria."
[977] Yusuf Serunkuma Kajura and Baker Batte Lule, Land Injustice in Central Uganda: Selected Studies from Kayunga, Mukono and Kampala (Human Rights and Peace Centre, 2017).
[978] Kawala, The Effectiveness of New Land Law Regime as Compared and Contrasted to Land Law History in Uganda.

ownership. These issues highlight the need for legal and institutional reforms to ensure women's inheritance rights are upheld.[979] The economic exclusion of women has far-reaching implications for rural development. In communities like Kitimbwa, where agriculture is the mainstay of livelihoods, denying women access to land undermines household productivity and economic stability. Women's exclusion from ownership also perpetuates their dependency on male relatives, reinforcing gender inequalities that are both social and economic. These practices contradict Uganda's commitments under international conventions such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which calls for equal access to resources and property ownership.

The findings further reveal how the lack of accountability among local leaders enables these harmful practices. Local councils, as primary arbiters in rural disputes, often defer to patriarchal norms instead of applying statutory laws. This failure not only marginalizes women but also undermines the credibility of governance institutions. Strengthening the capacity of local leaders to enforce statutory laws without bias is critical for ensuring that women's inheritance claims are taken seriously.[980] The findings also show the emotional and psychological toll of land exclusion on women. For many, losing access to land means losing their source of livelihood and their connection to the community. This sense of alienation exacerbates social inequalities and reinforces mistrust in the legal system. Addressing these challenges requires a holistic approach that combines legal reforms with community advocacy to change attitudes toward women's inheritance and land ownership. The Succession Act should be amended to mandate joint spousal registration of land titles to ensure that women are recognised as co-owners of family land. This legal reform would protect widows from arbitrary eviction and reduce conflicts over ownership. Community sensitization programs should be implemented to address cultural practices that exclude women from inheritance, with a focus on promoting awareness of statutory rights. Legal aid clinics should be established in areas like Kayunga and Kitimbwa to assist women in navigating disputes, and local councils should be trained on inheritance laws to improve their enforcement and decision-making processes. **T**o promote equity and gender-responsive land governance, reforms should prioritize joint spousal registration of family land and require local councils to recognize both statutory and customary marriages in land transactions. Legal aid clinics should be established at the sub-county level to help widows and daughters pursue inheritance claims without prohibitive costs. The

[979] Leonardi and Santschi, Dividing Communities in South Sudan and Northern Uganda.
[980] Sabiiti, Understanding the Evolution of Property Rights to Land in Uganda.

judiciary should also introduce a fast-track procedure for succession disputes to prevent delays that disadvantage women. These policy actions would ensure that statutory protections under the Succession Act and constitutional equality clauses are enforced in practice, reducing gender-based exclusion from land ownership.

7.5.3 Establishment of Effective Land Dispute Resolution Mechanisms

Land disputes in Kayunga District are pervasive, with unresolved conflicts often leading to tension, violence, and social disintegration. Participants in FGDs consistently expressed frustration with the inefficiency of existing dispute resolution mechanisms. In Bbaale, a farmer described his ordeal:

> *"I have been fighting for my land for six years. The court keeps postponing the case, and I have spent all my money on transport and lawyers. Meanwhile, the person who took my land is farming it and earning from it. Where is justice in this?"*[981]

This statement highlights the financial and emotional toll of prolonged disputes, particularly for rural residents who rely on their land for survival. Another recurring issue was the cultural disconnect between formal court systems and customary practices. A community leader in Kangulumira explained,

> *"The judges in the courts do not understand our ways. They rely on documents, but we settle things differently here. When they make decisions that go against our customs, it creates even more conflict."*[982]

This perspective underscores the challenges of applying statutory procedures in communities where customary norms dominate. Participants also pointed to corruption and lack of accountability within the judicial system as major barriers to resolving disputes. In Kitimbwa Town Council, a respondent stated,

[981] Land Owner, "Focus Group Discussion on Land Registration and Grabbing in Kayunga District Held in Bbaale Sub County," February, 2023.
[982] Local Council Member, Focus Group Discussion on Land Registration and grabbing in Kayunga District held in Kangulumira Sub County.

> *"The people who have money can always win because they bribe their way through. Even when you have all the evidence, it doesn't matter if the other side has paid off the officials. It's not about the truth; it's about who can pay."*[983]

A legal professional interviewed in Kayunga District noted,

> *"The backlog of land cases is overwhelming. Courts are understaffed, and even simple disputes take years to conclude. Until we have specialized land courts or tribunals that can handle these cases quickly, communities will continue to lose faith in the justice system."*[984]

Similarly, a land zonal member emphasised the institutional challenges in addressing disputes, stating,

> *"Most of the conflicts that come to us could be resolved early if land records were clear and accessible. The absence of proper documentation and the slow process of verification allow disputes to drag on. Strengthening land administration offices would go a long way in reducing these conflicts."*[985]

Such accounts reveal the erosion of trust in formal institutions, which are perceived as serving the interests of the wealthy rather than delivering justice. The findings reveal a systemic failure in Kayunga District's mechanisms for resolving land disputes, with significant consequences for social stability and economic development. The prolonged nature of land cases, as described by participants, reflects inefficiencies within the judicial system, including understaffing, procedural delays, and limited resources.[986] This undermines access to justice for rural communities, who are often unable to sustain the financial and emotional burden of prolonged legal battles. Such inefficiencies violate the principles of Article 126(2) (e) of Uganda's Constitution, which mandates that justice should not be delayed. The gap between statutory court procedures and customary norms remains a major source of tension in land dispute resolution. In places like Kangulumira, communities have long relied on mediation and

[983] Land Owner, "Focus Group Discussion on Land Registration and Grabbing in Kayunga District Held in Kitimbwa Sub County," January, 2023.
[984] In-depth Interview, Legal Professional, "Interview on Land Registration and Land Grabbing in Kayunga District."
[985] Key Informant Interview, Zonal Land Office Official, "Interview on Land Registration and Grabbing in Kayunga District," January, 2023.
[986] Murphy et al., "When Rights Collide."

dialogue to settle conflicts, yet the courts emphasise documentation and rigid legal processes. This contrast not only alienates local residents but also fuels mistrust in the formal system. As a result, judgments delivered through statutory channels are often viewed as illegitimate or unjust.[987] Addressing this problem calls for reforms that harmonize formal and customary systems, creating mechanisms that are both legally binding and culturally meaningful to the people they serve. [988]

Corruption within the judicial system, as described by participants, reflects a broader governance issue that compromises the integrity of land dispute resolution mechanisms. When officials accept bribes or manipulate decisions in favor of wealthier parties, the system becomes inaccessible to those who need it most. This violates Uganda's Anti-Corruption Act, which requires public officials to act with transparency and accountability. The perception of corruption also erodes public confidence in governance institutions, creating a sense of hopelessness and frustration among affected communities. The findings also demonstrate the broader socio-economic impact of unresolved land disputes. For many residents, land is their primary source of livelihood, and losing access to it has devastating consequences for household income and food security. The inability to resolve disputes efficiently not only perpetuates poverty but also creates a ripple effect of instability that affects entire communities. Addressing these challenges requires a comprehensive overhaul of the dispute resolution system, with a focus on accessibility, efficiency, and integrity.[989]

The findings reveal the urgent need to reform land dispute resolution mechanisms in Kayunga District to ensure they are efficient, accessible, and aligned with community needs. The delays and inefficiencies described by participants highlight systemic weaknesses within the formal judicial system, which often prioritises procedural formality over timely justice. These delays violate constitutional principles and undermine the ability of affected communities to rebuild their livelihoods. Strengthening the capacity of the judiciary, including increasing staffing levels and streamlining procedures, is essential to addressing these issues. The cultural disconnect between formal courts and customary practices presents another major challenge. In rural communities like Kangulumira, customary norms play a central role in dispute

[987] Micheal Musumba, "Research on Land Conflicts and Resolution in Uganda," 2014, https://grassrootsjusticenetwork.org/wp-content/uploads/gravity_forms/13-e3b19f56491279228c4e44334bd3a4ac/2015/11/Research-on-Land-Conflicts-and-Resolution-in-Uganda.pdf.
[988] Mabikke, "Escalating Land Grabbing in Post-Conflict Regions of Northern Uganda."
[989] Pius Gumisiriza and Robert Mukobi, "Effectiveness of Anti-Corruption Measures in Uganda," Rule of Law and Anti-Corruption Center Journal 2019, no. 2 (2019), https://doi.org/10.5339/rolacc.2019.8.

resolution, providing a framework for negotiation and reconciliation. Though, the imposition of statutory processes often disregards these norms, creating outcomes that are perceived as unjust. Integrating customary practices into formal mechanisms, such as through alternative dispute resolution (ADR) processes like mediation and arbitration, can help bridge this gap. Such an approach would not only enhance the legitimacy of decisions but also reduce the burden on formal courts by resolving disputes at the community level.

The prevalence of corruption within the judicial system further undermines the effectiveness of land dispute resolution mechanisms. As highlighted by participants, the ability of wealthier parties to manipulate outcomes through bribery creates a system where justice is inaccessible to the majority. This reflects broader governance challenges that require urgent attention, including the establishment of independent oversight bodies to monitor judicial conduct and address corruption. Restoring public trust in the system is critical for ensuring that affected communities feel empowered to seek justice. The findings also underscore the broader implications of unresolved land disputes, which go beyond individual households to affect entire communities. Land conflicts disrupt agricultural productivity, displace families, and create social tensions that undermine community cohesion. Addressing these challenges requires a holistic approach that combines legal reforms with community-based initiatives to promote conflict resolution and prevent disputes from escalating. Strengthening both formal and informal mechanisms, the government can create a more inclusive and effective framework for land governance.

The government should establish specialized land tribunals at the sub-county level to handle land disputes more efficiently. These tribunals should incorporate both statutory and customary practices, ensuring that decisions are culturally relevant and legally sound. Alternative dispute resolution mechanisms such as mediation and arbitration should be prioritised to reduce the burden on formal courts and promote amicable settlements. Independent oversight committees should be established to monitor the conduct of judicial officers and address corruption. Additionally, community sensitization programs should be implemented to educate residents about available ADR options and encourage the use of locally accessible mechanisms for dispute resolution. The government should revive district land tribunals and prioritise their sustained financing, recognising that previous tribunals collapsed largely due to inadequate operational budgets rather than structural defects. Adequate funding, staffing and logistical support should therefore be centrally budgeted to ensure that tribunals can function consistently

and not merely exist on paper. Incorporating alternative dispute resolution methods such as mediation and arbitration within sub-county land offices would make conflict settlement faster, culturally appropriate and less costly for communities. Institutional collaboration between customary authorities and statutory institutions should also be formalized to ensure that decisions are both legitimate and legally enforceable. Strengthening these mechanisms through predictable funding and institutional support will promote justice, reduce tensions and restore public confidence in Uganda's land governance system.

7.5.4 Promoting Legal Literacy and Community Empowerment

During FGDs in Kayunga District, residents frequently expressed challenges stemming from their limited understanding of land laws and rights. This lack of awareness makes it difficult for communities to protect their land from exploitation or resolve disputes effectively. In Kitimbwa, one participant explained,

> *"We only know what our elders tell us about land. But when someone comes with documents and talks about laws, we don't know how to respond. The system feels designed to confuse us so we lose everything."*[990]

This finding shows how the absence of legal knowledge leaves rural communities vulnerable to individuals who exploit the formal legal system for personal gain. In Galiraya, another respondent highlighted how this knowledge gap contributes to prolonged and unresolved disputes:

> *"When there is a conflict, no one here understands the law. People just argue based on what they think is right. When the case goes to court, the judges use laws we've never heard of, and we lose because we cannot defend ourselves."*[991]

This lack of understanding creates frustration and a sense of helplessness when disputes escalate to formal institutions that rely on statutory frameworks unfamiliar to many residents.

[990] Land Owner, "Focus Group Discussion on Land Registration and Grabbing in Kayunga District Held in Kitimbwa Sub County," January, 2023.
[991] Male Land Owner, "Focus Group Discussion on Land Registration and Grabbing in Kayunga District Held in Galiraya Sub County," January, 2023.

Participants in Kangulumira and Kitimbwa expressed a strong demand for education programs aimed at empowering communities with knowledge about land laws and procedures. A local leader shared,

> *"If people knew their rights and how to protect them, there would be fewer disputes. We need people to come and teach us about the laws so we can stop being taken advantage of."*[992]

This reflects the urgent need for targeted interventions to bridge the knowledge gap between rural communities and formal legal systems. The findings demonstrate that limited legal literacy remains a significant obstacle to effective land governance in Kayunga District. Communities that lack an understanding of their rights under Uganda's Constitution, Land Act, or Succession Act are unable to challenge unjust decisions or protect their land from fraudulent claims. This knowledge gap creates an imbalance of power that benefits individuals and entities with greater familiarity with the legal system, further marginalizing rural residents. Coldham highlight how community empowerment through legal education is vital for fairness and inclusivity in land governance, a principle directly relevant to the challenges in Kayunga District.[993] The inability to navigate formal legal processes, as explained by participants in Galiraya, reflects systemic deficiencies in public education about land governance. Many rural residents rely on customary practices to resolve disputes, but these practices often conflict with statutory systems. The absence of targeted education initiatives perpetuates this disconnect, leading to outcomes that favor statutory claims supported by formal documentation over customary rights rooted in community history. Such dynamics contradict the equity provisions enshrined in Article 21 of Uganda's Constitution.

Participants in Kangulumira highlighted the transformative potential of educational interventions tailored to the needs of rural communities. Accessible programs designed to increase awareness of land laws and governance systems can empower residents to assert their rights and engage more effectively with formal institutions. Uganda's National Land Policy underscores the importance of public awareness in promoting effective land governance, aligning with the demand for targeted educational initiatives in the district. Increasing legal literacy could reduce disputes, protect vulnerable groups from exploitation, and foster trust in

[992] Land Owner, "Focus Group Discussion on Land Registration and Grabbing in Kayunga District Held in Kitimbwa Sub County," January, 2023.
[993] Coldham, "Land Reform and Customary Rights," 2000.

governance systems. The broader consequences of limited legal literacy include an increase in land disputes, prolonged conflicts, and social instability. Communities that lack knowledge of their rights and responsibilities are more likely to experience exclusion and manipulation in land transactions. Addressing this issue requires a comprehensive approach that combines legal reforms with practical outreach efforts tailored to the needs of rural populations. The lack of legal literacy in Kayunga District creates significant barriers to land governance, as residents are often unable to navigate formal legal systems or assert their claims effectively. Ashukem emphasises the role of education in empowering communities to engage with governance structures, reducing vulnerabilities, and enhancing equitable access to resources.[994] In Kitimbwa and Galiraya, residents expressed frustration with their inability to understand legal processes, leaving them at the mercy of those who manipulate the system for personal gain. Addressing these gaps is essential for creating an equitable framework for land governance. Rural communities often rely on customary practices for managing disputes, which, while effective at the local level, frequently conflict with statutory systems. The findings from Kangulumira demonstrate the need for tailored legal literacy programs to help residents reconcile these differences and engage with formal systems more effectively. Education initiatives must simplify complex legal concepts and present them in accessible formats. Tools such as community forums, radio programs, and printed materials in local languages can significantly improve the impact of these efforts.[995]

The demand for education programs, as expressed by participants in Kangulumira, reveals a willingness among communities to take proactive steps toward understanding and asserting their rights. Such programs could address individual knowledge gaps and reduce community-wide disputes by fostering a shared understanding of legal principles. These efforts align with Uganda's National Land Policy, which emphasises the importance of public education in fostering effective and sustainable land governance. The consequences of limited legal literacy extend beyond individual disputes, leading to broader social tensions and mistrust of governance institutions. Communities excluded from decision-making processes often resist formal institutions, escalating conflicts and disrupting social cohesion.[996] Addressing these challenges requires collaborative efforts between government agencies, civil society organizations, and community leaders to ensure that educational interventions are impactful

[994] Ashukem, "Land Grabbing and Customary Land Rights in Uganda."
[995] Mabikke, "Escalating Land Grabbing in Post-Conflict Regions of Northern Uganda."
[996] Musinguzi et al., "Fit for Purpose Land Administration."

and accessible to those who need them most. The government should implement community-based legal literacy programs to educate rural residents about their rights and responsibilities under both formal and informal land governance systems. These programs should be delivered through local radio stations, community workshops, and simplified printed guides in local languages. Civil society organizations and local leaders should collaborate in designing and implementing these initiatives to ensure cultural and contextual relevance. Legal aid clinics should be introduced at the sub-county level to provide direct support to residents facing disputes or challenges in navigating formal processes. Oversight mechanisms should monitor the effectiveness of these programs, ensuring they address the needs of rural communities and improve participation in land governance systems.[997] To operationalize inclusive land governance, parish-level community education programs should be established to enhance citizens' knowledge of the Constitution, the Land Act, and succession laws. Regular radio talk shows, simplified printed guides in Luganda, and mobile awareness campaigns can demystify legal concepts and help residents identify fraudulent practices. Paralegal volunteers should be trained to support vulnerable families during land transactions and dispute resolution. These interventions would empower citizens to engage meaningfully in land governance and reduce exploitation driven by ignorance of the law.

7.5.5 Safeguarding Communal Land Rights

FGDs in Kayunga District revealed that communal land, which serves as a vital resource for many rural communities, is increasingly under threat due to unclear legal protections and exploitative practices. In Kangulumira, a participant shared,

> *"Our ancestors left this land for the whole community. It was meant for grazing, water sources, and other shared needs. But now, people with money come and get titles for it without even asking us. They take what belongs to everyone and leave us with nothing."*[998]

This reflects the vulnerability of communal land to encroachment and privatization, often facilitated by legal loopholes and a lack of accountability.

[997] Nayenga, "Chiefs and the" Land Question" in Busoga District, Uganda, 1895-1936."
[998] Land Owner, "Focus Group Discussion on Land Registration and Grabbing in Kayunga District Held in Kangulumira Sub County," February, 2023.

Another participant in Kitimbwa described the social impact of losing communal land:

> *"When our communal land was taken, it divided the community. Some people supported the buyers, hoping to get something out of it. Others fought to keep it. Now, we are no longer united like before, and there are constant arguments.*[999]*"*

This statement highlights how disputes over communal land disrupt community cohesion and create long-lasting divisions.

Participants also noted that the registration of communal land under statutory tenure is rarely pursued due to its complexity and cost. In Nazigo, a community leader stated,

> *"We don't know how to get a title for communal land. It's too expensive, and the process is not clear. We are left to rely on our traditions, but those don't protect us when someone comes with legal papers."*[1000]

Another participant stressed the gap in legal protections, saying,

> *"The law mentions communal land, but it is vague on how communities can practically secure it. This loophole has been exploited by individuals and companies who take over land that should serve everyone. Until clearer safeguards are introduced, communities will remain at risk."*[1001]

Another participant revealed that,

> *"Most communal land cases that reach us are difficult to resolve because the land is not formally recognised. Communities are disadvantaged because they lack documentation. There is a need for simpler and cheaper procedures to protect communal resources."*[1002]

[999] Local Council Member, "Focus Group Discussion on Land Registration and Grabbing in Kayunga District Held in Kitimbwa Sub County," February, 2023.
[1000] Local Council Member, "Focus Group Discussion on Land Registration and Grabbing in Kayunga District Held in Nazigo, Sub County," February, 2023.
[1001] In-depth Interview, Legal Professional, "Interview on Land Registration and Land Grabbing in Kayunga District."
[1002] Key Informant Interview, Zonal Land Office Official, "Interview on Land Registration and Grabbing in Kayunga District."

Another participant also noted that,

> *"Many conflicts come up because communal land is not recorded anywhere. When someone presents documents, even if they are obtained dishonestly, they override the voices of the community. Unless record systems are improved, disputes will only increase."*[1003]

This demonstrates the challenges communities face in formalizing their claims to communal land under Uganda's existing legal framework. The findings indicate that communal land in Kayunga District is particularly vulnerable to exploitation due to weak legal protections and systemic barriers to formalization. While Uganda's Land Act recognises communal ownership as a legitimate form of tenure, the practical implementation of this provision remains limited. Communities often lack the knowledge, resources, and institutional support required to register their communal land, leaving it open to encroachment by individuals or entities seeking to privatize it.[1004] This gap in legal protection contradicts the objectives of Uganda's National Land Policy, which emphasises the need to safeguard communal land as a shared resource.

The loss of communal land, as described in Kangulumira, has significant social and economic consequences. Customary land provides vital resources such as grazing areas, water sources, and spaces for cultural practices. Its privatization not only disrupts access to these resources but also creates divisions within communities, as seen in Kitimbwa. The inability to protect communal land undermines social cohesion and erodes trust in governance institutions, particularly when authorities are perceived as complicit in its privatization. The findings also reveal the systemic challenges of registering communal land under statutory tenure. The process is often inaccessible to rural communities due to its complexity, cost, and lack of transparency. This leaves communities reliant on customary practices, which, while effective at the local level, lack the formal recognition needed to withstand statutory claims.[1005] The experience of Nazigo illustrates how these barriers perpetuate the vulnerability of communal land and contribute to ongoing disputes.

[1003] Key Informant Interview, Zonal Land Office Official, "Interview on Land Registration and Grabbing in Kayunga District."
[1004] Sommadossi, Resilient Communities to Face Land Grabbing.
[1005] Mabikke, "Escalating Land Grabbing in Post-Conflict Regions of Northern Uganda."

The broader implications of these challenges include increased conflict over land, reduced access to essential resources, and heightened vulnerability to external exploitation. Addressing these issues requires reforms that prioritise the protection of communal land, streamline registration processes, and strengthen community participation in land governance. The findings highlight the urgent need to strengthen legal protections for communal land in Kayunga District. While Uganda's Land Act acknowledges communal land ownership, its implementation remains insufficient to address the practical challenges faced by rural communities. As Momberg observed, effective land governance requires clear legal frameworks and accessible mechanisms that protect collective rights. The experiences shared in Kangulumira and Nazigo depict the vulnerability of communal land to encroachment when these mechanisms are absent or underutilised.[1006]

The social impact of losing communal land, as described in Kitimbwa, reflects the broader consequences of weak governance systems. Communal land plays a critical role in fostering social cohesion and providing essential resources for community livelihoods. Its privatization often leads to divisions within communities, as individuals and groups take opposing sides in disputes. Strengthening communal land governance is essential not only for preserving these resources but also for maintaining harmony and cooperation within rural communities.[1007] The barriers to registering communal land under statutory tenure further exacerbate these challenges. Communities that rely on customary practices to manage communal land are often unable to formalize their claims due to the high costs, bureaucratic complexity, and lack of institutional support involved. Simplifying the registration process and reducing its financial burden would enable more communities to secure their communal land and protect it from exploitation. Such reforms align with Uganda's National Land Policy, which calls for inclusive and participatory approaches to land governance. The broader implications of weak communal land governance include increased disputes, diminished access to shared resources, and a growing distrust of formal institutions. Addressing these issues requires a holistic approach that combines legal reforms with community-based initiatives to empower residents and ensure that communal land is managed sustainably. Therefore, strengthening protections for communal land, the government can promote equitable access to resources, reduce conflict,

[1006] Momberg, Exploring the Dynamics and Potential Outcomes of an Integrated Land Information System for Land Development-A Case Study of Johannesburg's Land Information System.
[1007] LM Wabineno-Oryema, "Changing Face of Land Tenure in Uganda: Period before 1900 to Date Makerere University," Kampala, Uganda e-Mail Address: Lilian2mono@ Yahoo. Com JLAEA 2, no. 1 (2014).

and support the long-term development of rural communities.[1008] The government should prioritise the protection of communal land by amending the Land Act to provide clearer guidelines for its registration and management. The registration process should be made simpler and more accessible through decentralization, accompanied by financial assistance for rural communities aiming to formalize their land claims. Prior to any changes in the status or use of communal land, mandatory community consultations should be conducted to ensure that decisions reflect the shared interests and consent of the affected residents. Capacity-building programs should be implemented to empower local leaders and community members with the skills needed to manage communal land effectively. Digital tools such as mapping and registration systems should also be introduced to enhance transparency and reduce the risk of fraudulent claims.[1009] The government should enact clear regulations simplifying the process of communal land registration, supported by financial subsidies for rural communities to formalize ownership. Before any transfer of communal land, a verified process of free, prior, and informed consent should be mandatory, and outcomes should be recorded in both district and zonal registries. This approach strengthens accountability and ensures that decisions reflect community interests. Developing digital mapping systems for communal land will further improve transparency, reduce disputes, and safeguard collective rights against exploitation by private developers or corrupt officials.

7.5.6 Addressing Corruption in Land Governance

Participants across Kayunga District identified corruption within land governance institutions as one of the most significant barriers to securing their land rights. In Kayunga Sub County, a farmer shared;

> *"If you don't pay a bribe, nothing moves in the land office. They will tell you to come back tomorrow, and the same thing will happen the next day. Meanwhile, people with money are given priority."*[1010]

[1008] Tony Burns et al., "Land Administration Reform: Indicators of Success and Future Challenges," Agriculture and Rural Development Discussion Paper 37 (2007): 1–227.
[1009] Ashukem, "Land Grabbing and Customary Land Rights in Uganda."
[1010] Land Owner, "Focus Group Discussion on Land Registration and Grabbing in Kayunga District Held in Kangulumira Sub County," February, 2023.

This finding reflects how corruption disproportionately affects low-income residents, who are unable to afford the "facilitation fees" demanded by officials.

Similarly, Ministry Zonal Office staff highlighted the technical loopholes that facilitate corruption:

> *"Most cases of corruption we encounter are linked to poor record keeping and manual systems. As long as records can be altered, officials will take advantage of loopholes. Until digital systems are fully implemented, corruption will continue to thrive."*[1011]

They stressed that manual records are often manipulated or misplaced deliberately to pave the way for fraudulent allocations, and because communities lack access to digitized registries, it is nearly impossible for ordinary people to challenge forged documents. According to these officers, digitization of land registries, coupled with strict monitoring, would reduce opportunities for tampering and improve accountability across the district.

Another participant in Kangulumira explained how corruption enables fraudulent practices:

> *"The people who take our land often pay officials to make fake documents. Even when we try to fight, the courts accept their papers because they are 'legal.' It feels like the system is only for the rich and powerful."*[1012]

This highlights how corrupt practices not only delay services but also actively undermine the integrity of land governance by facilitating illegal transactions. Participants also noted a lack of accountability mechanisms to address corruption. In Nazigo, a respondent stated,

> *"We don't know where to report corruption. Even if we report, nothing happens because the officials protect each other. The same people who are supposed to help us are the ones taking advantage of us."*[1013]

[1011] Key Informant Interview, Zonal Land Office Official, "Interview on Land Registration and Grabbing in Kayunga District."
[1012] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Kangulumira Sub County."
[1013] Focus Group Discussion, Local Community Members, "Discussion on Land Registration and Grabbing in Nazigo Sub County."

Another participant stressed that the systemic nature of corruption within land governance:

> *"Bribery has become normalized in land cases. Even when the law is clear, outcomes are influenced by who can pay more. Poor farmers who cannot afford facilitation fees lose their land, while those with money walk away with documents that courts accept as genuine. This undermines justice and makes the legal system appear irrelevant to ordinary people."*[1014]

The respondent further explained that prolonged court processes coupled with corruption discourage many communities from seeking legal redress, thereby fueling the perception that land disputes are impossible to win without bribes. This situation has entrenched inequality, where access to justice is determined more by financial capacity than by legal merit.

This reveals a widespread perception of impunity, where corrupt officials operate without fear of consequences, further eroding trust in governance institutions. The findings highlight the pervasive nature of corruption within land governance institutions in Kayunga District, which undermines the principles of transparency, accountability, and equity. Corruption, as described in Kitimbwa, disproportionately affects marginalized groups, who are unable to navigate a system that prioritises bribes over legal rights. This practice violates Uganda's Anti-Corruption Act, which mandates accountability and integrity in public service delivery. The facilitation of fraudulent transactions, as noted in Kangulumira, reveals how corruption not only delays services but actively compromises the legitimacy of land governance systems. When officials manipulate records or issue fake documents for personal gain, it creates a legal framework that favours the wealthy and powerful at the expense of vulnerable communities. Such practices directly contravene the objectives of Uganda's National Land Policy, which seeks to promote equitable access to land and protect the rights of all stakeholders.

The lack of accountability mechanisms, as highlighted in Nazigo, exacerbates these issues by allowing corrupt practices to go unchecked. As residents perceive that there are no consequences for corruption, it fosters a sense of helplessness and alienation from governance processes. This perception undermines public confidence in land governance institutions and

[1014] In-depth Interview, Legal Professional, "Interview on Land Registration and Land Grabbing in Kayunga District."

reduces the likelihood of constructive engagement. Strengthening oversight and enforcement mechanisms is critical for addressing these challenges and restoring trust in the system. The broader implications of corruption in land governance include increased tenure insecurity, heightened social tensions, and reduced investment in land-related activities. Residents who are unable to trust the integrity of governance systems are less likely to formalize their land rights or invest in long-term improvements. Addressing corruption is therefore essential not only for ensuring legal compliance but also for fostering economic development and social stability in Kayunga District.

Corruption within land governance institutions in Kayunga District presents a fundamental challenge to the effectiveness and fairness of the system. As highlighted by participants in Kitimbwa, the demand for bribes creates barriers that disproportionately affect low-income residents, leaving them unable to access basic services. These practices violate the principles of equity enshrined in Uganda's Constitution and undermine the credibility of governance institutions. Establishing mechanisms to monitor and eliminate bribery within land offices is critical for promoting fairness and accountability. The manipulation of land records and issuance of fraudulent documents, as described in Kangulumira, reflects deeper systemic vulnerabilities that enable corruption to thrive. Deininger emphasise that secure and transparent land administration systems are essential for fostering trust and promoting equitable access to resources.[1015] Addressing these vulnerabilities requires the adoption of digital technologies to secure land records and reduce opportunities for tampering. Such measures would not only enhance transparency but also strengthen the overall integrity of land governance systems.

The lack of accountability mechanisms, as noted in Nazigo, further compounds the problem by allowing corrupt practices to persist unchecked. Establishing independent oversight bodies to investigate and prosecute cases of corruption is essential for creating a culture of accountability within land governance institutions. Community-based monitoring initiatives can also play a role in ensuring that officials are held to account, fostering greater transparency and public trust. The broader consequences of corruption in land governance extend beyond individual cases to affect the overall stability and development of communities. Residents who perceive the system as corrupt are less likely to engage with formal processes, increasing reliance on informal or extra-legal practices. This dynamic undermines the goals of Uganda's National

[1015] Klaus Deininger and Derek Byerlee, Rising Global Interest in Farmland: Can It Yield Sustainable and Equitable Benefits? (World Bank Publications, 2011), https://books.google.com/books?

Land Policy, which seeks to promote sustainable and inclusive land management. Tackling corruption is therefore a prerequisite for achieving long-term stability and equitable development in Kayunga District.

The government should establish independent anti-corruption units within land governance institutions to investigate and address complaints of bribery and misconduct. Digital systems should be implemented to secure land records and reduce opportunities for tampering or fraud. Community-based oversight committees should be created to monitor the performance of land offices and report cases of corruption. Public officials involved in land governance should undergo regular training on ethics and accountability, with strict penalties for those found engaging in corrupt practices. Public awareness campaigns should also be launched to inform residents about their rights and the mechanisms available for reporting corruption. The challenges in land registration within Kayunga District highlight systemic weaknesses that undermine the security and sustainability of land rights and increase the risks of land grabbing. From the lack of recognition of customary tenure to the barriers faced by women in asserting inheritance rights, the issues identified require comprehensive legal reforms. Current frameworks, while theoretically inclusive, fail to address the practical realities faced by rural communities, leaving them vulnerable to exploitation and disenfranchisement. The recommendations provided in this chapter emphasise the importance of addressing these gaps through targeted interventions that prioritise equity, inclusivity, and transparency in land governance.

Ensuring the recognition and protection of customary land tenure is critical for fostering trust in Uganda's land governance system. The integration of customary practices into statutory frameworks should be guided by clear legal standards that safeguard the rights of indigenous communities while providing pathways for formalization through accessible mechanisms such as Certificates of Customary Ownership. Legal literacy programs should accompany these reforms to equip communities with the knowledge necessary to navigate both customary and statutory systems effectively. Such measures would bridge the gap between traditional practices and formal governance, promoting harmony and reducing disputes. The security of land rights for vulnerable groups, particularly women, should be addressed through enforcement of statutory inheritance laws and targeted reforms that prioritise gender equity. Joint spousal registration and community sensitization campaigns would challenge entrenched patriarchal norms while ensuring women's equal participation in land ownership and

governance. These actions align with Uganda's obligations under both domestic statutes, such as the Succession Act, and international conventions like CEDAW. Strengthening institutional frameworks to support these reforms is essential for creating a land governance system that is both equitable and sustainable. Efforts to combat corruption and inefficiencies in land governance should focus on the adoption of independent oversight mechanisms, digital tools for secure record-keeping, and stricter penalties for misconduct. Corruption undermines the principles of justice and fairness that the legal framework seeks to uphold. To improve accountability and transparency within land governance institutions, a comprehensive digitization program should be implemented to eliminate manual record manipulation. Public display of standard service fees at land offices and issuance of electronic receipts should be made compulsory. Independent oversight committees with representatives from civil society and the Inspectorate of Government should monitor land transactions, investigate irregularities, and ensure disciplinary measures against implicated officers. Regular ethics training and periodic rotation of land officers would further reduce collusion and restore integrity to land management processes. These measures align with the Anti-Corruption Act and Uganda's National Land Policy objectives of equitable and transparent land administration.

7.6 Theoretical Underpinnings

The proposed legal and policy reforms have clear theoretical implications based on Property Rights Theory, Conflict Theory, and the Theory of Production. Recognition of customary tenure, simplification of CCO registration, protection of women's inheritance rights, and digitization of land records strengthen tenure security, which Property Rights Theory links to higher investment and improved economic productivity. Closing legal loopholes, improving transparency, and decentralizing dispute resolution address structural inequalities that drive land grabbing, reduce conflicts, and support social cohesion as explained by Conflict Theory. Securing land rights and improving governance mechanisms enhance land use, lower transaction costs, and increase agricultural productivity, reflecting the propositions of the Theory of Production. From the participants' perspective, once these reforms are implemented, they are expected to promote stability, ensure fair access, and unlock the productive potential of land in Kayunga District.

7.7 Conclusions

Conclusively, the prevention and resolution of land grabbing conflicts in Kayunga District depend on the recognition of customary land tenure, the protection of women's inheritance

rights, the establishment of effective land dispute resolution mechanisms, the promotion of legal literacy, and the safeguarding of communal land rights. Certificates of Customary Ownership remain out of reach for many rural residents due to high costs and complex processes, which weakens tenure security. Women's inheritance and ownership rights, though guaranteed under the Constitution of Uganda and the Succession Act, continue to be undermined by entrenched cultural practices that deny them access to land. At the same time, communal land that is vital for shared livelihoods such as grazing and water access is increasingly exposed to exploitation and loss, threatening both equity and community cohesion.

The findings highlight the necessity of reforms that bridge customary and statutory systems, enforce women's land rights, and simplify communal and individual land registration. Establishing specialized tribunals and decentralizing adjudication would reduce case backlog, while integrating customary mediation into statutory mechanisms would enhance legitimacy. Promoting legal literacy through sensitization programs and legal aid clinics would empower communities to assert their rights effectively. Safeguarding communal land requires transparent and simplified procedures grounded in clear legal protections. Together, these reforms are crucial for curbing land grabbing, securing tenure, and promoting equity in land governance in Kayunga District.

CHAPTER EIGHT

CONCLUSIONS AND RECOMMENDATIONS

8.1 Key Conclusions from the study findings

According to the study findings, it has been found out that the relationship between land registration and land grabbing in Kayunga District-Uganda is complex and deeply embedded in the contradictions of land governance. Using Kayunga District as a case study, the findings revealed that land registration was established to secure ownership, promote transparency, and protect citizens from unlawful dispossession, but the process has in practice opened new avenues for manipulation, exclusion, and conflict. The system has worked effectively for some individuals who can access and navigate administrative procedures, while many ordinary land users, especially women, the youth, the elderly, and economically disadvantaged households, remain vulnerable to displacement and marginalization. The lived experiences of these groups in Kayunga demonstrated that land registration often reinforces pre-existing inequalities as high costs, limited awareness, and corruption prevent them from benefiting from formal ownership. Some households reported improved tenure security and access to credit through registration, while others described loss, intimidation, and forced evictions resulting from fraudulent titles and elite interference. The findings therefore confirm that the problem lies not in the principle of registration itself but in the governance and equity of its implementation. The study concluded that land should be registered through an inclusive, transparent, and accountable system that recognises and protects customary rights, safeguards vulnerable groups, and ensures fairness in all transactions. The Kayunga District Local Government experience demonstrates that the link between land registration and land grabbing is both direct and structural because weaknesses in the registration process create opportunities for land grabbing, while strengthening registration governance reduces the risk of dispossession and enhances tenure security for all citizens.

8.1.1 The evolution of the law on land registration and land rights in Uganda

The study's first objective intended to examine the evolution of the law on land registration and land rights in Uganda from the pre-colonial period through the colonial and post-colonial phases up to the constitutional reforms of 1995 and beyond. This objective revealed that in the pre-colonial era, landholding was primarily communal, managed by clans and lineages, with rights derived from ancestry and social belonging. Land was valued for subsistence and continuity of the community, not for commercial gain. These customary practices safeguarded

harmony and offered secure access to land, but lacked formalized records, leaving them vulnerable once external systems of governance were introduced. The coming of colonialism altered this structure fundamentally by imposing new tenure arrangements that individualized ownership and entrenched registrable estates.

The examination further showed that the 1900 Buganda Agreement and related ordinances established freehold, leasehold, and mailo tenures under the Torrens system, which emphasised indefeasible title backed by the state. This development created clarity in legal ownership for those within the statutory framework but simultaneously displaced or weakened customary occupants whose claims were not recognised with the same weight. As independence came, Uganda inherited these dual systems. Efforts to consolidate them, such as the Land Reform Decree of 1975, shifted ownership to the state, abolishing private and customary security, yet this approach proved disruptive and undermined confidence in tenure.

The 1995 Constitution marked a turning point by declaring that land belongs to the citizens of Uganda and is held under four tenure systems: mailo, freehold, leasehold, and customary. This constitutional recognition restored plural tenure and attempted to balance historical injustices by giving customary owners and tenants by occupancy a legal foothold. The Land Act of 1998 then translated this principle into statutory mechanisms, providing for Certificates of Customary Ownership and Certificates of Occupancy. While these instruments theoretically strengthened customary tenure, their implementation has been limited, and they remain less robust than titles issued under the Registration of Titles Act.

Theoretical perspectives illuminate this trajectory. Property theory highlights that reforms have only partially realized the qualities of exclusivity, security, and transferability necessary for robust land markets and investment. Conflict theory explains the persistence of dispossession, land grabbing, and manipulation of registration systems by elites, showing that legal provisions often serve those with greater access to power. Production theory demonstrates that where secure registration exists, land functions as a catalyst for growth, but where insecurity remains, communities hesitate to invest, undermining development potential. Together these perspectives show that Uganda's land law evolution is not merely legal but deeply social and economic in its impact.

The first objective established that the history of land law in Uganda reflects continuous tension between customary and statutory systems. Pre-colonial practices ensured access but lacked

formality, colonial ordinances created registrable estates but marginalized customary rights, and constitutional reforms sought inclusivity yet left gaps in implementation. The evolution has produced a complex structure in which security of tenure varies by tenure type, institutions struggle to enforce protections consistently, and communities remain at the center of contestation over land. This trajectory demonstrates that Uganda's land registration framework has developed in significant ways, but the balance between formal law and lived realities of landholding remains unsettled.

8.1.2 Local community perspectives on the relationship between land registration and land grabbing

The second objective intended to examine the community local perspectives on the relationship between land registration and land grabbing in Kayunga District. The study established that communities view land registration as a foundation for tenure security and social stability. Land titles were regarded as proof of ownership that could safeguard households from unlawful dispossession and enhance their capacity to participate in both agricultural and business activities. This aligns with Property Theory, which stresses that secure property rights are central to protecting individuals from arbitrary interference and enabling them to exercise control over their resources.

The study also established that the community perceived land registration as both an economic opportunity and a social burden. On the one hand, titles allowed access to credit and investment, strengthening livelihoods and reducing poverty risks. On the other hand, high costs, corruption, and procedural barriers prevented many households from enjoying these benefits, creating social divisions between those with titles and those without. This unequal access resonates with critiques of Property Theory, which highlight that when legal systems are inaccessible to the poor, property rights can reproduce inequality instead of securing justice.

The community further observed that the relationship between registration and land grabbing often reflected power imbalances. Elites and politically connected actors were seen to manipulate registration processes to their advantage, sometimes dispossessing weaker groups through fraudulent or coercive practices. This corresponds with Conflict Theory, which explains that legal and institutional arrangements may serve the interests of dominant groups at the expense of marginalized populations. In Kayunga District, registration was therefore perceived not only as a tool for tenure protection but also as a channel through which land grabbing was legitimized.

The process was equally shaped by economic and cultural pressures that revealed the influence of Production Theory. The expansion of commercial agriculture and speculative investment commodified land, displacing smallholders and weakening communal traditions. For many community members, this transformation represented a loss of identity and social cohesion, as land shifted from a shared heritage to an economic commodity. These perspectives affirm that land registration, without reforms to ensure equity and cultural sensitivity, risks deepening vulnerability rather than reducing it. The conclusion reached under this objective is that effective land governance requires balancing economic growth with fairness, accountability, and the preservation of community values.

8.1.3 The nature and drivers of land grabbing in Kayunga district

The study intended to examine the nature and drivers of land grabbing in Kayunga District. It became clear that land grabbing is a widespread process that reshapes the social, economic, and cultural life of communities. Practices such as forced evictions, militarized interventions, fraudulent titling, speculative acquisitions, leasehold expirations that allow former landlords or new claimants to repossess land without adequate notice or compensation to occupants, and encroachment on communal lands were frequently reported. Families who had occupied their land for generations were displaced, often without compensation or legal redress. Land therefore appeared not only as a resource but also as a source of power, where survival and belonging were contested between communities and more powerful actors.

The analysis further showed that land grabbing is promoted by a range of systemic and contextual factors. Corruption within land offices, combined with weak judicial enforcement, has allowed fraudulent allocations and multiple titling to become common. Rapid population growth has fragmented customary holdings into smaller plots that are easier to target for acquisition. Financial distress forces households into exploitative transactions, including land sales and loan arrangements that strip them of ownership. Environmental decline has also played a role, as degraded areas are reclassified or sold to investors without community consent. These conditions demonstrate that dispossession is not random but grows out of weaknesses in governance and community vulnerability.

From a theoretical perspective, property theory shows that the promise of secure registration is often undermined by fraud and manipulation, leaving communities with little protection despite holding rights in practice. Conflict theory explains how land grabbing reflects unequal

struggles, where elites, investors, and politically connected individuals prevail over poorer households, often with state backing. Production theory highlights the wider economic costs: while secure titles in a few hands may support accumulation, the displacement of many reduces agricultural output, worsens food insecurity, and deepens poverty. These perspectives demonstrate that land grabbing in Kayunga is at once a legal, social, and economic problem rooted in unequal access to power.

Land grabbing in Kayunga District has intensified tenure insecurity, widened inequality, and created new layers of conflict. Communities have endured displacement, the erosion of livelihoods, and the loss of cultural sites, while institutions mandated to safeguard rights have struggled with corruption, inefficiency, and political interference. Forced evictions, fraudulent titling, and speculative acquisitions have transformed land into a mechanism for consolidating wealth and influence at the expense of ordinary households. This trajectory shows that land grabbing undermines social stability and threatens the principles of justice, equity, and security that Uganda's land governance framework aspires to uphold.

8.1.4 Challenges, opportunities, and legal reforms for addressing land grabbing in Kayunga District

The study also intended to identify the challenges that sustain land grabbing in Kayunga District and to highlight practical opportunities for prevention and resolution. It became clear that weaknesses in governance, corruption within land administration, and the overlapping operation of statutory and customary tenure systems have created loopholes for unlawful acquisitions. Communities recounted experiences where records were manipulated, disputes delayed, or decisions skewed in favor of those with political or financial influence. Such practices erode public trust in land institutions and expose vulnerable groups, particularly women, widows, and poorer households, to heightened risks of dispossession.

The investigation further established that socio-economic pressures have intensified land conflicts in the district. Rapid population growth and fragmentation of family land have reduced the availability of farmland, while widespread poverty and unemployment have pushed households into distress sales or exploitative agreements. Large-scale projects, such as industrial estates and infrastructure developments, often proceeded without meaningful consultation or adequate compensation, leaving displaced families economically weaker. The

increasing commodification of land has therefore transformed it from a communal livelihood base into a contested economic asset that fuels inequality and conflict.

The study found that opportunities exist to address these conflicts if properly utilised. Customary governance systems remain trusted avenues for resolving disputes and can be strengthened through statutory recognition and alignment with constitutional principles of equality. Public legal literacy programs, delivered through community campaigns, paralegal initiatives, and school curricula, can empower people to understand and defend their rights. Institutional reforms that emphasise capacity building, digitization of land records, and timely adjudication can reduce manipulation, restore confidence, and ensure fairer outcomes for all categories of landowners.

The study also showed that sustainable solutions depend on harmonizing statutory and customary systems, rebuilding institutional credibility, and ensuring inclusivity in all governance processes. The adoption of modern technologies such as digital registries and Geographic Information Systems offers a practical path toward transparency, while multi-stakeholder collaboration involving government, civil society, traditional leaders, and local communities ensures broad representation in decision-making. If these measures are implemented, Kayunga District can establish a land governance system that prevents exploitation, safeguards vulnerable groups, and reflects the constitutional ideals of justice, equity, and security in Uganda's land sector.

Furthermore, the study findings reveal that meaningful reform of Uganda's land governance system requires enhancing transparency and inclusivity in land registration processes. While the Land Act already establishes a decentralised land administration structure through Area Land Committees, Recorders and Ministry Zonal Offices, greater practical accessibility can be achieved by expanding the capacity of sub-county offices and providing mobile registration support to improve service delivery in remote areas. Strengthening digital record systems is also essential, not because they are absent, but to complement ongoing improvements to the National Land Information System, reduce manipulation of records and enhance coordination between district and zonal offices. In addition, reviewing and lowering specific registration fees, particularly survey, processing and issuance charges that remain prohibitive for poor households, would broaden access for women, youth and rural communities. The law already recognises customary tenure under section 3 of the Land Act, and therefore the challenge is not legal absence but the need to better document, systematise and operationalise locally accepted

customary norms so that they can be applied consistently in dispute resolution. This requires careful engagement with practices that vary across communities rather than assuming the existence of uniform indigenous land practices applicable nationwide. Such an approach promotes cultural legitimacy and strengthens community participation in land governance. The study further concludes that adopting a hybrid land registration model is both feasible and appropriate, combining statutory procedures with community-based mapping, participatory verification and local consent mechanisms. Experiences from countries such as Rwanda and Ghana demonstrate that hybrid systems, when adapted to local realities, can enhance tenure security and reduce land-related conflicts. Embedding similar approaches within Uganda's legal and administrative framework would contribute to a more inclusive, transparent and sustainable land administration system that aligns with constitutional principles of justice, equity and accountability.

8.2 Recommendations

Based on the study findings, the researcher presents the following recommendations, which include legal, institutional, and non-legal measures aimed at strengthening land governance, enhancing tenure security, and addressing the key challenges identified in Kayunga District.

8.2.1 Legal Recommendations

To directly confront the legal gaps that facilitate land grabbing, the study recommends amendments to the Registration of Titles Act (Cap. 240) and the Land Act (Cap. 236) to strengthen safeguards against fraud, unlawful evictions and irregular land allocations. The Registration of Titles Act should be revised to introduce stricter procedures for verifying land transactions, including mandatory biometric verification of transferors, compulsory publication of pending transactions at parish and sub-county noticeboards and criminal sanctions for officials who knowingly process fraudulent transfers. The Land Act should also be amended to harmonise the relationship between statutory and customary tenure, especially by clarifying procedures for converting customary land to freehold, strengthening protections for bona fide and lawful occupants and codifying community participation in boundary definition and consent. These reforms would close the loopholes that enable fraudulent titling, political manipulation of land administration processes and forced evictions, thereby aligning Uganda's land governance system with constitutional guarantees of justice and protection from arbitrary deprivation of property.

The study recommends strengthening the recognition and integration of customary tenure into the formal land registration framework through a hybrid, community-based model that safeguards local autonomy and prevents subordination to state control. While Article 237 of the 1995 Constitution and the Land Act, Cap. 236 legally recognise customary tenure, implementation remains weak due to excessive centralisation, bureaucratic delays, and corruption within land offices. To make this framework effective without compromising customary authority, the process should be anchored at the sub-county level, where customary leaders and technical officers collaborate transparently in boundary identification, dispute verification, and record keeping. Registration activities should occur in open community forums with public attendance records, visible boundary mapping, and full disclosure of fees to prevent bribery and manipulation. All land data should be digitised and monitored by the District Land Office under periodic audit by the Inspectorate of Government to enhance transparency and accountability. This approach decentralises land governance, preserves the integrity of customary institutions, and reduces the risk of corruption and political interference that often accompany highly centralised systems, thereby ensuring equitable recognition of customary rights and mitigating land grabbing in Kayunga District.

The study recommends incorporating joint spousal registration into all local land transactions and adopting an inclusive definition of "spouse" under the Land Regulations to cover formal, customary, and cohabiting unions. It also calls for stronger enforcement of the amended Succession Act of 2021 to guarantee equal inheritance rights and protect women's property. Findings from Kayunga District revealed that gender discrimination persists in land ownership, registration, and inheritance as women, especially those in informal and customary unions, are often excluded from sale agreements and titles while widows face dispossession through cultural practices. These findings show that the provisions on gender equality, spousal consent, and inheritance rights under Articles 31 and 33 of the 1995 Constitution, Sections 39 and 40 of the Land Act, and the Succession Act of 2021 are weakly enforced. The proposed reform therefore seeks to ensure that all women are legally recognised and protected in land and inheritance matters, translating constitutional and statutory guarantees into real tenure security in Kayunga District.

The study recommends strengthening existing valuation and compensation structures to promote fairness and transparency in compulsory land acquisition processes. It proposes amending the Land Acquisition Act, Cap. 235 and its regulations to require the publication of

standard valuation schedules, independent verification of compensation rates, and the establishment of an internal appeals mechanism to resolve disputes before possession. These reforms will ensure compliance with Article 26 of the 1995 Constitution, which protects the right to property and mandates prompt, adequate, and fair compensation. The reform will improve accountability, ensure equity in compensation, and prevent abuse of authority in land acquisition processes in Kayunga District.

The study recommends revising and strengthening compulsory acquisition procedures to ensure fairness and transparency in compensation. Uganda's 1995 Constitution under Article 26 permits compulsory acquisition for public purposes, and the Land Acquisition Act, Cap. 235 provides the legal procedure. Nevertheless, respondents in Kayunga reported that compensation was often delayed, undervalued, or not paid at all, leaving affected households displaced and without resources. To address these injustices, the study proposes the establishment of an independent valuation authority separate from the Ministry of Lands to determine fair market value objectively, publish compensation schedules publicly, and ensure payment is completed before possession is taken. Nigeria's Land Use Act of 1978, as reformed in Lagos State through the creation of an independent Lands Bureau, introduced transparent valuation processes that significantly reduced cases of under-compensation. Adopting a similar framework in Uganda would enhance equity, accountability, and public trust in compulsory acquisition processes, while aligning compensation procedures with constitutional guarantees of fairness and protection from arbitrary deprivation of property.

The study recommends the revival and reform of District Land Tribunals as a mechanism for resolving land disputes efficiently and affordably in Kayunga District. The existing gap in the law arises from weak statutory provisions under the Land Act, Cap. 236, which established the tribunals without adequate guarantees of independence, funding, and clear coordination with the formal judicial system. This gap has left the tribunals ineffective and led to the concentration of land cases in ordinary courts, causing delays and limited access to justice. The reform should therefore include amending the Land Act to strengthen the legal framework governing the tribunals, clearly define their jurisdiction, ensure financial autonomy, and establish professional qualification standards for members. This approach will promote access to justice under Articles 28 and 126 of the 1995 Constitution, ensure timely and affordable adjudication of land cases, and restore public confidence in land dispute resolution in Kayunga District.

While the proposed legal reforms are vital for improving land governance, their success ultimately depends on the broader political and institutional environment in which they are implemented. The study acknowledges that the character of Uganda's state institutions, marked by limited accountability, politicized decision-making, and weak enforcement, creates challenges that cannot be solved through legal reform alone. Nevertheless, rather than calling for comprehensive political overhaul, this study recommends gradual governance improvements that strengthen accountability within existing structures. Measures such as enforcing rotation of land officers, ensuring transparent appointments to land administration bodies, and empowering oversight agencies like the Inspectorate of Government can enhance institutional integrity over time. These politically feasible reforms would enable legal changes to take effect within Uganda's current administrative framework, ensuring that land registration promotes justice, equity, and protection against land grabbing in Kayunga District.

8.2.2 Institutional Recommendations

The study recommends improving dispute resolution by making it faster and more culturally relevant. Uganda currently relies on Local Council Courts under the Local Council Courts Act of 2006 and Area Land Committees under the Land Act, Cap. 236 to resolve local disputes. Respondents reported that cases often drag on for years, with bias in favor of wealthier parties and a lack of resources. The proposed reform is to create sub-county land panels that include Area Land Committee members, respected elders, Local Council representatives, and a part-time magistrate, with cases resolved within a set period of sixty days. This would reduce backlogs, align statutory and customary expectations, and provide rural communities with affordable access to justice. Tanzania introduced a similar mechanism under the Village Land Act of 1999, establishing Village Land Councils that resolved disputes locally. Evaluations showed that the majority of disputes were concluded within months rather than years, restoring confidence in land governance. Replicating this approach in Kayunga would strengthen timely access to justice.

The study recommends completing the digitization of land records to reduce fraud and inefficiency. Uganda launched the National Land Information System (NLIS) in 2013 under the Ministry of Lands, Housing and Urban Development (MLHUD), guided by the Registration of Titles Act, Cap. 240 and the Land Act, Cap. 236, which empower the Commissioner for Land Registration to maintain accurate and accessible land records. Despite this framework, the study found that many district and sub-county offices still rely on manual record-keeping,

which has encouraged double titling, missing files, and unauthorized alterations. The proposed solution is to complete the digitization of all existing records, establish electronic kiosks at sub-county headquarters where landowners can verify ownership, and adopt secure technologies to protect land information from manipulation. Ghana's Lands Commission introduced a similar system in 2015 that reduced backlogs and curbed fraudulent allocations, demonstrating the potential of technology in improving transparency. Adopting a comparable full digitization approach in Uganda, particularly in districts such as Kayunga, would strengthen accountability, promote efficient service delivery, and safeguard residents against title fraud. Nevertheless, for this to be sustainable, the NLIS must operate within a clear legal framework that defines its scope, operational standards, and data protection mechanisms. The Registration of Titles Act Cap 240 already provides a statutory foundation for maintaining and securing land records, but it remains limited in addressing modern digital governance requirements. Therefore, it is proposed that the Land Act, Cap. 236 be amended to explicitly incorporate digital record management provisions, ensuring that the NLIS operates with legal clarity, accountability, and alignment with contemporary technological and data protection standards.

The study recommends introducing stronger local controls to curb corruption in land offices, such as internal audits, transparent fee structures, and enhanced community oversight mechanisms. Uganda already has the *Anti-Corruption Act* of 2009 and oversight by the *Inspectorate of Government*, yet respondents reported that corruption in land transactions remains pervasive. Residents described being compelled to pay unofficial fees, while those with greater financial means had their cases handled faster. Strengthening local controls would therefore entail measures like rotating land officers every two years to minimize familiarity and collusion, publishing all official land fees on public noticeboards at sub-county halls, requiring receipts for every transaction, and engaging civil society actors as independent monitors during major land allocations. Kenya's experience in 2013 with the establishment of *Huduma Centres*, which emphasised public fee display, staff rotation, and citizen oversight, demonstrated that such interventions can significantly reduce petty bribery and enhance accountability. Applying similar mechanisms in Kayunga would promote transparency, reduce corruption, and restore fairness and public trust in land administration.

The study recommends establishing clear safeguards for communal land. Uganda's Land Act, Cap. 236 recognises communal land under customary tenure, yet respondents indicated that communities rarely register these lands due to high costs, complex procedures, and limited

awareness. As a result, communal grazing lands and wetlands are often allocated to private developers without community consent. The proposed reform is to make registration of communal land cheaper and mandatory for all parishes, with sub-county councils required to certify community consent before any transfer. Ethiopia introduced communal land registration under its 2005 Rural Land Administration and Land Use Proclamation, where certificates were issued to communities. By 2012, more than 6 million households had received documentation, reducing conflicts and protecting communal grazing areas. A similar program in Kayunga would safeguard shared resources and reduce illegal allocations.

8.2.3 Non-Legal Recommendations

The study recommends enhancing legal literacy through community-based education. Uganda's National Land Policy of 2013 emphasises public awareness, but respondents explained that rural residents in Kayunga remain uninformed about their land rights and procedures. Current sensitization is limited to occasional radio programs and district-level workshops, which many villagers cannot access. The proposed strategy is to create parish-level land literacy clubs supported by civil society organizations, where residents meet monthly to learn about land laws, registration, and dispute resolution. In Malawi, the 2016 Customary Land Act was accompanied by community sensitization programs led by chiefs and NGOs, which significantly improved women's registration rates and reduced fraudulent land sales. Applying a similar approach in Kayunga would empower communities with the knowledge to defend their rights.

The study further recommends the establishment of community-based land monitoring committees as a practical social mechanism for strengthening vigilance against land grabbing at the village and parish levels. These committees would comprise respected elders, women representatives, youth leaders and other trusted community actors whose knowledge of local land histories, boundaries and social relations positions them to identify irregular land activities early and draw attention to transactions that may undermine community land rights. Their responsibilities would include observing changes in land use, documenting suspicious dealings, maintaining simple community records of land movements and ensuring that emerging disputes or encroachments are promptly reported to sub-county authorities for follow-up. To minimise corruption and undue influence, membership would be elected through open community meetings, decisions would be recorded publicly, and committee activities would be periodically reviewed by independent civil society actors or parish-level oversight teams to

promote transparency and limit the capture of the committees by powerful individuals. This recommendation arises from the study's finding that secrecy, elite manipulation and weak grassroots oversight frequently allow illegal allocations to proceed unnoticed, leaving households vulnerable to dispossession. By introducing a community-driven structure that promotes continuous local oversight, public accountability and collective responsibility, these committees would enhance transparency, improve communication between communities and land administration offices and strengthen social accountability in areas where formal institutions are distant or overstretched, thereby reinforcing community resilience against land grabbing in Kayunga District.

8.3 Areas of further research

To build on the findings of this study and address gaps in the understanding of land registration and land grabbing in Uganda so as to widen the areas that were correlated to this study but were not examined, several areas warrant further research. Given the evolving nature of land governance, legal reforms, and socio-economic factors, future research should explore the following key areas to provide a more comprehensive understanding of land tenure security and governance.

The study primarily examined land registration and land grabbing in a sporadic manner, reflecting the fragmented nature of land adjudication processes in Uganda. Nevertheless, there is a need to examine Systematic Land Adjudication and Certification, particularly as promoted under World Bank-supported land tenure reforms. An analysis of systematic adjudication, where land rights are determined in a structured and coordinated manner at the village or community level, would provide legal and institutional perspectives on the efficacy of such an approach compared to sporadic adjudication. This would inform policy and legislative measures aimed at strengthening Uganda's land registration framework.

Land tenure security is subject to various legal, political, and economic factors. There is a need for longitudinal research that examines the impact of land registration laws over extended periods. Such research should assess whether land registration has enhanced security of tenure, reduced land grabbing, or led to unintended consequences such as increased land disputes or land concentration by powerful individuals and entities. Evaluating long-term trends in land tenure security will provide empirical evidence on the effectiveness of Uganda's land laws and inform legislative reforms where necessary.

Despite the existence of multiple land-related laws, conflicts between formal and informal land ownership systems continue to create challenges for land rights protection. Future research should critically assess the implementation of Uganda's key land laws, including the Land Act, Cap 236, the Registration of Titles Act, Cap 240, the Land Acquisition Act, Cap. 235, and the National Land Policy, 2013. Research should evaluate the extent to which these laws have been effectively implemented and whether gaps exist that undermine tenure security, particularly for vulnerable groups such as women, indigenous communities, and pastoralists.

Women, indigenous communities, smallholder farmers, and internally displaced persons (IDPs) often face heightened risks in land tenure insecurity. Future research should examine how formal land registration affects these groups and whether it enhances their tenure security or creates new barriers to land access. Empirical research should assess whether land registration contributes to economic empowerment, improved agricultural productivity, and social stability or whether it exacerbates land dispossession and inequalities.

Uganda is in the process of digitizing land records through the Uganda National Land Information System (NLIS). Future research is needed to assess the effectiveness of digital land registration in mitigating fraudulent transactions, improving efficiency in land administration, and enhancing public access to land information. Research should also examine potential challenges, such as cybersecurity risks, exclusion of rural communities from digital land governance, and whether digital platforms reinforce existing inequalities in land ownership.

The study has revealed that land disputes continue to congest Uganda's judicial system; therefore, a further study on the accessibility, efficiency, and fairness of dispute resolution mechanisms is essential. The study should specifically examine the role of formal courts, specialized land tribunals, and Alternative Dispute Resolution (ADR) mechanisms, such as mediation and arbitration, in resolving land disputes. Identifying the strengths and weaknesses of ADR mechanisms in the land sector would guide legal reforms aimed at ensuring accessible and timely dispute resolution which would be beneficial to addressing land grabbing challenges in the country

While this study revealed that one of the major drivers of land grabbing in Kayunga District lies at the intersection of politics, economics, and land tenure security, the extent to which political elites, multinational corporations, and foreign investors influence land governance in Uganda requires further examination. Research should assess how legal loopholes, corruption,

and policy inconsistencies facilitate large-scale land acquisitions that lead to dispossession. A legal and policy analysis of the political economy of land tenure would provide insights into the systemic factors that drive land grabbing and inform strategies for legal and institutional reform.

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ANNEXES

Annex I: In-depth Interview Guide

Introduction

Dear respondent, my name is Lydia Kisekka Namateefu, I am conducting an academic study titled, "*Appraising the relationship between the law on land registration and land grabbing in Uganda: a case study of Kayunga district"* as part of the partial requirements needed for the award of Doctor of Laws of Makerere University. You have been selected to be part of this study due to your knowledge about the study themes and therefore request you to engage in this interviews.

1. Please tell me about yourself if you are fine with it. (Names, Gender, Profession, age and any other identification relevant)
2. Tell me your professional role in handling land-related cases in Kayunga.
3. From your perspective, how is land ownership defined in Kayunga?
4. How does the land registration system work in Kayunga?
5. Share with me the legal benefits of registering land.
6. Based on your work, how do you define land grabbing in this context?
7. How effective are existing laws and institutions in addressing land grabbing?
8. In your view, does land registration protect communities from land grabbing? Why or why not?
9. How do gaps in land registration laws contribute to land grabbing?
10. From a legal perspective, what measures could strengthen land registration to prevent land grabbing?

Annex II: Key Informant Interview Guide

Introduction

Dear respondent, my name is Lydia Kisekka Namateefu, I am conducting an academic study titled, "*Appraising the relationship between the law on land registration and land grabbing in Uganda: a case study of Kayunga district"* as part of the partial requirements needed for the award of Doctor of Laws of Makerere University. You have been selected to be part of this study due to your knowledge, experiences and exposures about the study themes and therefore request you to engage in this interviews.

1. Please tell me about yourself if you are fine with it. (Names, Gender, Profession, age and any other identification relevant)
2. Are you aware of the concept of land grabbing?
3. Does land grabbing happen in Kayunga?
4. What are the different forms in which land grabbing manifests?
5. What are the main drivers of land grabbing?
6. Does land grabbing pose challenges?
7. Are there benefits associated with land grabbing?
8. Do you think there are strategies that can be implemented to reduce land grabbing?

Annex III: Focus Group Discussion

Introduction

- Welcome the participants and thank them for their time and willingness to share their views and experiences.

- Introduce yourself and the purpose of the study. Explain that you are conducting a research project on the law on land registration and land grabbing in Uganda, case study of Kayunga District, and that you want to hear from them about their opinions and suggestions on how to improve the legal framework to protect their rights and interests.

- Explain the ground rules of the discussion, such as respecting each other's opinions, listening attentively, speaking one at a time and avoiding interruptions.

- Assure the participants that their responses will be kept confidential and anonymous, and that they can choose not to answer any question or withdraw from the discussion at any time without any consequences.

- Ask the participants to introduce themselves by giving their name, age, occupation, and village.

Section A: Perspectives on land registration and land grabbing

1. What do you understand by land ownership?
2. Tell me how people acquire land here.
3. Share with me your understanding of land registration.
4. Tell me the benefits of land registration.
5. Do you think there are challenges encountered in your efforts to register the land? If yes, explain these challenges.
6. Tell me what you understand by the term “land grabbing.”
7. Does land grabbing occur here in Kayunga?
8. Share with me the role of different actors in land governance.

Section B: Nature of Land Grabbing

1. Share with me how land grabbing occurs.
2. Do you think that there are reasons why some people lose their land to grabbers?

Section C: Challenges and opportunities

1. Tell me what drives/causes land grabbing.
2. Are there challenges faced in resolving land conflicts? If yes, explain some of these challenges.
3. Do you think land grabbing comes with some opportunities? If yes, explain these opportunities.

Section D: Recommendations

1. Share with me your views on what can be done to solve the problem of land grabbing.
2. What would you recommend to solve the problem of land grabbing?

Annex IV: Luganda Version of the Focus Group Discussion Guide

Okulambulula Enkola y'Okukubaganya Ebirowoozo

Okutandika

Mwebale okujja era mwebale obudde bwemutaddemu n'okukkiriza okubaako kye mugabana ku kukubaganya birowoozo n'ebyo byemumanyiddeko awamu nebirowoozo byamwe.

- Mukkirize mbabulire ebikwata ku kunonyereza kuno ate era mbeyanjulire awamu nokubategeeza ekigendererwa ky'okukubaganya ebirowoozo bino.
- Omusomi omukulu owokunonyereeza kuno munamateeka era nga asoma diguli eyokussatu mu mateeka nkola; mulungereza eyitibwa Doctor of Laws. Okunoonyereza ku mateeka agakwata ku kwandisibwa kw'ettaka n'okunyagibwa kw'ettaka mu Uganda, ng'ekyokulabirako kye Kayunga District.
- Njagala okuwulira ku birowoozo byammwe n'ebiteeso ku ngeri gye tuyinza okunyweza amateeka agakuuma eddembe lyammwe n'obulungi bwammwe.
- Nsaba okubateegeza engeri gyetunakolamu okukubaganya ebirowoozo bino. Buli muntu alina okussa obugumu mu kuwulira ebirowoozo by'abantu abalala, okwogera omu omu, obutayomba, n'okwagaliza buli muntu omukisa okwogera.
- Kuwereeza obweyamu nti ebyo byonna byetunagabana wano bijja kubeera ebyekyama era temujja kutegerwako mannya.
- Musobola okugaana okuddamu ekibuuzo oba okuleka okwetaba mu nkola eno buli kaseera singa muwulira nti temuli bamatimu era tewali kigya kubatuukako era muli ba ddembe okungaana okukozesa ebirowoozo byamwe.
- Njagala buli omu amanyeewo bw'ati nga ayogera erinnya, emyaka, omulimu, n'ekyalo gy'ava.

Ekitundu A: Ebirowoozo ku kwandisibwa kw'ettaka n'okunyagibwa kw'ettaka

1. Kitegeeza ki okubeera ne ttaka?
2. Muntubuulire engeri abantu gye bafunamu ettaka wano.
3. Mugabane nange bye mumanyi ku kwandisibwa kw'ettaka.
4. Nsaba mumbulire ebirungi ebyiva mu kwandisibwa kw'ettaka.
5. Mulowooza nti waliwo obuzibu obusangibwa mu kukola ku kwandisibwa kw'ettaka? Bwe kiba kituufu, munnyonnyole obuzibu obwo.
6. Nsaba mumbulire kyekitegeza "okunyagibwa kw'ettaka" eno ewamwe.

7. Nsaba mumbulire oba mukitundu kywamwe mulimu okunyagibwa kw’ettaka?
8. Ebitongole ebyenjawulo bikozewo ki mu by’obufuzi bw’ettaka.

Ekitundu B: Enkola gy’okunyagibwa kw’ettaka

1. Nsamba mumbulire engeri ezenjawulo mwebayittira okunyaga ettaka.
2. Mulowooza nti waliwo ebigambo ebimu ebivaako abantu okufiirwa ettaka lyabwe eri abannyazi?

Ekitundu C: Obuzibu n’ebisoboka

1. Munnyonnyole ebivaako oba ebisikaanya okunyagibwa kw’ettaka.
2. Wali engeri ezenjawulo ezizziyizza okumalawo obuyanzi bwettaka mu kitundu kino? Nsaba mumbulire ebimu kubyo.
3. Waliwo geriki ezenjawulo ezzattekebwawo okuziyiza obubbi bwettaka mu distuliki eno? Nsambu mumbilire ezimu kungeri zino.

Ekitundu D: Ebirina okuteekebwa mu nkola.

1. Mugabane nange ebirowoozo byammwe ku ebiyinza okukolebwa okukundeza awamu nokumalawo ekizibu ky’okunyagibwa kw’ettaka.
2. Olowoozi biki ebirina okuteekwa munkola okusobola okumalawo obunnyazi bw’ettaka mu kitundu kino?

Annex V: Informed Consent

Study title

Appraising the Relationship between the Law on land registration and Land Grabbing in Uganda, case study of Kayunga District,

Introduction

My name is Lydia Kisekka Namateefu pursuing a Doctor of Laws degree (LLD) at Makerere University. I am conducting a study; appraising the relationship between the law on land registration and land grabbing in Uganda, case study of Kayunga District. I am the PI for this study. Tel. 0783-747963

Background to the study

Land is a vital aspect of life the world over with all humanity dependant on it for its existence. This precious resource attracts a lot of competition as populations grow. Land rights are however insecure as a result of lack of formal documentation evidencing ownership. Therefore there is need to understand the relationship between the law on land registration and land grabbing to ascertain the role played by land registration in either hindering or perpetuating land grabbing.

Study Overview

In many developing countries, including Uganda, land grabbing has become a growing issue. Land grabbing is the act of acquiring land, often by powerful actors or companies, without the consent of those who live and work on the land. The loss of access to their lands has significant negative impacts on the lives and livelihoods of those affected by this phenomenon. Besides that, it has a huge negative impact on a community's economy and social fabric. In particular, the Kayunga District has seen an increase in land acquisition for commercial purposes like agriculture, mining, and real estate development. This has caused local communities to be displaced and land rights to be fortified. Cases of land grabbing are prevalent in most parts of Uganda including Kayunga district. It is difficult to tell how the law on land registration relates to land grabbing in Uganda, using Kayunga district as the case study, since not much study has been conducted in the area. Thus, the need for this study.

Purpose of the research project

This study aims to investigate the relationship between the law on land registration and land grabbing in Uganda, focusing on Kayunga district, in order to understand the impact of this relationship on local communities and identify legal challenges and opportunities for addressing land grabbing in the context of the law on land registration in the district.

Specific Objectives.

i. To critically assess how the law on land registration in Uganda has developed and how it influences the diverse types of land rights in the country, focusing specifically on Kayunga District.
ii. To assess the perspectives of local communities in Kayunga District on the relationship between land registration and land grabbing.
iii. To identify the nature and main drivers of land grabbing in Kayunga District.
iv. To identify challenges and opportunities in preventing and resolving conflicts arising from land grabbing in Kayunga District.
v. To make recommendations for legal reform that can improve the security and sustainability of land rights and prevent land grabbing in Kayunga District.

Why you are being asked to participate?

You have been selected to participate in this study because of your special knowledge in issues relating to the law on land registration and land grabbing in Kayunga district in Uganda

Procedures

We are to get your views and other selected people on land registration and land grabbing in Kayunga district, and Uganda's legal framework. The researcher will publish research articles showing your views on this topic. All the information given to the researcher will be used for this study only and no any other purpose. The researcher will keep the records confidentially for 2 years after publishing the work and then burn them so that no any other person may use them for a different purpose. The expected duration in this study by participants is between 30 and 45 minutes.

Risks or discomforts

Your participation in this study does not involve any physical or emotional discomfort. There could be some disturbances as you answer the questions but it is not personal, the aim is improving the issues to do with land management.

Benefits

The study will come up with recommendations for solving land grabbing that has consistently affected individuals, the community and the entire economy of Uganda.

Incentives or rewards for participating

Participating in this study is voluntary and you will only be facilitated with 15,000 /= as transport refund. In addition, you will be provided with refreshments during the time of the interview.

Protecting data confidentiality

The data collected will be kept confidentially in a lockable drawer and then properly disposed, destroyed, or delete study data obtained from the field participants after use.

The researcher shall use study codes on data documents (e.g., completed questionnaire) instead of recording, identifying information and keep a separate document that links the study code to subjects' identifying information locked in separate location and restrict access to this document (e.g., only allowing primary investigator to access)

Identifier (e. g. names and addresses) have not been used on this survey instruments.

The researcher will properly dispose, destroy or delete study data documents, limit access to identifiable information. Data/ documents will be stored with in locked locations.

Assigning security codes to computerized records

Protecting subject privacy during data collection

The researcher will accord due respect to the participants' privacy and confidential treatment. Your name will not appear anywhere in our write- ups. Identifiers (e.g., names and addresses) have not been used on the survey instruments. Documents containing data after receiving from study participants will be properly kept and Limit access to identifiable information to only the researcher and his team and will be destroyed after completion of data analysis.

Right to refuse or withdraw

Participation in this study is voluntary, you have a choice to join or leave. You may decide not to participate or withdraw any time without any consequences.

What happens if you leave the study?

Your participation in this study is voluntary and you are free to discontinue from the study at any time and you will not be penalized.

Who do I ask/call if I have research ethics and participants' rights?

This study was reviewed and approved by Uganda Christian University Research Ethics Committee (UCU-REC) accredited by Uganda National Council for Science and Technology (UNCST). If you have any research ethics related concerns, please contact UCU-REC Chairperson on 0772405357 or pwaiswa@musph.ac.ug or UCU-REC Secretariat Mr. Osborn Ahimbisibwe 0775737627 or oahimbisibwe@ucu.ac.ug

What does your signature or thumbprint on this consent form mean?

Your signature on this form means you accept to take part in the study after being explained.

_ _ _ _ _ _ _ _ _ _ _ _ _ _ _   _ _ _ _ _ _ _ _ _ _ _ _ _ _ _   _ _ _ _ _ _

Name of adult participant   Signature of participant or   Date
Legally authorized representative

Name of person obtaining consent   Signature
Date

Print Name of witness   Signature or thumbprint or mark
Date

Annex VI: Translated Informed Consent Form

Omutwe gw'okunonyerezako

Okukebera Enkolagana wakati w'Etteeka erikwata ku kuwandiisa ettaka mu Uganda n'emisango gy'okubba ettaka: Nga Nesigaama ku Kayunga district".

Ennyanjula

Omubuuzibwa omwagala, nze Lydia Kisekka Namateefu omuyizi kudala Iwo bwa dokita mu mateeka, ku ssetendekero lya Makerere. Nkola okunoonyezako ku "Okukebera Enkolagana wakati w'Etteeka erikwata ku kuwandiisa ettaka mu Uganda n'emisango gy'okubba ettaka: Nga Nesigaama ku Kayunga district". Ye nze omunonyereza omukulu mu kunonyereza kuno. Era osobola okufuna ku nnamba y'essimu eno wamanga 0783-747963.

Ensibuko y'okunonyerezako

Ettaka kintu kikulu nnyo mu bulamu, mu nsi yonna, awamu n'abantu era nga besigamye ku ttaka osobola okubeerawo.

Eky'obugagga kino eky'omuwendo, kisikiriza okuguya kungi nga n'omuwendo gw'abantu bwegweyongera. Abalina ettaka wansi w'enkola y'ennono tebalina kyapa kitongole ku ttaka lye basikaddwa, naye okutwalira awamu balina obuyinza obw'obukulembeze. Enkola z'obuyinza ez'ennono zifuga ebitundu 75 ku 100 eby'ettaka lyonna era nga ze zikyasinga okukozesebwa mu gwanga.

Okunnyonnyola okunonyereza

Ettaka kintu kikulu nnyo mu bulamu, mu nsi yonna, awamu n'abantu era nga besigamye ku ttaka okusobola okubeerawo.

Eky'obugagga kino eky'omuwendo, kisikiriza okuguya kungi nga n'omuwendo gw'abantu bwegweyongera. Mu nsi yonna, ettaka ensonga nkulu eky'okufulumya, ewagira n'okuyimirizaawo emirimu gy'eby'enfuna ezigisa obungi, okufuga omutindo gwa kapito ow'obutonde n'enkulaakulana y'embeera z'abantu, eby'enfuna (UNEP, 2006).

N'olwekyo, kyeeyoleka bulungi nnyo nti ettaka okubeera ensonga enkulu mu kukola ekyamba nnyo mu enkola y'eby'enfuna by'eggwanga. Tekyewuunyisa nti gavumenti yagiwannirira

National yaayo, enteekateeka y'enkulaakulana III ku ttaka ng'eky'obugagga (National Planning Authority, 2020). Okukkiriza omulimu gw'ettaka ng'ensonga y'okufulumya n'obukulu bwayo mu by'enfuna eby'eggwanga, Uganda yassaawo amateeka agafuga obwannannyini ku ttaka.

Ekiiku mu bino ye Ssemateeka ya Uganda 1995, etteeka ly'ettaka, Cap 227, etteeka ly'okuwandiisa ebyapa Cap 230, etteeka ly'ettaka erya 2004 n'enkola ya Uganda National Land Policy, 2013, nga okuteekawo enkola ez'enjawulo ez'okufuga ettaka mu Uganda okuliko freehold, leasehold, mailo ne customary tenures (Ssemateeka ye Republic of Uganda, 1995). Mu nkola ya freehold tenure ettaka liri mu mikono gya ba nnannyini baalyo oba abantu abawereddwa ettaka mu ngeri ya settifikeeti y'ebyapa nga bannannyini batta obuyinza obubuna.

Okugatta ku ekyo, obuyinza bwa liizi nkola nnannyini ttaka mw'awa omupangisa okukozesa ettaka lino, ebiseera ebisinga okumala ekiseera ekigere (Etteeka ly'ettaka Cap 227). Mailo tenure ku ludda olulala nkola ya quasi-freehold tenure system eyatandikibwawo mu 1900 gavumenti y'amateeka ga Bungereza okusasula ba agenti b'amateeka abaamutambula ebigendererwa bya Bungereza mu bitundu bya Uganda bingi era esigala nga nkola ya buyinza era nga etegeerekeka bulungi okusingira ddala mukitundu eky'omu massekati. Ate era, olw'obuyinza obw'ennono, okufuna ettaka "kufugibwa empisa, amateeka, n'ebiragiro by'ekitundu." Abalina ettaka wansi w'enkola y'ennono tebalina kyapa kitongole ku ttaka lye bakozesa, naye okutwalira awamu balina obuyinza obw'obukuumi.

Ekjendererwa kya pulojekiti y'okunoonyezereza

Okukebera enkolagana eriyo wakati w'etteeka erikwata ku kuwandiisa ettaka n'ekintu eky'okunyaga ettaka mu Uganda.

Ebigendererwa Ebitongole

1. Okuteekawo endowooza y'etteeka erikwata ku kuwandiisa ettaka n'enkola y'okubba ettaka mu Uganda nga essira liteekeddwa nnyo ku Disitulikiti y'e Kayunga.
2. Okuzuula ekiika n'ebivaako okubibwa kw'ettaka mu Disitulikiti y'e Kayunga.
3. Okulowooza ku ngeri okunyaga ettaka gye kukosa ku by'enfuna bya Uganda nga tukozesa Disitulikiti y'e Kayunga ng'okunoonyezereza ku mbeera.

Omuwendo ogusuuubirwa ogw'okwetaba mu kunoonyezereza kuno guli 180 abaali olunedwako 255 nga bakozesebwa stratified random sampling, simple random sampling, ne purposive sampling.

Ebbanga erisuubirwa mu kunoonyezereza kuno erikolebwa abeetabye mu kunoonyezereza kuno liri wakati w'eddaakika 30 ne 45.

Lwaki osabibwa okwenyigira mu kunoonyezereza kuno?

Olondebwa okwetaba mu kunoonyezereza kuno olw'okumanya kwe okw'enjawulo ku nsonga ezikwata ku enkolanna wakati w'etteekera eri kuwandiika ettaka mu Uganda n'okwamba ettaka: okunooyereza ensonga ya Kayunga disitulikiti.

Emitendera

Tulina okufuna endowooza zamme w'abantu abalala abasunsuddwa ku nkolanna wakati w'etteekera eri kuwandiika ettaka mu Uganda n'okwamba ettaka: okunooyereza ensonga ya Kayunga disitulikiti., nga kufulumya enky'okunoonyezereza nga eraga endowooza yo ku muwendo gwa amawulire gano. Amawulire gano agamagegwadde gagajja okukozesebwa mu kunonyereza kwaffe okukola enkaayana ez'amaanyi era ezirina kirala kimala. Nja kubakakasa nti amawulire ganno amaanyi gano ga olunannyini.

Lw'okufulumya omulimu gwange n'oluvannyuma mbyokye waleme muntu mulala yenna asobole okukikozesa ku kigendererwa eky'enjawulo.

Obulabe oba obutabeera bulungi

Okwetaba kwo mu kunoonyezereza kuno tekulina buzibu bwonna mu mubiri oba mu nneewulira. Wayinza okubaawo okutaataaganizibwa nga bw'oddamu ebibuuzo naye si kya muntu ku bubwe, ekigendererwa kye kulongoosa ensonga ezikwata ku nziruukanya y'ettaka.

Emigaso

Okunoonyezereza kuno kugenda kujja n'ebiteeso ku kugonjoola ebbago ly'ettaka eribadde likwata buli kiseera abantu sssekinnoomu, abantu b'omukitundu n'ebyenfuna bya Uganda byonna.

Ebisikiriza oba empeera olw'okwetaba mu kunoonyezereza

Okwetaba mu kunoonyezereza kuno kya kyeeyagalire era ojja kuweebwa 15,000 /= zokka ng'okuddiibwa ssente z'entambula. Okugatta ku ekyo, ojja kuweebwa eby'okulya ebikuweerezako mu kiseera ky'okubuuza ebibuuzo.

Okuukuumibwa ebyama kubizulidwa mu kunoonyezereza

Ebiwandiiko ebikuŋaanyizibwa bijja kukuumibwa mu kyama mu ddulowa eriko kkuufu n'oluvannyuma bisuulibwe bulungi, okusaaniyizibwa, oba okusazaamu ebikwata ku kunoonyezereza ebifuunibwa okuva mu beetabye mu kunoonyezereza oluvannyuma lw'okuzoobebwa. Omunoonyezereza alina okukozesa koodi z'okunoonyezereza ku biwandiiko (e.g. ekibuuzo ekijjuiddwa) mu kifo ky'okuwandika, okuzuula amawulire era oku kuuma ebiwandiiko eky'enjawulo ekiyuunga koodi y'okusoma ku mawulire agalaga amassomo nga gasibiddwa mu kifo eky'enjawulo ne era kiweebwa omukisa oku yingira mu kiwandiiko kino (e.g. okukirizza omunoonyezereza omukulu yekka okuyingira).

Ekimanyisa (e.g. amannya n'endagiriro) tebikozeeseddwa ku katabo kano ak'ebibuuzo. Omunoonyezereza ajja kusuula bulungi, okusaanayawo oba okusazaamu ebiwandiiko ebikwata ku kunoonyezereza, okukyoma okukoma amawulire agasobola okumanibwa okuva mu kunoonyezereza kuno. Data/ ebiwandiiko bijja kuterekebwa ne mu bifo ebiteekeddwako kkuufu. Okugaba koodi z'obukuumi ku biwandiiko biri ku kompyuta.

Oku kuuma ebyama by'omuntu mu kiseera ky'okukuŋaanya data mu kunoonyezereza kuno

Omunoonyezereza ajja kuwa ekitiibwa ekituufu eri abeetabye mu kunoonyezereza ku by'ebyama n'okuyisibwa mu kameeza. Erinnya ly'o terijja kulabikawo mu biwandiiko bya ffe. Ebiraga (e.g. amannya n'endagiriro) tebikozeesebwa ku bikozesebwa mu kunoonyezereza. Ebiwandiiko ebifuuniddwa oluvannyuma lw'okufuna okweteebya ku kunoonyezereza bijja kukuumibwa bulungi nga biri Bikomebwa ku koodi ez'ebyama ez'okukozesebwa mu kunoonyezereza teryalina muntu yenna waabwe gasobola okubalibwa oba okuwanyisibwa.

Eddembe ly'okugaana oba okuvaamu kunonyereza kuno

Okwetaba mu kunonyereza kuno kwa kyeeyagalire, olina okusalaawo okwegatta oba okuvaawo. Oyinza okusalaawo obuteteetabamu oba okuvaayo ekiseera kyonna awatali kuddirira kwonna.

Kiki ekibaawo singa ova mu kunonyereza

Okwetaba kwo mu kunonyereza kuno kwa kyeeyagalire era oli wa ddembe okulekera awo okwetabaamu ekiseera kyonna eta tojjia kubonerezebwa.

Ani gye mbuuza oba okukubira singa mbaako nebibuuzo kudembelyange nga omwetabi mu kunonyereza kuno

Okunonyereza kuno kwekenneenyezebwa era ne kukirizibwa akakiiko akakwasa empisa mu kunonyereza ku yuunivasite ya Uganda Christian University (UCU-REC) akakasibwa ekitongole kya Uganda National Council for Science and Technology (UNCST). Bw'oba olina ekintu kyonna ekikwata ku mpisa z'okunonyereza, tuukirira Ssenteza ku UCU-REC ku 0772405357 oba pwaiwasa@musph.ac.ug oba Obwassabawandiisi bwa UCU-REC Mr. Osborn Ahimbisibwe 0775737627 oba oahimbisibwe@ucu.ac.ug

Omukono gwo oba ekiwandiiko kyo ekinene ku foomu eno ey'okukkiriza kitegeeza ki?

Omukono gwo ku foomu eno kitegeeza nti okkirizza okwetaba mu kunonyereza oluvannyuma lw'okunnyonnyolwa.

1. Erinnya ly'omuntu omukulu eyeetabye mu kunonyereza …….

Omukono gw'omuntu eyeetabye mu kunonyereza……

Olunaku …….

2. Erinnya ly'omuntu afuna okukkiriza ……

Omukono …….

Olunaku …….

3. Erinnya ly'omujulizi …….

Omukono oba ekiwandiiko oba akabonero ……

Olunaku …….

Annex VII: Sample Frame for List of Cases Used

Aluma v Sebyala (Civil Appeal No. 123 of 2012) UGHCCD 196

Asaph Kakuru v Uganda (HCT-05-CR-CM-0028-2003) UGHC 84

Attorney General & Anor v Kamoga & Anor (Miscellaneous Application No. 1018 of 2015) [2016] UGHCLD 2

Attorney General v Henley property Developers Limited (Civil Appeal No. 421 of 2021) UGCA 1

Atunya v Okeny (Civil Appeal No. 0051 of 2017) [2018] UGHCLD 69

Astone Muhwezi & Ors v Artoney General, Misc Application No. 014 of 2014

Bale & 2 Ors v Okumu (Civil Appeal No. 21 of 2005) UGHC 271

Betty Kizito v David Kizito Kanonya C.S No.96 of 2003

Commissioner Land Registration & Anor v Lukwajju [2017] UGSC 5

Dddungu Lillian v Marc Widmer & Another C.S No. 52 of 2007

Ddungu Shamira Muhamed, Percy Juba C.S. No.102 of 2009

Faustino Mbundu Kananura v Ruchogeza John C.S No. 129 of 2009

Filimon Kaggwa v Livingstone Kato C.S No.27 of 1998

Fr. Narsensio Begumisa and Ors v Eric Tibebaga UGSC 18

Ganafa v Wasswa (Civil Appeal No. 44 of 2016)

Hon. Rtd. Justice Okello Omoro & 4 Others v. Attorney General of Uganda & 8 Others, Constitutional Court of Uganda (2023).

Hajati Amina Mulagusi v Constance Pader C.A No. 28 of 2010

Henry N.K Wambui & Charles Nalwanji v Rogers Hanns Kiyona

Herbert Kabagambe v Ben Kabagambe C.S No.44 of 2011

In Re: Estate of Kiggundu James (Person of unsound mind) (Miscellaneous Cause 18 of 2015) UGHCFD 5

Jacob Muhumuza v Centenary Bank Ltd & Another C.S No. 415 of 2011

Jesca Bashaijja & Enid Nyankuba v Mutatinaja & Ainomugisha Annet No. 20 of 1986

Kampala Bottlers Ltd v Damanico (U) Ltd UGSC 1

Kampala District Land Board and Anor v National Housing and Construction Corporation UGSC 20

Kampala District Land Board and Anor v Vanansio Babweyaka and Ors UGSC 41

Kampala District land board & Chemical distributers v National Housing and Construction Corporation C.S No. 2 of 2004

Katende v Uganda Land Commission (Civil Suit No. 573 of 2015) UGHCLD 9

Lawrence Musebeni Baguma v Namugala David & Another C.S No. 557 & 576 of 2007

Livingstone Kyofa Mpiima v Nanteza C.S No.853 of 1989

Maduka v Rupiyazita (Civil Appeal No. 12 of 1971) UGHC 1

Magote v Magote and Another (HCT-03-CV-MC 11 of 2023) UGHC 181

Meera Investment Ltd v Sadrdin Gulamhussein & Anor (Civil Suit No. 360 of 2008) UGHCLD 45

Mudiima Issa & Ors v Kayanja & Ors C.S. No. 0232 of 2009

Mugerwa Muliisa Paul & Nabakka Elizabeth v Twaha Kiganda C.S. No. 74 of 2008

Mugyenyi Chris v Kekibiina Restatu Civil Claim No. 8 of 2005

Mukasa v Wambedde & Ors (Civil Suit No. 459 of 1998) UGHCLD 1

Muwonge v Salongo (HCT – 14 – LD – CA – 0098/2018.) UGHCCD 269

Nafula v Kayanja & Anor (Civil Suit No. 136 of 2011) [2017] UGHCLD 2

Nakawombe and Another v Streams of Life Church Limited and Others (HCT-00-LD-CS-2850-2016) UGHCLD 277

Nalongo Nalwoga Nakazi v Salongo Kesi Bagalaliwo C.S No. 044 of 2011

Namusoke and 2 Others v Owalla's Home Investment Trust (EA) Limited and Another UGSC 48

Nanding Christine & Ors v Attorney General Miscellaneous Cause No. 22 of 2024

Ndimwibo Sande & Ors v Allen Preace Ampaire C.A No. 65 of 2011

Olowo & 3 Ors v Olowo & 2 Ors (Civil Suit No. 076 of 2012) UGHCCD 198

Olowo Edith Nakyeswa & Ors v Olowo Edward C.S No.076 of 2012

Olupot Mike v Ebaat John C.A. No. 11 of 2011

Patel v Commissioner Land Registration & Ors (HCCS NO. 87 O 2009) UGHCLD 1

Rajabi Valimohamed Vaiya $ Ors v General parts (U) Ltd C.S No. 570 of 2002

Rose Akurut v Kumi District Council,Bukedea county council , Board of Governors, Bukedea S.S CA No. 41 of 2012

Semakula v Bayogera & 2 Ors (High Court Civil Suit No. 422 of 2013) UGHCLD 97

Sheikh Mohamed Lubowa v Kitara Enterprises Ltd (Civil Appeal No 4 of 1987

SM Sebowa and Family Limited v Maana Harvestors International Limited UGSC 44

St. Mark Educational Centre Ltd v Makerere University (Civil Appeal No 40 of 1997) UGCA 20

Themi Nakibuuka Sebalu v Peter Sematimba, Muyenga Resort hotel Ltd, The Commissioner Land Registration C.A No. 251of 2014

Transroad Uganda Limited v Commissioner Land Registration (Civil Suit No.621 of 2017) UGHCLD 6

Uganda National Roads Authority v Irumba & Anor [2015] UGSC 22

Uganda Ecumenical Church, Loan Fund v Nankabirwa Harriet C.S 307 of 2002

Venansio Babweyaka, Johnson Mwijukye (Administrator of the Estate of Robert Tumusiime, Sempala Sengendo, Apollo Nabeeta v Kampala District Land Board C.S No.511 of 2001

Wambewo Simon vMazelele Silvesta HCT -04-CV-MA-0171- 2011

Wayi & Anor v Ojali (Civil Appeal No. 0023 of 2009) UGHCLD 2

Wetaya v Mbale District Land Board & Anor (HCT-04-CV-MA-193 OF 2016) UGHCCD 50

Wotali & Anor v Namulondo (Civil Appeal No. 02 of 2015) UGHCLD 76

Yakobo Ntate Mayanja v Sanyu Lwanga Musoke (Misc. App. No.2 of 1993) UGHC 14

Annex VIII: Institutional Approval

MAKERERE UNIVERSITY
P.O. Box 7062
Kampala, Uganda
Website: www.mak.ac.ug

Tel: +256 414 530060
Email: deputyprincipal.law@mak.ac.ug
Website: www.law.mak.ac.ug

SCHOOL OF LAW (SoL)
Office of The Deputy Principal

6th September 2022

TO WHOM IT MAY CONCERN:

Re: Introduction of Ms. Lydia Namatefu Kisekka – Registration No. 2019/HD09/30795U

This is to introduce to you the above – named, who is a Doctor of Laws student at the School of Law, Makerere University.

Lydia is undertaking research titled: **"Appraising the Relationship Between the Law on Land Registration and Land Grabbing: A Case study of Kayunga District."**

Any assistance rendered to her to conduct her research will be highly appreciated.

Yours faithfully

DEPUTY PRINCIPAL, SCHOOL OF LAW * MAKERERE UNIVERSITY *

Dr. Ronald Naluwairo
Assoc. Professor and
Deputy Principal (Ag)

Annex IX: Research Ethics Committee Approval

UGANDA CHRISTIAN UNIVERSITY
A Centre of Excellence in the Heart of Africa

31/03/2022

To: LYDIA KISEKKA

Makerere University Business School
0782747963

Type: Initial Review

Re: 3673: Appraising the relationship between the law on land registration and cases of land grabbing in Kayunga district. , 1, 2022-03-09

I am pleased to inform you that the Uganda Christian University REC, through expedited review held on **28/03/2022** approved the above referenced study.
Approval of the research is for the period of **31/03/2022** to **31/03/2023.**

As Principal Investigator of the research, you are responsible for fulfilling the following requirements of approval:

1. All co-investigators must be kept informed of the status of the research.
2. Changes, amendments, and addenda to the protocol or the consent form must be submitted to the REC for re-review and approval **prior** to the activation of the changes.
3. Reports of unanticipated problems involving risks to participants or any new information which could change the risk benefit: ratio must be submitted to the REC.
4. Only approved consent forms are to be used in the enrollment of participants. All consent forms signed by participants and/or witnesses should be retained on file. The REC may conduct audits of all study records, and consent documentation may be part of such audits.
5. Continuing review application must be submitted to the REC **eight weeks** prior to the expiration date of **31/03/2023** in order to continue the study beyond the approved period. Failure to submit a continuing review application in a timely fashion may result in suspension or termination of the study.
6. The REC application number assigned to the research should be cited in any correspondence with the REC of record.
7. You are required to register the research protocol with the Uganda National Council for Science and Technology (UNCST) for final clearance to undertake the study in Uganda.

The following is the list of all documents approved in this application by Uganda Christian University REC:

No.	Document Title	Language	Version Number	Version Date
1	Institutional Approval	English	1	2022-02-15
2	Informed Consent forms	English	1	2022-03-09
3	Data collection tools	English	1	2022-03-09
4	Protocol	English	1	2022-03-09

Yours Sincerely



Peter Waiswa
For: Uganda Christian University REC

Annex X: Uganda National Council of Science and Technology Approval

Uganda National Council for Science and Technology

(Established by Act of Parliament of the Republic of Uganda)

Our Ref: SS1204ES **26 July 2022**

LYDIA NAMATEEFU KISEKKA
Makerere Business school
Kampala

Re: Research Approval: **APPRAISING THE RELATIONSHIP BETWEEN THE LAW ON LAND REGISTRATION IN UGANDA AND LAND GRABBING: A CASE STUDY OF KAYUNGA DISTRICT\r\n\r\n**

I am pleased to inform you that on **26/07/2022**, the Uganda National Council for Science and Technology (UNCST) approved the above referenced research project. The Approval of the research project is for the period of **26/07/2022** to **26/07/2023**.

Your research registration number with the UNCST is **SS1204ES**. Please, cite this number in all your future correspondences with UNCST in respect of the above research project. As the Principal Investigator of the research project, you are responsible for fulfilling the following requirements of approval:

1. Keeping all co-investigators informed of the status of the research.
2. Submitting all changes, amendments, and addenda to the research protocol or the consent form (where applicable) to the designated Research Ethics Committee (REC) or Lead Agency for re-review and approval **prior** to the activation of the changes. UNCST must be notified of the approved changes within five working days.
3. For clinical trials, all serious adverse events must be reported promptly to the designated local REC for review with copies to the National Drug Authority and a notification to the UNCST.
4. Unanticipated problems involving risks to research participants or other must be reported promptly to the UNCST. New information that becomes available which could change the risk/benefit ratio must be submitted promptly for UNCST notification after review by the REC.
5. Only approved study procedures are to be implemented. The UNCST may conduct impromptu audits of all study records.
6. An annual progress report and approval letter of continuation from the REC must be submitted electronically to UNCST. Failure to do so may result in termination of the research project.

Please note that this approval includes all study related tools submitted as part of the application as shown below:

No.	Document Title	Language	Version Number	Version Date
1	Data collection tools	English	1	17 June 2022
2	Project Proposal	English	1	
3	Approval Letter	English		
4	Administrative Clearance	English		
4	Informed Consent Form (FGD) Lug	Luganda	1	21 July 2022
5	Key Informant Interview Eng	English	1	21 July 2022
6	Key Informant Interview Tool (Lug)	Luganda	1	21 July 2022
7	FGD Data Collection tool	English	1	21 July 2022
8	FGD Data Collection Tool Lug	Luganda	1	21 July 2022
9	Informed Consent Form	English	2	21 July 2022
10	Interview Guide land owners	English	1	21 July 2022
11	Informed Consent Form Land owners	English	1	21 July 2022
12	Risk Management Plan	English	1	21 July 2022
13	KII tools	English	1	21 July 2022

Yours sincerely,

Hellen Opolot
For: Executive Secretary
UGANDA NATIONAL COUNCIL FOR SCIENCE AND TECHNOLOGY

Annex XI: Data Collection Acceptance Letter-Kayunga District Local Government

In any correspondence on this subject, please quote :
Our ref: KYG/CR/220/1

Date: 5th May, 2022

E-MAIL: caokayunga@hotmail.com, caokayunga@yahoo.com, caokayunga@gmail.com

THE REPUBLIC OF UGANDA

KAYUNGA DISTRICT LOCAL GOVERNMEN
Office of the Chief Administrative Officer.
P.O. Box 18000
KAYUNGA

The Senior Assistant Secretary,

.....

The Town Clerk .....

INTRODUCTION OF NAMATEEFUL LYDIA KISEKKA REGISTRATION NO. 2019/HD09/30795U OFFERING PURSUING A PhD.

This serves to introduce to you the above-named person/student from Makerere University who is to carryout research on appraising the relationship between the Law on land registration in Uganda and land grabbing. This exercise is to be carried out in the whole district but it will start in the five(5) subcounties and two (2) Town Councils with the highest registered number of land grabbing/wrangles in particular:-Galiraya, Bbaale, Kayonza, Busaana, Busaana Town Council, Kitimbwa, Kitimbwa Town Council.

The purpose of this communication therefore, is to request you accord her the necessary assistance when approached such that the intended objective is achieved.

CHIEF ADMINISTRATIVE OFFICER
KAYUNGA DISTRICT LOCAL GOVT

Batambuze Abdu
CHIEF ADMINISTRATIVE OFFICER

Distribution List

1. The District Chairperson
2. The Resident District Commissioner
3. The Chairperson LCIII.....
4. The Chairperson LCI.....