

Mukono District Land Stakeholder's Forum: A Stakeholder Approach To Unlocking Land And Property Related Challenges Uganda

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Abstract

Despite progress made to address land-related legislative issues, the land sector in Uganda particularly in Mukono faces several challenges that include insecurity of tenure, overlapping and conflicting land rights, and glaring inequity in access to and ownership of land. Conflicts that are a consequence of power legacy are exacerbated in the majority of cases by competition over access, use and transfer of scarce land and natural resources, ever increasing population densities, largely driven by the high population growth rate, and yet land is inelastic to meet the growing population. We propose and test a Multi-Stakeholder Participatory Model harnessing 3Fs (Field Fact Finding) as a strategy for unlocking land related scuffles. Our model brings together multiple players comprising of the civil society, office of the chief magistrate, police, Academia, Local Councils, public officers like office of the CAO, Judiciary, Buganda land board, Ministry of Lands, Church, 'Bibanja' Holder's Association, NGO sector. Critical to this come together and conflict awareness creation is the use of the telephone online magic chart, what sup groups and other online social media. This implies that technology plays a critical role in this model.

Introduction

Despite progress made to address land-related legislative issues, the land sector in Uganda particularly in Mukono faces several challenges that include insecurity of tenure, overlapping and conflicting land rights, and glaring inequity in access to and ownership of land. Conflicts that are a consequence of colonial legacy are exacerbated in the majority of cases by competition over access, use and transfer of scarce land and natural resources, ever increasing population densities, largely driven by the high population growth rate, and yet land is inelastic to meet the growing population. Possibility of increasing conflict is largely driven by competition for influence and power which comes with demonstrated control over land matters such as ownership, allocation and access especially as regards overlapping land rights. Structurally, Uganda's population is growing at a high rate of 3.2 per cent and was projected to have shoot up to over 39.3 million in the year 2015 and 54.9 million in 2025 due to high fertility rate, set next to deficits in land governance, corruption and ignorance of the law, the automatic escalation of land conflict to phenomenal levels, is not only well deserved but is clearly foretold. By 2050, Uganda's population is expected to reach 120 million, three-fold the current population

(Ministry of Justice and Constitutional Affairs (MOJ), May 2008). To such population growth rate, every funeral results in more land conflicts from family members, land brokerage dealers, tenants and landlords. The exacerbation of land conflicts and wrangles has yet posed a new opportunity to the players whereby a number of interventions have been devised by a multiplicity of stakeholders. Whereas some of these have contribution to the mitigation of the problem in Mukono, some have instead indirectly or directly fuelled the problem.

Key words: Land conflicts, multi stakeholder approach, land crusades, technology for real time information

Objectives of the paper

- a) Share the lessons from a new multi stakeholder approach of unlocking land related conflicts using our 3Fs (**Field Fact Finding**);
- b) Highlight opportunities and challenges for our new multi stakeholder approach;
- c) Showcase activities of the new multi stakeholder approach;
- d) Share the role of technology in real information sharing as regards to land conflicts.

The Mukono District Land Stakeholder's forum model

At National level, a number of initiatives have been put in place, particularly pointing out the presidential initiatives that include: presidential land task force, directorate of land matters in State House among others. These have done quite a lot to unlock escalating land conflicts. In Mukono District, spearheaded by the office of the RDC, a multi-stakeholder's model was proposed to offer an integrated approach to unlocking the land wrangles in Mukono District. It brings together multiple players comprising of the civil society, office of the chief magistrate, police, Academia, Local Councils, public officers like office of the CAO, Judiciary, Buganda land board, Ministry of Lands, Church, 'Bibanja' (Land Tenants) Holder's Association, NGO sector.

Forum's model of operation

At the ever first forum (**Land Crusade**) organized by the Office of the Resident District Commissioner, Transparency International and International Justice Mission, the stakeholders identified the following as major challenges to unlocking the land wrangles in the District:

- Land corruption by some of the key players
- Lack of information or information hoarded from the ones requiring it to support their judicial redress and therefore there was persistent ignorance of the land law among the citizens
- Lack of field locus visits among those who preside over unlocking the challenges.

Forum Activities

The forum made the following recommendations as the working model for Mukono District as a pilot to be scaled up and replicated if it worked well in the area:

- A contact telephone magic chart of players was generated and made available to all citizens in the area for easy reporting of any issues related to corrupt land stakeholders and any other emanating conflicts; This list contains all players registered in the Office of the RDC as players in land interventions.

- A security list was also generated have open call numbers of the RDC, DISO, Chief crime preventer, DPC,O/C CID, O/C Stations and Crime intelligence. These were to report crime related issues emanating from land wrangles.
- All players were put on one whatsapp group for easy access of real time information elated to land conflicts and to be able to scan quickly the particular stakeholder responding or intervening to a particular reported conflict.
- All players started coming to showcase and manage land wrangles publically through land crusades and clinics. Quite a number have been organized like: a) stakeholder meetings b) Nama land crusade c) Kyampisi land crusade d) Mukono District land clinic.
- For any case reported, stakeholders are invited at the site to have a locus visit. This strategy was termed as **(3Fs) Field Fact Finding** upon which a report with supporting evidence to be shared among players including court to aid in court proceedings. Without locus visits, people are maliced, unfair judgments undertaken due to presenting paper only to court which at times can be fraudulent. There chances of highly fraudulent people winning cases.

Success from the model

- a) Land crusades have unlocked quite a number of challenges that I been in shelf fro years
- b) Central office (RDC) redirects cases to stakeholders for management
- c) Stakeholders and citizens have been empowered to act through stakeholder groups
- d) Stakeholders/players listen across the model to assess the extent and angle of handling a particular case
- e) Players are updated on to the progress of cases being handled
- f) Success is deemed a collective success and challenges are deliberated upon for improvement
- g) There is multi-disciplinarily approach to management of land disputes in the area
- h) Forum is pressing for timely judgments of the land conflicts within their awareness
- i) Putting on board Uganda Christian University Law Fraternity to provide legal Aid services to the community together with forum service.

Challenge/Issues and examples/cases

- a) Unregulated land dealers
- b) Corruption-police and court
- c) Boundary opening
- d) Court procedure irregularities
- e) Multiple proprietors on one land titles
- f) Block within the same block
- g) Court failure to reach locus and yet offer judgment
- h) Freehold titles on mailo land: how possible
- i) Most convictions presented are criminal acts and yet underlying issue is land- People pursuing for land justice are charged for other criminal cases-Underlying is grabbing land (malicious prosecution under disguise of land grabbing)

- j) Boundary opening where parties affected are not involved or one involved the other not BUT from directive of surveyor
- k) Land complainants end up being prosecuted or convicted
- l) Files disappearing in police and court making it difficult to make follow ups by genuine land owners
- m) Physical land and title different from it: based on the law, it unfairly relying on certificate of title which does not apply to physical land leads to wrong decisions/judgments. Judge relies on title without locus visit is very dangerous
- n) Overlying on titles to make judgments is unfair to tenants; landlords cling on tenants
- o) Administration of estate powers are given to persons who cannot administer
- p) Administrators general office location are far away from the reach of the people ie they are heavens on earth
- q) Petition for letters of administration are put in Uganda gazette and not served to local areas where the property/land situates
- r) Irregularities and insubordination in the judiciary e.g Principle judge asking judge to release judgment
- s) Charges on police bonds
- t) File management between police and state attorney (conniving); and altering of files
- u) Delayed expedition of land matters/justice

Recommendations

- a) Prosecution delayed, justice denied; so enforce harsh penalties to intended delays
- b) A magistrate handling exclusively land matters/only land matters-gives an opportunity to monitor how many cases are administered-Court
- c) Serve gazzetted information to parties concerned including community centers-applicant
- d) Ensure two parties at boundary opening are present-district surveyors
- e) The issuing authority must visit locus before issuing letters of administration to applicant-court
- f) Law to regulate and legalize them-executive policy directive to be included in land policy
- g) Land transactions need a well set procedural transferring/sale/buying of sell lie that of passport acquisition
- h) Issuing authority of land titles need penalty (Criminal offence) by IGG in case and/or Error checks and detection for Land Information System at Ministry of Lands
- i) Incompetency of magistrates-needs practicing experience as per the judges ie competency based placement of magistrates need to consider experience and practice
- j) We need to put in place a case trucking system from community, police, court etc. We are advocating for area Members of Parliament to effect this and also monitor such a procedure
- k) Land affected victims to be evicted should be prepared to be given a human face so that there is care for humanity during such executions