

# Land and Housing management

Week three

Land Management and Development

**By**

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# Last week re-cap

- A deeper understanding of land tenure systems in Uganda
- A glimpse into land tenure systems in other countries
  - Kenya
  - South Africa
  - United states
  - The Netherlands

# This week: Land management and development

## **Objectives**

- To understand land tenure and related concepts
- To explain the institutions of land management and administration in Uganda
- To examine the land development process

# This week: Land Management and Development

- Land tenure
  - Land tenure rights
  - Land tenure interests
  - Land tenure security
- Land development
  - Understanding land development
  - The land development process
- Institutions of land management and administration
  - Public institutions
  - Private and civil society institutions

# Land management and development

## Introduction

- Processes, systems and policies put in place to effectively manage land resources.
- Land management includes ownership of land, use of land, development of land as well as land conservation
- Land management and development activities are aimed at ensuring the equitable and sustainable use of land for the various purposes

- Land management and development includes elements like **Land tenure**, **Land use regulations**; **Land dispute management**; **Land development processes**; **Land registration** and **Gender issues**.

# Land tenure

- The terms and conditions on which land is held, used and transacted
- The relationship (legal or customary) between people in respect to land
- Rules invented by society to regulate behavior on land
- It is all about terms and conditions of land use, acquisition and transaction
- Rules of tenure define how property rights are allocated and granted
- Rules on
  - Rights
  - Interests
  - Security

# Land tenure rights

- Legal or customary rights and responsibilities held by individuals or groups over land.
- They define the relationship between people and land
- They vary differently across jurisdictions, cultures, and land tenure system.
- But we can have;
  - A general categorization of land tenure rights
  - Types of land tenure rights, and
  - Examples of land tenure rights

# Land tenure rights – categories (the who)

- Private rights – **Individual**
  - Assigned to a private party – individual, an entity, a group
  - Other members are excluded unless they have consent from those who hold the rights
- Communal rights / a right of commons – **Community**
  - Assigned to each member to use independently the common resources
  - No member of the community will be excluded from enjoying the community resources

- Open access rights – **Everyone**
  - No exclusion, no specific rights assigned to anyone
  - When resources are open to everyone and all people can access freely
  - Difference from communal – non members are excluded under communal
- State rights – **State**
  - Rights assigned to an authority in the public sector
  - State ownership of swamps, forests, lakes

# Land tenure rights – types (the what)

- **Use** rights

- Rights to utilize a particular piece of land for a particular purpose
- Can be temporary or permanent – depending on tenure arrangements
- For growing crops, gathering fruit, setting up a structure etc.

- **Control** rights

- Rights to make decisions on the land
- Decide which developments should be put, which crops should be grown, how long someone can use the land etc.

- **Transfer** rights

- Rights to change ownership or transfer through sell, mortgage, inheritance, gift or reallocation of use rights

Note: marginalized usually with only use rights

# Land tenure rights – examples (the how)

- Right of way / to **pass through**
- Right to **graze**
- Exclusive rights – residential/ commercial development – **construct**
  
- Right to **sell**
- Right to **pass on land** - inherit
- Right to **gift** the land
  
- Right to **restrict usage...**
- Right to **limit the period** of time land should be used

# Land tenure rights – a bundle of rights

- When several different persons or individuals hold multiple rights to a piece of land
- Different rights on the same piece of land – different people.
- Example

Tom owns a piece of land and has Jack and his family as tenants on one part of the land.

Tom has the right to lease or sell the land, Jack the tenant has the right to use the space for agriculture, but also, Moreen, Tom's long term neighbor has the right to go through the same land to access water on the other side for her cattle.

In the bundle - Right to **sell** or lease, right to use through **cultivation**, right to **pass through** = one piece of land

# Land tenure interests

Rights, claims and relationships that individuals hold regarding land.

Interests determine extent of control, use and benefits derived from the parcel

- Land tenure constitutes a web of intercepting interests
  - Overriding interests
    - Sovereign power (government, nation or community) – has power to allocate or reallocate land
      - expropriation

- Overlapping interests
  - Several parties – different rights to the same parcel e.g. lease rights overlapping with use rights
- Complementary interests
  - Different parties – same interest in the same parcel / piece of land e.g. shared public space, common grazing rights
- Competing interests
  - Different parties – contesting same interests in the same parcel
  - Two parties independently claim rights to exclusive use

# Land tenure security

- The certainty that one's rights will be recognized, respected and protected by others in case of challenges
- Assurance that land holders will not be evicted or deprived of their land rights
- Tenure security provides stability, confidence to improve and invest in individuals' or community land holdings
- People with tenure insecurity – risk their rights being threatened or lost
- Tenure security can be guaranteed through;
  - Land titles – formal land holding
  - Certificates of occupancy

# Land development

- Undeveloped property or piece of land – raw land
- Aimed at making the property / piece of land productive
- Vast opportunities for land development
  - **Commercial developments**
  - **Residential / real estate developments**
  - **Own house development**
  - Agricultural development
  - Industrial development

# The land development process

- The land development process capitalizes on raw land
- Steps
  - Land identification
  - Evaluation – economic feasibility
  - Land acquisition
  - Ascertain zoning requirements
  - Secure financing
  - Construction
  - Marketing and property sale

## Step 1: land identification

Purpose – spot land that suits your development needs

There must be an objective – what developer wants to do, for whom and for what

Then one can make an informed decision on the land

- Land identification can be done by;
  - Walking around – observe
  - Consult – blockers, community, online sources
  - Connections – word of mouth

## Step 2: Economic feasibility evaluation

Helps to ascertain costs, benefits and general returns – monetary or non

- Especially for commercial investments, it is important to check the cost-benefit
- Before development, determine the desired return on investment
- For residential / own house developments
- Economic feasibility in terms of;
  - other amenities – availability
  - Expenses likely to be incurred

### Step 3: Land acquisition

After checks into the costs and benefits or returns, one can check into the prices of the desired property

- Land acquisition can be through;
  - Buying
  - Transfer
  - Inheritance
  - Gift
- If it is through buying
  - Check for prices
  - Check for possibility for negotiations or adjustments
  - Consider the minimum
- If satisfied, one can go ahead and acquire the property by paying or accepting offer

## Step 4: Ascertain zoning regulations

- Purpose – land development in compliance with laws and regulations
- Policies and regulations stipulate what kind of developments should be on a given parcel or in a given zone
- Check design for land in line with national and regional or local plans and regulations
- Zoning regulations also help with procedure
- Understanding zoning regulations – informed decisions on the development of land

## Step 5: Secure the financing

- Intended purpose of property – dictates type of financing to secure
- Development may require;
  - a loan acquisition,
  - Fundraising for construction,
  - or one may use their own available finances or
  - other sources

## Step 6: construction

- Purpose – actual development
- In this step, the actual construction, land development happens
- Most case,
  - This starts with horizontal developments / works – excavation, grading
  - Then on to vertical developments – building from down up
- Depending on the development method used, the source of financing and the kind of development;
  - Period will vary
  - Amenities may vary
  - Final touches will also vary

- **Step 7: Marketing and occupancy**

- Purpose – put property to intended use

- After construction, property now needs to be put to use. This can be ensured by;

- Marketing the property for sale or rent – commercial and real estate developments
- Moving into the house – own house developments

## Step 8: Management and maintenance

- Purpose – keep property useful and up to standard
- Helps keep the development or property attractive, and up to the desired and intended standards
- Should be a continuous activity
- Whether for commercial, residential or own-house, maintenance is required
- Can be done by the developer or occupants

# Institutions of land management and administration in Uganda

- Entities or bodies put in place to oversee the administration, management and development of land resources.
- They guide developments through policies, regulations and standards
- Can be **public** or **private** institutions

# Public institutions

## 1. The ministry of Lands, Housing and Urban development

- Overall regulating body mandated by the government.
- Major responsibilities
  - Policy formulation and implementation
  - Land management regulation
  - Overseeing land development

## 2. Uganda Land Commission

Manages public land on behalf of the government – manager of land for the good of the public

Consists of a chairperson and at least four (4) other members elected by the president and approved by the parliament

- Major responsibilities
  - Allocating land for various purposes
  - Oversee all land vested in or acquired by the government
- It is mandated by the constitution of the republic of Uganda

### 3. The Land Boards

Land management and administration at the district level. Includes the District Land Boards (DLB)

The District Land Boards are in each district.

- The membership, procedure and terms of service are prescribed by the parliament
- Major responsibilities
  - Managing and allocating land in the district which is not owned by any body
  - Facilitate land registration and transfer of interests
  - Facilitate land transactions
  - Handle any other Land related issues within jurisdiction

## 4. The Uganda Land Registration Bureau

Government body in charge of all land records.

- Major responsibilities
  - Land records maintenance
  - Issue and keep land transaction documents – land titles, certificates, deeds etc.

## 5. Land Committees

Work at the local level. They include subcounty committees and Parish committees

- Major responsibilities
  - Address land related issues in specific jurisdictions

# Private and civil society institutions

## 1. The Uganda Land Alliance

Civil society organization.

Established to advocate for land rights for the marginalized

- Major responsibilities
  - Address issues related to land tenure security and reforms
  - Advocate for access – for marginalized

## 2. The Uganda Land Fund

Exists to facilitate access to land for the landless and those with limited holdings

## 3. The Buganda Land Board

Private board

Administers and manages land on behalf of the Buganda Kingdom (Kabaka)

Mailo land governed under this body

- Major responsibilities
  - Facilitate land transactions
  - Guide land development initiatives
  - Manage all Mailo land on behalf of the Kabaka

# Conclusion

- Land development is a process, takes time
- The land development process can greatly vary in length of period depending on various factors
- Institutions spearhead the administration, management and development of land
- The land development process can result into different outcomes – desired or not

# Next week ...

- Continuation of **Land Management and Development**
  - The regulatory environment
  - Women and Land ownership

# References

- The Constitution of the Republic of Uganda 1995 (Amended)