

Land and Housing management

Week four

Land Management and Development

By

Ms. Gloria Angela Mukova

Last week re-cap

- 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

This week: Land management and development

Objectives

- To analyze the land regulatory environment
- To examine the gender disparities in land ownership, acquisition and use

This week: Land Management and Development

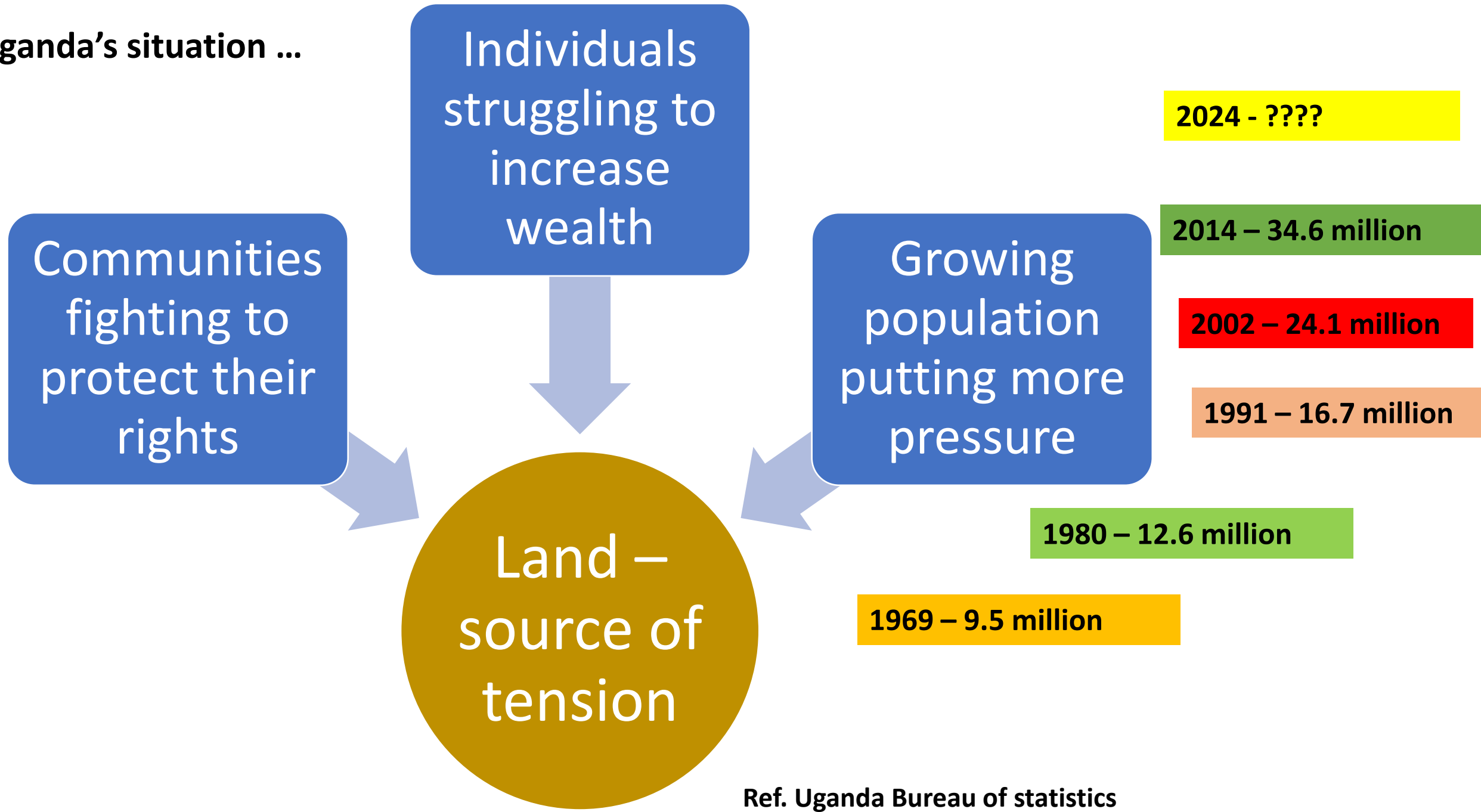
- The regulatory environment
 - Trends in Land regulations in Uganda
 - The constitution
 - The land Act
 - The National Land Policy (NLP)
- Gender differences and Land ownership
 - Women and Land ownership

Land management and development

- 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**.

Uganda's situation ...



The Land regulatory environment

Legal framework, policies, and regulations that govern the use, ownership and development of land in a given jurisdiction – the regulatory environment.

Includes laws, rule and procedures that aim at;

- Managing land resources
- Protecting rights
- Promoting sustainable use
- Addressing social, economic and environmental issues

- The regulatory environment typically encompasses;
 - Laws and regulations governing land tenure arrangements – including ownership, land rights, acquisition, registration and transfer of land
 - Laws, policies and regulations that guide land use planning and zoning – designate areas for specific developments
 - Laws and regulations aimed at protecting the environment and natural resources
 - Policies and regulations related to land taxation and land revenue generation – include land taxes and other land-related fees and charges

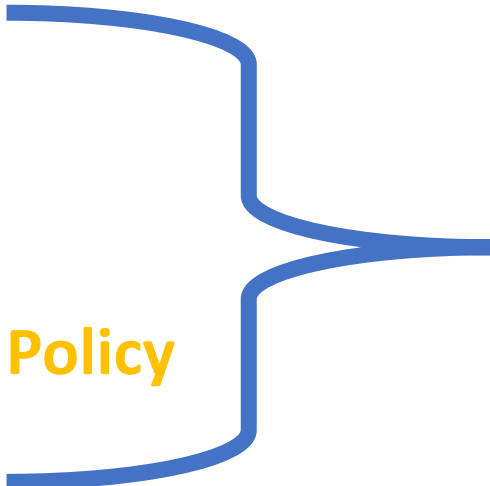
- Land administrative systems and institutions that handle administration of land in a given jurisdiction
- The regulatory environment hence shapes and guides;
 - Land use patterns
 - Development initiatives – sustainable
 - Land managements and administration

Land regulation in Uganda

- Uganda's land acquisition, ownership, access and use is characterized by patches of inequality which have persisted for centuries
- Inequities partly blamed on the failure of post-independence governments to pursue equitable, rational and sustainable land reforms
- To solve the historical injustices and contemporary challenges;
 - Uganda has had and enacted policies, and legal reforms

Trends in Land regulation in Uganda

- First major effort to address interests of land owners and occupants – the **1900 Buganda Agreement**
- In 1903, colonial government enacted the **Crown Lands Ordinance** which claimed oversight and control of all land not under private ownership

- In 1962 at independence, management of crown land was vested in the new independent state by the **Public Lands Acts (PLA)**
 - Revision in 1969 – stopped issuance of freehold and leasehold on customary occupied
 - In 1975 was introduced the **Land Reform Decree** –
 - Converted all Land to leasehold
 - declared all land for the state – in trust
 - In 1995 – the **Constitution**
 - In 1998 – the **Land Act**
 - In 2013 – the **National Land Policy**
- 

The Constitution of the Republic of Uganda

- Came in 1995
- Chapter **15**, Article **237** – Land ownership
- Declares land for the citizen of Uganda
- Land to be held under
 - Customary tenure
 - Freehold tenure
 - Mailo tenure
 - Leasehold tenure

- Government shall acquire land (for public interest) under conditions specified by Parliament
- Parliament shall:
 - Enact laws regulating relationship between lawful occupants
 - Provide for the acquisition of registrable interest in land

The Land Act

Commencement – July 1998

- To implement the Constitution

Amendments

- 2004
- 2010

Goal

an Act to provide for the tenure, ownership and management of land;
to amend and consolidate the law relating to tenure ownership and
management of land; to provide for other related or incidental
matters.

The Land Act provisions – regulations

- Land holding in Uganda – Part II
 - LAND ownership
 - Certificate of Customary Ownership
 - Who should apply
 - Functions of the committee
 - Functions and procedure of the board
 - Procedure for application
 - Incidents of certificate of Customary Ownership

- Conversion of customary tenure to Freehold tenure
- Application for grant of land in Freehold
 - Functions of the committee on application for Freehold
 - Procedures for application for Freehold tenure
 - Functions of board on the application
 - Duties of commissioner
- Communal land associations

- Establishment of areas of common land use in communally owned land
- Conversion of **leasehold into freehold**
- Lawful and Bona-fide owners
- Tenant by occupancy
- Certificate of occupancy
- Restrictions on transfer of family land
- Land acquisition by a non-citizen

- Control of Land use in Uganda – Part III

- Acquisition of land by government
- Utilization of land according to laws
- Environmentally sensitive areas – control
- Land use planning and zoning

- Land Management – Part IV

- The Uganda Land Commission
- District Land Boards
- Land committees
- District Land tribunals

The National Land Policy

- The Uganda National Land Policy – February 2013

Vision – “a transformed Ugandan society through **optimal use and management** of land resources for a prosperous and industrialized economy with a developed services sector”

Goal – “to ensure an **efficient, optimal and equitable utilization and management** of Uganda’s land resources for poverty reduction, wealth creation and overall socio-economic development”

Land policy contemporary issues

- Gender difference in ownership and access to rights
 - Traditional and cultural practices not yet recognizing changes in the law
- Land disputes and conflicts
 - Boundary disputes on the rise
 - Evictions – on registered land
- Population pressure on land
 - Growing population
 - Need for change in strategies – remove old rules

- Mineral discovery in the Albertine and other regions
 - Tenure, compensation and resettlement issues
 - Land grabbing
- Land administration and management issues
 - Inadequate resourcing
 - Dual system of land administration

Other policy provisions

- Land rights administration framework
- Land use and land management framework
- Regional and international framework
- Policy implementation framework

Gender differences in land ownership

- Because of history, tradition and customs – inequality between men and women in the social, economic, political and other spheres of life
 - Inequality in access, ownership, acquisition, utilization and management
- The inequality – mostly in the favor of the male gender
- Social inequality includes inequality in access to land, ownership of land, and utilization land.

Women and Land ownership situation

- In many societies – unequal access to land and other related resources by women
- Most women's rights to land are limited though they do most of the agricultural work
- NLP (2013) acknowledges
 - In Uganda, due to restrictive practices – most women are unable to own or inherit land
 - Majority Women unable to purchase land rights at market price

- There have been legal and formal strategies

The 1995 Constitution and the Land Act 1998 provide for measures that;

- Prohibit deprivation of women – outlawing discriminatory cultures
- Require spousal consent in land transactions
- Protect women's access and use rights

- But ...
 - There is a distinct gap between the **LAW** and the **PRACTICE**
 - Customary practices in some parts continue to override statutory law
 - Recognition – practices still not recognizing laws put in place
 - Enforcement – practices hindering enforcement
- However, ...
- Due to statutory changes

Women have rights to access land – though few have the resources

Some women able to access through inheritance, transfers or purchase

- Pledge by government (through the land policy)
 - To protect rights to inheritance and ownership of land by women – by legislation
 - Ensure that both men and women enjoy equal rights to land – in, before and after marriage

Conclusion

- There are laws, policies, and regulations
- These spell out processes and procedures for;
 - Land acquisition
 - Land use
 - Land ownership
 - Land development
- Biggest challenges to these
 - Customary practices – deviate from the laws
 - Enforcement

Next week

- Housing Development and Construction
 - Concepts
 - The regulatory environment

References

Republic of Uganda, Ministry of Lands, Housing and Urban Development (2013). The Uganda National Land Policy

Republic of Uganda, Ministry of Lands, Housing and Urban Development (1998). The Land Act

Uganda Bureau of Statistics (2014). Census 2014: Abridged National Key Findings