

ELUCIDATING THE TENURE SYSTEM UGANDANS WANT FOR LAND



Uganda Wildlife Society, Caritas Hoima Catholic Diocese Hoima Development Organisation and, Buliisa District Local Government



NYADOI PRISCILLA
RESEARCH HIGHLIGHTS
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BACK GROUND

Introduction

Tenure refers to the conditions and terms under which a resource is held-stipulating ownership and responsibilities of the owner. Uganda has five recognized tenure types for land and these include Mailo, Leasehold, Freehold and, Customary and Communal tenure. However literature () shows that political and governmental processes solely determined the emergence and adoption of these tenure systems, with hardly any meaningful involvement of the citizens in the processes. It is likely that the therefore imposed tenure systems may not be meeting the people's expectations and land resource use needs and this may to a large extent be the underlying factor to persistent land related conflicts, livelihoods and environment degradation reported in the country (Deininger and Castagnini, 2005).

Mailo land tenure is perceived to limits national development and presents constraints to citizens' attainment of their constitutional right to access and own land anywhere in the country (Green, 2005; Espeland, 2006; Batungi, 2008; Rugadya, 2009). In some parts of the West and Eastern Uganda, persistent land ownership and use conflicts exist between pastoral and crop farming communities, attributable to communal tenure limitations (Rugadya *et al.*, 2005; Hetz *et al.*,2006; Nyaodi *et al.*, 2012). In the Easter homicides have been reported, caused by conflicts attributed to Customary land tenure (Ochieng, 2006) while Leasehold and Freehold tenure title holders report investment constraints from squatters on their land (Rugadya, 2009).

While the tenure related problems highlighted above persists, no countrywide attempts/studies to identify a tenure system that would be acceptable by people and/or to determine how the existing tenure systems' limitations could be addressed had been done. Instead tenure related studies done investigated location specific issues; in Mukono in Central Uganda, Mbarara in the West (EPRC, 2000) and, Kitgum, Amuru, Gulu and Pader districts in Northern for examples (Hetz *et al.*, 2006). Knowledge emanating from these localized land tenure issues provided locally applicable strategies and knowledge howbeit insufficient for identification of national-countrywide applicable solutions/strategies for resolving tenure related problems. The need for countrywide study to generate knowledge applicable and/or strategies for resolving persist land tenure types related conflicts and development needs countrywide thus remained at large.

In the current study, Uganda Wildlife Society conducted a country wide research to determine citizens' perspectives on a range of land tenure system issues, including their impacts on livelihoods.

The research was in particular aimed at elucidating the land tenure type most people would want adopted and, the reasons for their choice. Specific hypotheses and objectives pursued in study were as follows;

Hypotheses adopted in the study in Uganda

- 1) Development demands and land use dynamics could be leading to homogenous distribution of land tenure systems countrywide.
- 2) Existing land tenure types are similarly known to communities countrywide.
- 3) Communities attribute certain livelihood limitation to land tenure they hold.
- 4) Among existing land tenure types, there is one preferred countrywide.

Objectives of the study

The objectives of the study countrywide in Uganda will include the following;

1. To examine the distribution of existing land tenure types.
2. Evaluate people's level of awareness of existing land tenure types.
3. Assess perceived impacts on livelihoods of the existing land tenure types.
4. Elucidate the tenure type most people would prefer for land.
5. Use generated tenure knowledge to elicit support and influence policy on land user/ownership.

METHOD

Data collection and analysis

Within each of the four regions of Uganda, a random sample of five districts (Table 3) and within the selected districts households were sampled at systematic intervals of 1km, 40 respondents from each and a total of 1224 from all the 21 districts covered in this study (37% of original 54 or 11% of current 111 districts of Uganda). Data analysis – percentages, significance levels on correlations and analysis of variances generated in SPSS soft ware programme.

Table1: Randomly selected districts from where land tenure types study was carried out in Uganda

Region in Uganda	Districts selected	Farming system/agro ecology to which district belongs	Population in district	District area (sq kilometers)
Central	Buikwe	Banana coffee	329,858	1,244.7
	Bukomansimbi	Banana coffee	139,556	600.2
	Kalangala	Banana coffee	34,766	468.3
	Kanungu	Montane system	160,684	811.6
	Rakai	Pastoral system	404,326	3,351.5
Eastern	Amuria	Teso system	180,022	2,588.3
	Bududa	Montane system	123,103	250.8
	Manafwa	Montane System	262,566	602.1
	Namayingo	Banana Millet Cotton	145,451	532.9
	Tororo	Banana Millet Cotton	379,399	1,196.4
Western	Hoima	Banana Coffee System	343,618	3,664.1
	Kanungu	Montane System	204,732	1,274
	Masindi,	Banana Millet Cotton	187,707	3,624.1
	Kiryandongo,	Banana Millet Cotton	208,420	2,584.6
	Buliisa	Banana Millet Cotton	63,363	2,498.3
Mbarara	Pastoral system	361,477	1,778.4	

	Ntoroko	Pastoral system	51,069	1,253.8
Northern	Alebtong	Northern System	163,047	1,527.5
	Amolatar	Northern Systems	96,189	1,758
	Gulu	Northern System	298,527	3,452.1
	Kaabong	Pastoral systems	202,757	7,223.7
	Nakapiripirit	Pastoral Systems	90,922	4,201.6

RESULTS HIGHLIGHTS

Table 2.1: Respondents' Socioeconomic characteristics (N=1224).

Socio-economic characteristics	Respondent particular	Frequency	Percentage
Respondents' district	Gulu	41	3.3
	Buikwe	50	4.1
	Bukomansimbi	40	3.3
	Kalangala	45	3.7
	Rakai	44	3.6
	Masindi	43	3.5
	Bududa	51	4.2
	Manafwa	47	3.8
	Kanungu	48	3.9
	Nakapiripirit	50	4.1
	Alebtong	48	3.9
	Tororo	41	3.3
	Namayingo	24	2.0
	Mbarara	41	3.3
	Kalungu	40	3.3
	Hoima	40	3.3
	Amolatar	32	2.6
	Amuria	39	3.2
	Kaabong	40	3.3
	Ntoroko	49	4.0
Buliisa	371	30.3	
Total		1224	100.0
Respondents' sex	Male	820	67.0
	Female	402	32.8
	Not respondent to question	2	0.2
Total		1224	100.0
Respondents' marital status	Single	181	14.8
	Married	885	72.3
	Divorced	38	3.1
	Widowed	80	3.1
	Not responded to question	40	3.3
Total		1224	100.0
Respondents' age in years	18-30	316	14.8
	31-40	326	26.8
	41-50	299	24.4
	51-60	154	12.6
	61-70	82	6.7
	>70	37	3.0
	Not responded to question	10	0.8
Total		1224	100.0
Respondents' family size - Number of persons in household)	<3	227	18.5
	4-6	379	31.0
	>6	546	44.6
	Not responded to question	72	5.9

Total		1224	100.0
Respondents level of Education	Not educated	216	17.6
	Primary	464	37.9
	Secondary	338	27.6
	Tertiary	110	9.0
	Degree	60	4.9
	Postgraduate	8	0.7
Total		1224	100.0
Respondents' occupation	Crop farmer	637	52.0
	Fisher folk	96	7.8
	Pastoralist	36	2.9
	Employee	131	10.7
	Business/Trader	240	19.6
	Student	36	2.9
	Not responded to question		
Total		1224	100.0
Respondents' period of stay (years) in area	<5	144	11.8
	5-10	158	12.9
	11-15	110	9.0
	16-20	129	10.5
	>20	666	54.4
	Not responded to question	17	1.4
Total		1224	100.0
Respondents' origin before settling in area	Within the same village	526	43.0
	Within the same district	302	24.7
	Elsewhere within Uganda	288	23.5
	Outside Uganda	48	3.9
	Not responded to the question	60	4.9
Total		1224	100.0
Respondents' land holding size in hectares	<1 Hectare	314	25.7
	1-3 Hectares	329	26.9
	4-7 Hectares	172	14.1
	>7 Hectares	120	9.8
	Not responded to question	289	23.6
Total		1224	100.0
Respondents' land tenure	Freehold	339	27.7
	Mailo land	97	7.9
	Communal	131	10.7
	Leasehold	85	6.9
	Customary	419	34.2
	Not responded to question	153	12.5
Total		1224	100.0

Cross synthesis-results summary

Table: Summary Tenure issues analyses results summary

Tenure types	Tenure issues investigated										
	Distribution (% , 21 districts)	Level of awareness	Perceived impact on food access	Perceived impact on medicine access	Perceived impact on access to income	Perceived access to land for tree planting	Perceived impact to access to loan	Perceived impact on access to land for homestead building	Perceived impact on access to land for burial	Perceived impact on access to land for inheritance	Tenure preference among respondents
Freehold	xxxx	Xxxx		xxxxx							xxxxx
Customary	xxxxx	Xxxxx		xxxxx	xxxxx	Xxxxx		xxxxx			xxx
Communal	xxx	X	xxxxx	xxxxx	xxxxx	Xxxxx		xxxxx	xxxxx	xxxxx	
Leasehold	x	Xx		xxxxx		Xxxxx	xxxxx	xxxxx	xxxxx	xxxxx	
Mailo	xx	Xx		xxxxx		Xx			xx		x
P<0.05 or P> 0.05 factor significance level (***) or (*) respectively	***	***	***	***	***	***	***	***	***	***	***
Significant relationship established with respondents' socioeconomic groupings.	Largely, the males, Married , those who had stayed for long-over 20 years in present area, large land holders (4 - 7 above hecares) held the various tenure types	People of Gulu, Bududa, Kanungu, Mbarara districts more knowledgeable of tenure types. So were those in age group 40-51, family size 4-6 and more persons, the secondary level educated, those who had stayed longer – for 16-20 or more years in present area, origins from within Uganda and those whose land were located near water bodies, are large land holders (4-7 hecares) and owners and those not happy with their tenure type.	Leasehold, Communal and Mailo tenure constrained peoples' access to food. So did their origin from outside Uganda, landlessness, or not being happy with the tenure type held.	Post graduate level educated people did not face constraint on medicine access. Marital status and districts did not influence perception of tenure impact on medicine access	Communal tenure holders, landlessness, the unhappy with tenure type held and degree educated faced constrained on income access. Peoples' age, district, sex, marital status did not influence their perception	People of Ntoroko, Kalungu, Mbarara, Tororo, Alebtong, Kanungu, Rakai, Manafwa, Masindi, Buikwe districts and, Leasehold, Communal, Mailo tenure holders, those unhappy with tenure faced constraints. perception not influenced by sex, marital status, age, family size, origin, Education, occupation, period of stay, land location, ownership and size.	All people faced constraints on access to loan but their perception of tenure impact was not influenced by districts, marital status, age, family size, and education, period of stay, land ownership, location or tenure type.	Leasehold tenure limited peoples' access to land for homestead building. Peoples' perception however not influenced by districts, sex, marital status, age, education, period of stay in area and or land ownership.	People of Ntoroko, Mbarara, Tororo, Kanungu, Masindi, Buikwe districts and, Leasehold, Communal and Mailo tenure holders faced constraint on land access for burial. Perception not influenced by sex, marital status, age, education, occupation, period of stay, land ownership.	Lease hold, Communal tenure limited peoples' access to land for inheritance. So did origin outside Uganda, land location in grass/flat lands, being unhappy with tenure type held. Perception not influenced by district, sex, marital status, age, education, landownership.	76.2% of the country prefers Freehold be adopted for land, 19% want Customary, 5% Mailo. Freehold preferred among large families, Pastoralists, large landholders and owners, those who have stayed in area for over 20 years, with land near water bodies/grass. Perception not influenced by marital status, education, origin

Table note: x is rank, ranging from xxxxx (highest rank) to x (least rank) of factors considered.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

- 1) The five tenure types are not equally distributed in Uganda, Customary and Freehold are found countrywide but Customary is the most prevalent, followed by Freehold. Mailo tenure found only in some districts in Central and a few areas in Western Uganda. Communal tenure is found in a few areas in the West and a few areas in North Eastern while Leasehold is found in few households but also countrywide.
- 2) The five tenure types not homogenously known country wide; people of Gulu followed by those from Bududa, Kanungu and Mbarara are more knowledgeable of the different tenure types. Also the age group 40-51, family size 4-6 and more persons, secondary level educated, those who had stayed longer – for 16-20 or more years in their present area, whose origin are from within Uganda, those whose land were located near water bodies and among those who own land, are large land holders (4-7 hectares) and or the unhappy with their tenure type.
- 3) Communal and Leasehold tenure have equal and the highest number of constraints to peoples' livelihoods; present limitation on access to food, medicine, income, tree planting, homestead building and inheritance and, medicine, tree planting, homestead building, burial of relatives and loans respectively. Customary tenure limits access to medicine, income, tree planting and homestead building while Mailo tenure limits access to medicine, tree planting and burial of relatives.
- 4) Among the five land-tenure types, over 3/4 of the country want Freehold and in equal measure, over 3/4 of the country least want Leasehold. Communal and Mailo tenure are least wanted in just over 1/2 of the country.

Recommendations

Our findings provides overwhelming evidence that the government of Uganda need to adopt and enhance the distribution of Freehold as the people desired tenure system for land in Uganda.

REFERENCES

- Batungi, N. (2008). 'Land Reform in Uganda. Towards a Harmonised Tenure System.' Fountain Series in Law and Business Studies, Kampala, Uganda, Fountain Publishers.
- Bikaako, W., and J. Ssenkumba, 2003. "Gender, Land and Rights: Contemporary Contestations in Law, Policy and Women and Land in Africa: Culture, Religion and Realizing Women's Rights Practice in Uganda." In, edited by L. M. Wanyeki, 232–277. London: Zed.
- EPRC, 1997. "Relevance of Policy Research to Legislation: The Case of Uganda's Draft Land Bill 1997".
- Green E.D (2005). Ethnicity and the Politics of Land Tenure Reform in Central Uganda. Development Studied Institute. London School of Economics.
- International Food Policy Research Institute (IFPRI), 2011. "Who Owns the Land? Perspectives from Rural Ugandans and Implications for Land Acquisitions." IFPRI Discussion Paper 01136.
- Ochieng O. M. (2006). Improving Tenure security for the Rural poor. Kenya, Tanzania and Uganda- Casa study Formalization and its prospects. Food and Agriculture Organization of the United Nations (FAO).
- Rugadya, M. A. (2009). Escalating Land Conflicts in Uganda. A Review of Evidence from Recent Studies and Surveys. The International Republican Institute, The Uganda Round Table Foundation.
- Rugadya, M., 2009. "Escalating Land Conflicts in Uganda: Review of Evidence from Recent Studies and Surveys." Report to the International Republican Institute (IRI) and the Uganda Round Table Foundation. Kampala, Uganda. Mimeo.
- Ministry of Agriculture Animal Industry and Fisheries. 1995. *Basic facts on agricultural activities in Uganda*.
- Ministry of Local Government, 2 Aug 2010. Status of Local Governments.
- NEMA, 1996. *State of the Environment Report for Uganda 1996*.
- UBOS , 2009. [Statistical Abstract](#). Includes corrected 2002 census data by district, as of 2008.
- Uganda, Ministry of Lands, Housing and Urban Development, 1998. *Land Act of Uganda*. Kampala, Uganda.
- Uganda, Ministry of Lands, Housing and Urban Development, 2010. *Land Amendment Act of Uganda*. Kampala, Uganda.