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**ACRONYMS AND ABBREVIATIONS**

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<tr>
<th>Acronyms</th>
<th>Meaning/Full Term</th>
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<tbody>
<tr>
<td>ALC</td>
<td>Areal Land Committee</td>
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<tr>
<td>DLB</td>
<td>District Land Board</td>
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<tr>
<td>CLA</td>
<td>Communal Land Association</td>
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<tr>
<td>CEDAW</td>
<td>Convention on Elimination of all forms of Discrimination against Women</td>
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<tr>
<td>CEDP</td>
<td>Competitiveness &amp; Enterprise Development Project</td>
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<tr>
<td>DLO</td>
<td>District Land Office</td>
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<tr>
<td>DRC</td>
<td>Dispute Resolution Committee</td>
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<tr>
<td>DPPC</td>
<td>District Physical Planning Committee</td>
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<tr>
<td>DSM</td>
<td>Department of Surveys &amp; Mapping</td>
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<td>DRM</td>
<td>Dispute Resolution Mechanisms</td>
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<td>FM</td>
<td>Field Manager</td>
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<td>FPIC</td>
<td>Free Prior and Informal Consent</td>
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<tr>
<td>GIS</td>
<td>Geographical Information System</td>
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<tr>
<td>GNSS</td>
<td>Global Navigation Satellite System</td>
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<td>GPS</td>
<td>Global Positioning System</td>
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<tr>
<td>IDA</td>
<td>International Development Association</td>
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<td>IEC</td>
<td>Information, Education and Communication</td>
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<td>LC I, II, III, V</td>
<td>Local Councils one, two, three, Five</td>
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<tr>
<td>MZO</td>
<td>Ministry Zonal Office</td>
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<tr>
<td>LADM</td>
<td>Land Administration Domain Model</td>
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<tr>
<td>LIS</td>
<td>Land Information System</td>
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<tr>
<td>LSSP</td>
<td>Land Sector Strategic Plan</td>
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<tr>
<td>MLHHUD</td>
<td>Ministry of Lands, Housing and Urban Development</td>
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<td>MoFPED</td>
<td>Ministry of Finance, Planning and Economic Development</td>
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<tr>
<td>NLIC</td>
<td>National Land Information Centre</td>
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<td>NLP</td>
<td>National Land Policy</td>
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<td>NLUP</td>
<td>National Land Use Policy</td>
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<td>NPPB</td>
<td>National Physical Planning Board</td>
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<tr>
<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>PIN</td>
<td>Parcel Identification Number</td>
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<tr>
<td>FPIC</td>
<td>Free, Prior and Informed consent</td>
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<td>SAC</td>
<td>Systematic Adjudication and Certification</td>
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<td>SAT</td>
<td>Systematic Adjudication Team</td>
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<td>SD</td>
<td>Systematic Demarcation</td>
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<td>SDTC</td>
<td>Systematic Demarcation Technical Committee</td>
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<td>SLAAC</td>
<td>Systematic Land Adjudication and Certification</td>
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<tr>
<td>UBOS</td>
<td>Uganda Bureau of Statistics</td>
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GLOSSARY AND DEFINITION OF TERMS

The terms below are commonly used both internationally and nationally in land governance. It is necessary to provide their definitions in the context of the legal and administrative perspective in Uganda.

**Adjudication**
Adjudication is the process whereby all existing rights in a particular parcel of land are finally and authoritatively ascertained. It is the ascertainment and conclusive determination of rights in land.

**Adjudication Team**
is the technical and community group of individuals to carry out adjudication and demarcation of parcels as well as recording the rights holders of the parcels.

**Adverse possession**
is situation in which an individual has been peacefully occupying land for long term as a trespasser or the right to possession after a statutorily prescribed period of limitation of 12 years can be gained if there is no legally defendable claim.

**Area Land Committee**
is the lowest land administration institution in the decentralized land administration structure and is based at the sub-county level.

**Cadastre**
is the parcel based and up-to-date land information system containing a record of interests in land (i.e. rights, restrictions and responsibilities).

**Cadastral Index Map**
is a map that shows the limits of cadastral units (parcels) and the data required for the identification of those units (parcel identification numbers).

**Cadastral Survey**
is that branch of surveying which is concerned with the survey and demarcation of land for the purpose of defining parcels of land for registration in a Land Registry.

**Communal Land Rights**
aris when land is used by a group of persons which is clearly defined as collective and, the group has the right to exclude third parties from the enjoyment of those rights.
Community land is that land under the use, care and management of a specific or identifiable community subject to the rules and customs of that community.

Community Access roads these represent the lowest level of roads classified to by Uganda National Roads Authority. They connect villages/communities and may be maintained by lower level governments such as sub-counties.

Common property is typically land and other resources in which entitled beneficiaries, whether individual or community defined, have specific common rights to common areas. The community controls the use of the common property and can exclude non-members from using it.

Court of First Instance (or Basic Tribunal.) is the place of first hearing of a land dispute. They include Local Council Courts such as Local Council II and Land Tribunals.

Customary tenure is the holding of land in accordance with customs of a given community. It is provided for in the Constitution of Uganda and regulated by the Land Act (1998) Cap 227

Decentralization is a form of governance whose principle is delegating decision-making and implementation responsibilities to local levels of public authority.

Deed A written legal document signed to prove ownership of property or a legal right.

Disposition is the arrangement for relinquishment, disposal, assignment or conveyance of rights in property.

Dispute resolution is the process of resolving disputes (land); in Uganda we have a parallel dispute resolution mechanism including the formal or judicial through the courts, the quasi-formal or administrative courts (Local Council III) or mediator also known as state administered or sanctioned alternative dispute resolution (ADR) mechanisms. The informal dispute resolution systems that involve community or cultural leaders, elders, and village assemblies whose decisions can have formal recognition by the state once registered at the magistrate’s court.
District, Urban and Local Physical Development Plans (DULPDP), provides a framework for coordinating arrangement of projects and facilities of local importance for purposes of developing an orderly hierarchy of urban and rural centers for a sustainable and balanced pattern of development.

**Easements** These are non-possessory rights to access or use someone else’s land for a specific purpose and may include; right of access to wells, grazing grounds, lakes and rivers, laying of pipes and cables, etc.

**Eminent Domain** is the exercise of the right of the state or its agent to take private land for public purpose or use with adequate compensation.

**Encroachment** is the illegal occupation of gazetted state lands sometimes typically unclassified or under-utilized land.

**Encumbrance** is the recognised interest on registered land that unfavorably affects the land. These interests may be and are registerable in a formal real estate system and include restrictive agreements or contracts, easements, mortgages and registered leases.

**Eviction** This is the removal of someone from their occupation of land or property. This action is commonly extended to squatters on alienated, registered or gazetted land; it is also used in the context of unlawful eviction.

**Expropriation** This is the act of taking away individuals' land by the state owing to public interest without respect of procedures provided for by law and before payment of fair compensation.

**Forests** means an area of land containing a vegetation association that is predominantly composed of trees of any size, and includes –(a) a forest classified under the National Forestry and Tree planting Act (2003); (b) a natural forest, woodland or plantation; (c) the forest produce in a forest; and (d) the forest ecosystem.

**Freehold land tenure** is the holding of registered land in perpetuity subject to statutory and common law qualifications.

**Governance** is the commonly known as “the task of running a government”. It involves a process of making decisions at different levels. The
government is the key actor in governance. In this context, land governance is the process through which decisions are made regarding access to and use of land, the manner of implementing land related decisions and the way conflicting interests in land are reconciled. Key elements of the definition include decision making, implementation and conflict resolution, with dual emphasis on process and outcomes (GLTN, 2008)

**Grievance Procedures.** are outlines in the manual aimed to resolve disputes and disagreements over ownership or boundaries.

**Group** is a collection of households or kinfolk residing in a locality and operating under some common organization or set of rules and norms which is recognized by the State. Some of these groups include the forest dwellers, the nomadic and pastoral communities.

In the urban context these groups include organized informal settlements, collectively organized migrants who cluster in a particular locality and clusters of traditional communities.

**Informal settlement** is the occupation of an area by a group of individuals (households) that is not legally registered in the name of the occupiers. It is unplanned and without access to social goods such as roads, water and power.

**Indigenous** is the term used to refer to “Indigenous Peoples” in a generic sense to refer to a distinct social and cultural group possessing the following characteristics in varying degrees. **Self-identification** as members of a distinct indigenous cultural group and recognition of this identity by others.

**Land** is a term which generally applies to the universe and its natural resources including, water, minerals, rocks, forests and trees. "Land, any portion of the earth over which rights of ownership, stewardship, or use may be exercised, including, the earth’s surface, water covered lands, water and mineral resources, as well as features and resources attached
to the earth whether they be natural or artificial. (Barlowe, 1986). For anything to become a part of the land by attachment it must be so attached to the land and it becomes a part of the land.

**Land administration** is the processes of determining, recording and disseminating information about different tenures, value and use of land when implementing land management policies (UNECE 1964).

**Land dispute/conflict** is a contestation over land and rights in land. A land dispute occurs where specific individual or collective interests relating to land are in conflict.

**Land management** is the all-encompassing process of managing the use and development of land and land based resources in both the rural and urban settings.

**Landowner** is any person who owns a piece of land. However, people who live and use registered land of another person are tenants.

**Land Parcel** is clearly defined piece of land belonging to a person or group of persons.

**Land Rights** entitlements (inherent and otherwise) that a person enjoys in a piece of land, acquired through many ways including, purchase, inheritance, marriage, gift, rent or tenancy, adverse possession.

**Land Tenure** is the manner in which people hold land. It is the relationship among individuals with respect to land. This relationship can be legal or customary. Land tenure is also an institution, and the rules governing land tenure were invented by societies to regulate behaviour and use of the resources. Tenure rules defines how property rights to land are allocated within societies.

**Land tenure systems** (s) explain who can use what resources and for how long; they assign rights in land to an individual or entity that is said to "hold" the land.

**Land title** is the legal document issued by Government recognising a registered person as owner of that particular piece of land.
**Land use plan** is a map that identifies areas for a designated use for the purpose of land management including physical planning of future development uses such as road, parks and schools.

**Lease** is a contractual agreement between two parties in which the land owner grants another person exclusive possession of its/his/her land for a given period of time.

**Legal framework** is the Judicial, statutory and administrative systems including laws, regulations, bylaws, directions and instructions that regulate society and set enforcement processes.

**Local Councils** that is, LCI, LCII, LCIII, and LCV are socio-political governance units situated at village, parish, sub-county and district levels respectively.

**Mailo Tenure/Mailo land** is titled land whose incidents arose out of the 1900 Buganda Agreement between the colonial administration and Buganda Kingdom.

**Mapping** is using technically advanced geographic information technologies, such as aerial photography, remote sensing technology and Geographic Information Systems (GIS) for land and natural resource rights, use and management.

**Mark stones.** Markers planted to demarcate boundaries between parcels. They are usual made out of concrete.

**Mediation** is the process of getting two warring/contesting parties over a piece of land to come to an understanding.

**Ministerial Zonal Offices (MZOs)** are Ministry regional offices that support district land offices in fulfilling the functions of land administration and management in a given region.

**Mortgage** is a charge over land that is intended to secure the payment of a debt.

**Municipal land** is land property under the authority or custodianship of a municipal government or local authority.
Municipality An autonomous Urban Administrative Unit with corporate status and equivalent to a local government at district level.

Opening Boundaries A process of re-establishment of unclear boundary lines and markers through land surveying techniques.

Operating costs (of the registry) includes both non-capital investment costs (i.e. salaries and wages, materials, transportation, etc.) associated with the land registry operations.

Orthophoto Map A raster image, of a landscape, such as an aerial image which has been rectified (e.g. for relief distortions) to possess geometrical properties of a map such as coordinate systems and scale.

Parcel (of land) is a defined area of land with a unique record of ownership, use, or other characteristics. In our context it is that piece of land with commonly known boundaries by the community or users.

Project Cycle. This is the process of identifying, planning, approving, and implementing a Bank-supported development activity.

Public approval is the endorsement of a decision or instrument such as a land use plan through a participatory process that involves public display and consultation.

Public good is an asset, facility, resource or infrastructure provided for the benefit of the public.

Public information is the information that should be available for the good of the public. It is that information concerning public safety, law and order in the prevention of crime and abuse of office particularly about private citizens and corporate entities. It can be obtained by the public without any special requirements or certifications placed on the person/body making the enquiry.

Public land is the land under custodianship of the State, municipality, or local authority, as opposed to private land. Public land is kept aside for the good of every citizen.
**Registry** is the department where the information on registered land rights is held. This information is in two parts, the textual and the spatial; the textual is kept in a registry while the spatial is kept in a cadastre office.

**Registered Land** refers to land that has been surveyed and the rights of the holders of that land are clearly recorded in the land administration system. It should be noted that surveyed land whose particulars are recorded may not necessarily have a final certificate or title issued.

**Regularization/formalization** arises out of informal or illegal occupation of land which is then legalized by statute, giving occupiers the legal right to ownership, occupation or use of the land.

**Restrictions on land** are the limitations on one’s rights to land.

**Road reserve** is the area of land typically extending from the centre line of the road, it is provided for in the road planning process and is reserved for placing surface or underground utilities including water pipes, electricity, internet and telephone cables.

**Secondary rights** are those rights beyond the primary rights to transfer property through sale, gift, exchange or inheritance or encumber property through mortgage, or other charge. Secondary rights are typically associated with use rights that may or may not be eligible for registration.

**Sporadic Adjudication** is a system of ascertaining rights in land here and there, now and then without following a systematic way.

**Sporadic registration** is the process of registering rights over land on a case-by-case basis. It is individual initiated.

**State land** is the same as public land; it is land under the custodianship of the Central/National Government.

**Systematic Demarcation** is the uniform adjudication or ascertaining rights in land, surveying that land area by area or village by village in an orderly sequence. It is followed by a systematic registration of the same land.
Transaction costs represent the different types of fees paid in the selling, buying, or any other act of exchange of land. In the purchase of land, one has to pay for the lawyer for the sales agreement, transfer fees, and other costs depending on the nature of the transaction.

Tenure Upgrading is the process of changing from an informal status or tenure to a formal one. Tenure upgrading is also associated with increased tenure security.

Urban group rights refer to rights accrued to an identifiable group of people living in an urban setting.

Usufruct is the legal right to use and derive profit or benefit from property that belongs to another person or entity.

Third Party rights. Rights in land enjoyed by a person other than the one holding primary interests i.e. the registered owners.
1 INTRODUCTION

1.1 Background

In June 2014, the Government of Uganda launched the National Land Policy. The policy provides a framework for administration of land rights to ensure efficient, equitable and optimal utilization and management of Uganda’s land resources. It is expected that effective implementation of this policy will lead to reduction of poverty, creation of wealth and overall socio-economic development.

The Land Sector Strategic Plan II (2013–2023) further emphasizes the National Land Policy objectives and Vision 2040 commitment to "a Transformed Ugandan Society from a Peasant to a Modern and Prosperous Country within 30 years".

Both the National Land Policy (NLP) and the LSSPII have several strategies to achieve the Vision 2040 goal; among these strategies is systematic adjudication, demarcation and certification of land parcels owned individually and those owned by groups such as families, clans and communities. The LSSP II also emphasizes the protection of rights through the Demarcation and Certification of Communal Land Rights.

As part of the effort to implement these provisions, the government secured a loan from the International Development Association (IDA– World Bank) under the Competitiveness and Enterprise Development Project [CEDP] to roll out the systematic demarcation activities initiated and piloted during LSSP I (2001–2011). These are specified in the CEDP project document as:

1. systematic registration of communal and individually owned land through establishing Communal Land Associations (CLAs) in priority areas including the Northern and Eastern Regions;

2. demarcation and registration of communal lands in priority areas and issuance of titles to Communal Land Associations; and
(3) demarcation and registration of individual lands in rural and peri-urban areas including issuance of titles over a period of 5 years between 2014–2019.

The overall aim of systematic adjudication and certification is to enhance security of tenure, ownership and management of land with the twin goals of uplifting the livelihoods of the poor and vulnerable groups in Uganda, and improving the conditions for competitive and enterprise development.

Under LSSP II, the Ministry of Lands Housing and Urban Development (MLHUD) will involve various players and stakeholders including NGOs, the Private Sector and the communities to actively participate in the program. It is anticipated that a Consultant will be engaged for technical input. Furthermore, LSSP II identified the problem of lack of physical planning, which has affected achievement of sustainable and harmonious land use. The National Land Use Policy (2008) and the National Urban Policy (2015 to be commissioned) together with the National Physical planning Act (2010) are equally relevant in the implementation of SLAAC.

1.2 History of Land Tenure in Uganda

Land tenure in Uganda has a protracted history beginning with the colonial administration (1890–1962) and post-independence that is characterized by different political regimes, each introducing slightly different land reform attempts but with marginal changes in land tenure processes.

1.2.1 Pre-Independence

Prior to colonization, customary tenure was prevalent across the territory, although stratified societies such as Buganda had a more elaborate structure of land holding. The customary tenure in general, denoted holding land individually, under the umbrella of a given clan or communal holding with elders of a given community playing the role of land administration and management.
On the advent of colonialism, part of the country such as the central and some parts of the immediate east and west acquired the European land tenure systems including freehold which was later localized to *mailo* in the central region but remained freehold in other areas. For Buganda region, the 1900 Buganda agreement introduced *mailo* tenure that provided for among others, the chief, who previously held usufructury rights, turning the peasants into tenants. During this period, a number of laws were passed to streamline rights to land and relationships on land; The Land law of 1908- defined mailo owners’ rights and distinguished them from the English type freehold. *Busulu* and *Envuijo* Law of 1928 defined the rights and protections of the peasants on land; they were not to be evicted except for non-payment of rent. The law therefore, streamlined the relationship between the peasants and the land owners. Since the colonial era, the country has experienced unequal and relatively competing types of land tenure systems and in some cases competing/overlapping interests over the same piece of land.

Legally, by virtue of the 1903 Crown Lands Ordinance, all customary land was also known as crown land except the inhabitable tracts with fragile eco-systems such as wetlands, those specifically gazetted for wild life and forests. Crown land was held by the Crown in England; ostensibly in trust for the people of Uganda. Crown lands could be appropriated by the government for public use such as construction of roads, forests preservation and other public interest developments.

Customary tenure was always deemed inferior and not legally recognized in spite of its expanse. None the less, the majority of the population continued and still continues to hold land under this tenure. On other hand, the pre independence period legal regime promoted registration of titles in some cases; the 1922 Registration of Titles Ordinance, provided for issuance of documents of title to land, and protection of rights to property. The Constitution of 1962, provided for protection of fundamental rights and freedoms including property. Article 17 and Article 22 outlawed compulsory deprivation of possession, interest or right over property except where the deprivation was in the public safety.
1.2.2 Post Independent

The immediate post-independence regime retained the system of land tenure introduced by the colonial administration. In 1967, the Public Lands Act transformed what was initially crown land to public land but retained most of the provisions in the old law. It also replaced the Authority of the Queen of England to the Uganda government.

The second post-independence regime attempted to establish a uniform land tenure system of leasehold through the Land Reform Decree of 1975. One major aspect that changed in 1975 was the expropriation of all land in the country; all land was vested in the State in trust for the people of Uganda. All laws previously passed to regulate the relationships between landlords and tenants in Buganda, Ankole, and Toro were also abolished. Elsewhere, customary land users became tenants at sufferance of the state. The legal implications of the Land Reform Decree, though not fully felt on the ground, persisted until 1995 when a new Constitution was enacted. The Constitution (Chapter 15) repealed the Land Reform Decree and restored the post independent tenure systems.

Under Article 237, the Constitution vests the radical title to land in the citizens of Uganda, to be held under four tenure systems, namely: customary, freehold, leasehold and Mailo. Another key aspect of this reform is the provision for District Land Boards (article 241 (b)) to manage land (allocation and registration) under their jurisdictions.

The Table below summarizes the key land reform attempts before and after Colonial Administration.
Table 1. Chronology of Land Reforms in Uganda

<table>
<thead>
<tr>
<th>Year/Period</th>
<th>Tenure Types</th>
<th>Prevailing situation</th>
<th>Reality</th>
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<tbody>
<tr>
<td>Before 1900</td>
<td>Customary tenure</td>
<td>● Scanty population &amp; land administration under clans &amp; kingdoms</td>
<td>Free settlement</td>
</tr>
<tr>
<td>1901 – 1961 Colonialism</td>
<td>Customary, Mailo, freehold &amp; Leasehold</td>
<td>● Beginning of clustered settlement in trading centers, survey of land in urban &amp; rural centers in Central Uganda ● First pilot of systematic adjudication</td>
<td>● Customary rights subsumed by the crown lands regulations ● users became tenants of the crown ● beginning of unprecedented migration in central Uganda ● establishment of commercial farming for export crops</td>
</tr>
<tr>
<td>1962 –1975</td>
<td>Customary, Mailo, freehold &amp; Leasehold</td>
<td>● Confusion &amp; speculation due to the 1975 Land Decree which attempted to uniformize land tenure</td>
<td>● increment of leaseholds in rural areas ● escalation of commercial farms ● increased land speculation &amp; grabbing</td>
</tr>
<tr>
<td>1976 –1995</td>
<td>Customary, Mailo, freehold &amp; Leasehold</td>
<td>● Formalization of the customary tenure system ● fiduciary relationship between the State and citizens of Uganda, for the management and protection of natural resources ● Increased land disputes &amp; conflicts leading to increased tenure insecurity</td>
<td>● Legalization of customary tenure ● appreciation of land as a commodity Escalated land speculation &amp; grabbing ● Protection of the vulnerable groups especially the women ● Tenants to acquire registrable interests in land</td>
</tr>
</tbody>
</table>
In spite of the various land reform attempts illuminated in the table above, tenure security and exploitation of the country’s key resource has been minimal and limited to the areas that have registered land rights and with a vibrant land market

\[1.3\]  **Concept of Systematic Adjudication / Demarcation**

\[1.3.1\] **Concept**

It is generally accepted globally that registration of interests in land and recognition of such interests by the state increases security of tenure and hence promotes investment in land. The standard processes leading to registration of land include adjudication of rights, demarcation of rights on ground, cadastral survey to document the boundaries and registration to certify the rights holders and interested parties. Essentially, two alternative approaches have been adopted and accepted globally to accomplish the above processes. These are systematic approach and sporadic approach.

Systematic adjudication is where land rights, rights holders and interested parties are ascertained in a methodical and systematic manner, parcel by parcel for a large area. Traditionally, Systematic adjudication is initiated and substantially funded by government and may compel all land owners to participate. However, of recent, participation in systematic adjudication has been left as an option for the land owners to decide after massive sensitization.

Sporadic adjudication is the adjudication of land in a haphazard manner, without following any order, schedule and based on demand by an individual land rights holder. The applicant meets all the expenses of adjudication, survey and titling. This is the most expensive option.

\[1.3.2\] **Benefits of Systematic Adjudication**

A systematic approach to adjudicating land has economies of scale as opposed to sporadic demarcation which is piecemeal and demand driven, has duplications and therefore not cost-effective. The benefits are:
• The exercise is done in a methodical manner and orderly sequence in one operation in a designated area thus saving on costs for both individuals and the nation. Experience in Asia and Latin America shows that SD reduces the cost of registration per parcel. A parcel in a systematically adjudicated area will be registered at 10% cost of the parcel, under sporadic adjudication. The reduced cost of a parcel under SD is a result from the economies of scale.

• The process is a pro-poor and vulnerable groups in that the exercise takes care of the interests of all stakeholders irrespective of their means, presence or level of understanding. In addition, a lot of publicity is done which makes it very transparent.

• Furthermore the exercise produces a lot of data whose quality control concerns can be easily monitored. Such data is a basis for developing a Land Information System (LIS).

![Figure 1: Key Benefits of Systematic Adjudication](image)

### 1.3.3 Comparison of Systematic and Sporadic Adjudication

The sporadic approach to land adjudication is considered to be passive and market driven while the systematic approach is considered to be proactive and mission driven. The features of each approach are summarised below:
1. Systematic adjudication is planned, structured with regard to location and timing, capable of dealing with many land parcels at one time and is initiated by a land titling project.

Systematic adjudication is dependent on availability of:

- A law that gives authority for the adjudication to take place,
- Selection of priority in accordance with need – for example areas that are to be subject to land reform, under rapid development, have a high level of disputes, or where there is need for credit,
- Wide publicity concerning the areas and the dates on which the claimants must appear to give evidence,
- Procedures for the appointment of an adjudication team,
- The determination of the rights in accordance with prescribed procedures,
- The publication of the results and the hearing of appeals within a specified time-limit, such as 30 or 60 days,
- The formal entry of the results into registers of title that are guaranteed.

2. Sporadic adjudication is random, unpredictable with regard to location and timing, available to deal with one land parcel at one time and initiated by an application from the land holder.

<table>
<thead>
<tr>
<th>Table 2. Comparison between Systematic Demarcation and Sporadic Demarcation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Systematic Adjudication</strong></td>
</tr>
<tr>
<td>Planned</td>
</tr>
<tr>
<td>Structured with regard to location and timing</td>
</tr>
<tr>
<td>Capable of dealing with many land parcels at one time</td>
</tr>
<tr>
<td>Initiated by the land reform/ titling project</td>
</tr>
</tbody>
</table>
1.4 History of Systematic Adjudication in Uganda

The need for systematic Adjudication in the country was realized as early as 1950s when the first attempts were made in Ankole and Bugisu. These efforts were re-introduced in 2001 under the Land Sector Strategic Plan I (2001-11) and the rollout activities will be further expanded under LSSP II (2013-23). The proceeding sections outline these past efforts and provide a synthesis of the lessons learnt which have implications for the current systematic adjudication and certification Program.

1.4.1 The Early efforts

The colonial government attempted to pilot systematic adjudication through nationwide consultations. At that time, the districts of Kigezi and Ankole accepted the program; these were later joined by the then Bugisu (now Mbale) district.

The first pilot scheme was in Nyakeina Parish in the then Rujumbura County in Kigezi (now Rukungiri District) in 1958. In Ankole district, the scheme was piloted in Sheema County (Bushenyi district) specifically in Shuuku and Kagango sub-counties in 1959. It was extended to Bugisu district in 1960 in Bubirabi County.

Adjudication under these pilot schemes was based on individuals’ willingness expressed through submission of an application. Consequently, more than 700 parcels were adjudicated by a committee composed of 10 – 20 members working on voluntary basis for 4 days per week. The parish chief was the chairman of the committee.

Although the exercise was a success to a certain extent, it was affected by limited technical and institutional capacity as well as limited awareness. Kamusiime et al (2005)\(^1\) reported from previous reports, that because of capacity problems, some plots were adjudicated in duplicate, others not at all, and with names all mixed up. It was reported that less than 30% of the applicants finally collected their final certificates and this was attributed to the limited knowledge on the importance of a certificate of title and perhaps the limited economic utility of the titles at the time.

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\(^1\)Kamusiime H, Rugadya M and Obaikol E (2005): Capital Creation, Transfer or Reversal; Assessing the Outcomes of Systematic Demarcation of Customary Tenure in Uganda.
1.4.2 Piloting under LSSP I (2001-2011)

Following the land reform under the 1995 constitution, a 10-year Land Sector Strategic plan (LSSP 2001-2011) was designed to provide the operational institutional and financial framework for the implementation of sector wide reforms and land management including the implementation of the Land Act (1998). One of the key activities implemented under LSSP I was the piloting of Systematic Demarcation (SD) of land, which addressed LSSP 1 objectives 3 and 4 namely;

- **Objective 3.** “improving the livelihoods of poor people through a more equitable distribution of land access and ownership, and greater tenure security for vulnerable groups.” and,

- **Objective 4.** “increasing availability, accessibility, affordability, and use of land information for planning and implementing development programs.”

The overall aim of Systematic Demarcation was to enhance security of tenure, ownership and management of land with the ultimate goal of uplifting the livelihoods of the poor and vulnerable groups in Uganda. The program had three specific objectives of:

(i.) To provide comprehensive information on the spatial location of every piece of land in an administrative area;

(ii.) To delineate government land and land held in trust; and

(iii.) Provide necessary information for legal description of all designated tracts of land and their boundaries

The pilot was carried out in phases; phase one covered 2 parishes of Rukarango in Ntungamo District, and Aminit\(^2\), in Soroti District while the second phase covered the 3 parishes of Bulowoza, in Iganga District; Bumbobi and Bumasikye in Mbale District and Bwanswa in Kibaale District.

\(^2\) The exercise in Amunit was never completed as the community turned violent.
While piloting systematic demarcation, the issues of cost and affordability by the rural poor, integration with existing scattered parcels of registered land, data quality, technology requirements and gender were among the major consideration.

In all these efforts, physical Planning was given minimal attention except in only pilot areas under LSSP I. In others pilot areas, minimal planning issues were raised and handled on an ad-hoc basis. Such issues included encroachment on protected areas, and access roads.

### 1.5 Lessons Learnt from the past efforts in Systematic Land Adjudication and Certification

The key lessons learn from the previous pilot systematic adjudication attempts can be summarized as:

1. Mobilization and sensitization using various approaches including a systematic and regular media campaign is critical to the success of the program.

2. Use of appropriate technology to minimize paper work reduces errors associated with data sorting and organization

3. Standardization of procedures is imperative in generating reliable data.

4. Cooperation and coordination of all stakeholders enhances smooth implementation (political and traditional discord).

5. Support of leadership at the district, sub-county and community level is very key to the success of the program

6. Careful prior planning of the activities is essential for the success of the project

7. Post implementation guidelines are crucial for maintenance of up-dated land information system

8. Systematic adjudication is a solution to concealed land disputes.

9. Issues of spousal land rights on family should be legally re-visited to
safeguard harmony in society

10. Need for incorporating the physical planning function to contextualize and guide future development uses, such as roads, other social infrastructures such as schools, health centers/hospitals, fragile eco-systems such as wetlands and the general environment.

1.6 **The Link between Physical Planning and Systematic Land Adjudication**

The role of physical planning is to facilitate achievement of organized, harmonious and sustainable land use. Previously, physical planning was a requirement only for gazetted areas such as cities and urban centers. For rural areas, adjudication would proceed without mandatory physical planning. The Physical Planning Act (2010), declared the entire country as a planning area. The implication of this law is that any subsequent land development activities including systematic land adjudication must incorporate physical planning. The plans should cover a period of twenty years in accordance with the Physical Planning Act (2010).

The Act further identifies different types of plans as: a National Physical Plan, Regional Physical Development Plans, District Physical Development Plans, Urban Physical Development Plans and Local Physical Development Plans. All Plans should conform to the National Physical Plan and the Physical Development Plan made by the higher authority. It also identifies the institutional arrangements for approving development and appealing plans and development decisions. At the National level, a Board has been established while at District, Municipality, Town, Division and Sub County levels there are variously Planning Boards and Committees. This is in line with the National Land Use Policy (NLUP, 2008) and the yet to be enacted National Urban Policy (2015).

Similarly, the NLUP provides for improved data on land suitability, tenure and uses; the strengthening of the land use planning system and its implementing institutions; the integration of physical plans with socio-economic development plans at all levels; ensuring the integration of the provision of basic infrastructure and services
in human settlements, as well as promoting the dissemination of the importance of
good, well supported land use planning to the general public.

Furthermore, the Local Government Act (1997, CAP 243) provides for local
authorities to manage the development of urban councils, municipalities and the
city council and therefore the councils at all lower levels have the mandate to
develop, implement and monitor physical development plans in their areas before
any land development program is undertaken including systematic land
adjudication.

1.7 Principles of Systematic Adjudication and Certification

Due to its potential volatility, systematic adjudication/certification has globally
generated different outcomes that have, at times, left beneficiaries disgruntled. The
sections below outline the key principles that have evolved overtime in order to
realize the objective of systematic adjudication and certification.

1.7.1 The rule against Coercion

Care shall be taken to ensure that the communities to benefit from the processes of
Systematic Adjudication fully understand the program; mostly the processes and the
benefits that will accrue to them. On the basis of information available to the
communities; they can willingly accept to take part in the processes.

Non coercion to participate in the processes is a key principle that requires that the
communities get involved in the processes. To this extent, the program will ensure
that at least 80% of the community welcome and are willing participate in the
program.

Community consultations will be based on a ‘Free, Prior and Informed consent
(FPIC)’. This is a global best practice being adopted in relation to community
activities particularly those concerning land. FPIC refers to a process whereby
affected communities, freely have the choice, based on sufficient information
concerning the benefits and disadvantages of the project, of whether and how these
activities occur, according to their systems of customary decision making. The FPIC principles are further detailed in the table below.

**Table 3. Free, Prior and Informed Consent**

<table>
<thead>
<tr>
<th>Free</th>
<th>Prior</th>
<th>Informed</th>
<th>Consent</th>
</tr>
</thead>
</table>
| No manipulation. | None of the following should be undertaken before consent has been obtained.  
• authorization or start of activities  
• finalization of development plans.  
• adjudication | Information to be provided will:  
• be accurate  
• be in an appropriate language  
• include information on social, economic, environmental & cultural impacts | • Form may vary for different communities, so may be oral or written but will always involve consultation and participation. |
| No coercion. | Specific time requirements of the consultation/consensus process | • Reasons for proposed activities, duration, affected locality, proposed benefits sharing,  
• Legal arrangements and people likely to be involved | • The process should be participatory. |
| No incentives | | • be in a form that is understandable and that takes into account traditions of the community but not repugnant to best practice | • Decision-making should not exclude or marginalize individuals due to gender, ethnicity or other factors. |

### 1.7.2 Equal Protection and Non-Discrimination

The Ugandan population is diverse in many areas such as tribe, religion, culture and political ideology. Regardless of these diversities, adjudication processes shall ensure equal protection and non-discrimination of all.
As a member of the international community, Uganda is bound by several international human rights instruments and conventions that oblige it to ensure equal protection and non-discrimination in many aspects including the protection of property such as land. For women in particular, CEDAW points to the need for Uganda to take appropriate measures to eliminate discrimination against women in the area of property and land rights.

At the national level, Uganda has embedded provisions on equal protection of law and nondiscrimination in her legal framework. Article 21 of the Constitution provides for equality and freedom from discrimination while article 31 provides for equality at marriage, during marriage and its dissolution. Article 33 promotes the idea of affirmative action which is intended to redress imbalances that may have been a result of history. The outcome of the case between Federation of Uganda Women lawyers’ vs the Attorney General (2004), and the provisions of pending Marriage and Divorce Bill (2009) under part XVII further strengthens the position of women over family property. Consequently, equal protection and non-discrimination in systematic adjudication and certification is of national importance as well as an international imperative. Hence the spouses’ rights as well as the rights of other marginalized groups in family land shall be considered during the program.

1.7.3 Demand Driven and Participatory

Demand from the community is a paramount indicator to the success of systematic adjudication and certification in that community. For an area to benefit from the program, a majority (80%) of the rights holders must be ready to accept it. This level of acceptance is a measure to guarantee success of the program and hence justify government’s commitment of substantial amount of financial and human resources.

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3 Refer to The Universal Declaration on Human Rights (UDHR) provides for the right to property in Article 17; and section 2. The International Covenant on Civil and Political Rights (ICCPR) Article 26; The United Nations Committee on Economic Social and Cultural Rights is tasked to interpret the meaning and extent of rights provided for in the Covenants.
It is anticipated that demand at the community level will translate into active participation in the program.

Furthermore, participation in development programs is directly related to non-coercion. The communities shall be empowered to own the process through voluntary participation in the physical planning of their areas, adjudication and demarcation of their land parcels and selection of boundary markers.

The exercise of boundary demarcation ideally involves gathering all the rights holders/neighbors to walk through and agree on the parcel boundaries\(^4\).

1.7.4 Affordability

Under the Land Act 1998 (Cap. 277), sporadic adjudication, demarcation and certification/titling of land is provided for. The costs associated with sporadic adjudication are extremely high and not affordable by the poor especially those in rural areas. Systematic adjudication is considered cheaper and indeed, the previous pilot project under LSSP I, proved that systematic demarcation is more cost-effective, sustainable and pro-poor. To make SLAAC more affordable, use of low cost techniques and procedures shall be promoted.

1.7.5 Transparency and Accountability

Transparency and accountability are directly related to successful communication and awareness campaigns for the population to participate. Efforts shall be exerted to developing clear messages through Information, Education and Communication (IEC) materials for the communities to effectively participate and to be able to hold the adjudication team responsible for any short comings. Similarly, the processes shall be done in a transparent manner and communities and individuals who feel dissatisfied about them should be accorded opportunities to lodge complaints to the Dispute Resolution Committee to be strengthened. This Committee shall be supported to attend to any grey areas during the implementation of the program.

1.8 Determining the 80% Acceptance of SLAAC at Parish and Village Levels

There shall three (3) levels of sensitization to be conducted by SLAAC team and local government (technical and political leaders) in which 80% acceptance by beneficiaries should be confirmed at parish and village levels.

1) SLAAC will sensitize the district and sub-county officials at the district headquarters and the objectives of the exercise shall be:
   a. To inform the district officials about and cause for the rapid physical planning development framework
   b. To affirm the selected parishes as well as identification of the 3rd parish.
   c. To orient the officials on the program manuals
   d. To plan for the implementation of the program
   e. To identify the likely challenges

2) District officials with support of SLAAC team shall sensitize the sub county officials and other stakeholders, the objectives shall be:
   a. District officials to remind and confirm with sub county officials the selected parishes
   b. To orient the sub county officials on the program and the manuals
   c. To plan for the implementation of the program at parish level
   d. To identify the likely challenges
   e. To agree on the modalities for affirmation of the 80% program acceptance
3) Sub county officials with support of the district officials to sensitize parish officials and other stakeholders; the key objectives shall be:

   a. For sub county officials to remind and confirm the selected parish(es) with parish officials
   b. To sensitize the officials on the program activities
   c. Outline the key actors in the program implementation
   d. To plan for the implementation of the program at parish level
   e. To agree on the modalities for affirmation of the 80% program acceptance
   f. To identify the likely challenges

The figure below further outlines how this proportion shall be determined.
**Figure 2: Levels for determining SLAAC Program acceptance**

- **SLAAC to sensitize the district & sub-county officials at the district**, the key objective shall be:
  - To inform the district officials about and cause for the rapid physical planning development framework
  - Affirm the selected parishes & identification of the 3rd parish
  - Orient the officials on the program manuals
  - Plan for the implementation of the program
  - Identify the likely challenges

- **District officials/SLAAC to sensitize the sub county officials & other stakeholders**, the key objective shall be:
  - Remind & confirm the selected parishes
  - Orient officials on the program & the manuals
  - Plan for the sensitization at parish level
  - Identify of the likely challenges
  - Agree on modalities for affirming of the 80% program acceptance

- **Sub county officials with support of the district officials to sensitize parish officials and other stakeholders**, the key objectives shall be:
  - Discuss & confirm the selected parish(es)
  - Sensitize officials on program
  - Outline key actors in the program implementation
  - Plan for the sensitization at parish level
  - Agree on the modalities for affirming of the 80% program acceptance
  - Identification of challenges
1.9 Legal Framework in Support of Systematic Adjudication and Certification

The 1995 Constitution sets ground for every citizen to own land in their own right. It therefore removes the ambiguity previously associated with all tenures and insecurity affecting customary tenure. The particular sections that highlight the pertinent sections in the constitution, land law and policy are depicted in Figure 3.

1.10 Planned Implementation of SLAAC under LSSP II (2013–23)

Government has developed a 10-year Land Sector Strategic (LSSP II). LSSP II acknowledges that access to land in Uganda is increasingly constrained by rapid population growth and that further expansion of cultivated land will be unsustainable. To reduce land disputes and encourage more productive utilization of land, secure land tenure is an important institutional factor affecting the incentive for greater investment and adoption of appropriate land management methods. It builds and expounds on the principles, strategies, objectives, achievements and lessons learnt from LSSP I.

Under LSSP II, there are six strategic objectives and several intervention activities aimed at a broad range of land issues, especially in view of the fact that more than 70% of Uganda’s land is still guided by customary tenure rules. There is emphasis on the roll-out and extension of the Land Information System (LIS) and systematic demarcation, titling and certification of individual and communal land. The Priorities are, implementing the National Land Policy, land use and physical planning provisions, pointing to more focused interventions that are a pre–requisite for enabling the effective and productive utilization of Uganda’s land resources.
Constitution

- Article 237 (1) & (3) Land vests in citizens to hold under customary, mailo, freehold and leasehold tenures
- All Uganda citizens owning land under customary tenure may acquire certificates of ownership and have customary tenure converted to freehold landownership by registration.
- Article 33 = Women have equal dignity as men
- Article 26 = Every person’s right to property is protected, and deprivation can only take place in specific cases such as in the public interest, following payment of fair and adequate compensation
- Article 237 (2)(b) = The state shall hold in trust for the people and protect natural lakes, rivers, wetlands, forest and game reserves, national parks and any land reserved for ecologocal and tourist purposes

The Land Policy Statements

- 104 (c) = Land administration structures & processes are transparent, accountable, efficient, cost effective and accessible to the public
- 108 = to enhance the capacity for land rights adjudication, demarcation, survey & mapping services
- 112 = maintain a reliable and user-friendly Land Information System (LIS) as public good for planning & national development

The Land Act

- Section 2 & 3 = land ownership to be held under the 4 tenure systems [customary, freehold, mailo & leasehold] as well as communal land associations
- Section 4 = Individuals, persons and communities holding customary tenure can acquire certificates of customary ownership
- Section 6 = procedures for applying for certificates of customary ownership
- Section 9 = Customary tenure can be converted to freehold
- Section 15 = Groups of persons can form communal land associations in accordance with the law
- Section 22 = Individuals and family use of land is possible under communal land systems
- Section 27 = discrimination against women, children and person with disabilities on the basis on history, tradition or custom is null and void.
- Section 64 = provides to Land Committees to undertake adjudication and demarcation of land in their sub-counties
- Section 88 = Traditional authorities may handle disputes over customary land through processes of mediation

Figure 3. Legal Frameworks in support of systematic adjudication
1.11 Justification for Systematic Land Adjudication and Certification

The Land Sector Strategic Plan (LSSP II) acknowledges that land sector related support and investments affects not only a few sectors but the economy as a whole\(^5\). This is based on five key linkages as demonstrated in the figure below.

![Diagram of sectoral linkages](image)

**Figure 4. Rationale and sectoral linkage for investing in SLAAC; a reconstructed from the LSSP II & World Bank (FN 5)**

According to the conventional cost–benefit analysis of land sector interventions, benefits from endeavour’s such as investment in systematic adjudication and certification are usually associated with the above outcomes with each commanding the same level of importance.

1.12 Purpose and Scope of the Manual

This Operations manual was developed purposely for the implementation of the Systematic Land Adjudication and Certification Program in Uganda. It is designed to guide the various stakeholders who will be involved in the program. The manual is further designed to mitigate the challenges likely to be encountered and to enhance smooth implementation at all levels. Considering that many stakeholders from government, civil Society and the private sector will be involved at various stages and in various locations, this manual provides uniform standards to ensure harmony and consistency in the processes and products.

The information herein draws from the existing legal frameworks, previous experience of systematic demarcation that was implemented during LSSP I in four districts 6 across the country, from the region particularly from Rwanda and Tanzania, and best practices around the world.

The primary audience for the manual includes: SLAAC technical committee, the Ministry of Lands, Housing and Urban Development (MLHUD), local governments (particularly the land administration and management institutions), members of Parliament as key mobilizers of their constituencies, civil society organizations, consulting firms, the beneficiary communities, as well as the public at large. Ultimately, the manual serves as an enduring document for systematic land adjudication and certification in Uganda. Users are expected to refer to its provisions for guidance and information. The information in the manual will be revised from time to time to incorporate pertinent lessons in the subsequent SLAAC phases.

6 These included Ntungamo, Iganga, Mbale & Kibaale while the other two [Masaka &Soroti] aborted.
1.13 Organization of the Manual

This manual is organised in sections and subsections to ease its readability.

Section one gives a background to the manual; it introduces the concept of adjudication and differentiates between systematic and sporadic approaches. Furthermore, the section provides a historical background to land tenure and implementation of systematic adjudication in Uganda with lessons learnt. The section provides the legal framework for systematic adjudication and principles on which the manual is based.

Section Two presents the key actors in the Program with their roles, responsibilities and obligations while Section Three discusses the necessary preparations before systematic adjudication processes commence.

Section Four presents the details of systematic adjudication outlining team composition, technology and approaches for undertaking fieldwork in rural areas. Additional preparations and procedures for undertaking fieldwork in peri-urban and high rural areas are presented in Section Five and finally, Section Six presents procedures for adjudicating communal land.
2 KEY ACTORS IN SYSTEMATIC ADJUDICATION, MANDATES ROLES AND RESPONSIBILITIES

Various actors at different levels will be involved in diverse activities to achieve the program objectives. However, the overall responsibility of implementation of systematic adjudication and certification lies with the Ministry of Lands Housing and Urban Development (MLHUD). Roles shall be shared among the MLHUD and other stakeholders represented by the Systematic Land Adjudication and Certification (SLAAC) technical committee, Local Governments and Consultancy firms hired through competitive bidding. The consultancy firms will provide skills for rapid physical planning, demarcating, capturing graphical and descriptive data on parcels, rights claimants, and interested parties. The Ministry Zonal Offices (MZO) shall prepare and print the certificates of title for the Sub county Chief to issue. Local Governments through the District Land Boards will approve applications for certificates of title.

2.1 National Level Actors

The National level actors include: the Ministry of Lands Housing and Urban Development, The SLAAC technical committee, civil society organizations, Media, as well as traditional and cultural institutions. Their roles, mandates and responsibilities are outlined below:
### Table 4. Roles and mandate of MLHUD

<table>
<thead>
<tr>
<th>Institution</th>
<th>Mandate in the program</th>
<th>Role and Responsibilities in the program</th>
</tr>
</thead>
</table>
| SLAAC (Comprised of representatives of stakeholder institutions) | Provide technical support in planning, implementation and monitoring of the entire Exercise of systematic adjudication and certification to ensure that it addresses broad objectives for various sectors. | 1. Review and provide comments/approve various reports from consultants procured to provide technical services under the project.  
2. Design and implement awareness campaign for the program  
3. Monitor all the activities to ensure that the desired outcomes of the program are achieved  
4. Provide strategic direction to the Ministry in the execution of the program. |
| MLHUD GENERAL | To host, provide oversight, set guidelines and standards, coordinate and monitor implementation of the Program. | 1. Coordinate the program to ensure that the desired outcomes / impacts are obtained.  
2. Procure, engage and supervise consultants for the various aspects of the program.  
3. Provide all the necessary infrastructure for executing the program  
4. Commit staff at national, and MZO level to participate in the program  
5. Ensure that the various Departments are functional and provide the required services such as data storage, printing, and map processing  
6. Process logistics for the project  
7. Ensure that the program activities relates with activities and outputs from other related programs in the Ministry  
8. Provide logistical and secretarial services to the SLAAC Technical |
<table>
<thead>
<tr>
<th>Ministry of Lands Housing &amp; Urban Development</th>
<th>Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>9. Organise training programs to build capacity of stakeholders at national and local governments and community level to enable them execute their responsibilities.</td>
</tr>
<tr>
<td></td>
<td>10. Develop Information Education and Communication (IEC) materials for public consumption.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Dept of Surveys and Mapping</th>
<th>Provide Support to Surveying, data processing and Mapping components</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Procure appropriate equipment for data processing, cadastral map processing and printing.</td>
</tr>
</tbody>
</table>

1. Approve survey methods, equipment and technology  
2. Receive and process survey data from the consultants  
3. Supervise the survey of parish boundaries and extension of survey controls  
4. Provide the ortho-photo maps to the consultant and ensure that it is properly geo-referenced  
5. Compile a national cadastral index map  
6. Provide other base maps and thematic maps for use in the program  
7. Establish and manage a data processing centre for all the cadastral data and rights information generated from the project

<table>
<thead>
<tr>
<th>Department of Land Registration</th>
<th>Provide oversight as well as supervisory role in the recordation process</th>
</tr>
</thead>
</table>

1. Advise on all matters of land rights, their ascertainment and documentation  
2. Advice on linking new registration information to the existing databases generated through the LIS project.  
3. Provide technical support to the MZOs in preparation, storage and retrieval of certificates of titles.
| Ministry Zonal Offices (MZOs) | Compile and manage cadastral and land registration data in their area of jurisdiction. | 1. Incorporate data and manage a land registration database and the associated records in the area of jurisdiction  
2. Prepare deed plans for land titles to be issued  
3. Do quality control on the generated cadastral index map  
4. Print village maps for display during adjudication/verification  
5. Generate and Print Land titles for issuance to the rights holders  
6. Assume custodianship of original copies of Land titles |
|---|---|---|
| Directorate of Physical Planning and Urban Development | Provide guidelines and standards for planning as well as land use regulation and monitoring compliance in adjudication areas prior to systematic adjudication | 1. Build capacity of physical planning committee members at districts, urban council, sub-county level and other relevant stakeholders to undertake rapid planning of their areas  
2. Provide planning layouts for already planned areas  
3. Ensure that physical planning always precedes and does not delay systematic adjudication activities |
| Land Administration | Provide back-stopping role on Land Administration | 1. Train SAT and recorders on adjudication, filling of the relevant forms, and conflict resolution (with emphasis on mediation)  
2. Ensure that District Land Boards, Area Land Committees are in place to execute SLAAC activities.  
3. Forward completed Land Files to Commissioner Registration for issuance of titles (this is done in the MZO by the land officer and registrar respectively) |
### Table 5. Roles and mandates of Consultancy Firms and Civil Society Organizations

<table>
<thead>
<tr>
<th>Institution</th>
<th>Mandate</th>
<th>Role and Responsibilities</th>
</tr>
</thead>
</table>
| **Adjudication Consultant (firm)** | Provide equipment and technical personnel to coordinate activities, collect accurate data during adjudication and demarcation of parcels and forward the data to the data processing Centre | 1. Coordinate with key stakeholders to ensure effective implementation of systematic land adjudication  
2. Provide equipment and technical personnel for demarcation, measurement, mapping, recordation of rights holders and survey of parish boundaries  
3. Apply software provided by the ministry for the adjudication process.  
4. Put in place mechanisms to ensure collection of quality data in the adjudication process.  
5. Take responsibility for data custody before it is transmitted and received by the Data Processing Centre (DTC)  
6. Facilitate the SAT and Local Authorities using standard rates set by the ministry.  
7. Review and advise the client on methodological and technological issues relating to adjudication, demarcation, measurement, mapping and data processing |
| Physical Planning Consultant     | Coordinate with the key national and local government stakeholders to undertake rapid physical planning processes ahead of the systematic adjudication activities | 1. To prepare a district framework/plan indicating the broad social-economic/environmental context of the areas selected for SLAAC  
2. To prepare sub county, parish and village level detailed physical development plans  
3. To prepare structure plans and detailed plans using established criteria for peri-urban areas |
| A mobilization, sensitization & media | Coordinate roll out of mobilization, sensitization media | 1. Identify messages and channels to be used to deliver the messages.  
2. Develop and produce the IEC materials for the different target audiences |
| Campaign Consultant  | Campaign Products | and Channels.
|----------------------|-------------------|-------------------
|                      |                   | 3. Organise a media campaign targeting the identified stakeholders
|                      |                   | 4. Provide timely messages to the target areas preceding the physical
|                      |                   | planning and adjudication exercises.

| National Level Civil Society Organizations | Promote the program to meet the Land Sector vision and mission (which are; optimal use of Uganda’s land and land based resources for a prosperous, industrialized and developed service economy; to foster delivery of efficient and transparent land service) | 1. To ensure that the SLAAC processes adhere to the principles of systematic land adjudication and certification as outlined in this Manual
|                                          |                                                               | 2. In partnership with MLHUD provide advice and input on their areas of specialisation and create positive awareness about the program
|                                          |                                                               | 3. Advise on possible business systems and products to improve the livelihoods of the people through utilisation of the certificates of title
<p>|                                          |                                                               | 4. In accordance with the provisions of the Systematic Land Adjudication and Certification Manuals, participate in mobilization and sensitization activities of communities. |</p>
<table>
<thead>
<tr>
<th>Institution</th>
<th>Mandate</th>
<th>Role and Responsibilities</th>
</tr>
</thead>
</table>
| Media                       | Disseminate information about the Program to the public                 | 1. Through the appropriate channels, create awareness about the program to the public  
2. Participate in mobilisation and sensitization activities by providing accurate information about the SLAAC program to the public  
3. Participate in educating the public about the benefits of the SLAAC program |
| Religious Institutions      | Promote the Program and participate in the mediation between parties in case of land disputes | 4. Create awareness about the program among their constituencies  
5. Participate in educating the public about the benefits of the SLAAC program  
6. Mobilise members of their constituencies to participate in the program  
7. Participate in mediating land disputes in cases where they are not parties. |
| Traditional and Cultural Institutions | Promote the Program among members of their respective groups and mediate parties in land disputes | 8. Create awareness about the program among their respective constituencies  
9. Participate in educating the public about the benefits of the SLAAC program through their cultural channels  
10. Mobilise members of their constituencies to participate in the program  
11. Participate in mediating land disputes in cases where they are not parties.  
12. Promote dialogue with community members  
13. Assist in identifying and clarifying land boundaries |
| Professional Bodies         | Review program documents and activities and provide advice on matters of professional standards and ethics regarding the program | 1. Provide professional advice on specific matters in the program when called upon  
2. Uphold professional standards among their members that may be engaged in program activities |
| **Academia** | Encourage research and publication on various aspects of the program. | 1. Integrate lessons learned from the program into their curriculum  
2. Encourage research on SLAAC processes  
3. Share information to inform the SLAAC processes |
|-------------|--------------------------------------------------|---------------------------------------------------------------------------------|
| political leaders & communities (rights holders) | Cooperate with the project implementers | 1. Mobilise and sensitize communities on the program  
2. Encourage families/rights holders to amicably participate in the program  
3. Communities/rights holders to clear the boundaries ahead of the adjudication teams  
4. Mark land boundaries and provide local boundary markers  
5. Resolve existing land disputes ahead of the adjudication teams. |
2.2 District Level Actors

The district level actors include district political Leadership (LC V chairperson, RDC, Councilors) and the Technocrats (CAO, Land Office, Land Board, Natural resources Department, Community services Department). Their roles and responsibilities are summarized in the table below.

Table 7. Key Roles and mandates at District Local Government Level

<table>
<thead>
<tr>
<th>Institution</th>
<th>Mandate</th>
<th>Role and Responsibilities</th>
</tr>
</thead>
</table>
| District Political Leadership| Mobilize land rights holders and the general public to embrace the program | 1. Participate in awareness raising activities  
2. Participate in mobilisation activities  
3. Provide contextual information that would help to undertake the activities with minimum interruption.  
4. Provide advice to the Consultant and the Dispute Resolution Committee with background information on land disputes previously handled. |
| Technocrats                  | Prepare district framework/plan  
Participate in field activities to ensure success of the program | 1. The District Physical Planning Committee (DPPC) in conjunction with the consultant, the National Physical Planning Board (NPPB) to prepare a district physical plan framework  
2. To participate in mobilisation and sensitisation activities in the district.  
3. Expeditiously execute their roles and responsibilities in relation to the program |

2.3 Sub–county, Parish and Village level Actors

Actors at this level include Area Land Committees, Village Local Councils (LC1), the Parish Chief, Sub-county courts, the Sub-county chief, sub-county planning committee and the general public. The roles of each actor are summarized in the table below.
<table>
<thead>
<tr>
<th>Institution</th>
<th>Mandate</th>
<th>Role and Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sub County Political leadership</td>
<td>Mobilization and sensitization</td>
<td>1. Actively mobilise Lower local Councils to embrace the program</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Hold meetings for popularising the sub county physical development plans.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Collaborate with SAT during the adjudication and demarcation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. Promptly deal with/resolve disputes arising out of the adjudication processes.</td>
</tr>
<tr>
<td>Technocrats</td>
<td>Prepare a parish physical plan</td>
<td>1. The sub county Physical Planning Committee in conjunction with the consultant and District Physical Planning Committee to prepare a physical plan for the selected parishes</td>
</tr>
<tr>
<td></td>
<td>Participate in field activities to ensure success of the program</td>
<td>2. To participate in mobilization and sensitization activities in the selected parishes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Expeditiously execute their roles and responsibilities in relation to the program</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. Provide security to the SAT</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5. Ensure that the Physical Planning function takes care of the integrated planning approach i.e. taking care of the social cultural aspects as well as environmental conservation and protection approaches.</td>
</tr>
<tr>
<td>Land Administration institutions (ALC &amp; Traditional Institutions)</td>
<td>Mobilize land rights holders within their jurisdiction to actively participate in the program Participate in adjudication and demarcation activities</td>
<td>1. Participate in the village level sensitisation and mobilisation Participate in dispute resolution (mediation)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Expeditiously execute their roles and responsibilities in relation to the program</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Advise and guide families, individual and group rights holders to mark their boundaries ahead of adjudication and demarcation activities</td>
</tr>
<tr>
<td>Village Local Councils (LC1)</td>
<td>Community mobilization</td>
<td>1. Participate in mobilisation, sensitisation and verification of land rights holders</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Participate in the adjudication, demarcation and mediation processes.</td>
</tr>
<tr>
<td><strong>The community</strong></td>
<td>Cooperate with the SAT and actively participate in the program activities</td>
<td></td>
</tr>
<tr>
<td>-------------------</td>
<td>--------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>3. Provide historical information in case of disputes over land rights/claims or boundaries</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| 1. Attend mobilisation and sensitisation meetings  
2. Erect boundary marks on their land ahead of the SAT team  
3. Cooperate with and offer support to the various players in the adjudication and demarcation processes  
4. Avail accurate information to the SAT team  
5. Endeavour to resolve boundary disputes ahead of the SAT team |

<table>
<thead>
<tr>
<th><strong>Local NGOs</strong></th>
<th>Sensitization and mobilization</th>
</tr>
</thead>
</table>
| 1. Participate in sensitization and mobilisation activities in conformity with SLAAC Manuals.  
2. Promote Social Cultural Appropriateness of the project activities and also ensure environmental conservation and protection throughout the SD implementation process. |
3 IMPLEMENTATION OF THE PROGRAM

The SLAAC program is comprised of two components which shall run concurrently. The first component is adjudication, demarcation and certification of land in rural areas (including Communal land) while the second component is adjudication, demarcation, survey and certification of land in peri-urban and high value rural areas.

Before each of the components is undertaken, physical planning shall be carried out by a Physical Planning firm, as an independent activity, but contributing to the program. Resources estimation including time and finances in this manual does not include physical planning as this has been budgeted and allocated a separate vote under CEDP.

Rural land is interpreted under this program to refer to relatively low value land in rural areas where the dominant land use is agriculture. The plot sizes in rural areas are expected to be fairly large and hence capable of being mapped using low-precision fit for purpose survey and mapping techniques.

Peri-urban areas constitute land that is located at the periphery of a planned cities, municipalities and town councils. The urbanization growth rate in Uganda is estimated at 5.2% per annum and it is projected that by the year 2035, about 35% of Uganda’s population (projected at 68.4 million) will be in urban areas. The pressure on peri-urban areas is manifested by the current massive acquisition of peri-urban land by real-estate companies, which sub-divide it into small plots for residential housing units. There is need to guarantee security of tenure of peri-urban dwellers and hence protect them from land grabbers. Equally important is need to prevent peri-urban areas from unplanned/uncontrolled growth leading to future slums.

The rapid survey techniques, to be used for rural land, which are based on the assumption that land is of low value and is in large parcel sizes, cannot be applicable for peri-urban and high value rural areas. A different approach for peri-urban and high rural areas therefore, has been provided for in this manual.
3.1 **Pre-Adjudication activities for adjudication of rural land**

Prior to the adjudication processes, a number of preliminary activities shall be undertaken. The objective of pre-adjudication activities is to allow ample time to prepare and comprehensively plan for the program thereby minimizing any likely obstruction of the adjudication exercises. This period is estimated to cover two months. The pre-adjudication activities shall include the steps listed in the following sub-sections.

### 3.1.1 District and Sub-county Rapid Physical Planning

The Physical Planning Consultant together with the District Physical Planning Committee (DPPC) shall prepare a district physical plan framework which will provide the necessary contextual information and planning basis for the area to be adjudicated. The framework will identify growth centers, infrastructure in line with the national physical development plan, to give the planning context of the adjudication area in conformity with the provisions of the Physical Planning Act (2010). At the sub-county level, the Consultant shall work with the sub-county PPC to prepare a sub-county; parish and village physical development plans in conformity with the higher level plans.

### 3.1.2 District and Sub County Mobilization and Sensitization

The Ministry through SLAAC shall hold District level sensitization and orientation meetings using all the modern visual Aids including posters, brochures and power point. The purpose of these meetings is to orient the relevant district stakeholders about the program and how it is going to be executed. The stakeholders should include; district political Leadership (LC V chairperson, RDC, Councilors) and the Technocrats (CAO, Land Office, Land Board, Natural Resources Department, Community services Department)

At the sub-county level, orientation meetings shall be held prior to the parish mobilization and sensitization activities. The meetings will involve; Area Land Committees, Village Local Councils (LC1), the Parish Chief, sub-county courts, the sub-county chief, sub-county planning committee and implementing
partners working in the sub county. These shall, after being sensitized, be expected to spread the sensitization to the parish and villages.

3.1.3 Parish Mobilization and Sensitization

It is anticipated that by the time the adjudication team start the field work; all the villages in the parish shall have been sensitized by those trained at the sub-county level. At this stage, the communities are already aware of the program, but require clear, simple, and translated information for ease of understanding, acceptability and effective participation. The details of the sensitization aspects are contained in the SLAAC Community Mobilization and Sensitization as well as the Training Manuals.

3.1.4 Preparations by the Consultant Team

The consultant team will utilize this period to undertake a reconnaissance visit to the parish. Constraints to data collection such as vegetation, lack of telephone network, access to electricity will be identified and contingency measures designed to address them. The consultant will upload base-maps and other important thematic data at hand in identification of parcels on the tablets. Important data to be uploaded on tablets will include: Otho-photo map, physical development plans already developed by the physical planning consultant.

Data Management issues such as map projections and coordinate systems will be addressed during this time. The consultant team shall draw up a data collection time table to show which areas will be covered first and in case GPS cannot be used in certain areas, alternative techniques shall be proposed and communicated to the Ministry.

3.1.5 Mapping of Parish Boundaries

Currently, parish boundaries are not properly mapped and there is uncertainty on the location of these boundaries. Prior to adjudication, the Physical Planning Consultant, in collaboration with MLHUD, Ministry of Local Government, political leaders and District Land Office, will map parish boundaries for parishes to be included in the program, Parish boundaries should be entered into the mapping software as connected lines or polygons using International
Standards embedded in the Land Administration Domain Model (LADM)\(^7\). These will also be aligned with census enumeration areas generated by UBOS.

### 3.1.6 Training of Adjudication Teams

The Systematic Adjudication Team (SAT) shall be trained in adjudication and demarcation techniques prior to the exercise. The Adjudication Consultant, though knowledgeable in the use of technology will require knowledge of procedural and legal matters regarding adjudication, while the other team members need to know which information to capture during adjudication. To ensure that every team member is well conversant with the legal, technical and technological procedures, there shall be training organized for the Adjudication Team. The training shall be organized by SLAAC through MLHUD and shall be based on the SLAAC Training Manual. Participants in all training sessions will not exceed 30 for effective delivery, participation and facilitation learning.

### 3.1.7 Strengthening the LC II Courts for Dispute Resolution

Adjudication is likely to introduce, stir or escalate existing and long-standing land disputes. These disputes must be resolved before the beginning of adjudication and demarcation. As much as possible mediation by SAT first shall be encouraged to avoid referring the cases to higher courts and delay of adjudication activities.

It will be necessary to re-train and equip the LC II courts and encourage them to solicit information from elders, and the parish chief to efficiently deal with both the long-standing disputes and those that may arise out of the adjudication processes. Other institutions such as the RDC may also provide background information to long standing disputes.

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\(^7\) This is a flexible common standard recently developed and supported by UNHABITAT, FAO and the International Federation of Surveyors. LADM is published as ISO -19152:2012
3.3 Pre-Adjudication Activities for Peri-Urban and High Value Rural Areas

Pre-adjudication activities for peri-urban and high value rural areas are largely similar to those for rural areas. The latter have already been outlined in the section above. In summary, prior to adjudication of peri-urban areas, the following activities shall be undertaken:

(i) Sensitization, mobilisation and training of local councils, rights holders and other stakeholders shall be carried out.

(ii) Detailed Physical Planning of peri-urban areas by the consultant in collaboration with the sub-county/district physical planning committee to generate a structure plan for the peri-urban area.

(iii) The Survey Consultant shall make the necessary preparations including extension of survey control to the site. The survey control shall be approved by the Department of Surveys and Mapping.

(iv) Survey of parish boundaries shall be undertaken by the consultant in collaboration with members of the physical planning committee.

(v) Dispute resolution committees shall be established and used to address existing land.
4  ADJUDICATION, DEMARCATION AND RECORDATION OF RIGHTS FOR RURAL LAND

The adjudication and demarcation program shall adopt a new fit-for-purpose mapping approach and technology that has been tested in many countries and have proven effective.

MLHUD shall pre-test the new approach and technology by adjudicating two villages only in a period not exceeding two months\(^8\). The purpose of the pre-test shall be:

- Assess and quality ensure the effectiveness of processes, tools, equipment and personnel earmarked for the exercise (delivering the SLAAC program).
- Take advantage of the lessons learnt and challenges encountered during the pre-testing phase to review and improve the processes and draft tools, prior to launching the SLAAC program, country-wide
- To assist the Ministry prepare the TORs for the different consultancy services to implement the program
- To assist the Ministry to concretize a work plan and to gain some insight about cost, duration and indicators to be used to effectively monitor the progress of the program.

4.1 Composition of the Adjudication Team

The Systematic Adjudication Team will be comprised of 4 full-time persons who may co-opt other ad hoc members depending on need. The permanent members shall be (see Figure 5 below):

(i) **A member of the Area Land Committee.** Represents the Area Land Committee which is mandated by the Land Act (CAP 227) to adjudicate land in rural areas. The Area Land Committee is comprised of 5 members who shall split to join one village per person. Where there are more villages than 5 members, the Consultant field supervisor in consultation with the ALC chairperson shall co-opt more members who must be

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\(^8\) These time limits are based on urgency for a speedy roll-out of the program in order to achieve the anticipated outputs of CEDP for this component which are: 800,000 titles in rural areas, 100,000 parcels in peri-urban areas and 600 CLA in a period of 5 years.
permanent residents of the villages of they are to adjudicate and meet the qualifications as specified in the Land Regulations (2004) co-opting members to the Area Land Committee will offend the legal requirements for setting up the committees.

(ii) **A member of the Village Local Council.** Represents the Village Council on the Team. The Village Council member must be a permanent resident of the village and known by the local people. The consultant shall put in place a rooster for each executive member to participate in the village adjudication and demarcation activities.

(iii) **An Adjudication Assistant** provided by the Consultant.

S/he shall be responsible for recording parcel information as specified in the Form. The adjudication Assistant shall not determine who holds what rights on the parcel but shall build the confidence of land rights holders to furnish accurate information and allowing them to visualise the geometry of the parcel after drawing it. S/he will also assign a temporary Parcel Identification Number (PIN) for each parcel adjudicated.

(iv) **A Recordation Assistant** provided by the Consultant. S/he will be responsible for recording the descriptive information about the parcel rights holders as per the revised Form starting with key members of the household/family (husband and wife or cohabiting partners). S/he shall first explain the information to be recorded using a hard copy for the members to appreciate and provide the accurate information.

### 4.2 Adjudication Supervision and Support Team

There shall be two adjudication support teams one comprised of local government officials at the district and lower levels and another by the Consultant Firm. The district officials shall include the Natural Resources officer, the district surveyor and the land management officer who shall receive weekly reports from the consultant field manager. They shall also conduct periodical field monitoring to assess the program activities.
At the lower local government level, the support team will be composed of the chairperson LCIII, the sub-county chief and the parish chief. The three officials shall be expected to closely monitor all adjudication activities and report the District Executive Committee (DEC). The Parish chief shall specifically provide support to the Area Land Committees and the Local Councils in mobilization, adjudication and minor dispute resolution as well as other support services of administrative nature that may arise.

The second support team shall be from the consultant and shall include a Project Manager based at the district and shall be responsible for:

(i) Coordinating all the adjudication activities in the district,
(ii) Submitting weekly field reports to the District Executive Committee (DEC),
(iii) Supervising the site coordinators,
(iv) Assume the liaison responsibility between the MLHUD and the consultant on technical matters regarding the program.

Site Coordinators based at the Parish shall coordinate and support the different adjudication teams working at village level. The duties of the Site Coordinator shall be:

(i) To provide technical and logistical support to the Adjudication Teams
(ii) Be responsible for Quality Control of data generated by adjudication teams
(iii) Truck the progress and compile records of dispute resolution by village and share this information with district and the MLHUD.
(iv) Upload, back up and transmission of data to the processing Centre;

The figure below summarizes the adjudication and supervision/ support teams.
4.3 Parcel Adjudication and Demarcation

The Adjudication Team shall systematically move from parcel to parcel ascertaining land rights holders, nature of rights and rights of other interested parties. The Team shall begin with villages with the highest levels of acceptability to provide good examples for others to follow.

For each parcel of land to be adjudicated, the rights holders or their representatives must be present and shall participate in marking the boundary in the presence of neighbors. As the team moves around the perimeter of the parcel, the Adjudication Assistant shall draw the parcel using the drawing / mapping software application installed on the tablet. The ortho-photo map shall be used as a guide for drawing parcels on the tablet. The Assistant shall make use of available tools in the software to generate a fairly accurate parcel, whose shape shall be verified by the rights holders and neighbors. A parcel geometry shall be a mandatory component signifying that a record will not be saved unless a parcel has been created.

Once a parcel has been drawn and accepted by the rights holders and neighbours, the Adjudication Assistant will assign it a temporary Unique Parcel-
ID, generated by the system. The same ID will be used by the Recordation Assistant while entering rights information.

The Recordation Assistant shall capture the rights information (Form 4 of the Land Regulations) at the same time as the as adjudication but shall first explain the information to be recorded using a hard copy for the members to appreciate and provide the accurate information.

As much as possible, the SAT shall facilitate the interested parties to make decisions such as which land should be registered as family, individual or communal land. The SAT shall also take care of the interests of the people with disabilities, the elderly and co-habiting couples.

The Recordation Assistant shall use the tablet to take pictures of rights holders as well as any documents that provide evidence of rights.

4.4 Incorporation of Systematic Adjudication Data to the Land Information System

Over the last 5 years, MLHUD computerized survey, land administration, and land registration records to establish a digitalized National Land Information System. Given that the data generated from the SLAAC program will be in digital form, this will make it easy to incorporate it in the National Land Information System. It is noted that the current Land Information System (LIS) did not anticipate massive entry of data such as will be generated from the program. It will be necessary to align the data format and content of the SLAAC data to the existing LIS data. It is therefore imperative for MLHUD to coordinate processes leading to inter-operability between the LIS and SLAAC data.

4.5 Monumentation of Boundaries

Monumentation involves identification and planting durable boundary markers of a parcel. It is acknowledged that different communities have, over time, identified and utilized different types of boundary markers; SLAAC program will adopt the local boundary markers recognized in the adjudication areas. The markers will be planted or verified by the SAT.
The team planting the boundary monuments shall be trained on checking inter-
visibility between consecutive markers and simple line ranging techniques to
ensure that straight lines are maintained during demarcation. The SAT shall
explain to rights holders their roles, responsibilities and obligations in
maintaining boundary markers. It shall further, explain the procedures for
replacing boundary markers.

4.6 Conversion from Customary to Freehold Tenure

For the first phase of SLAAC rollout, adjudication will mainly focus on individual
customary and communal land. The main attribute of land held under
customary tenure is that it is not documented. For land rights holders under
customary tenure wishing to acquire certificates, they will need to make an
application for the certificate. This application will be filled in electronically by
the Recordation Assistant during adjudication verified and endorsed by the rights
holders. This information will appear on the certificate of title and shall be
maintained in the Land Information Systems.

4.7 Handling of Adjudication Related Disputes

It is expected that minor as well as major disputes may arise during the
adjudication process. Minor disputes may include disagreements on the
boundary line, over who should be included on the certificate of title,
easements/roads or any other third party rights. The SAT shall endeavor to
resolve minor disputes and the major ones shall to be referred to the Dispute
Resolution Committee (DRC) also LII Courts. Parcels shall only be adjudicated
when no dispute has is encountered. In case of a resolved major dispute, the
disputants must sign to confirm agreement to the resolution. The Recordation
Assistant (RA) shall take a picture of the signed resolution for the file.

The SLAAC program manuals emphasize the importance of mediation to avoid
undue delay of adjudication processes as well as dealing with uncooperative
rights holders.
4.8 Handling of Application Forms

The Land Regulations 2004 and the Survey Regulations prescribe standard procedures for the process of application, adjudication, demarcation, measurement, approval and issuance of land titles and certificates of customary ownership/occupancy. The procedures are standardized through use of standard forms. Once the application is approved, the final certificate is completed by filling its relevant sections using the information provided by the applicant in the forms.

Under the SLAAC program, only selected and basic application forms for certification shall be filled in at the same time of recording of rights holders. The form shall be filled electronically by the Recordation Assistant. The purpose of filling the forms is to compile information that will be used to produce a certificate and also to provide evidence that the applicant participated in the exercise. It shall not be necessary to fill other forms which are usually filled when applying for a land title under the sporadic adjudication since it is assumed that publicity, inclusiveness and transparency are well entrenched in the procedures for systematic adjudication.

The Recordation Assistant shall assist the applicant(s) by introducing the form, what it is for, the information required and who to provide that information. S/he shall then prompt the family members to give the necessary information for completing the form and to nominate (a) person(s) to sign on behalf of the family.

After the form has been filled out, that information shall be read out to all family members to agree to its authenticity; thereafter the family representative shall sign the electronic form on the tablet.

All the information taken by the Recordation Assistant shall be passed on to the Consultant Field Coordinator to transmit to the MZO Registrar for later use in the preparation of the certificate, and for populating the National Land Information System.

The MZO shall be responsible for compiling a list of applicants per village/parish which shall, together with the first print out of the cadastral index maps be sent
down to parish chief for public display and verification. Verification of the parcel shall entail affirmation of the size, shape and neighbours while verification of the applicants shall include affirmation of the names to be put on certificate and names of other rights holders.

After verification, the cadastral map corrections shall be sent back to the DPC for corrections while the information on the applicant lists shall be sent back to the MZO to effect the corrections on the electronic forms. The DPC will forward the corrected cadastral Index Maps to MZOs for printing/signing of Deed Plans.

After clean applicants lists have been generated, the respective Area land Committees shall endorse them and submit them to the District Land Board for mass consideration and approval. The approved lists shall be sent to the MZO for generating /printing land titles. The titles shall be dispatched to sub-counties for final issuance to the applicants after payment of the prescribed fee.

6.6 The Procedure for Systematic Land Adjudication

The procedure for land adjudication is regulated by the provisions of Regulation 21 of the Land Regulations 2004, which is applicable to applications under sections 5, 6, 7, 9, 11, 28 and 33 of the Land Act. Area Land Committees are required to hear and determine claims of interests in land during a public hearing, and while doing so, to comply with the rules of natural justice and to concentrate on the substance of the matter before it and administer substantive justice without undue regard to technicalities. During land adjudication, Area Land Committees may hear 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.

Under SLAAC the processes that cater for natural justice are adequately taken care of in the five principles of SLAAC articulated above. Furthermore, the processes shall involve all rights holders during adjudication and demarcation.
after a systematic sensitization and mobilization campaign. Hence the intent of the provisions of the act shall be complied with through laid down procedures.

Where the laid down procedures deviate from the specific provisions of the land regulations 2004, the minister shall issue a statutory instrument to operationalize the new procedures under the SLAAC program. The Instrument shall address among others, the procedures for mass adjudication, submission and approval of applications by the statutory bodies (ALC and DLB) as well as the new fit for purpose procedures for survey of rural land under SLAAC.

4.9 Time-frame for Completing Parish Adjudication

A key factor underlying systematic adjudication is time and resources. This is circumvented by modern technology and is calculated in terms of the level of effort based on a number of assumptions. Experience obtained from the pilot phase and best practice worldwide has led to the assumptions in the Table 9 below.

Table 9. Assumptions, expectations and implications for time frame estimation

<table>
<thead>
<tr>
<th>Assumption</th>
<th>Expectation</th>
<th>Implication</th>
</tr>
</thead>
<tbody>
<tr>
<td>All villages in a parish adjudicated concurrently</td>
<td>• Numerous parcels adjudicated in minimal time</td>
<td>• Consultant to deploy several teams to a parish</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Flexibility in the expansion of ALC membership</td>
</tr>
<tr>
<td>SAT works 6 days/week</td>
<td>• Minimal time in the field</td>
<td>• Weather agreeable</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Well motivated Team</td>
</tr>
<tr>
<td>The adopted equipment will function effectively</td>
<td>• Minimal time/parcel</td>
<td>• Equipment well serviced</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Software bugs removed</td>
</tr>
<tr>
<td>Minimal disputes encountered</td>
<td>• Less time spent on a parcel</td>
<td>• Well planned mobilization &amp; sensitization</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Effective DRC</td>
</tr>
<tr>
<td>The estimated villages and parcels are accurate and number of the villages per parish is constant</td>
<td>• This will fit in with the calculations of the GIL and peri-urban baseline sample size</td>
<td>• More parishes to covered per district</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• More time required to cover a district</td>
</tr>
</tbody>
</table>
Based on these assumptions, it is anticipated when the SAT works 6 days per week, it shall cover each parish in 50 days equivalent to 2.5 months. The expected number of parcels adjudicated is detailed in Table 10 below.

Table 10. Anticipated Progress Adjudication at District level

<table>
<thead>
<tr>
<th>No</th>
<th>Estimate Item</th>
<th>Value</th>
<th>Basis of Assumption</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>No. of villages per parish</td>
<td>6</td>
<td>Pilot phase</td>
</tr>
<tr>
<td>2</td>
<td>No. of parcels per village</td>
<td>400</td>
<td>Pilot phase</td>
</tr>
<tr>
<td>3</td>
<td>No of Teams working concurrently</td>
<td>6</td>
<td>All villages in a parish must be done concurrently</td>
</tr>
<tr>
<td>4</td>
<td>No of parcels per team per day</td>
<td>10</td>
<td>Conservative figure based on size and speed</td>
</tr>
<tr>
<td>5</td>
<td>Days to complete village</td>
<td>40</td>
<td>Computed from No. 2 Divided by No.4</td>
</tr>
<tr>
<td>6</td>
<td>Days to complete parish</td>
<td>40</td>
<td>same as No.5 since teams are working concurrently</td>
</tr>
<tr>
<td>7</td>
<td>Allow for dispute resolution, weather and equipment malfunction</td>
<td>10</td>
<td>25% of estimated days</td>
</tr>
<tr>
<td></td>
<td>Estimated time to complete parish</td>
<td>50</td>
<td>Computed from No. 6 Plus No.7</td>
</tr>
</tbody>
</table>
4.10 Estimation of work Load and Minimum Capacity of the Consultants

In order to realize the targets specified in CEDP (adjudicate 800,000 parcels in rural areas, 100,000 parcels in per-urban areas and 600 Communal Land Associations), Adjudication Teams shall be engaged to work concurrently in various parishes. Since the consultants contribute the basic technical staff and equipment to undertake the exercise, the firms selected must have the necessary equipment and personnel with acceptable standards. The table below summarizes the anticipated outputs.

**Table 11. Anticipated Progress to meeting targets at National level**

<table>
<thead>
<tr>
<th>No</th>
<th>Estimate Item</th>
<th>value</th>
<th>Basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>No. of parcels to be covered</td>
<td>800,000</td>
<td>CEDP target</td>
</tr>
<tr>
<td>2</td>
<td>No. of parcels in each parish</td>
<td>2400</td>
<td>Each parish has approximately 6 villages and each village approximately 400 parcels</td>
</tr>
<tr>
<td>3</td>
<td>No of parishes to complete at National Level</td>
<td>333</td>
<td>Computed from No1 divided by No.2</td>
</tr>
<tr>
<td>4</td>
<td>Assume the Ministry will hire 10 firms</td>
<td>10</td>
<td>10 firms max number due to capacity of Ministry to monitor</td>
</tr>
<tr>
<td>5</td>
<td>No of parishes covered by each firm</td>
<td>33</td>
<td>computed from No.3 divided by No.4</td>
</tr>
<tr>
<td>6</td>
<td>Required time (years) input for each firm to complete if working only on one parish at a time</td>
<td>7</td>
<td>Computed from No.3 Times 2.5 divided by 12. (Note it takes 2.5 months for a firm to complete a parish)</td>
</tr>
<tr>
<td>7</td>
<td>Actual Project time remaining</td>
<td>2.5</td>
<td>2.5 years estimated to be the actual project time remaining</td>
</tr>
<tr>
<td>8</td>
<td>No of concurrent parishes by each firm for work to be completed in 2.5 years</td>
<td>3</td>
<td>computed from No.6/2.5</td>
</tr>
</tbody>
</table>
The computations in the above table suggest that it is possible to achieve the set targets in 2.5 years provided that:

(i) Not less than 10 firms will be contracted for rural land;
(ii) Each Consultant firm shall work in 3 rural parishes concurrently;
(iii) Adjudication teams will work from Monday to Saturday; and
(iv) At the parish level, Adjudication Teams shall work concurrently to cover the entire rural parish in less than 2.5 months. This period does not include the time allocated to physical planning and pre-adjudication activities.

For a consultant firm to meet the above assumptions, it should possess the minimum capacity outline in Table 12 below.

**Table 12. Minimum Requirements for Consultancy Firms for Rural Areas**

<table>
<thead>
<tr>
<th>Item</th>
<th>No.</th>
<th>Remark</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. of Adjudication Assistants</td>
<td>18</td>
<td>6 villages x 1 person x 3 parishes</td>
</tr>
<tr>
<td>No. of Recordation Assistants</td>
<td>18</td>
<td>6 villages x 1 person x 3 parishes</td>
</tr>
<tr>
<td>No. Site Coordinators</td>
<td>3</td>
<td>1 x 3 parishes</td>
</tr>
<tr>
<td>No. of Project Managers</td>
<td>1</td>
<td>1 x 1 district</td>
</tr>
<tr>
<td>Equipment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. Tablets</td>
<td>36</td>
<td>6 villages x 2 tables x 3 parishes</td>
</tr>
<tr>
<td>No. of tapes</td>
<td>18</td>
<td>6 villages x 1 tape x 3 parishes</td>
</tr>
<tr>
<td>Computer Aided Drawing software</td>
<td>1</td>
<td>Per firm</td>
</tr>
</tbody>
</table>

For coordination purposes, all the 3 parishes shall be located in one district. If firms with larger capacity are procured, the total duration shall significantly reduce.
5 ADJUDICATION, DEMARCATION AND RECORDATION OF RIGHTS FOR PERI-URBAN AND HIGH VALUE RURAL AREAS

Adjudication and Demarcation of rights will follow the same procedures as those specified for rural land. Essentially, the procedures shall emphasize transparency, inclusiveness and fairness. The variations in the process shall be realized in Monumentation, surveying/mapping technology and to a less extent in the composition of the adjudication Team.

5.1.1 Composition of Adjudication Team for Peri-Urban areas

The peri-urban adjudication team shall include:

(i) A member of Area Land Committee
(ii) A representative of Village Local Council I; and
(iii) Recordation Assistant

In addition, a survey team comprised of a registered and licensed surveyor and 2 or more Assistants Surveyors or experienced and trained Survey Assistants will operate RTK/Total Stations to capture boundaries of adjudicated parcels. The survey team will not participate in the adjudication, but will provide technical advice on how boundaries should be demarcated, and how corner mark–stones should be planted.

5.1.2 Survey/Mapping Technology

Survey equipment and techniques have been proposed taking into consideration, the need to obtain accurate data and the need to acquire data in a rapid manner. To achieve the two, the Adjudication Team will be supported by a team of land surveyors operating RTK GNSS Equipment or Total stations in areas where RTK cannot be used. The Consultant shall provide raw data captured by the equipment to the Department of Surveys and Mapping for final checking and approval.

The consultant will use GIS or CAD software (preferably ArcGIS or AutoCAD Land Development / AutoCAD Map) for drawing Parcels out of Survey Data. Data to be delivered to the Processing Centre by the Consultant will include:

(i) Raw Data from RTK or Total Stations and CAD/GIS Data
(ii) Data Rights Data captured by the Recordation Officer, and
(iii) Scanned copies of field notes to guide further data processing

5.1.3 Monumentation

For peri-urban areas, concrete mark–stones will be used as boundary markers. The specifications for appropriate concrete mark stones will be provided by the Department of Surveys and Mapping.

5.2 Estimation of work Load and Minimum Capacity of the Peri-Urban Consultants

CDEP specifies that 100,000 parcels shall be adjudicated in the peri–urban and high value rural areas. In order to achieve this, a few assumptions have been made regarding the minimum load and capacity of the consultant. These are summarized in the Table below

Table 13. Estimation of duration for completing adjudication of peri–urban areas

<table>
<thead>
<tr>
<th>No</th>
<th>Estimate Item</th>
<th>value</th>
<th>Basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>No. of parcels to be covered</td>
<td>100,000</td>
<td>CEDP target</td>
</tr>
<tr>
<td>2</td>
<td>No. of parcels in each parish is 1½ times that of the rural</td>
<td>3600</td>
<td>Each parish has approximately 6 villages and each village approximately 600 parcels</td>
</tr>
<tr>
<td>3</td>
<td>No of parishes to complete at National Level</td>
<td>28</td>
<td>Computed from No1 divided by No.2</td>
</tr>
<tr>
<td>4</td>
<td>Assume the Ministry will hire 5 survey firms</td>
<td>5</td>
<td>5 firms max number due to capacity of Ministry to monitor</td>
</tr>
<tr>
<td>5</td>
<td>No of parishes covered by each firm</td>
<td>6</td>
<td>computed from No.3 divided by No.4</td>
</tr>
<tr>
<td>6</td>
<td>Required time (years) input for each firm to complete if working only on one parish at a time</td>
<td>6</td>
<td>Computed from No.3 Times 2.5 years divided by 12. (it is expected that due to complexities of peri–urban arrangements, it shall take 5 months for a firm to complete a parish)</td>
</tr>
<tr>
<td>7</td>
<td>Actual Project time remaining</td>
<td>2.5</td>
<td>2.5 years estimated to be the actual project time remaining</td>
</tr>
<tr>
<td>8</td>
<td>No of concurrent parishes by each firm for work to be completed in 2.5 years</td>
<td>3</td>
<td>computed from No.6/2.5</td>
</tr>
</tbody>
</table>
The computations in the above table suggest that it is possible to achieve the set targets of 100,000 peri-urban and high value rural parcels in 2.5 years provided that:

(i) Not less than 5 firms will be contracted for peri-urban adjudication;
(ii) Each Consultant firm shall work in 3 parishes concurrently;
(iii) Adjudication teams will work from Monday to Saturday; and
(iv) At the parish level, Adjudication Teams shall work concurrently to cover the entire parish in less than 5 months. This period does not include the time allocated to physical planning and pre-adjudication activities.

For a consultants firm to meet the above assumptions, it should possess the following **minimum** capacity (see table below).

**Table 14. Minimum Requirements for Consultancy Firms for Peri-Urban Areas**

<table>
<thead>
<tr>
<th>Item</th>
<th>No.</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No of Registered Surveyor’s</td>
<td>3</td>
<td>1 Registered surveyor x 3 parishes</td>
</tr>
<tr>
<td>No. of Surveyors</td>
<td>8</td>
<td>6 villages x 1 person x 3 parishes</td>
</tr>
<tr>
<td>No of Chain-men/Survey Assistants</td>
<td>36</td>
<td>6 villages x 2 persons x 3 parishes</td>
</tr>
<tr>
<td>No. of Recordation Assistants</td>
<td>18</td>
<td>6 villages x 3 parishes</td>
</tr>
<tr>
<td>No of Project Managers</td>
<td>1</td>
<td>1 per firm</td>
</tr>
<tr>
<td>Equipment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. RTK/Total Stations</td>
<td>6 x 3 = 18</td>
<td>6 villages x 1 set x 3 parishes</td>
</tr>
<tr>
<td>No. of tablets</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Software</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GIS</td>
<td>1</td>
<td>1 per firm</td>
</tr>
<tr>
<td>CAD</td>
<td>1</td>
<td>1 per firm</td>
</tr>
</tbody>
</table>

*For peri-urban and high value rural areas ONLY*

For coordination purposes, all the 3 parishes shall be located in one district. If firms with larger capacity are procured, the total duration will significantly reduce.
COMMUNAL LAND ASSOCIATIONS

Communal Land Associations are provided for in the Legal Framework. CEDP has planned support for adjudication and certification of 600 communal land associations. The Land Act provides for communities and any other group of persons to own and manage land held under any land tenure system by forming Communal Land Associations.

The objective of adjudicating and certifying communal land areas is to ascertain boundaries of traditional communities and communal lands with the view to bringing it under effective control by the communities for enhanced land use productivity under common land management schemes. The common denomination for CLAs is any common spatial use such as grazing grounds, schools roads, wells and playgrounds. This program shall adopt a wider definition of the concept by providing the basis for realization of security of tenure over grazing and other communal lands through formation of CLAs to hold, manage and exclusively use such lands under a regulated land use framework, to contain land conflicts over open access to common property resources that are increasingly being claimed and privatized through denying accesses by fencing.

Every Communal Land Association is required to prepare a common land management scheme for the regulation of the use, management and equitable sharing of resources on common land by the group. A common land management scheme is the community’s “local bye-law” by which they regulate their own affairs, define the basic rights and duties of its members and provide for dispute resolution. It is a land use planning and land management tool by which communities can attain optimal and sustainable utilization of common lands. Common land management schemes provide the basis for transformation of communities from peasantry farming to commercial farming by providing minimum standards and guidelines on land use management as shown in the table below.
Table 15. Minimum standards and guidelines on Land use Management

<table>
<thead>
<tr>
<th>Traditional Common Purposes</th>
<th>CLMS Intervention</th>
<th>CLMS Instrument</th>
<th>Modern Common Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Grazing and Watering of Livestock</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No. and Type of Livestock for each member</td>
<td>Rangeland Management Plan</td>
<td>Livestock Management</td>
</tr>
<tr>
<td></td>
<td>Different locations for grazing at different times</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Routes to and from common land for use by livestock</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Hunting</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Subject to Animal Diseases Act, Cattle Grazing Act and Wildlife Act</td>
<td>Wildlife Management Plan</td>
<td>Game Ranching or Game Farming</td>
</tr>
<tr>
<td><strong>Gathering of Wood Fuel and Building Materials</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Limiting the amount of wood fuel, etc. available to each member and terms and conditions for sale</td>
<td>Forest Management Plan</td>
<td>Private Natural or Plantation Forestry</td>
</tr>
<tr>
<td><strong>Gathering Honey and other Forest Produce for food and Medicinal Purposes</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Forest Management Plan</td>
<td></td>
<td>Agro-forestry and Apiary</td>
</tr>
<tr>
<td><strong>Other Traditional Purposes</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Quotas for Fish and other wetlands products</td>
<td>Wetlands Management Plan</td>
<td>Aquaculture</td>
</tr>
<tr>
<td></td>
<td>Community Infrastructure</td>
<td>Community Wells, Roads, Village Greeneries, Recreation Centres, etc. Plan</td>
<td>Community Infrastructural Management</td>
</tr>
<tr>
<td></td>
<td>Common Lands Improvement Plan</td>
<td></td>
<td>Community Development Planning</td>
</tr>
</tbody>
</table>
For CLAs arising out of common property resources (CPRS) that shall be adjudicated concurrently as the individual/family parcels, there shall be a generic and standardized constitution applicable in all parts of the country where communities perceive the need to protect these properties. This shall be between the representatives of the village such as the religious bodies and other social institutions and the immediate public administration authority such as a town council, municipality, sub-county or parish.

6.1 Estimation of work Load and Number of CLA Consultants

In order to achieve the target of 600 CLAs in the stipulated project cycle, it has been deemed necessary to make some assumptions to derive to the number of local consultants required. These include the following.

Table 16. Estimation of duration for completing CLAs

<table>
<thead>
<tr>
<th>No</th>
<th>Estimate Item</th>
<th>value</th>
<th>Basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>No. of CLAs to be covered</td>
<td>600</td>
<td>CEDP target</td>
</tr>
<tr>
<td>2</td>
<td>No of firms to be hired</td>
<td>5</td>
<td>Manageability</td>
</tr>
<tr>
<td>3</td>
<td>No of CLAs to be handled by a Firm</td>
<td>120</td>
<td>No.1 divided by No.2</td>
</tr>
<tr>
<td>4</td>
<td>Time frame for a firm to complete a CLA</td>
<td>3 months</td>
<td>Estimate</td>
</tr>
<tr>
<td>5</td>
<td>Time for a Firm to complete the 120 CLAs if not done concurrently</td>
<td>360 months</td>
<td>No 3 x No 4</td>
</tr>
<tr>
<td>6</td>
<td>Actual Project time remaining</td>
<td>2.5</td>
<td>Project time remaining</td>
</tr>
<tr>
<td>7</td>
<td>No of CLA/Firm for work to be completed in 2.5 years</td>
<td>12</td>
<td>No 5 divide by No 6 (or 30 months)</td>
</tr>
</tbody>
</table>

There shall be 5 CLA Local Consultants to steer the processes of forming family, clan, or any other group Communal Land Associations to guide and monitor progress of communities as they work out modalities of the associations as
prescribed in the law. One Local Firm shall cover 120 CLAs by engaging 12 concurrent teams. The composition for each team shall be as follows.

1. Project Manager
2. A senior lawyer who shall lead the process of facilitating the group to work through the constitution.
3. A Recordation Assistant (also a lawyer) to record and structure the constitution
4. A senior Sociologist/Anthropologist
5. An Adjudication Assistant for demarcating the CLA boundary
6. An Area Land Committee member and
7. Clan or group Elder

Table 17. Minimum Requirements for Consultancy Firms for CLAs

<table>
<thead>
<tr>
<th>Item</th>
<th>No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel</td>
<td></td>
</tr>
<tr>
<td>No of Senior Lawyers</td>
<td>12</td>
</tr>
<tr>
<td>No. Lawyers/Recordation Assistants</td>
<td>12</td>
</tr>
<tr>
<td>No Sociologists</td>
<td>12</td>
</tr>
<tr>
<td>No. of Adjudication Assistants (Surveyors)</td>
<td>3</td>
</tr>
<tr>
<td>Project Manager (to coordinate all the teams)</td>
<td>1</td>
</tr>
<tr>
<td>Equipment</td>
<td></td>
</tr>
<tr>
<td>No. of tablets</td>
<td>15</td>
</tr>
<tr>
<td>Software</td>
<td></td>
</tr>
<tr>
<td>GIS</td>
<td>1</td>
</tr>
</tbody>
</table>

6.2 Step by step Facilitation for CLA Formation

6.2.1 Pre-adjudication
The ministry through SLAAC shall mobilize the district and sub-county officials, religious and traditional leaders. During this process, it shall compile a list of groups aspiring to form associations. The sensitized leaders in collaboration with the CLA consultant shall sensitize the different groups.
In addition to the outlined steps of CLA formation in the law, the following steps shall also be followed to prevent suppression of views the voiceless such as women and the youth.

6.2.2 Mobilization and Sensitization at sub-county and parish levels

The first step shall be to mobilize the groups in the parish and arrange to sensitize the traditional and opinion leaders, the men, youth and women separately. This is necessary because of the need to capture the views of each category to avoid having the voices of the vulnerable suppressed by others.

The consultant shall record the views and pertinent issues raised by each category. The consultant shall also conduct secret ballot to ascertain the required 80% proportion for willingness to be part of the CLA in category. Where the views of the different categories are in tandem, the consultant shall proceed with the process. These processes shall be synthesized into a report for presentation to a combined meeting of district officials and the SLAAC Technical Committee. Where the views of the different categories of the group are divided, the meeting shall propose the way forward. The stance taken by the district officials and the SLAAC committee shall be communicated to the second round of meetings convened by the consultant with the same categories.

6.2.3 Post Constitution Development

After the CLAs have been cleared for registration, the subcounty physical planning committee with the assistance and guidance of the Physical Planning Consultant shall develop a rapid subcounty physical development plan in conformity with higher levels plans.

Following the approval of the physical development plan by the Physical Planning Board, the community shall be mobilized by its leaders to participate in the boundary clearing of the land intended for the Association.

6.2.4 Election of members of CLA managing committees

The election of the CLA management committee shall strictly adhere to the provisions of the Land and the regulations thereon.
6.2.5 Accenting and registration of the Association

This will be done in accordance with the law.

6.2.6 Adjudication of Communal Lands

The Adjudication Consultant shall be mobilized to undertake the mapping of the communal land following the same technical steps as those for individual parcels under the Adjudication processes by overlaying its geometry to the physical development plan developed earlier.
7 PROJECT MANAGEMENT STRUCTURE, WORKFLOW AND APPLICABLE FORMS

The Ministry of Lands Housing and Urban Development shall be the overall project implementer with the procurement, supervisory and oversight roles. The Local Governments shall support the ministry by actively mobilizing and sensitizing the communities about the SLAAC activities. Besides MLHUD and Local Government, other structures at the level of the Consultant Firms in the hierarchy of project management as laid down in the structure below.
Figure 4. The Project Management Structure

**MLHUD**
- Dept of Surveys & Mapping: DPC
- SLAAC/TC
- Physical Planning
- Land Registration

**CONSULTANT**
- Overall Project Manager & IT Consultant
- Media Consultant
- Physical Planning Consultant
- Adjudication Consultant
  - Field coordinator
  - Site manager
  - Adjudication Assistant
  - Recordation Assistant
- Peri-urban Consultants
  - Registered Surveyor’s
  - Surveyors
  - Chain-men
  - Recordation Assistants
- CLA Consultants

**LOCAL GOVERNMENT**
- District Leadership
  - Mobilization & Sensitization
- DLB
  - Approves the applications for certification (all)
- ALC
  - Adjudication, demarcation & endorsement of applications to DLB
- LOCAL COUNCILS
  - Witnesses adjudication processes
  - Mainstreams gender & protects rights of vulnerable groups
- PARISH CHIEF
  - Ascertains & corrects the names of applicants;
  - Receives comments on the display list
  - Records complaints relating to display list at display time
Figure 5: SLAAC Work-flow
### Applicable forms to be filled

<table>
<thead>
<tr>
<th>Form No</th>
<th>Form Name</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>04</td>
<td>Application for conversion from customary tenure to freehold tenure/grant of freehold</td>
<td></td>
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<td>05</td>
<td>Application for conversion of leasehold from former public land to freehold</td>
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<td>12</td>
<td>Notice to attend a hearing</td>
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<td>13</td>
<td>Witness oath</td>
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<td>14</td>
<td>Interpreter’s oath</td>
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<td>19</td>
<td>Demarcation form for a certificate of customary ownership</td>
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<tr>
<td>42</td>
<td>Application to form a communal land association</td>
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<td>43</td>
<td>Notice of meeting to form communal land association</td>
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<td>44</td>
<td>Certification of constitution of communal and association</td>
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<td>45</td>
<td>Application for incorporation of communal land associations</td>
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<td>46</td>
<td>Certificate of incorporation of communal land association</td>
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<td>48</td>
<td>District registrar of communal land associations</td>
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