



## Global Programme Responsible Land Policy Good Practice

UGANDA: LAND INVENTORY PROTOCOL – A “FIT FOR PURPOSE” SOLUTION TOWARDS  
SECURE LAND USE AND OWNERSHIP RIGHTS

# Programme

THE GLOBAL PROGRAMME RESPONSIBLE LAND POLICY (GPRLP) IS PART OF THE SPECIAL INITIATIVE 'ONE WORLD, NO HUNGER' OF THE GERMAN FEDERAL MINISTRY FOR ECONOMIC COOPERATION AND DEVELOPMENT (BMZ), WHICH AIMS TO REDUCE EXTREME POVERTY AND HUNGER.



The programme is implemented by the *Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH* in countries across Africa and Asia. Its main objective is to secure access to land as a major prerequisite for poverty and hunger reduction in rural areas, especially for women, marginalized groups and indigenous peoples.

## THE GLOBAL PROGRAMME IS IMPLEMENTED ALONG THREE FIELDS OF ACTION:

- Improving procedures to secure land ownership and user rights for the rural population
- Strengthening civil society
- Improving the framework conditions for responsible agricultural investments

The Ugandan module of the GPRLP “*Responsible Land Policy in Uganda*” (RELAPU) aims to improve access to land for the rural population, especially for smallholder farmers, women and marginalized groups in the regions of Central Uganda, West Nile, Lango and Teso. To improve the documentation of land use, allowing a systematic approach, RELAPU has introduced a solution that is aimed to reduce the information asymmetry in the land sector. The so-called *Land Inventory Protocols* (LIPs) which document the customary and Mailo land (*page 3*) rights by taking inventory of the existing land use. This “fit for purpose”<sup>1</sup> solution constitutes an important step in the formalization of user rights, customary ownership, and property rights.

<sup>1</sup> According to a Joint FIG / World Bank Publication, the “fit for purpose” concept in the land governance sector highlights, that land administration should be designed to meet the needs of people and their relationship to land, to support security of tenure for all and to sustainably manage land use and natural resources. The concept focuses on flexible and pragmatic approaches rather than requirements imposed by rigid regulations.

# Background

**THE LAND TENURE SITUATION** in Uganda is historically unique. As per the Constitution of Uganda, the ownership of land by citizens is vested in four distinct land tenure systems. Besides globally more known forms such as **freehold** and **leasehold**, the Constitution provides for **customary tenure** as well as for **Mailo tenure** (*see fact boxes for details*). Statistics from 2020 show that of all the land in Uganda, approximately 80% of the land area is administered under the customary tenure system

and approximately 5% is titled under Mailo, leasehold and freehold tenure.

Due to its fast-growing and predominantly young population, Uganda is facing severe pressure on its land resources. There is an increasing number of conflicts that arise due to unclear or contested ownership. These conflicts are both inside the community and family structures and between communities and external actors such as government

institutions or investors. Traditional land rights, for customary as well as Mailo land users, have been challenged in many parts of Uganda by internal migration due to violent conflicts of the past. Other issues in land governance include unsustainable land use practices and land conversions, subdivision of land, urbanization, and demographic and socio-cultural changes. Traditional land management structures in many cases are not providing adequate answers to the rather new and complex challenges.

## BACKGROUND ON MAILO LAND

In Central Uganda, a great part of the population lives on Mailo land, a result of the British protectorate era. ‘Mailo’, derived from the English word “mile”, is a feudal land tenure system. It originates from an agreement between the Buganda King and the British Government in 1900, after which the British returned most of the previously usurped land to the king and local chiefs. Under the current system private Mailo titles are issued to “landlords”, mainly traditional chiefs and their descendants, as feudal owners.

→ However, the land users are mostly local farmers, who have settled on the Mailo land and used the land for multiple generations without any recognized or formalized tenure agreements. While much of the ownership rights are like a freehold title, Mailo landlords are also specifically subject to the interests of other right holders occupying the land.

## BACKGROUND ON CUSTOMARY LAND

Currently, approximately 80% of the land area, mainly in the north and north-east of Uganda is administered as customary land. The customary land tenure respects the unique traditional practices and governing structures of user groups, either as clans or communities and gives them freedom to determine how land is owned, used, or occupied.

→ However, these rules are only recognized to the extent as that they may not violate statutory law. Often, customary practices disadvantage marginalized groups such as women, youth, and widows due to inheritance laws, as well as cultural norms and practices.

# Background

**WITH THE ADOPTION OF THE LAND ACT IN 1998** and the development of the *National Land Policy* (NLP) in 2013 the government of Uganda acknowledged the plurality of tenure systems for the country and strives for a parity between these separate systems. While freehold and leasehold remain the dominant land titles for private land, the occupants on Mailo and customary land now have the possibility to obtain certificates documenting their rights. For Mailo occupants, these are *Certificates of Occupancy* (CoO) that grant tenants security and formalization of their rights. For occupants on customary land, there are *Certificates of Customary Ownership* (CCO) that document ownership. However, there are considerable challenges in implementing CoOs and CCOs. Most of the rural population is not familiar with the Ugandan land legislation, their rights and responsibilities. In practice, this has diminished legal certainty regarding the use and ownership of land which in turn may threaten rural livelihoods and food security. Especially women and the youth are negatively affected. In addition, the weak legal mechanisms to secure land (use) rights and the existing information asymmetries make smallholders vulnerable to losing their land due to unfair and unsustainable land acquisitions by investors. Furthermore, these circumstances

hamper much needed long-term responsible agricultural investments as access to loans from financial institutions for smallholder is limited due to lacking legal proof of ownership. Moreover, the central and local government often lack the administrative structures, equipment and knowledge to implement the legal framework.

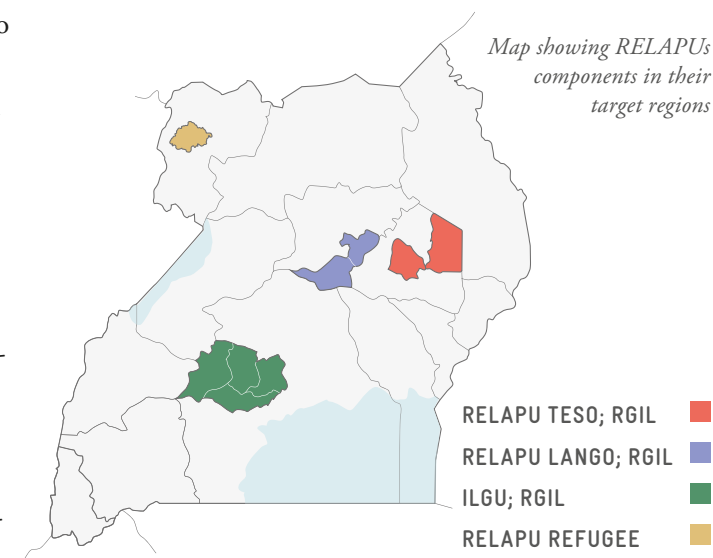
In the light that the processes to attain a CoO or a CCO are not fully functional, slow, and only sporadically implemented, RELAPU developed *Land Inventory Protocols* (LIPs). LIPs are a systematic inventory of existing land use to document customary and Mailo land rights as a “fit for purpose” bridging solution that ultimately leads to a large-scale documentation of land rights.

The target groups in the Teso and Lango regions are mainly smallholder farmers on customary land. In the Central region the focus of the project is on occupants that live on private Mailo-land since generations without any legal certainty or documentation.

To assure a widespread acceptance of the LIPs, RELAPU partners with several officials and institutions, including the Ugandan *Ministry for Lands,*

*Housing and Urban Development* (MLHUD).

Furthermore, the project cooperates with decision-makers and professionals from the districts and the municipal administrations (e.g., District Land Office, District Land Board, District Commercial Office, Natural Resource Officer, Agriculture Extensionist) and representatives of the *Area Land Committees* (ALC) at sub-district level. Employees of civil society organisations, traditional authorities, representatives of marginalized groups, Mailo landowners as well as the private sector are included in the measures.



# Positive changes

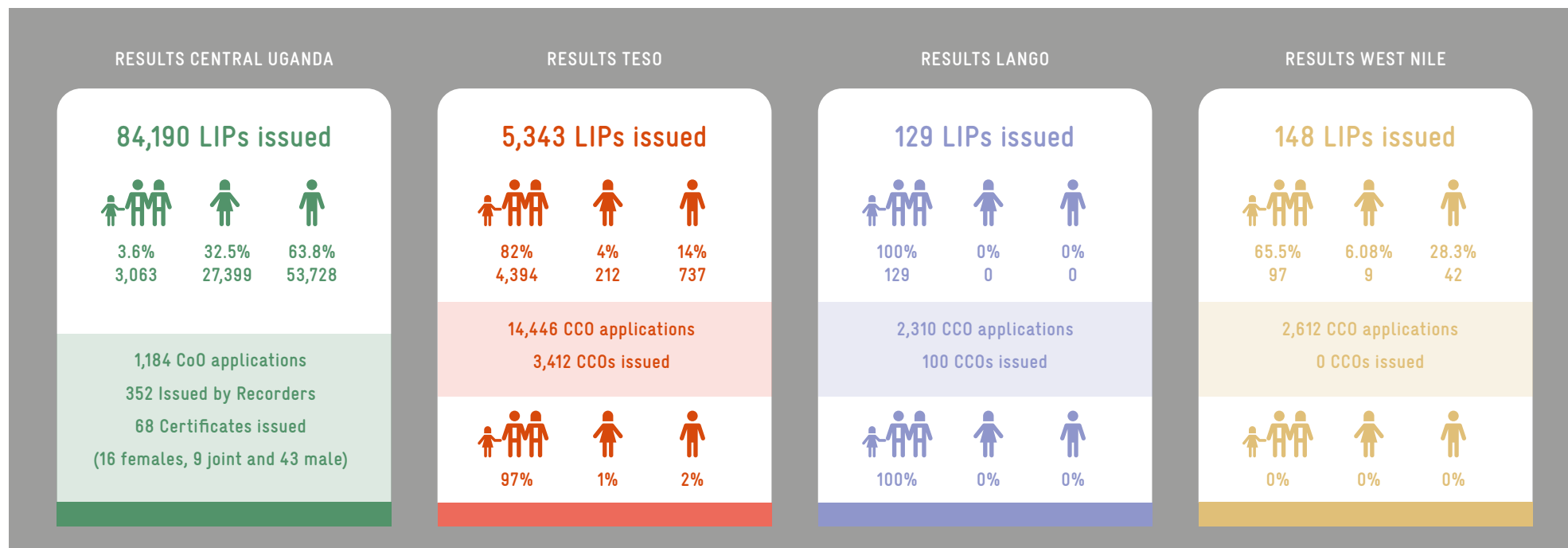
**IN CENTRAL UGANDA** the project managed to issue more than 84,000 LIPs so far while in the Teso Subregion a total of around 5,300 LIPs have been documented. In the target districts in Lango and West-Nile 129 LIPs and 148 LIPs respectively have been issued. *For details see box below.*

Up to now (12/2022) RELAPU has in total issued 89,804 LIPs in Uganda. Continuing in the process of

securing land (use) rights, and based on the information compiled in the LIPs, 3,580 certificates have been issued by the government authorities and 20,550 applications for such certificates have been handed in.

This contrast between the number of issued LIPs and CCOs/ COOs highlights the main advantage: Due to its systematic approach and the less formal nature of the document, the overall process for a LIP

is faster and easier. At the same time, the LIPs are a first step towards a full formalization of land rights as they are designed following the same requirements as the certificates. Therefore, they not only represent a first-ever documentation of land but prove that the full formalization of the land title is feasible.



# Positive changes

## LIPS ARE ALSO A TOOL TO REDUCE THE INFORMATION ASYMMETRY

beyond the land sector. A study from 2021 conducted by the Uganda Agribusiness Alliance (UAA) shows that almost half of the number of interviewed employees of different financial institutions are aware and sensitized on the existence of the LIPs. Some financial institutions even started to use the LIPs to verify the potential of the productivity of small scale farmers, requesting for loans.

LIPs are used by courts as important evidence, e.g., in case of legal disputes. Accompanied by mechanisms like the alternative dispute resolution<sup>2</sup> (ADR), the LIP process contributes to the prevention or resolution of conflicts in the communities.



## ACCESS TO FINANCE USING LIPS

Mr. Kiweewa Swaibu Musisi is a farmer mainly growing coffee and seasonal crops as a tenant on 14 acres of Mailo land in Kassanda sub-county. Mr. Kiweewa is a beneficiary of RELAPU which supported him to document his land use rights. He confirms that his landlord recognizes him as a true tenant and knows the sizes of his land.

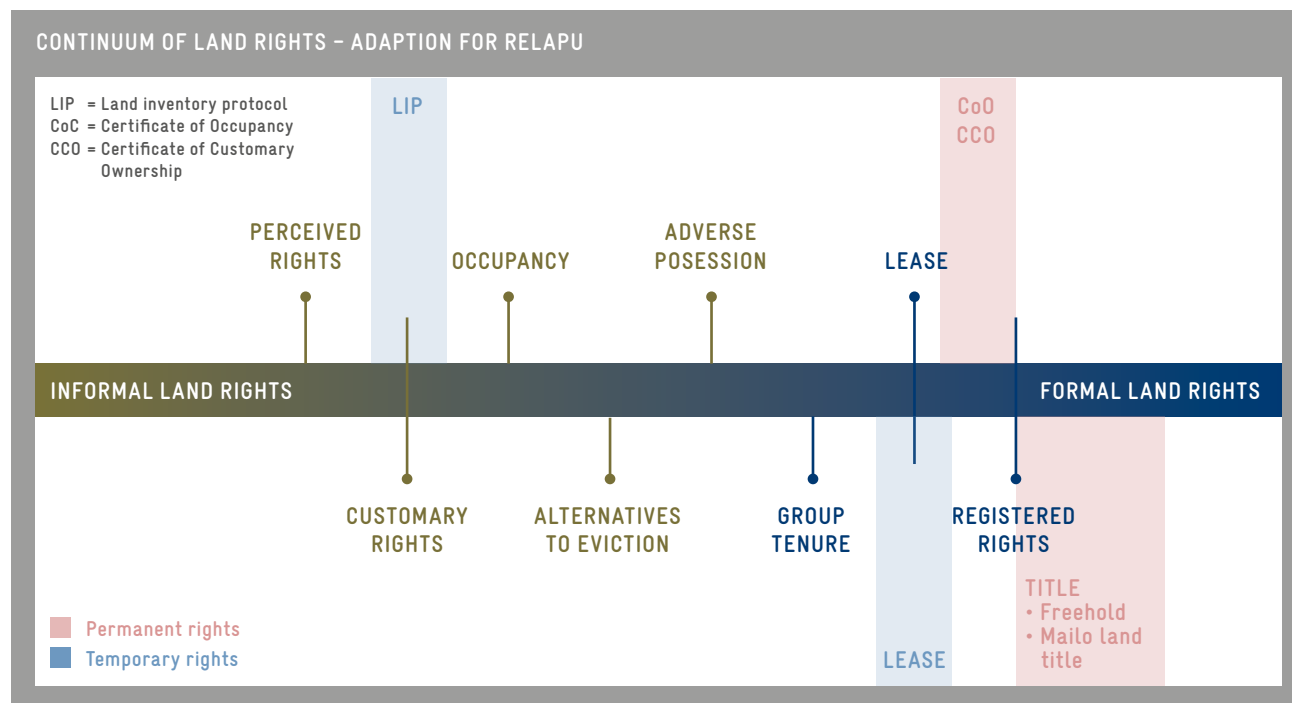


With the support of the project he acquired a LIP which he then has used to access loans from different financial institutions to help him to improve his farming business. He states that the LIP contributed to the fact that the amount of the loan was increased from UGX 3,000,000 (around EUR 800) to a maximum of UGX 10,000,000 (around EUR 2,650). With the loan he was able to buy fertilizer which has greatly contributed to an increase of the productivity. Mr. Kiweewa says that because of the increase in productivity he has been able to buy himself a car which now allows him a better access to markets.

**Kiweewa Swaibu Musisi,**  
*Testimony of beneficiary*

<sup>2</sup> The ADR model has been tested and recognized for handling land conflicts in Uganda. It is based on the gradual use of a spectrum of measures ranging from mediation to formal court proceedings.

# Approach



**IN ITS APPROACH,** RELAPU relies on the internationally recognized concept of the continuum of land rights that has been promoted by UN-Habitat and the Global Land Tool Network. Accordingly, the formalization of informal and undocumented rights to

fully formalized and documented rights is a gradual process at the individual level. LIPs are therefore considered as an important step in this continuum to get more security on land use of the target groups.

*The systematic process of providing LIPs in a particular project region consists of five key steps.*

## STEPS TO THE SYSTEMATIC LAND REGISTRATION USING LIPS



# Approach



**IN THE FIRST STEP**, the staff of the district land administrations and sub-district land committees are trained and coached to ensure that the whole process of compiling LIPs is sound, and the registration and updating of LIPs continue after the end of the project. Land offices are equipped with the necessary hardware. Due to the often-observed lack of qualified staff in these institutions and the systematic approach of this project, they are supported by young adults. They are mobilized and trained for data collection and are used as assistant surveyors and data loggers. As they preferably come from the region, they represent an important link to the target group. Thus, in the interest of sustainability, the project strengthens structures and capacities of the local authorities as well as capacities in the young adult population group, which are urgently needed for the maintenance of an updated land registration system.

**IN A SECOND STEP**, the households in the target regions are briefed and sensitized on advantages of the tool, before receiving support to acquire a LIP. Comprehensive and continuous educational work and sensitisation is part of the RELAPU support to enable communities and the population to make an informed decision as to whether and what next steps they want to take to document their land (use) rights. This sensitization reflects the first step in the land rights continuum (*page 7*), in which communities sharpen their perception on their land (use) rights.

**THE THIRD STEP** consists of the mapping of the individual parcels. When working on customary land, the existing customary authorities such as elders and clan leaders are closely involved in the process. As the ownership on customary land is defined through kinship and clan structures, the LIPs also include descriptions of family trees within the communities. The land management structures of the communi-

ties can also be recorded in the inventory. Following the common practices of tenants on undocumented land, surveyors utilise trees and bushes as boundary markers. In addition, sketches of the plots of land are prepared and verified by the tenants and their neighbours. To assure accuracy, measuring tapes and GPS systems are used for every parcel that is inventoried.

**IN THE FOURTH STEP**, the gathered information is entered in the LIPs and stored in the sub-district office which is legally mandated for land registration. The fee for a LIP is UGX 5,000 (as of Nov. 2022) which is charged upon retrieval of the document. This amount includes all related services, such as interviewing neighbours and surveying the land. The final responsibility for issuing LIPs on customary land lies with the Area Land Committees after approvals from the sub-district planning authority. On Mailo land, LIPs are issued directly by the Area Land Committee without further approvals.

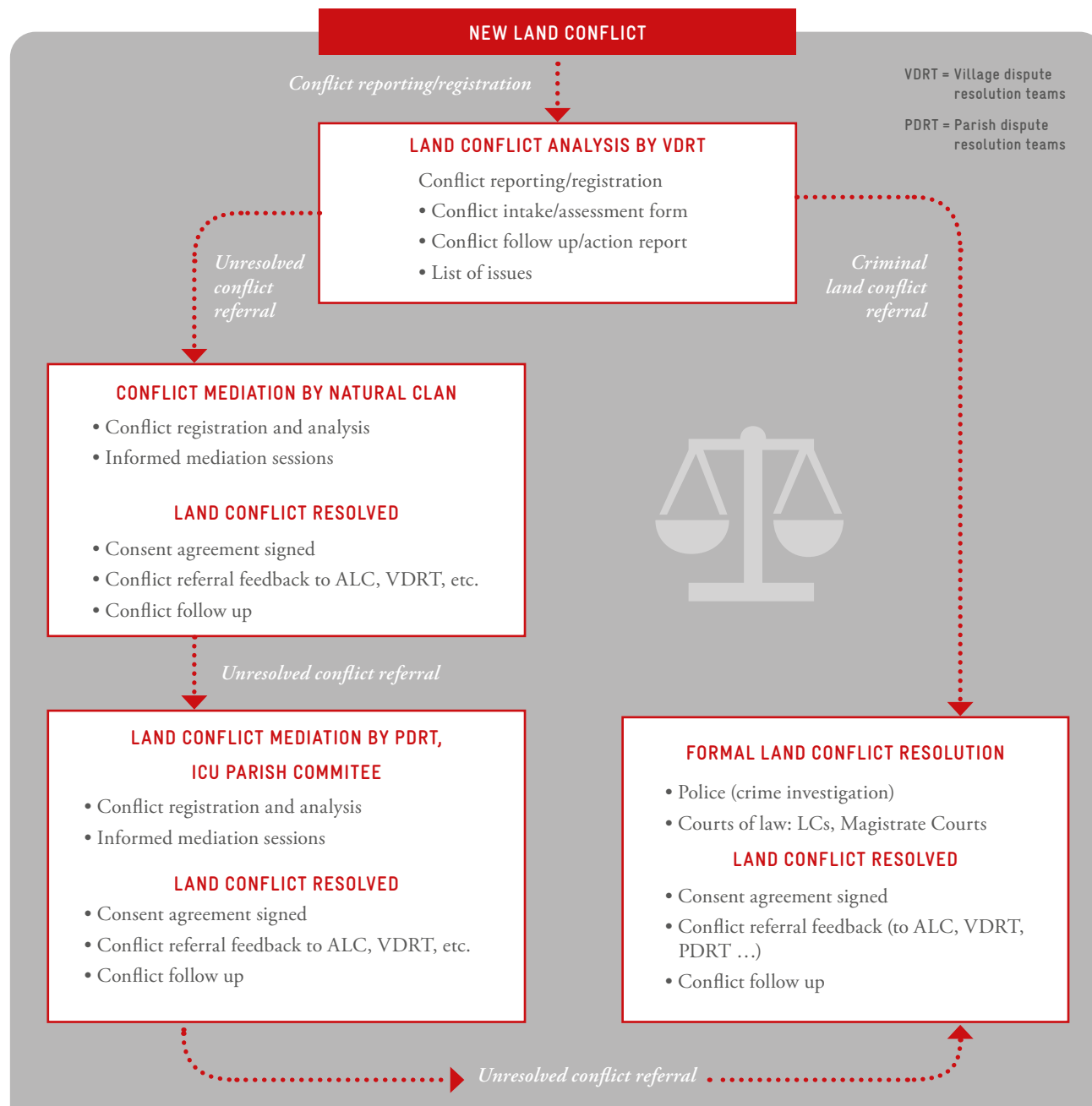


# Approach

## THERE IS A CONTINUOUS PROCESS OF PROVIDING CONFLICT RESOLUTION USING ADR TECHNIQUES

to ensure that the inventoried land is free of conflicts. It starts during the second step – awareness raising and is applied through the mapping of parcel (third step) where most of the conflicts come to the surface. It may include the resolution of conflicts within families or between neighbours regarding use and ownership or border disputes. On Mailo land a special focus is on the communication with the landlords to ensure that there is consensus between the tenants and landlords.

*Mediation in practice:  
RELAPU-Teso Process*



# Approach

**IN THE CASE OF TESO**, all stakeholders and the local leadership agreed to encourage willing households to immediately apply for CCOs. Today, almost 100% of all households interested in having their land ownership rights documented apply also for a CCO. LIPs reflect an important intermediate step towards the CCOs.

**IN ADDITION**, the Land Act allows for conversion of customary land to freehold for those owners who want to see their land properly surveyed by a professional land surveyor.

**IN CENTRAL UGANDA**, the issuance of CoO, despite its formalisation in the Land Act, is still proving difficult due to the dual, overlapping land rights of landlords and tenants. It was only after massive efforts of RELAPU, that the first ever CoO was issued in April 2022.

**Land Inventory Protocol**  
Part I: Description of the Land  
Occupancy ID number(OIN): N03090201.051

District	County / Municipality	Sub-county / Town Council / Division	Parish / Ward	Village / Cell	Portion Number
Mityana	Hukwisa	Mwangaata	Kwawu	Rwanga	033

Coordinates of Parcel's Centroid (WGS84)	Latitude	0.0000
	Longitude	0.0000
Approximate Area	Hectares (ha)	0.000
	Acres (ac)	0.000
Use	Rural - Farming, Residential	

**Sketch parcel map** - All distances in the map are given in metres (m) on a horizontal plane. Shorter boundary distances might not be indicated. A complete overview can be found in the list of border points (section IV.2).

**Note:** This Land Inventory Protocol (LIP) is a comprehensive documentation that provides for evidence of land occupancy rights as agreed between Tenant and Landlord, ascertained by the Area Land Committee, after inspection of the land. This document is also a requirement for Demarcation Form 24 compiled by the Area Land Committee for boundary certification regarding the land described herein under the provisions of the Land Act, 2009 and Land Regulations, 2009. The LIP may be used as a basis for obtaining a Certificate of Occupancy issued under section 33 of the Land Act or negotiating other options which are outlined in the National Land Policy (2013).

Land Inventory Protocol \* OIN N03090201.051 \* 19/10/2020 10:02:20 Page 1 of 5  
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**Part II: Particulars of Occupancy**  
II.1: Overview of Occupants

No.	Surname	First Name	Date of Birth
1	SSSSSSS	MMMMM	20/01/1999

II.2: Claim

Documents to prove claim	Yes	Other sources of claim?	None
Declared kind of registration	Certificate of Occupancy	Name of presumed	Mullo land owner

II.3: Personal Details of Occupants

Occupant (1)			
Surname	██████████	Date of Birth	██████████
First Name(s)	██████████	Sex	Male
Marital Status	Divorced	Nationality	Uganda
Married to	██████████	Identification Doc No	██████████
Father's Name	██████████	Clan	SECI
Mother's Name	██████████	Tribe	MUSANJA
Postal Address	██████████	Mobile No	██████████

Land Inventory Protocol \* OIN N03090201.051 \* 19/10/2020 10:02:20 Page 2 of 5  
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II.4: Neighbours and Witnesses

Neighbours		Witnesses	
a) Surname	██████████	a) Surname	██████████
First Name(s)	██████████	First Name(s)	██████████
b) Surname	██████████	b) Surname	██████████
First Name(s)	██████████	First Name(s)	██████████
c) Surname	██████████	c) Surname	██████████
First Name(s)	██████████	First Name(s)	██████████
d) Surname	██████████	d) Surname	██████████
First Name(s)	██████████	First Name(s)	██████████

Part III: Presumable Easements or Other Restrictions

No	Type	Description

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Example of a LIP

# For replication

## LIPS HAVE BEEN DEVELOPED AND IMPLEMENTED

**FIRST** in the Mailo-land districts in Central Uganda. Shortly after, the instrument has also been introduced in Teso which is mainly under the customary land regime. For both systems, LIPs are described by partners as a major step towards securing land (use) rights. RELAPU itself has scaled up the use of LIPS in both Lango and West Nile. It is therefore apparent, that the approach can be further scaled up for use in all other parts of Uganda where Mailo or customary land are the predominant form of land use and ownership. Since customary land is a common and legally recognised land tenure system in many other parts of Africa, replications with local adaptations are feasible.

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## FOR SCALING UP AND/OR REPLICATION IN OTHER REGIONS OF UGANDA AND IN OTHER COUNTRIES, THE FOLLOWING KEY REQUIREMENTS NEED TO BE CONSIDERED:



- **Target-oriented policy advice at national and local level:** In the Ugandan context, this has led to a better understanding of existing land laws and policies by key stakeholders and enabled the implementation of land registration processes at local level.
  - **Recognition of the LIP by the government as a bridging solution in their land administration system:** This on the one hand allows the use of existing geo-data, family information etc. by the project and on the other hand, supports the transfer of data compiled in the LIPs back to the land administration system.
  - **Proper budgeting and collection of fees for the issuing of LIPs:** Only through the collection of adequate fees that cover the associated expenses can the long-time usage of LIPs be assured.
  - **Adequate human capacities on the different levels (national and local) of land administration** are required so that the processing of the LIPs is done in due time and the momentum in the communities is not lost.
  - **Develop and implement the instrument in close consultation with the traditional authorities, financial institutions and civil society organisations:** This increases the collective ownership of the LIPs by communities and the widespread use of the product, e.g. as collateral by banks.
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# Further information

Results from the Preliminary Impact Assessment ILGU:

➤ <https://landportal.org/library/resources/land-matters-ii-results-preliminary-impact-assessment-ilgu-april-2021>

The customary tenure system:

➤ <https://landportal.org/library/resources/customary-tenure-system>

Land Inventory Protocol - Features and Description:

➤ <https://landportal.org/library/resources/land-inventory-protocol-features-and-description>

The RELAPU Land Rights Awareness Raising Approach:

➤ <https://landportal.org/library/resources/relapu-land-rights-awareness-raising-approach>

The Fit for Purpose Land Administration Approach of RELAPU:

➤ [The Fit for Purpose Land Administration Approach of RELAPU | Land Portal](https://landportal.org/library/resources/fit-for-purpose-land-administration-approach-relapu)

Land Conflict Resolution Approach by RELAPU:

➤ <https://landportal.org/library/resources/land-conflict-resolution-approach-relapu>



## IMPRINT

### Published by:

Deutsche Gesellschaft für  
Internationale Zusammenarbeit (GIZ) GmbH

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[www.studio-sopart.de](http://www.studio-sopart.de)

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Bonn, July 2023