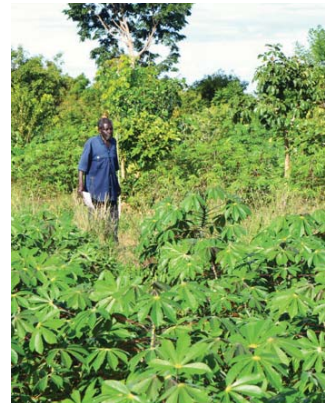




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# Land Conflict Resolution Approach by RELAPU

4

Responsible Land Policy in Uganda (RELAPU)







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# Land Conflict Resolution Approach by RELAPU

## Introduction

Land in Uganda is a delicate resource that has caused many conflicts over the past years. About 80% of pending court cases in the country relate to land today. Looking at the country's violent history, a rising population and increasing impact of climate change on agriculture productivity, land rights in Uganda are contested to this day. Land conflicts are either within communities, family structures or between individuals and external players such as investors. The number of conflicts within these structures is rising considerably, which also leads to constraints in the productive usage of land. Consequently, the rural



*Uganda's Vision 2040 provides development paths and strategies to operationalize Uganda's Vision statement. It aims at transforming Uganda from a predominantly peasant and low-income country to a competitive upper middle-income country.*

population, especially women, youth and marginalized groups e.g. persons with disabilities, widows, the elders, do not have secure access to land as a key component in the fight against poverty and hunger.

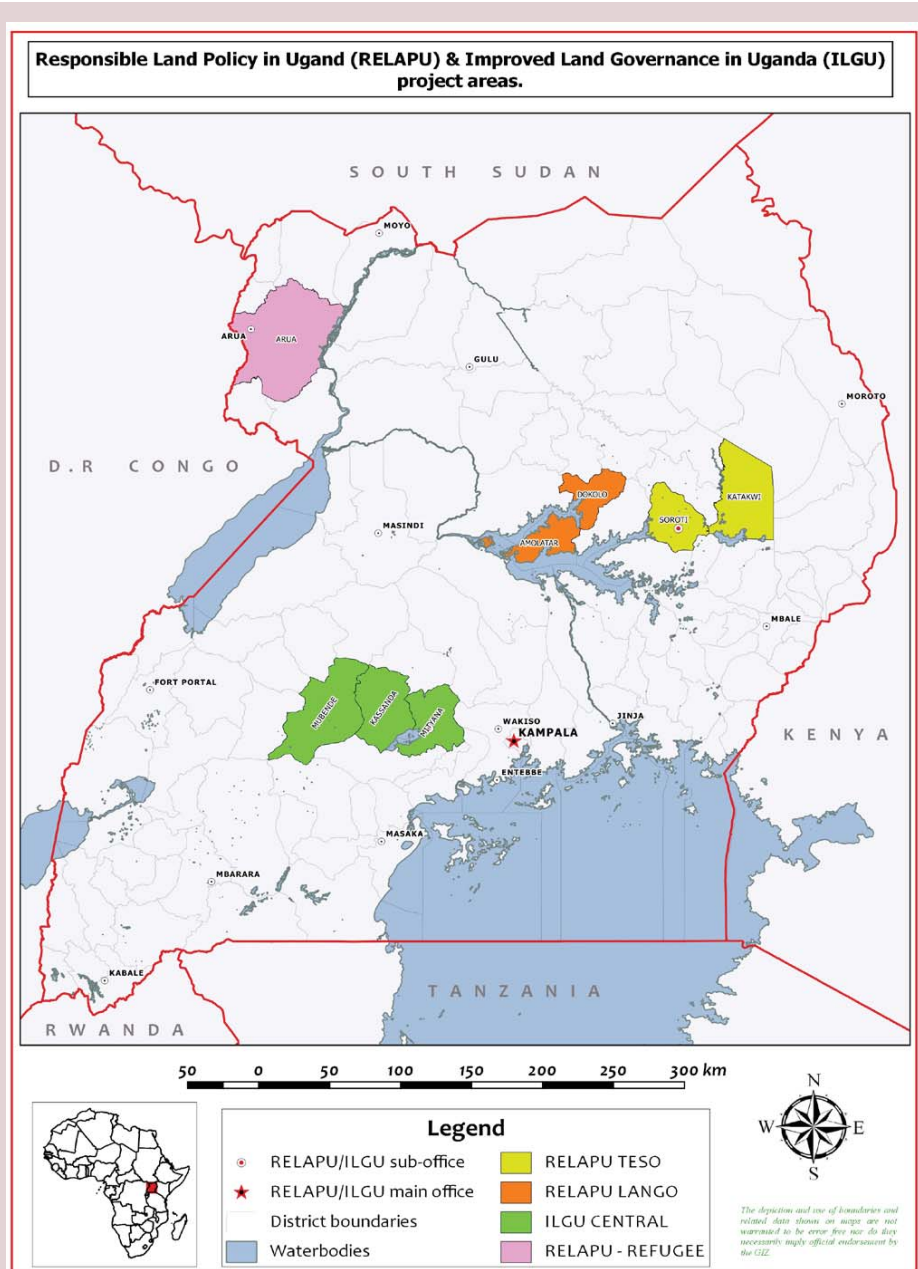
The government of Uganda is committed to address historical, current and potential land conflicts. The Uganda National Land Policy of 2013 aims at ensuring efficient, equitable and optimal utilization and management of Uganda's land resources for poverty reduction, wealth creation and overall social economic development. Land conflicts are however a significant challenge that requires a collective effort among stakeholders for it to be addressed effectively.



## Land Conflict Resolution Approach by RELAPU

Addressing land conflicts is also key to the realization of the country's aspiration for Vision 2040.

The project on **Responsible Land Policy in Uganda (RELAPU)** by the German International Cooperation (GIZ) in partnership with the Ministry of Lands, Housing and Urban Development (MLHUD) supports this vision and contributes to the resolution of land conflicts in Uganda. The project's overall objective is to improve "Access to land as a key prerequisite for poverty and hunger reduction in rural areas has improved for certain population groups, especially women and marginalized groups, in Central, Northern and Eastern Uganda". The approach of the project is to secure fair land use and land tenure rights for sustainable development and food security.



Distribution of tenure systems in Uganda

Since customary and Mailo land tenure systems differ in incidents and in the history behind each system, the land conflicts in Northern and Central Uganda present significant differences. The RELAPU project developed an Alternative Dispute Resolution Mechanism (ADRM), that was adapted to the unique needs of the areas and implemented specifically according to the tenure system. This document outlines the approach and experiences of the project made in the two project regions of Teso and Central Uganda. Adapted approaches will be developed for the new regions in Lango and Refugee host communities in West Nile as of 2020.





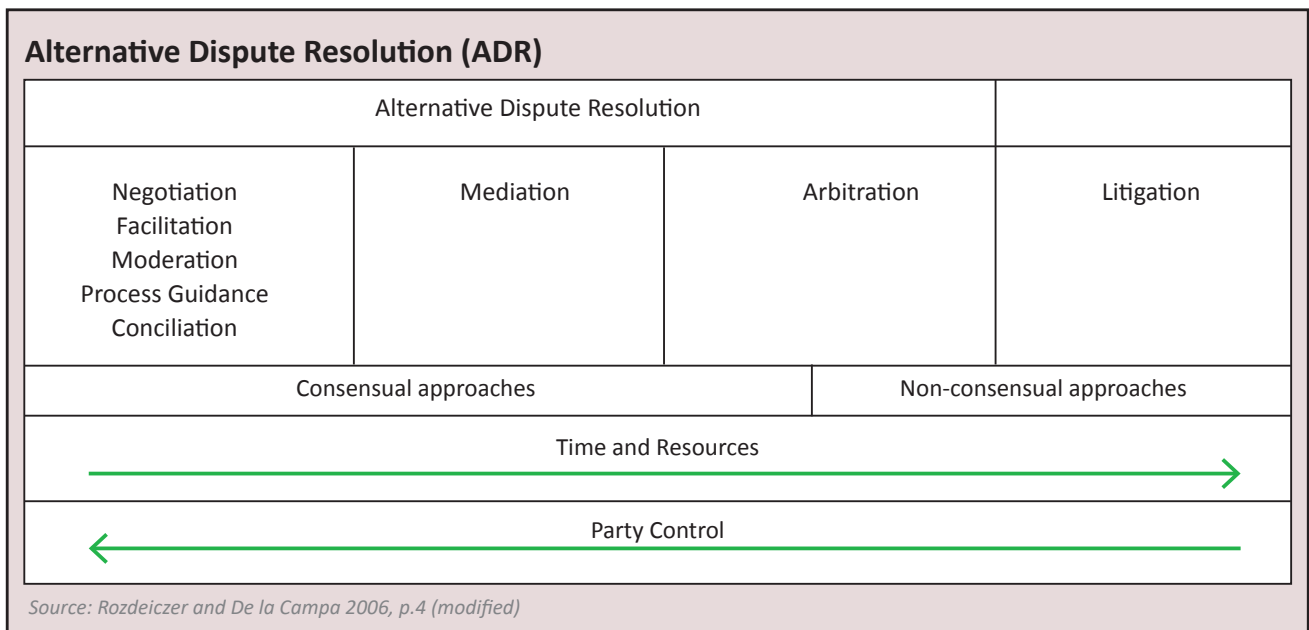
The RELAPU project has started working in two areas of Uganda in 2016 and 2017 respectively:

- Eastern Uganda, Teso (Soroti, Katakwi districts): Securing customary land ownership rights according to customary tenure
- Central Uganda, Buganda (Mityana, Mubende, Kassanda districts): Documentation of land-use rights of both, bona fide and lawful tenants on private Mailo land according to Mailo land tenure

As of 2020 the RELAPU project has started scaling up its activities to two new regions:

- Northern Uganda (Dokolo and second, not yet defined district): Securing customary land ownership rights according to customary tenure, replicating experiences from Eastern Uganda (Teso)
- Northwest Uganda (Arua district): Securing customary land ownership rights of refugee host communities according to customary tenure and establishing formal arrangements between host and refugee communities on land use around refugee settlements

## Alternative Dispute Resolution Mechanism adopted by RELAPU



The RELAPU project uses an Alternative Dispute Resolution Mechanism (ADRM) in both project areas. Alternative Dispute Resolution (ADR) is the procedure for

settling disputes out of court in a private forum, such as arbitration, mediation, or negotiation. The dispute resolution is carried out with the assistance of a qualified neutral



intermediary of choice. ADR procedures have the advantage that they are usually less costly and more expeditious compared to judicial solution. Besides, ADR procedures are often collaborative and allow the parties to understand each other's positions.

Mediation is one of the key ADR mechanisms. In the RELAPU conflict resolution approach land conflict mediation is vital. Unlike the formal processes like litigation, mediation is less costly, more context specific, flexible and relatively easy to conduct. Mediation support systems in land conflicts are better at

rebuilding and sustaining relationships within community members, family structures, between individuals and external players. Mediations usually minimize re-occurrence of similar conflicts, produce results that are sustainable - with a high sense of ownership and mutual understanding among conflicting parties themselves.

Since the causes for conflicts on customary land and Mailo land are distinguished from each other and different structures of dispute resolution are available, the implementation of ADR is unique for each area.

## Alternative Dispute Resolution (ADR):

Alternative Dispute Resolution refers to any means of settling disputes outside of the courtroom. ADR typically includes early neutral evaluation, negotiation, conciliation, mediation, and arbitration. As burgeoning court queues, rising costs of litigation, and time delays continue to plague litigants, formal courts of Uganda increasingly refer cases to prior mediation.

**Negotiation:** Negotiation is almost always attempted first to resolve a dispute. It is the preeminent mode of dispute resolution. Negotiation allows the parties to meet in order to settle a dispute. The main advantage of this form of dispute settlement is that it allows the parties themselves to control the process and the solution.



**Mediation:** Mediation is also an informal alternative to litigation. Mediators are individuals trained in negotiations, who

bring opposing parties together and attempt to work out a settlement or agreement that both parties accept or reject. Mediation is not binding. Mediation is used for a wide gamut of case-types ranging from juvenile felonies to federal government negotiations with Native American Indian tribes. Mediation has also become a significant method for resolving disputes between investors and their stock brokers.



**Arbitration:** Arbitration is more formal than Mediation and resembles a simplified version of a trial involving limited discovery and simplified rules of evidence. Prior to the dispute occurring, parties usually enter into a binding arbitration agreement or any other form of agreement with an arbitration clause, that allows them to lay out major terms for the arbitration process.



*Source: Legal Information Institute 2019*



## What is a land conflict?

In sociology a conflict is defined as a social occurrence in which at least two parties have different interests over the property rights to land. This includes the right to use the land, to manage the land, to generate an income from the land, to exclude others from the land, to transfer it and the right to compensation for it. A land conflict, therefore, can be understood as a misuse, restriction or dispute over property rights to land.

Under the RELAPU project, a conflict is defined as “a *social fact* in which at least

two parties are involved and whose origins are differences in interests regarding one or several property rights to land”<sup>1</sup>. The definition of land conflicts on Mailo land is slightly different and covers any issue, concern, disagreement or dispute within the family, among neighbors or between a landowner and a tenant that inhibits mapping of a parcel of land<sup>2</sup>. Hence, a conflict may be violent or not and it may or may not prevent effective and productive use of land.

## Institutional framework for land conflict management

The Government of the Republic of Uganda, through various legislations and policies, has endeavoured to put in place institutions and offices to support land dispute resolution. Cases in point are: the creation of Local Council Courts (especially LCII courts as were meant to be the first courts of instance on land conflicts), the Area Land Committees at sub-counties, the Local Council Court at the sub-county, the National Land Policy (NLP) proposed administrative mediation committees in districts and sub-counties, the District Land Boards, the now non-functional land tribunals, the formal courts of law, among others.

Some of these institutions have contributed to resolving land

disputes and thereby promoting effective and productive use of land in Uganda. Nonetheless, challenges remain which affect the end users of their services who are the grassroots citizens including small scale farmers. Some of these challenges include:

- Inadequate resources to sustain their operations.
- Their accessibility in terms of proximity is a challenge to the majority of the local communities.
- Some or most of their services to the community members are not free of charge, hence cutting off the majority poor citizens including small scale farmers.

### Ugandan legislations and policies in terms of land conflict resolution:

- Ugandan Constitution (1995)
- Land Act (1998) and subsequent amendments
- Local Council Courts Act (2006)
- Uganda National Land Policy (2013)

<sup>1</sup> Wehrmann, 2005

<sup>2</sup> Wehrmann, 2016



## ■ Land Conflict Resolution Approach by RELAPU

- Land tribunals as provided for in the Land Act are often defunct or not established

However, the Government of Uganda is still committed and determined to spur national development through developing sustainable solutions on access to, ownership of and

control of land by all citizens, through effective implementation of the National Land Policy 2013. Non-state actors such as GIZ and partner local organisations such as UCOBAC<sup>3</sup> and PaCT<sup>4</sup> are equally coming up to support the government's effort to realise effective, productive and equitable use of land by all.

## Causes of conflicts on land are unique to each tenure system

Customary land	Mailo land
<ul style="list-style-type: none"> <li>• The land conflicts (displaced people) arisen from the Karamojong livestock raids and rebel groups in the recent past in Teso.</li> <li>• Numerous and continuous land boundary disputes because many owners have no documents that define the boundaries for their pieces of land.</li> <li>• Development of 'mushrooming' trading centers (and other formal institutions) into customary land.</li> <li>• Undocumented customary land.</li> <li>• The rising human population against the static land.</li> <li>• Gender insensitive customs and practices especially against women, (unmarried) youth, widows, persons with disability.</li> </ul>	<ul style="list-style-type: none"> <li>• Numerous and continuous land boundary disputes because tenants have no documents that define the boundaries for their pieces of land (Bibanja) which increases tensions between tenants-tenants and tenants-landlords.</li> <li>• Non-payment of ground rent (Busuulu) by tenants to landlords</li> <li>• Land inheritance conflicts.</li> <li>• Some tenants sell land without the prior notice or consent of the landlord.</li> <li>• Illegal evictions of tenants by land-owners among others.</li> <li>• Lack of knowledge on land laws and high levels of impunity.</li> </ul>

## Alternative Dispute Resolution Mechanism on Customary Land

In Uganda and particularly in Teso sub-region, formal, informal and Alternative Dispute Resolution (ADR) mechanisms exist and people seek any of these to resolve conflicts. The 2017 GIZ supported study by Teso Initiative for Peace (TIP) on the status of conflict resolution

mechanisms in Teso<sup>5</sup> revealed that a majority of the rural Teso population preferred the informal/customary (clan) structure for conflict resolution. Mediation was ranked as the most utilized approach in conflict resolution followed by negotiations and arbitration.

<sup>3</sup> Uganda Community Based Association for Child Welfare (UCOBAC)

<sup>4</sup> Partners for Community Transformation (PaCT)

<sup>5</sup> Comprehensive Coherent Land Conflict Management Mechanisms in Teso Sub-Region, Teso Initiative for Peace (TIP), 2017







*“Elders are well versed with the history of the land i.e. the boundaries that existed before thus this rich history helps a lot when handling land conflicts. Clan committees are formed and act on merit. They charge fair and friendly fees when handling land matters and this is of advantage to the community. People are nearby thus making it more convenient to mobilize them to come for mediation”, Kidongole, Bukedea.*



**VDRT led community-based mediation meeting and the consent agreement being signed by the conflicting parties and the witnesses (as evidence of amicable resolution of a land conflict) in Okerisio-Angodingod, Katakwi**



However, because there are no all-encompassing existing local structures with the capacity to deal adequately with emerging land disputes in the respective localities, GIZ-RELAPU in partnership with the target lower local governments and Civil Society Organisations (CSOs), have since organized and facilitated Village Dispute Resolution Teams (VDRTs) to capture and manage emerging conflicts in the project areas.

Although people in Teso sub-region were familiar with the traditional or cultural leaders’ managed type of mediation, there were some shortcomings noted, such as the bias of the representing leaders and their incomplete knowledge of the law. RELAPU focused on the following four activities to improve on the ADRM on customary land:



**The VDRT is selected according to the following criteria and principles:**

- *Members are supposed to be residents of the area, hold social recognition (e.g. through his/her work in the clan, ICU, religious institution or community-based organization) and be trustworthy*
- *At least one woman and one youth are chosen as members to the VDRT*
- *One of the members among the team is chosen as a secretary*
- *The LC I (chairperson) as a representative of local government complements the team as a fifth “quasi-member” or “witness” to the proceedings of the VDRT*
- *No other local government officials are engaged in the VDRT (except of indispensable cases, see below)*

## 1. Formation of Village Dispute Resolution Teams (VDRTs)

During the first awareness raising meeting at the village level, the community members are tasked to choose amongst themselves at least four reputable persons to form the VDRT. Alternatively, in locations where the Iteso Cultural Union (ICU)<sup>6</sup> has instituted its committees at village level, four members of the ICU committee are elected for ADR engagement as the VDRT. The LC I<sup>7</sup> (chairperson) as a representative of local government complements the team as a fifth “quasi-member” or “witness” to the proceedings of the VDRT.

In case any conflict cannot be resolved by the VDRTs, it is referred to a Parish Dispute Resolution Team (PDRT). The PDRT is organised by the same criteria as the VDRT except for the two “quasi-members”/“witnesses”, which are represented by a LC II<sup>8</sup> chairperson and a parish chief.

**Simplified hand-outs of resource materials and case management tools are provided to the VDRTs during capacity building events by the CSOs, such as:**

- *General Village Case Register (each VDRT receives a counter book from the CSO partner with simplified case codification guidance)*
- *Case intake / Case assessment form/ case follow-up form*
- *Case referral form*
- *Consent agreement form (signed to validate successful mediation)*
- *Reporting Guide (for periodic reports submitted to the CSO partners)*

<sup>6</sup> Iteso Cultural Union was established in 1995 under the provisions of the 1995 National Constitution of the Republic of Uganda that recognized cultural institutions. The Union is sponsored by and comprises of all Iteso clans with the specific objectives of uniting all the Iteso people of Uganda, Kenya and in the Diaspora for purposes of cultural preservation and pursuit of modern development projects for Teso. The ICU is a Chiefdom headed by a Cultural Leader, His Highness Emorimor who was elected by the delegates conference in 1998 and thereafter installed in the year 2000 and is supported by a Clan Council, Cabinet, Team of advisors and a foundation of clan executives throughout Teso Region, thus forming a comprehensive force to foster and represent all issues affecting the Iteso as a people. [Sarah Akileng, Iteso Cultural Union]

<sup>7</sup> Local Council Chairperson at Village level

<sup>8</sup> Local Council Chairperson at Parish level



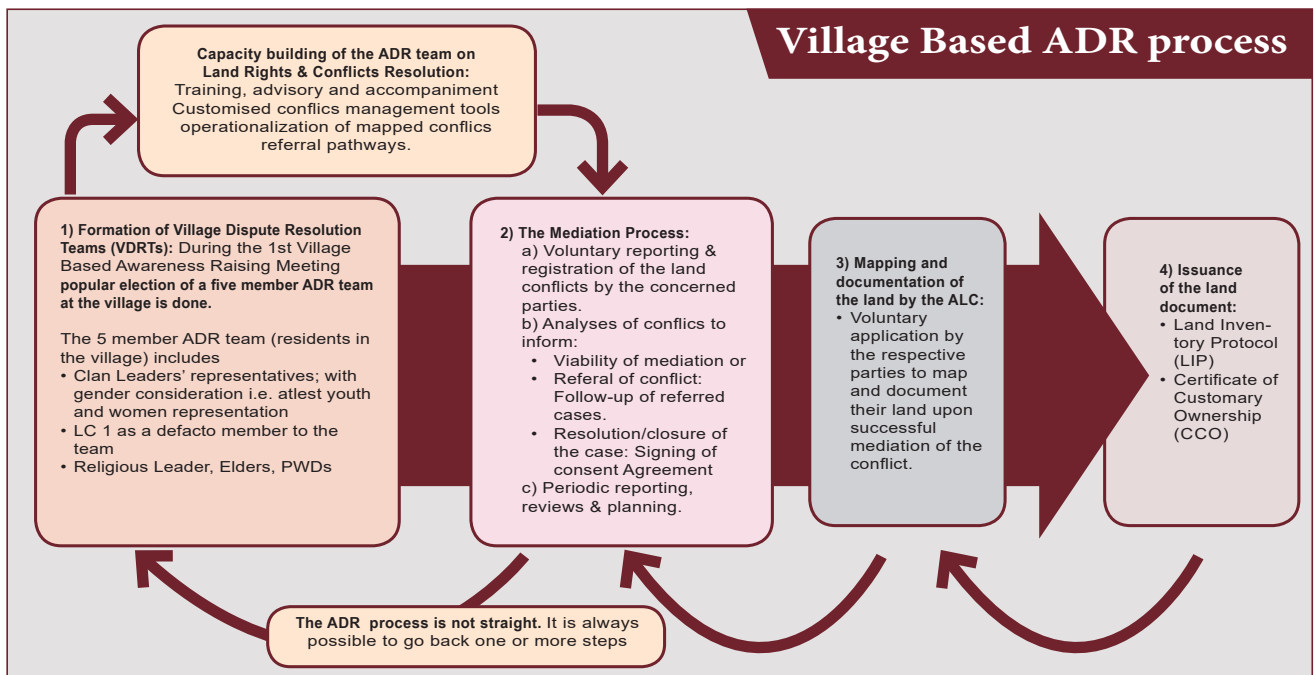


## 2. Capacity Building of VDRTs in Mediation

Over generations land conflicts among the Itesot have been resolved through mediation by traditional leaders. In most cases the members of the VDRTs don't have the experience nor required knowledge. Because of that, they participate in two four-day trainings, where they are trained on topics such as tenure land rights, social justice, peace building and conflict resolution (with focus on mediation).

## 3. Mobile Legal Land Clinics

Mobile legal land clinics are community-based interactions between technical/legal stakeholders and the local inhabitants to share experienced land issues. The purpose of these meetings is to show the dimensions between criminal and civil land cases and to advantages of community-based ADR.



## 4. Implementation by VDRTs

In the beginning of every session the VDRT captures the details of the conflict to determine the needs for a viable mediation. However, during this process, potential criminal issues are identified and directly reported to the police. Besides, parties in conflict choose a lead

mediator from the five members of the VDRT. This person will lead the mediation session and will be complemented by the other VDRT members. Depending on the complexity of the conflict up to five (in some cases even more) mediation sessions are needed to resolve the conflict. Through fair and equitably resolutions,

### Note:

To avoid the likely implications where one of the parties in conflict resolution is 'tempted' to offer a meal/ refreshment to the VDRT (often leading to one-sided favours) during mediation sessions, the RELAPU project facilitates the VDRTs with refreshments during the sessions.

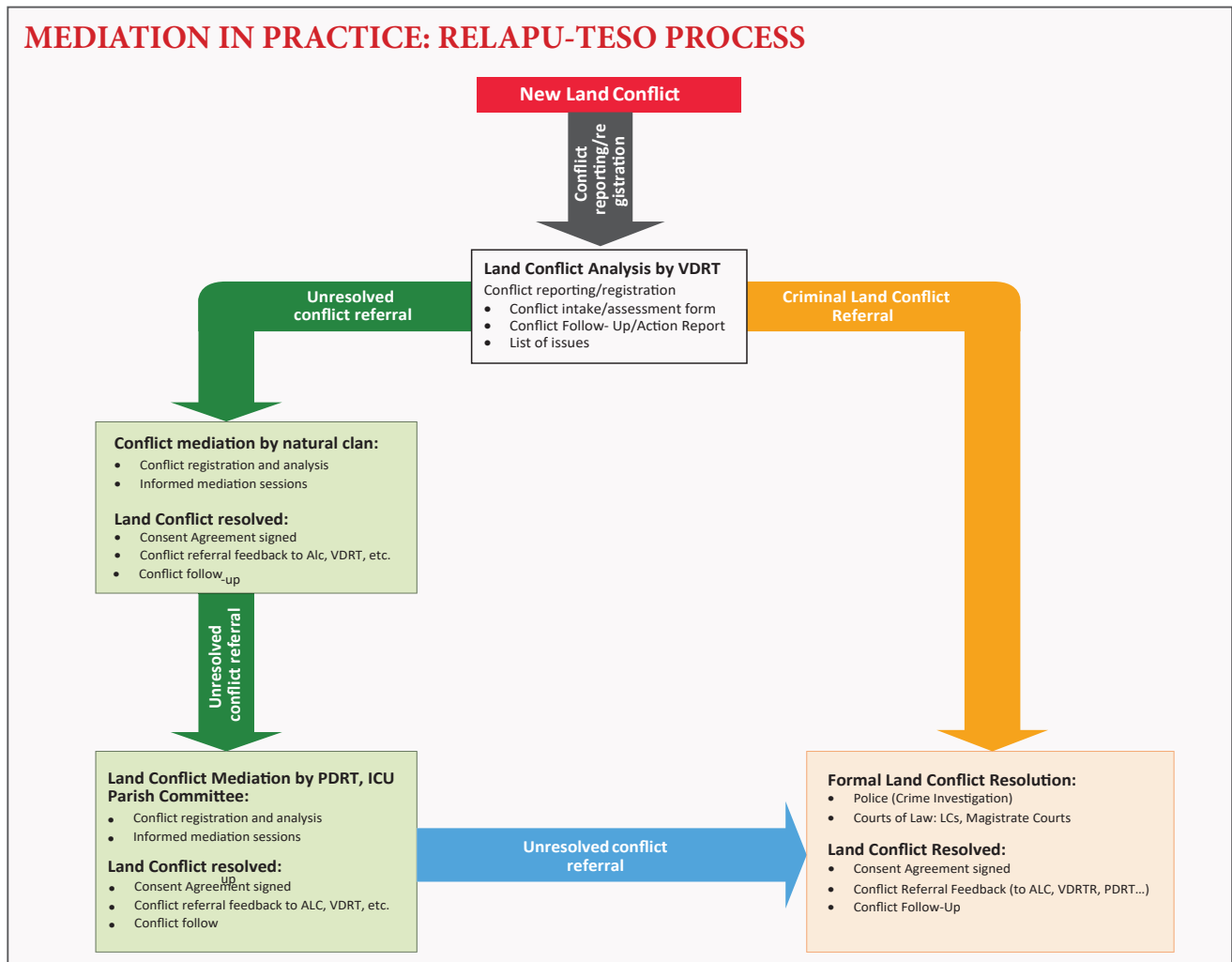


## Land Conflict Resolution Approach by RELAPU

the VDRT gains more and more trust in the community over time and more people are willing to disclose their land conflicts with help of the VDRT.

As an evidence of successful mediation, key action points (consent agreement) that are

participatorily drawn (by the parties in conflict as witnessed by other participants) are put to implementation for the transformation of the issues causing conflict. The VDRT will subsequently undertake informed follow-ups on the progressive implementation of the action points by the conflict parties.



### Notes:

Under the GIZ-RELAPU intervention in Teso sub region, only the land parcels with no disputes or conflicts can be mapped and documented upon voluntary and prior informed consent of the rightful owner(s).

- If there is successful land case mediation, a feedback form (including a copy of consent agreement) is presented by the parties to ALC (as evidence / readiness) to map.
- Only cases that do not have criminal traits are

considered for possible mediation.

- The case handling process starts at case registration, this then provides basic data for further detailed conflict analysis to determine the viability for initiation of the mediation or referral to the relevant authority.

**ALC:** Area land committees.

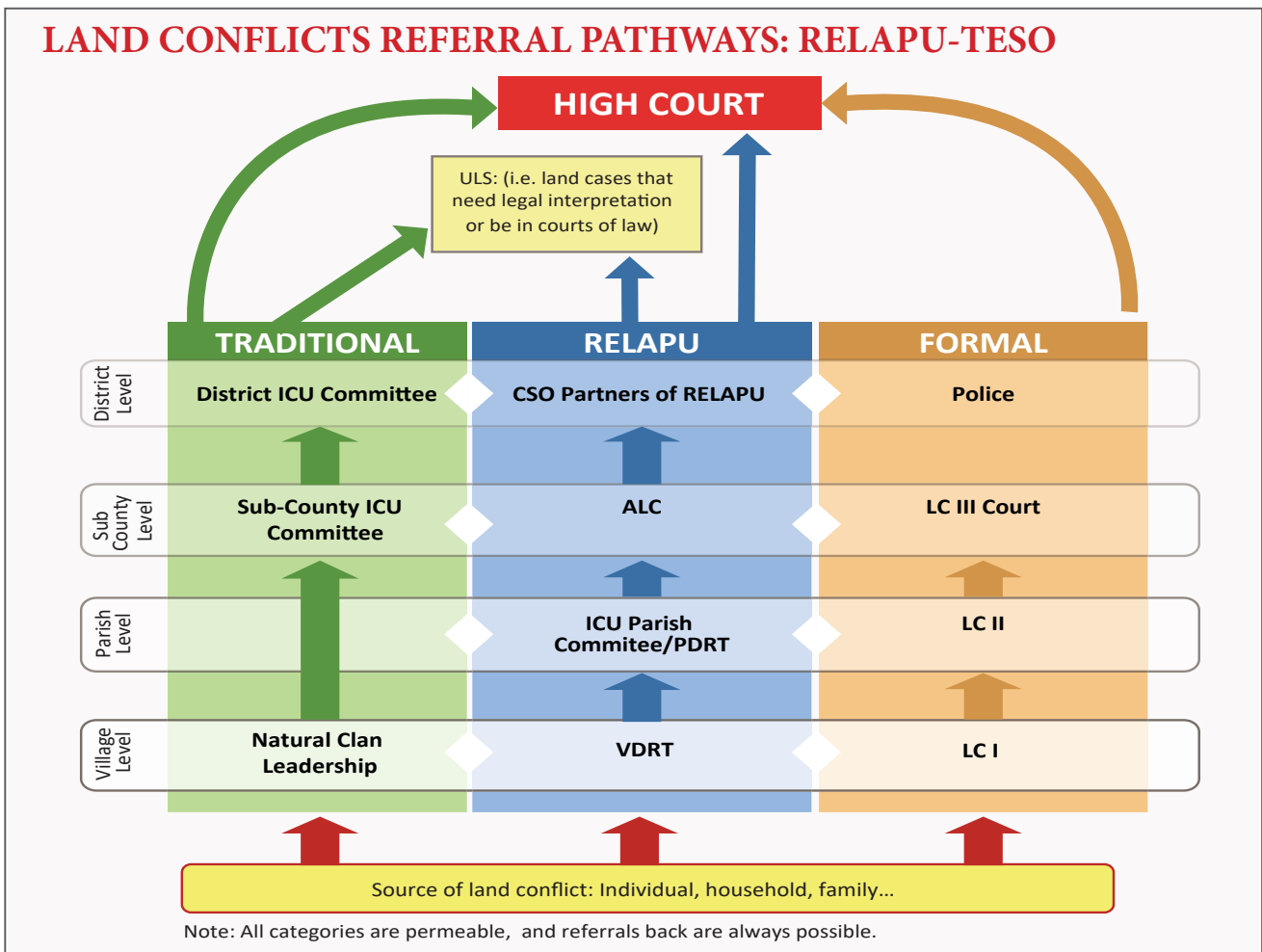
**VDRT:** Village dispute resolution team.

**PDRT:** Parish dispute resolution team.

**LCs:** Local Council Courts.







### Notes:

- The VDRT, PDRT, ALC & the CSO Partners in coordination handle the project ADR management structure (in collaboration with the key formal & informal institutions - especially from village to sub county level. ALC members are equally trained in mediation to enable the team handle (less-complex) land conflicts that emerge during the parcel mapping process. To facilitate the primary engagement of ALC in the mapping and documentation processes, there shall be a minimal referral of cases to the committee.
- The project highly regards and thus adopts mediation as an ADR mechanism. However, in the event that there are categorical cases that may require legal interpretation or support, the project, through the respective CSO partners may seek legal (pro-bono) services of Uganda Law Society (ULS) in Soroti.
- The LC I, LC II, LCIII Courts, ALC, the Police and Courts of Law represent the primary formal structures for land case management in the project processes. The natural clan leadership, ICU committees from village, parish and at sub county (in locations where they have been instituted) form the basic informal structure of land case management there at. VDRTs and PRDTs are the amalgam (hybrid representation) of the renowned formal and informal structures at village and parish levels respectively.
- Land cases of criminal nature shall directly be referred by the project to the police for informed investigation and prosecution at the courts of law.
- If parties in conflict mutually withdraw their case of land conflict from Courts of Law, the project supported ADR structure may (if the case is deemed manageable) mediate it.



## Alternative Dispute Resolution Mechanism on Mailo Land



Landlord and his tenants showing the Memorandum of Understanding entered after a successful mediation in Kiyuuni sub-county Mubende district

The RELAPU-ILGU<sup>9</sup> project opted to have a conflict resolution mechanism that relied on a community-based approach. The project works closely with the civil society organisations UCOBAC and PaCT as implementing partners and champion organisations that oversee the process. The approach has demonstrated the possibility and cost-effectiveness of a community-based resolution of conflicts. The RELAPU-ILGU project through its partners agreed to have respectable citizens of the community, a member of the Area Land Committee, together with the community

paralegals and local leaders as members of the sub-county-based mediation committee.

Locally based CSOs, with technical support from GIZ, have established a mechanism for conflict resolution in the different project targeted sub-counties. The mechanism is synchronized with the project activities of awareness raising and parcel mapping and is in line with the National Land Policy. Community members are encouraged to find peaceful solutions to their conflicts through the established ADRM mechanism.

<sup>9</sup> RELAPU-ILGU refers to the activities of the project on private Mailo, co-funded by the European Union and the German Government: Improvement of Land Governance in Uganda to increase the Productivity of small-scale farmers on Mailo Land (ILGU)





## Alternative Dispute Resolution Mechanism in Mailo's ILGU project

Identification  
of paralegals

Identification  
of the ADRC

Conflict data  
collection

Mediation  
process

### 1. Identification of paralegals

The paralegals have a dual function i.e. they are responsible for sensitizing the community about the project and they, together with the Village Chairperson LC I and the Area Land Committee member on the mapping team, form the first level of mediation. Because of their level of information about the project's activities, conflicting parties within their localities can call upon them to clarify and mediate disputes.

The paralegals upon selection are trained in two phases. The first training is about the project process especially about how awareness raising will be handled and aspects of legal rights and responsibilities pertaining land ownership, followed by a

**Paralegals: A paralegal as defined by the project is a person qualified by training and work experience who performs specifically delegated legal dvice:**

*The paralegals are identified with the help of LCIII and ALC chairs.*

- *To improve gender equality, every ADRC is represented by a woman.*
- *The identified paralegals are trained and equipped.*



Community paralegals undergoing a training on land conflict management with emphasis on Mailo

## ■ Land Conflict Resolution Approach by RELAPU

second training which focuses on the conflict resolution approach and what the paralegals' role will be at the different stages of the project activities. This is done together with other mediation committee members.

The paralegals are important especially during awareness raising, the mapping process and the post mapping process. For example, they help capture conflicts that emerge prior to mapping, during the mapping exercise and at the village map displays. Besides, the paralegals are expected to analyze if a conflict is criminal or civil. The criminal cases are immediately referred to the police while the civil conflicts can start off with mediation processes.

## 2. Alternative Dispute Resolution Committees (ADRC)

Alternative Dispute Resolution Committees (ADRC) are composed of local leaders from the different parishes within a sub-county. The ADRC have the function of mediating the conflicts referred from the community paralegals. Just like in the customary land project, under the RELAPU-ILGU project the focus is to process and resolve conflicts that emerge as a result of the project activities.

The ADR approach on Mailo mirrors a mechanism provided for under the National Land Policy that among others seeks to establish administrative mediation committees in districts with predominantly landlord-tenant issues to mediate between landlords and tenants willing to share land. The committees envisaged to be constituted of both political and technical officers at both district and sub-county level and from the locus.

## 3. Conflict data collection

The paralegals document the conflict cases and make the first attempt to mediate these cases at village level. If the matter fails, the paralegals refer the cases to ADRC for further mediation. If the conflict is resolved at the ADRC, then an Memorandum of Understanding (MoU) is drawn detailing the conditions upon which the conflicting parties agreed. This MoU is signed off by the conflict parties. In case the conflict matter is discussed at least two times by the ADRC and consensus is not reached by the conflicting parties, then the matter is referred to other conflict resolution partners within the sub-county or district.

### The identified leaders for the sub-county ADRC include but are not limited to:

- *LC3 (sub-county chairperson)*
- *SAS/CDO from the sub-county*
- *Chairman Area Land Committee*
- *One paralegal in the sub-county*
- *One CSO Staff*





## 4. Mediation process

- Letters are written inviting the parties for mediation and these are disseminated to the conflicting parties a week before the mediation dates.
- Mediations are done at an agreed venue usually at the parish level of the conflicting parties.
- Either one or two mediation dialogues are held for each of the registered conflicts.
- If the mediation is successful, MoUs are signed by both parties. Referrals are written for unresolved cases.



## The fruits of mediation

- In Kiyuni sub-county, Mubende District, landlords who were chased away with pangas (Machetes) during boundary openings are now conducting buy outs for their bibanja holders after mediation.
- In Bukuya sub-county, Kassanda District, landlords who had over 120 tenants each had refused busuulu and denied their tenants to be mapped. In preference of foreign investors are now accepting busuulu. Over 300 tenants are mapped.
- In Bulera sub-county, Mityana District, a landlord had 18 cases and has spent seven years in court. In a ruling recently he lost nine and won nine cases. He obtained an eviction order against the nine who lost but police has refused to give him protection. When he heard about the mediation committee, he agreed to have a dialogue with his tenants.
- In Maanyi sub-county, Mityana District, one landlord has spent over five years in conflict with his tenant. After mediation they reconciled and signed the memorandum.
- In Nabutiti village, a family of four girls successfully got their family land back after fraudulent sale.



## Successes

Customary Land	Mailo Land
<ul style="list-style-type: none"> <li>• About 485 VDRT members - meritoriously chosen by the communities - have (since 2017 to date) been trained and supported in undertaking ADR of emerging land cases in the apparent operational areas by RELAPU.</li> <li>• Informed synergies<sup>10</sup> have since been established in and between informal and formal structures for participatory management of emerging land conflicts in the project's operational areas (for instance, responsive case referral pathways are well mapped and being utilised).</li> <li>• As of end of October 2019, of the 306 conflict cases reported within the RELAPU project, 83% of the conflicts were resolved through the VDRT and the PDRT. Consent Agreements (that are witnessed by the VDRT members and the community members present in the mediation meetings) are signed and have been respected by the conflicting parties; success case stories have ever since been overwhelmingly shared and documented.</li> </ul>	<ul style="list-style-type: none"> <li>• Landlords who could not visit or enter their land are now able to freely discuss with their tenants, with most of them accepting busuulu.</li> <li>• Pre-mediation helps to create a favourable atmosphere during mediation. The ADRC team usually holds a separate meeting for complainant and defendants. This approach is to enable the team to test the waters.</li> <li>• Through resolving conflicts, many tenants' parcels have been demarcated, mapped and documented. As at the end of Oct 2019, of the 1,980 cases reported, 1,242 cases (62.7%) were resolved through ADRM.</li> <li>• The tenants can now provide evidence about their tenancy rights through the Land Inventory Protocol (LIP) and some tenants through a pilot project supporting issuance of Certificates of Occupancy (CoO) will be able to improve on their tenancy rights further. In one parish in Myanzi sub-county, 700 tenants have applied for CoOs and 68% of these applications have been consented by landlords.</li> <li>• Improvement in the landlord-tenant relationships through emphasizing the roles and responsibilities of each party hence pave the way for a peaceful co-existence.</li> </ul>

<sup>10</sup> Note that VDRTs are (a hybrid) formation of the representatives of the informal and formal institutional frameworks (with gender consideration) in a village for all-inclusive management of emerging land conflicts.







## Similarities and Differences between Conflict Mediation on Customary Land and Mailo Land

		Project Side	
		Customary Land	Mailo Land
Similarities	Approach	The approach hinges on the cultural/ traditional structures.	The approach relies on opinion leaders within the community.
	Criminal cases	In both approaches, criminal cases are referred to the police and courts of law while the mediation targets civil cases only.	
	Referral system	The Village dispute resolution committee for customary land and the Paralegal and village chairpersons for mailo land are the first instance mediation step in the project’s conflict resolution at community level.	
	Implementing partners	The CSO partners have some experience in handling mediations at community level.	
	Resolved conflicts	The community members with conflicts worked with the mediation committees to resolve their conflicts so that their land could be mapped.	
Differences	Referral system	The Village dispute committee refers to the parish dispute committee in case the conflict is not resolved then refer to other mediation houses or courts of law.	The Paralegal and Village chairperson refer to the Sub-county committee in case the conflict is not resolved then refer to other channels or courts of law.
	ADR committees	Has a three-stage mediation mechanism i.e. 5-member VDRT, then PDRT; refer to clan/ ICU.	Has a two-stage mediation mechanism i.e. 2-person village team (paralegal and village chairperson); 5-member sub-county ADRC.
	Types of conflict	Boundary conflicts dominate.	Landlord-tenant conflicts dominate due to lack of knowledge on their roles and responsibilities.
		Less conflicts are usually registered on customary land.	Due to nature of mailo tenure disputes on mailo tend to be many of which a high number are of violent nature.



## Case Stories

Case story by Ms. Apolot Jennifer (63 years) and her son Ebayu Peter (41 years), with a boundary conflict in Omariyai, Katine sub-county, Soroti district:

Ms. Apolot Jennifer: “Before the RELAPU project intervention, all attempts by the LC I court to settle the boundary conflict between my family and my son were unsuccessful. I am now happy that the mediation by the VDRT has not only brought back the lost relationship but also enabled my family to map our land. Information on land rights that was high-

lighted to us [conflicting parties] during the [pre-mediation] counselling by the VDRT were very instrumental in guiding our commitment to resolve the conflict.”

Mr. Ebayu Peter: “Lack of information on land rights and responsibilities could not earlier enable us to resolve the conflict. The VDRT members are more neutral. The [consent] agreement we signed was evidenced with boundary tree planting ceremony – this had never been done before. I also mapped my land.”





Case story of a successfully mediated conflict between landlord, Ms Nannono (48 years), and her 70 tenants in Kakigando village, Kiyuuni sub-county, Mubende district:

Ms. Nannono Sofia: "I am Nannono Sofia. I am the follower to Hon Semeo Nsubuga. I own a land in Kiyuuni but since 2012 I had vowed never to return to that

place and I knew no one could convince me to go back. People threw stones at me as influential people told them that I was not the rightful owner of the land. They exclaimed that a Baganda cannot own land in Kiyuuni. I could not imagine that one day I would have a peaceful dialogue with my tenants. We now reached reconciliation."







Accompanying video clips  
can be found on:







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Registered offices: Bonn and Eschborn Germany  
Rural Development, Agriculture (Department  
G500) Friedrich-Ebert-Allee 36+40  
53113 Bonn, Germany

T +256 (0) 414 220 687  
E [thorsten.huber@giz.de](mailto:thorsten.huber@giz.de)  
W [www.giz.de](http://www.giz.de)

Responsible  
Thorsten Huber

Design and Layout  
Ronny Kahuma

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