

**Land Reform is not only enhancing security of tenure of land, but also paying attention to enhancing access to land by bona-fide occupants and users.**



*Minister of State for Lands Hon Persis Namuganzawith some of the Customary owners from Kal Atocon and KalKwaro in Nwoya District who received their customary titles.*

IF you don't remember the days when securing your Land Title was an absolute nightmare then you must give thanks for coming into adulthood and responsibility at a much less angst-ridden time of life. If you remember the days before those, then you must give thanks for living to a very ripe old age, because land records are probably the first official written records ever to be created in Uganda - dating back to 1900 after the Buganda Agreement.

After the Buganda Agreement was signed the Land and Survey Department was created and set about conducting a topographical survey in 1902, followed by the famous Mailo Survey of Buganda of 1904, a land settlement survey that took a few more years to complete.

On 2<sup>nd</sup> January, 1909 the first Governor of Uganda, Sir Hesketh Bell, issued the first land titles in Uganda.

By the 1980s, after two decades of serious mismanagement by the different governments that took over from the Colonialists, the Lands Office was the place that records went to die.

During that period there was a very real and common possibility of one paying out millions of shillings for a piece of land and then embarking on the process of transferring the title. There was absolutely no certainty how long it would actually take to get your Land Title authentically and legally in your name or to have the assurance that nobody else had title to the same piece of land.

It was so bad at one point, I recall, that you had land experts and lawyers seriously advising you to go ahead and forge a Land Title to a piece of land you had genuinely paid for and were therefore entitled to own. The process, luckily, was quite simple - which made it alarming because that meant that another person gunning for YOUR land could just as easily forge title to it.

Legitimate documents stood in piles on the floor in such a state that even if you actually did have an authentic Land Title issued by the authorities, it was nigh on impossible to find it. Add to that the deliberate frustration you faced at the hands of unscrupulous officials who had worked out a way of turning that disorganisation into their pecuniary advantage and the complexity of the process that had you driving to and from different offices besides living your regular life, and it almost made no sense owning land in Uganda.

Enter the Land Reform segment of the Competitiveness & Enterprise Development Project (CEDP).



*Land Records prior to re-organisation and digitisation*

Land Reform wasn't aimed at only enhancing security of tenure of land, though; it also paid strict attention to enhancing access to land by bona fide owners.

Richard Oput, the CEDP coordinator at Ministry of Lands, explained to me that the key components of Land Reform were four-tiered:

"Digitising land records, issuing and titling land, surveying boundaries across the country, and improving land adjudication in order to avoid the long legal processes," he listed.

It made sense, because sorting out all these components made owning land more secure for the ordinary Ugandan.

Digitising land records helped get rid of issues such as duplicate and forged Land Titles and also makes it hard for forgers to steal land by forging titles, unless they get access to a central server and change all copies of land title entries that may have been made. The digitisation process will include 21 (twenty one) Ministry of Lands zonal offices by the end of the project, all of which will have access to land titles in digital form with record trails that will be hard to erase or duplicate.

The bonus here, Oput explains, is that old records dating back to the 1920s are also being reconstructed and scanned into the system - which will make it easier to track ongoing transactions.

After that, about one million (1,000,000) new Land Titles will be issued to land owners by the end of the project. This is essentially important because people who traditionally did not hold titles to their land will not be in a position to utilise the Land Titles as productive assets capable of backing loans or agricultural financing by way of collateral.

At the end of November, 2016, 349 customary titles were issued to customary owners in Nwoya district thus unlocking that land for use as productive assets recognisable by financial institutions.

This leads to the third component that is essential especially when creating or issuing Land Titles - the surveying of land to demarcate ownership categories - especially delineating government land, forests, national parks, wetlands and other land parcels from privately owned or gazetted land.

“When any of these components are left out then there is a serious risk of land encroachment, which leads to disputes over ownership. In the past, unscrupulous people felt it was worth the risk to encroach on land because the disputes always took a long time to resolve, and during that time they could make use of the land even by erecting permanent buildings onto it. That is why improving land adjudication is a key component of the project,” Oput adds.

Improving land adjudication focused on fast tracking the resolution of land ownership issues and will eliminate the long legal processes; in a short while Uganda will hear of the enactment of the Land Information System Law that brings along with it special online access to Courts, banks, financial institutions and Real Estate agents all working together to support and facilitate the ownership of land rather than frustrate it in order to get pecuniary gains.

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