

Deep Dive into  
Land Justice  
in **Uganda**  
2020



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**This report is an open invitation for all working with land justice in Uganda to identify better practices.**

**We truly believe basic justice care for everyone is possible. With data and technology, we co-create high quality justice based on what people need in today's world.**

**Evidence-based ways of working gives a chance for targeted solutions, from grass-roots to legislative level.**

**That's why we spoke to over 6000 randomly selected Ugandan adults. We learned about their justice needs. We heard land-related problems over and over.**

**Now we present these results in the form of this Deep Dive into Land Justice in Uganda report. We hope the results benefit justice providers in Uganda to create solutions that eventually grant access to justice for all. Real justice transformation requires diversity and shared commitment to a goal. What can you do?**

” Land is everything  
to us.



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## Disclaimer

This report is a living document and subject to revision. Whenever the report is revised it will be posted at [www.hiil.org/projects](http://www.hiil.org/projects). This version of the report was generated on June 10, 2020..

# Executive Summary

**Every one in four Ugandans experience land-related justice problems.** The number is high. Moreover, land is an important source of income and livelihood. Land disputes cause a lot of stress and ultimately affect people's ability to provide for themselves and their families. Unresolved land disputes have a considerable negative impact on people's lives: they not only affect the people directly involved but also extended families and communities, often leading to violence and harm to relationships. As one interviewee told us, *"Land is everything to us. Without it, there will be problems. So, it induces worry and affects even your normal life."*

**Especially vulnerable groups experience severe consequences from land problems:** the more dependent one is on their land, the more they suffer when their livelihood is at risk. Ugandans need effective, accessible and affordable mechanisms for fair resolution of disputes related to land, in combination with best practices to establish land ownership

and tenure rights. Given the complexity of this challenge, international research now recommend developing better justice journeys that focus on outcomes and are developed through sophisticated design methods.<sup>1</sup> Many land disputes can be prevented. For the rest the people of Uganda need justice journeys that resolve the justice needs quickly and fairly.

**In daily life, Ugandan people encounter many land problems.** Some people are not certain about how to acquire land in a legal and secure manner. Many do not know where to go for fair resolution of their justice problem(s). We also notice systemic injustices in the quality of dispute resolution: women experience a lack of fair representation, particularly in traditional justice systems. Widowed women, especially are at risk of losing their security provided by their inheritance rights. Predominantly, land justice needs arise from disputes over boundaries and land use. Situations vary, from widows being denied access to their late husband's land to a person

being a victim of a land fraud. But what remains the same is an apparent lack of timely, reliable and user-friendly solutions. This report shows what kind of land problems occur in Uganda, and what Ugandans do to solve them.

**The report features two types of data:** quantitative survey data, and qualitative interviews with Ugandan land justice providers. We identify gaps land justice in Uganda and bring examples on what works to bridge these gaps.

**Key findings of this report suggest that land problems need fast and fair resolutions, as essentially, they are social problems that create cycles of distrust and even violence. Informal justice providers, including the Local Council Courts, have a possibility to provide satisfying and fast resolutions. Women need special attention in land justice, as they at risk of experiencing discrimination in resolution processes. Innovation that supports better documentation and agreements can eventually lead to prevention of land problems.**





26%

Ugandans experienced land-related justice problems in the past 4 years

Common land problems:

1. disputes over boundaries
2. ownership and use of land
3. land grabbing

87%

people seek legal advice – most people consult family members

92%

people use some sort of dispute resolution mechanism

51%

are not resolved or are waiting for a resolution



1

## **Introduction to the Study**

# Methodology

Land-related legal problems are one of the most frequent and pressing justice needs in Uganda. In 2015, HiIL conducted a Justice Needs and Satisfaction survey in Uganda, resulting in a report describing the population's needs for fair solutions. The report made evident that in Uganda, the three most prevalent legal problems are in the domains of family (and namely divorce), land, and crime. These problems need further investigation in the form of Deep Dive reports. You are reading one of them.

HiIL publishes special reports on all of these specific problems to provide in-depth knowledge on their prevalence, causes and consequences. These reports feature quantitative Justice Needs and Satisfaction data from 2019 and qualitative data from 2018. To improve access to justice, we analyse this data and examine gaps or knots in

the system to attain fair remedies for these justice problems.

This particular Deep Dive report focuses on those individuals who reported their recent experience with a land-related problem as their 'most pressing justice need'. We are going to review land-related justice problems, their consequences and possible solutions, and examines specific issues related to encountering a land problem.

First, this report outlines our methodology. Then we introduce the most common land-related justice problems in Uganda. Next, we explore what Ugandans do after experiencing land problems and how they evaluate the outcomes of their justice journeys. Finally, we present key findings and action points for future development.

The results of this report are based on HiIL Justice Needs and Satisfaction quantitative data set from 2019, and complementary qualitative interviews collected in 2018.

## Quantitative research methodology

The quantitative research data consists of 6129 randomly selected adult individuals who were interviewed during June and July in 2019. They were asked to report any justice problems they have encountered in the past four years. The data that is presented in this report has been tested for statistical significance.<sup>1</sup> Our standard approach is to disaggregate results based on a number of variables, such as gender, income, education, and other relevant demographic factors.



6129  
adults interviewed

## Demographics of the sample

- A bit more than half (52%) of the sample is female.
- The mean age is 33 years. More than a half (55%) of the respondents are between 25 and 54 years of age.
- Around 80% of the respondents come from rural areas.
- Many (37%) of the respondents are married monogamously, and some (6%) are in a polygamous marriage. 7% are married, but live separately. Another 30% are single and have never been married, while 4% are divorced. Widows make up 6% of our sample.
- The average household size consists out of 4.3 people.
- 70% of the people interviewed have one or more child(ren). On average, people have 1.9 children aged 14 or younger.
- Many respondents are self-employed (36%), followed by people who are engaged in informal work (18%) and people who work for an employer (12%). 9% of the respondents are carers, and 8% temporarily unemployed.

<sup>1</sup> We only report differences if they are statistically significant at a 10% level or better.

- 9% have completed no (formal) education. Almost three quarters (70%) have completed primary or secondary education. A considerably smaller group has completed vocational training (13%) or university/postgraduate education (7%).

### Qualitative research methodology

The qualitative data for this research was collected by trained HiiL staff members. The interviews were conducted from October to November in 2018 during field visits in Kampala, Arua, Soroti and Kabale. A snowball method was applied to identify respondents: the selection was based on access to networks and gatekeepers willing to collaborate for this research. We collected a total of fourteen (14) criminal justice problem interviews, of which eleven (11) are justice provider interviews and three (3) are layperson interviews.

With the qualitative data we aim to gather deeper insights about access to justice after experiencing a land problem. What are the underlying causes of land problems? What do these problems look like from the perspective of the formal and informal justice institutions? Why do some people go to courts, others to Local councils courts (from here

on, abbreviated as LCCs), and others simply do nothing? How do legal problems impact people's lives? To what extent do people manage to reach fair resolutions?

Collection and analysis of the qualitative data was achieved following best research practices. First, interviewers were trained on how to conduct in-depth interviews and specific subject matters of criminal justice. A thematic outline for the interviews was developed. Then, data was collected, recorded and transcribed. Next, the interviews were coded in software with appropriate layers of data security. The codes were peer-reviewed and combined into the broader themes, on which this Deep Dive report is based. As you will read, the themes presented in this Deep Dive are derived from frequency of occurrence in the interviews, some of which we will quote from having adjusted peoples actual names.

The featured quotes are intended to conceptualise the findings. They are not selected for being shocking or exceptional, but rather based on their representativeness and suitability (i.e. no sensitive personal information is disclosed). However, the findings identified are based on a bigger sample than only those featured.

# What works?

There is a paradigm shift towards evidence-based working taking place in the justice sector. At the end of this report, we introduce 'What Works' alongside key findings. Our 'What Works' are evidence-based, actionable interventions that can be applied by justice workers, organizations and even users.

### The guideline approach to what works

One way of finding out what works can be done by developing a set of recommendations, which forms a guideline. The following three elements of the guideline approach are highlighted:



Identify practice-based evidence (PBE). Local justice workers from the informal and formal sectors have gathered best practices for resolving pressing justice problems through their experiences in the field. These best practices can be collected from government, local, and civil society leaders.



Identify evidence-based practice (EBP). International literature contains evidence which supports or invalidates interventions to justice issues. These interventions can be tested and the quality of evidence that underlies them can be classified, in order to define actionable recommendations that practitioners can apply in practice.



Combine PBE and EBP. Test whether the suggested local practices (practice-based evidence) are consistent with the recommendations (evidence-based practice). Find all steps and the full guideline approach on [www.hiil.org](http://www.hiil.org).

# Fact sheet: Ugandan justice system and land

According to the **Ugandan Constitution**, “No person shall be compulsorily deprived of property or any interest in right over property of any description except where taking possession is necessary for public use and, or, is made under the law after prompt payment of fair and adequate compensation.”

## Uganda Land Act 1998

“An Act to provide for the tenure, ownership and management of land; to amend and consolidate the law relating to tenure, ownership and management of land; and to provide for other related or incidental matters.”<sup>2</sup>

There are four types of **land tenure systems**<sup>3</sup>:

Freehold - ownership of the land

Mailo - ownership under Buganda agreement

Customary – land that is owned communally

Lease - rent or other usage right agreement

There are three types of **dispute resolution mechanisms** for land disputes: community-based, informal venues such as religious groups and clans, and formal venues such as the police and courts. Between these systems is the domain of the LCCs: a unique link between the informal and formal justice providers. LCCs exercise jurisdiction over land disputes. In some cases, they refer the dispute and the parties to police, in others community-based mix between adjudication, mediation and conciliation is used to resolve the problem. There are five levels of LCCs: village, parish, town, division and sub-county level.<sup>4</sup>

<sup>2</sup> Land Act (Cap. 227). [www.ecolex.org/details/legislation/land-act-cap-227-lex-faoc096350/](http://www.ecolex.org/details/legislation/land-act-cap-227-lex-faoc096350/)

<sup>3</sup> Land Act (Cap. 227). [www.ecolex.org/details/legislation/land-act-cap-227-lex-faoc096350/](http://www.ecolex.org/details/legislation/land-act-cap-227-lex-faoc096350/)

<sup>4</sup> Local Council Courts Act, 2006. [www.ulii.org/ug/legislation/act/2015/2006-22](http://www.ulii.org/ug/legislation/act/2015/2006-22)



# Previous research on land justice in Uganda

This report builds on a body of research on the land justice system in Uganda. This research has been conducted over the past two decades by a diverse range of national and international agencies. Their main findings are summarized here.

## **Gender, land and rights (2003)<sup>5</sup>**

A study conducted in 2003 by Bikaako and Ssenkumba examined the history of land rights in Uganda. It showed how the creation of an individualized land ownership system in Uganda put at risk those with secondary or indirect rights to land such as women. At the time women accounted for 70-80 percent of the labor in agricultural production but only owned about 7 percent of the land.

Historically, in most areas land was vested in the community with the elder/ruler as owner or trustee. As the

head of the tribe or clan, the elder had the authority to allocate land, settle disputes, and oversee the community. Distribution of land between genders was mixed, while in some areas it was men who inherited the land; there were also some tribes that practiced matrilineal inheritance such as the Toro.

In 1998 the Government of Uganda passed a new Land Act, aiming to provide security of tenure through a demarcation and registration process of all the existing forms of land tenure, both formal and informal. This resulted in the state law recognizing customary tenure along with the other three forms of tenure. A co-spousal amendment was included in the Land Act, which has left women in a position of having weaker rights over the land.

## **Women and Tenure Transition (2011)<sup>6</sup>**

More than a decade after the passing of the land act it was found that women are still either unaware of the Land Act and/or prefer not to utilize it. An investigation of the impact and awareness of the tenure transition in Kanungu found there was confusion, loss of land, and high levels of insecurity for women as well as the population as a whole. The main instigators of land insecurity for women in the area were found to be the transitioning of gender roles, family land disputes and increased land pressure. These issues were exacerbated by the lack of possible recourse for women when conflicts arose.

## **Gender Land and Asset Survey (2011)<sup>7</sup>**

When accounting for both individual and joint ownership, nearly three times as many men as women own land (88 percent vs. 32 percent). Individual ownership for land is 43 percent among men and 17 percent among women. Joint ownership is significantly more prevalent among women, with 15 percent of women indicating that they own a house jointly as opposed to 3 percent of men. Worth noting is female heads of households' report significantly higher land and house ownership compared with women who live in households headed by men. Around 60 percent of all households have some kind of land document, most commonly a purchase agreement, on at least one of their plots. Regardless of their position in the household, a significantly lower

5 Bikaako, W. and Ssenkumba, J. 2003. Gender, land and rights: Contemporary contestation in law, policy and practice in Uganda. In L. M. Wanyeki (Eds), Women and Land In Africa: Culture, Religion and Realizing Women's Rights. London, Zed Books Ltd.

6 McDonald, Emmalee. 2011. Women and Tenure Transition: An Examination of Land Access and Gendered Land Rights in Kanungu District, Uganda. PSU McNair Scholars Online Journal: Vol. 5: Iss. 1, Article 19.

7 The International Center for Research on Women (ICRW). 2011. Gender Land and Asset Survey Uganda.

number of women have their names on land documents compared to men (13 percent vs. 48 percent).

Inheritance, purchase, and transfers from living family members emerge as the most common forms of land acquisition in the region. A significantly higher number of female heads of households report that they own with land acquired through marriage, as compared to women living in male headed of households. This finding is consistent with a high percentage of female household heads being widowed, divorced, or separated.

#### **Community Land Justice (2014)<sup>8</sup>**

Land Equity Movement of Uganda reports a prevalent problem of individuals actively denying the community's land rights by encroaching and claiming part or all of it as privatized, personal property. LEMU say of the communities they

work in, this problem occurs in 70% of them. Attempts to resolve these conflicts often fail since mediation, alternative dispute resolution (ADR) outcomes are non-binding and LCC decisions are rarely enforced. Out of the 87 communities LEMU has been invited to work with, almost all have been to LCC regarding the conflict and at least 5 have gone ahead to the Magistrates courts.

#### **Global Insights on Access to Justice: Uganda (2019)**

The World Justice Project Global Insights on Access to Justice relies on household and expert surveys to measure how access to justice is experienced in practical, everyday situations by the general public worldwide. According to this report, 18% of Ugandans are estimated to have experienced a land problem in the last two years.

<sup>8</sup> Land and Equity Movement in Uganda (LEMU). 2014. Community Land Justice in Uganda: Towards Meaningful Harmonization.

## Glossary of Terms to guide you through the report

**Legal problem:** a problem that is solvable by legal means. Includes disputes and grievances of a serious kind between at least two people.

**Land problem:** in this survey, land problems include disputes over boundaries, use of land, land titles and ownership, or lease of land; eviction from land; division of jointly owned land; transferring ownership of land.

**Crime problem:** in this survey, crime problems include theft; robbery/burglary/damage to property; assaults; other violent crime; sexual offence, drug-related crime.

**Family problem:** in this survey, family problems include divorce/separation; parental/custody rights; disputes over maintenance; disputes over child support; inheritance and wills; forced marriage.



## The Story of Nasiche

*Nasiche is an elderly woman with eight children*

“ So my first encounter with the law was when I solicited for the services of a lawyer, my purpose was to make a will for the children arising from my first marriage. I wanted to make a will that accommodates all the children including the girls and the boys. However, my son chased away his half-siblings. Ever since they have been in court having session after session. Right now, the case has been adjourned.

*My daughter is not sure if she will even make it, because she is of frail health. She is also wondering if she will be able to solicit a lawyer to help her to convince the courts to bring forward her date. So, now that this son has chased away all my children from both marriages, including all the workers, I live alone in the house with him. I am in fear that he may kill me because of these misunderstandings. I have never seen him this aggressive. I have gone to court and police to report this matter amid the threats. But when the police bring us together for a mediation, he is seemingly compliant, he's agreeable, he says he has never chased his siblings from the homestead. Of course, it convinces the police that it's all well but when I get back home, he is still aggressive.*

*My son bribed his way throughout the whole process, he has some money, he's self-reliant so he has managed to bribe most of the officers involved in this case. Which is why the progress is very limited and minimal. I receive meagre funding from my other children to sustain my day-to-day expenses but it's not up to the level my son has. He has enough money to bribe the officers. That's why the case has stagnated.*



# 2

**What are  
the problems?**

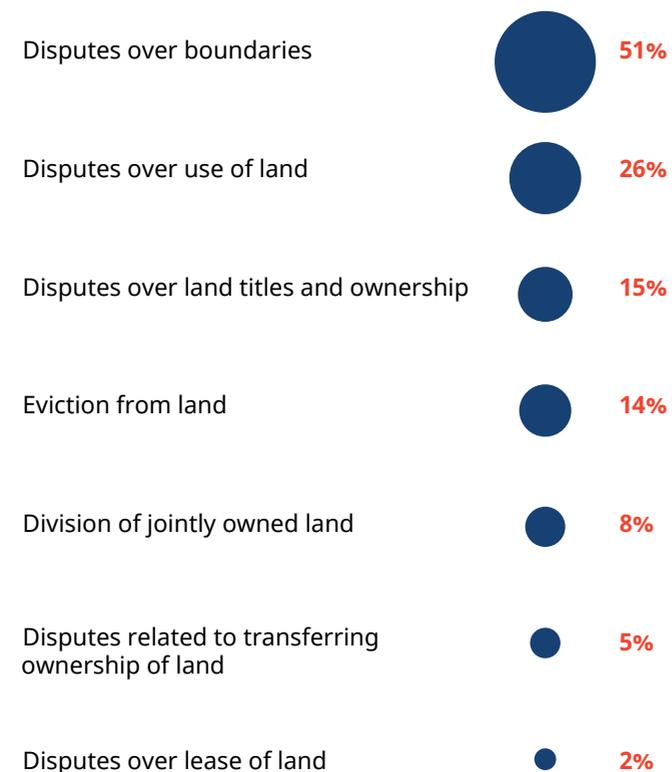
# Disputes over boundaries are common in Uganda

26% of Ugandans (approximately one in four) have encountered a land problem during the past four years. The most common land problem in Uganda are disputes over boundaries; those make up over a half of all the land cases. <sup>1</sup> Different genders experience land justice problems differently: in general, men (31%) experience land problems more often than women (22%). For both genders, uncertainty over land rights can cause stress, loss of livelihood and, in some cases, even lead to serious crimes.

70% of people who have encountered a land problem, report the land problem as the most serious legal problem they have had.



## MOST COMMON LAND PROBLEMS



<sup>1</sup> The percentage adds up to over 100% due to the question being a multiple response question; respondents could choose more than one crime problem they have encountered during the past four years.

## Root causes of land problems

In the in-depth interviews, both the justice providers and people experiencing land problems (users) agreed that disputes over boundaries or ownership are common in Uganda. The root causes for land problems lie, inter alia, in interpersonal conflicts, community or clan conflicts, limited resources and low income. Disputes over land arise especially in situations where land resources are limited.

” *Land matters are not the best here... mainly because the area is overpopulated and people do not have enough land to support their activities or even their lifestyles. So, it has become a problem. On top of that, it has led to land disagreements, including double jeopardy, meaning that a piece of land has been sold twice.* (Layperson, Kabale)

” *Land justice still remains the biggest problem in this region and country-wide. The reason is fraud. There are very many people who grab land from its owners. This is also related to the pressure of population growth. The amount of land has not increased, yet the population is increasing.* (Assistant to the Register Judiciary, Arua)

Gaps in land registration and titling create systemic cause for disputes. People get involved in disagreements. Others, led by self-interest and greed, intentionally seek to exploit the gaps in the registration and titling systems. Proper documentation would prevent overlapping claims for the same plot and in a case of a dispute, helps in proving ownership.

” *Number one I say is printing documents, that is very important, we need to advise our people to have documents of land. Whether in the village or in a rural area, you should have documents. If you have documents, it can help to identify gaps of whose land, such things like that. I think those are the most important; documents.* (Chairman of LCC, Soroti)

” *Yes, it is true in a family where there is that kind of behaviour. They can lure somebody to buy land with a notion that one can be chased and they take over the land. Indeed, that one has happened during those days when we were insurgency: people sold land to foreigners... and not only foreigners, but also to different tribes or clans in Teso. Later on, these were the victims when the sellers denied having sold land to them and thus chasing them away. This is so common and it can be one of the sources of injustice.* (District Land Board Chairperson, Soroti)

## Complex land justice system fuels problems

Even proper documentation does not guarantee secure access to land, particularly in cases which do not fall under clear regulations. As there are multiple systems of land tenure and ownership, some tied to customary practices, the system can be confusing for many and cause discrepancies. The justice providers recognise situations where the applicable regulation is vague or even missing.

“ In a region where land was owned by families and clans, when a particular family agrees that a member can sell off a certain portion of land, what law regulates that this land has been sold off? That's a problem for Lugbara. So, the law is silent on the procedure to follow on this kind of land, because it's not titled land nor is it leasehold nor is it mailo land. What law is going to regulate the ownership of such land? (Assistant to the Register Judiciary, Arua)

Clear documentation of ownership, tenure or leases can help to prevent land disputes. In order to obtain proper and valid documentation, registered land surveyors survey the land and submit documentation forward. Under customary tenure, land can also need to be demarcated by cultural leaders and elders. Generally, land documentation is issued by the central government under the Ministry of Lands, Housing, and Urban Development. However, also other bodies can award certificates: namely, Uganda Land Commission for governmental ownership transfer and local governments for customary ownership. Village LCCs can oversee small purchase agreements, and cultural or traditional institutions offer lease agreements on land held in trust for their local communities.

“ It should have been that...by the time the land commission gave power to the district governments to issue certificates, the land commission itself should have stopped issuing certificates. But either because of fraud or what, they went ahead to do keep doing that - while the district is also doing it. That is the problem. But if they had stopped, there wouldn't be a problem. They would send people who want those titles to the district and they get it from there. But now they are extending the issue. (Assistant Registrar in the High Court, Kampala)

## Widows are vulnerable

The land ownership and tenure systems provide ways to securely use, acquire or lease land. However, sometimes coordination between the institutions fail, causing some plots to have multiple ownership claims either fraudulently or due to conflicting legal framework or error. These gaps make some people to question the system and its usefulness.

There are overlapping and sometimes competing dispute resolution mechanisms for land disputes. Informal justice providers are often engaged in dispute resolution; however, their decisions can be challenged as they lack the same degree of legal precision as decisions of formal courts. The legitimacy of LCCs has also been challenged due to postponed elections resulting in uncertain status. While this creates gaps in justice, it also can create opportunistic “forum shopping” behaviour: bringing the same case to the attention of different dispute resolution mechanisms in the search of favourable resolution.

“ You can work well when the law is good, but the law is vague. The system of even ensuring that you get your title is not confirmed. The structures that are there have been put in place by the district land commission are there to ensure that people at different levels have access to justice and know what should be done. The structures are there, but it is failing to facilitate. This renders these structures incompetent and useless. Then how useful are they? (Land Consultant, Kampala)



Widows are particularly affected by land problems, with 59% of the widows having experienced a land problem. Widowed women are especially vulnerable to encounter land related legal problems: 94% of widows/ers with land problem are women. The justice providers also identified people without strong social networks as vulnerable in situations of land disputes.

“ If an LCC is deciding the matter, they are going to take into consideration their norms and customs. So, they end up being maybe biased against women... “woman your husband died, you cannot inherit that land”. Some of them still actually believe that a relative of the late husband can take over the land from the woman. They don't talk about it, but it is there. And where does the widow go? Sometimes, it is not a widow, but even their own mother. We usually see women as somebody who is... you know, their life is a lease. So, I think it is the women who are marginalized in land issues. (Assistant registrar, Kampala)

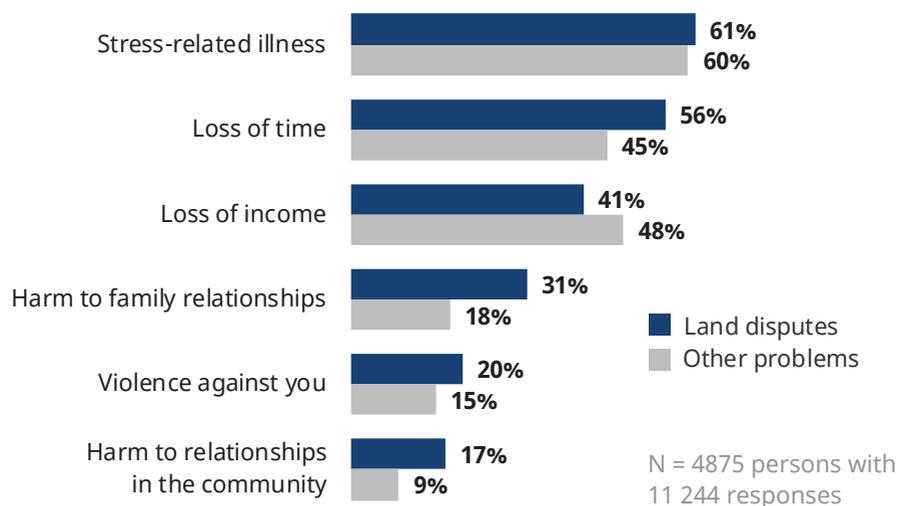
“ The most vulnerable are widows and unmarried girls who mostly have children than the elderly and physically handicapped and those are the biggest victims for land grabbing. (Programme Manager, Soroti)

## Impact of land problems

Stress-related illnesses and loss of time are common consequences associated with experiencing a land problem. Notably, almost one in three experience harm to family relationships, indicating that land problems can lead to further family problems. Also, approximately one in five experience violence and harm to community relationships, indicating that land problems cause instability and insecurity in a broader sense.

“ *In land conflicts people are affected because peace and tranquillity are not there. You are always suspicious of each other. You cannot concentrate on your day to day activities, which affects production, social life and peace of mind. That is the biggest problem in many areas.* (Chairperson of a Land Area Committee, Arua)

### CONSEQUENCES OF EXPERIENCING A LAND PROBLEM

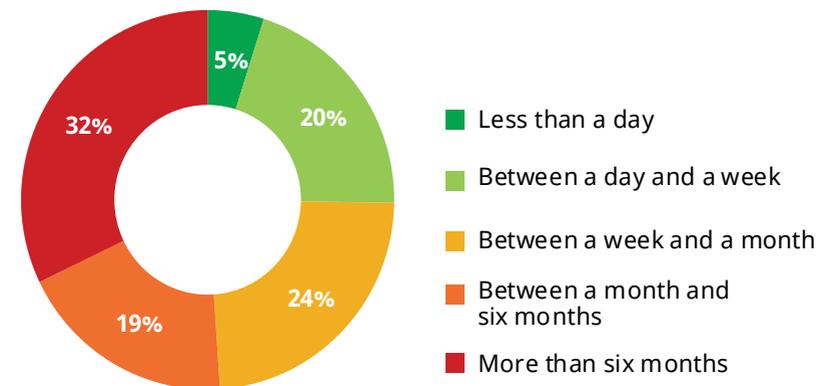


## Land problems cause significant loss of time

Only as a consequence of the problem itself, and not including time taken to resolve it, almost one in three people report losing six months or more. This is time 'lost' because they cannot spend doing something else. Approximately one in five lose time

between a month and six months, which means that over a half of all people are losing at least one month. Out of all other problems, only family problems cause more time loss than land problems.

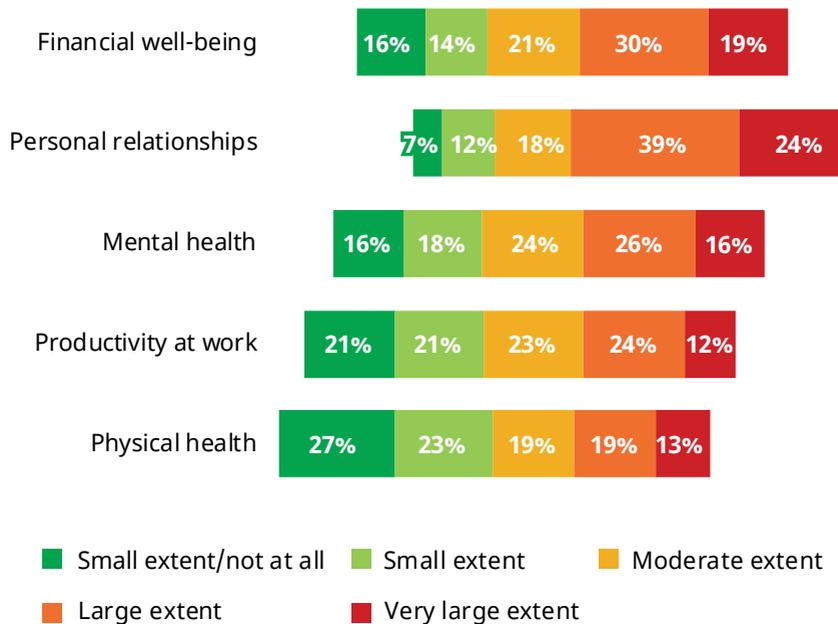
### HOW MUCH TIME YOU HAVE LOST BECAUSE OF THE PROBLEM?



# Land problems deteriorate peace and stability

In almost two out of three cases, land problems have a large or very large negative impact on one's personal relationships. Negative implications are also common for all other aspect of life.

## HOW MUCH THE PROBLEM IMPACTED YOUR LIFE?



N = 1121, 1125, 1120, 1112, 1114 persons

Relatively small land disputes can escalate to even larger disputes. Unsuccessful or prolonged dispute resolution can lead to vicious cycles of self-actions which create animosity and uncertainty. Lack of stability, uncertainty over income and stress over prolonged disputes can eventually lead to violence and sometimes result in grave crimes. Consequences of land problems for the people, families and communities involved can affect whole generations. The negative impact of land problems for the individual and the whole community resonates with an articulated need to be able to solve the problems within the community.

- “ If a boundary issue is not resolved, what will likely immediately happen is a community conflict. In one instance people resorted to use of local weapons and eventually people on both sides were displaced, children dropped out of school, women could not use the land for agricultural use. (Chairperson of a Land Area Committee, Arua)
- “ It leads to crime because hatred is developed and there are always threats, actual violence, family breakups, and landlessness at the end of it all. (Programme Manager of an NGO, Soroti)

Ugandan economy and culture can explain the highly negative impact of land problems. Agriculture is a major source of livelihood, as approximately 65% of the working population engage in agriculture, forestry or fishing.<sup>1</sup> Agriculture accounts for the largest share of employment and for many, land is a source of income and security. This is particularly true for women, as 70% of women are engaged in agriculture (in comparison to 58% of men).

Losing land and particularly agricultural land has a major impact not only for the individual, but for their entire family and community. Land problems are so impactful that their presence in the area can cause extended insecurity and distress.

“*Land is everything to us. Without it, there will be problems. So, it causes worries and even affects your normal life. At worst, it can make you commit a crime, because you desperately want to retain or defend your land. Since not much can be done, people end up committing a crime, maybe even killing someone. Of course, the other side is that it makes you landless. When your land is grabbed, you have nowhere to go and that leads to ugly lives. The more people grab land, the more families become homeless and of course that creates further complex problems.* (Traditional Minister, Soroti)

“*When you deal with families, you have to deal with land justice. There is no way you can really avoid it. Because land is one of the most important factors in property to Africans.* (Land Consultant, Kampala)

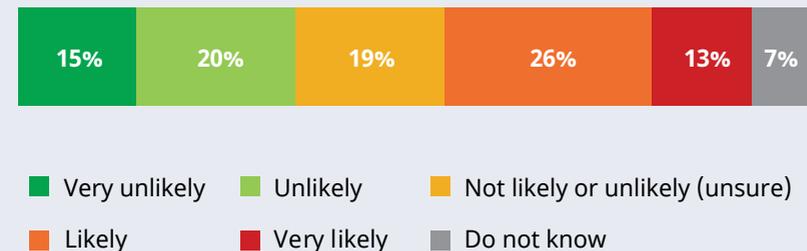
<sup>1</sup> Agricultural Sector Potential. Ministry of Agriculture, Animal Industry and Fisheries. [www.agricultureug.org/agricultural-sector-potential/](http://www.agricultureug.org/agricultural-sector-potential/)

## What do people without a legal problem think?

To assess legal readiness and general perception of land, we also asked people who have not encountered a legal problem to assess the likeliness of experiencing a land problem in Uganda. We asked them to *Imagine somebody claims ownership on your land and starts using it without your consent.*

Many Ugandans think that this is a rather likely event, with only 13% of respondents saying that this event would be unlikely or very unlikely.

HOW LIKELY DO YOU THINK YOU MIGHT EXPERIENCE THIS PROBLEM IN THE NEXT 3-4 YEARS?



N = 970 persons



# 3

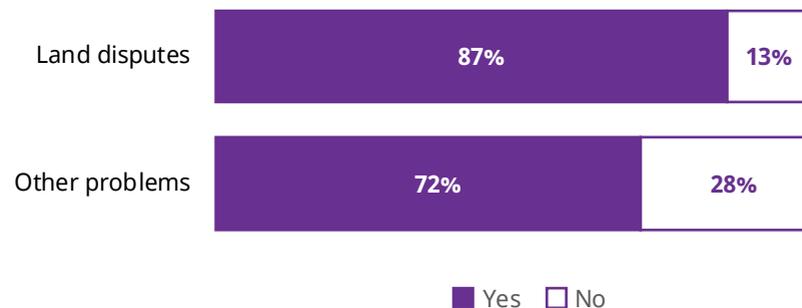
## Seeking legal advice

# Most people seek advice from their personal networks

People with land problems seek advice more often than people with other legal problems. A little more than one in ten people (13%) experiencing land problems do not seek any advice.

This is less than for other problem, indicating that people are active in seeking help for land problems.

## DID YOU SEEK ADVICE FOR YOUR PROBLEM?

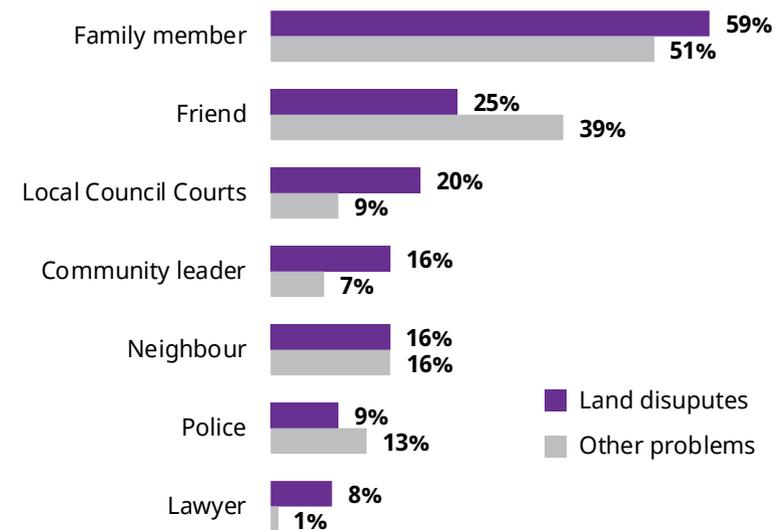


N = 5159 persons

When searching for advice, most often people with land problems consult their family members (59%). In comparison to other problems, LCCs, community leaders and lawyers are

consulted more often. Many people seek advice from multiple sources: on average, people ask for advice from 1.7 sources.

## COMMON SOURCES OF ADVICE



N = 3874 persons with 5949 responses

The justice providers discussed that finding the right provider for advice, and eventually resolution, is not always easy. Not everyone is knowledgeable by default on which instance to turn to. Advice-providers have also a guiding role in helping people to find the right justice provider for their case. The complexity is a consequence of multiple ownership and tenure systems and institutions.

“ Some people go to Legal Aid Centres. We have FIDA [The Uganda Association of Women Lawyers], but they are not spread out to all districts or regions. We have justice centres, we have the Uganda Law Society, Legal Aid Projects. Some people can go there. Other people have information. They know at least one person who has once litigated in their personal network. Some of them go to LC and the LC says, “Ah, now for you your case, I think it needs to go to court. Now you go to so and so.” You know, people go to anybody. Especially those who are ignorant. They can go to the police. They can even go to probation officers. We have had probation officers sending people to us with letters. Some people even go to the Uganda Human Rights Commission. (Assistant Registrar in the High Court, Kampala)





# 4

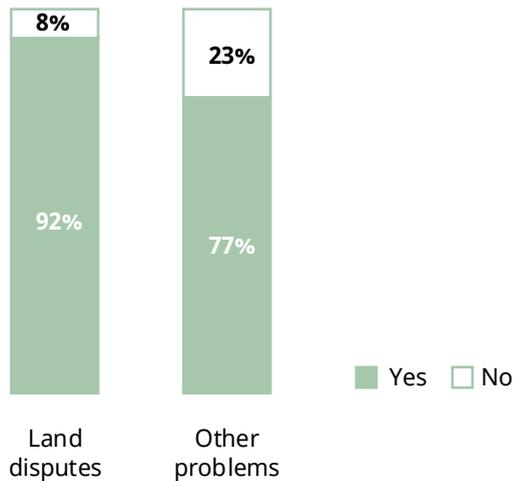
**Towards  
resolution**

# People take legal action for land disputes

Most of the people with land problems take action to resolve their problem (92%). This percentage is considerably higher than for the other types of problems (77%).

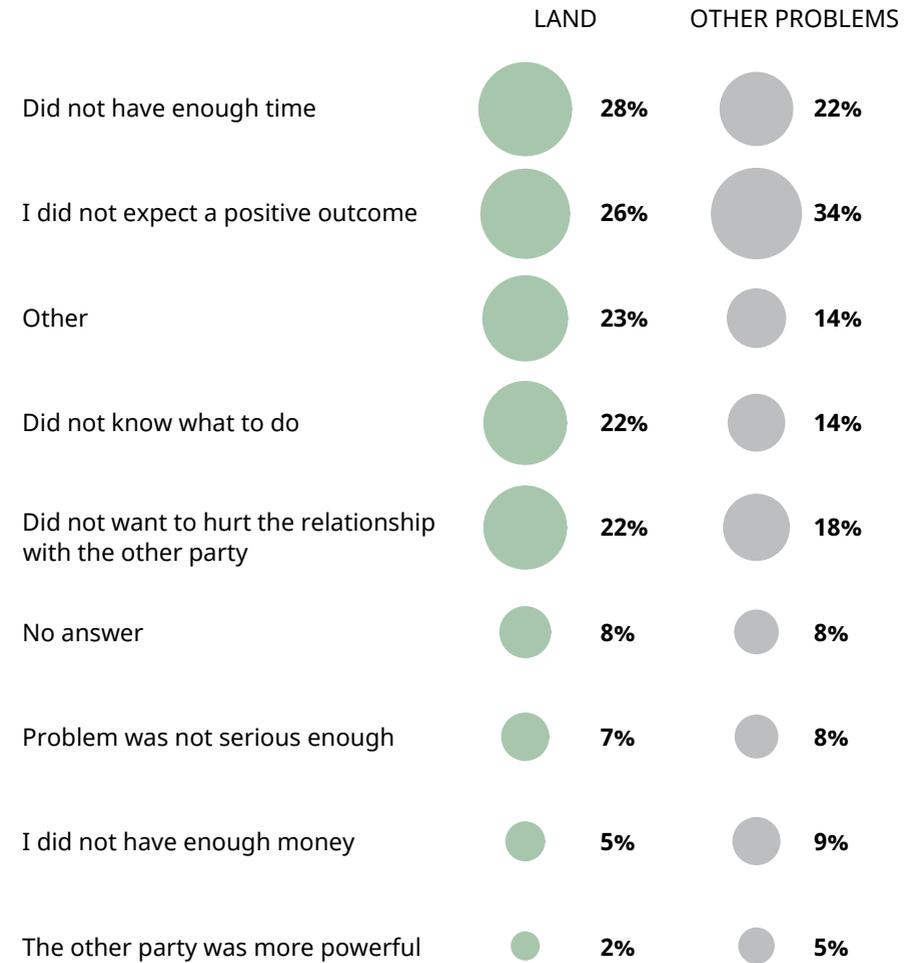
The 8% (almost one in ten), who took no action had various reasons for not seeking resolution. Many said that they do not have enough time, however other reasons such as: disbelief in achieving a positive outcome, lack of knowledge on what to do or fear of hurting relationships were almost as common.

## DID YOU TAKE LEGAL ACTION?



N = 5159 persons

## WHY YOU DID NOT TAKE ANY ACTION?



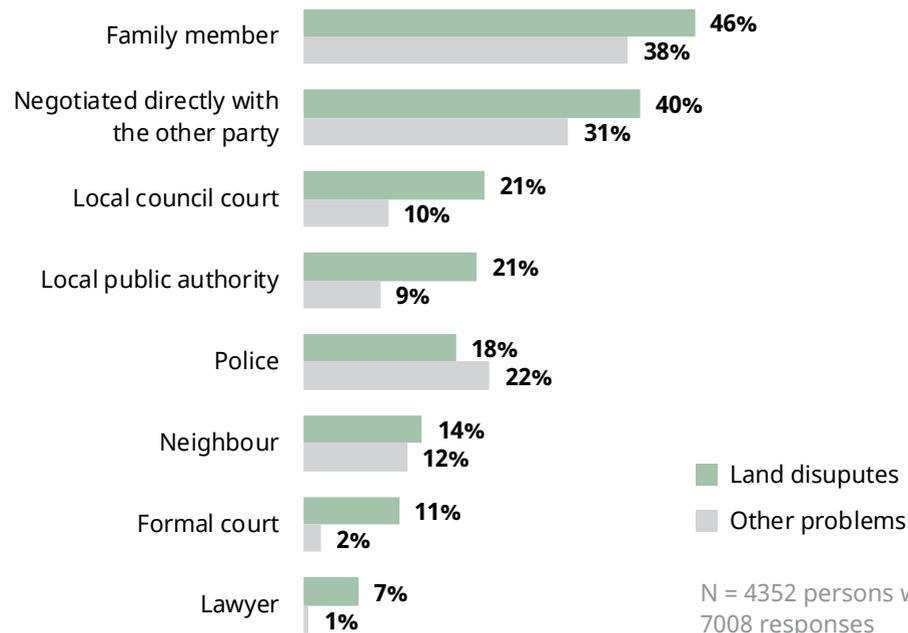
N = 1107 persons with 1352 responses

## Many seek resolution via a family member or by negotiating directly

In many cases, and more often than with other problems, people approach the dispute via a family member or by negotiating directly with the other party. Approximately in two out of five cases, people seek resolution of their

land problem from LCCs, local public authorities or the police. However, many do not rely only on one action: on average, people seek resolution via two different dispute resolution processes.

### WHO DID YOU CONTACT FOR DISPUTE RESOLUTION?



## Justice providers are helpful, but finding the right one is difficult

People's choices over their courses of action are influenced by their view of outcomes, cost, length of the process, and severity of the problem. According to the interviews, mediation via informal justice providers is a common first step for dispute resolution. Formal justice providers, such as police and courts, are contacted only when necessary.

“ You know nowadays people seem to go to informal system, like the clan members or ICU, because it's not costly. People now fear court, because when you go to court it takes years and years before the case is resolved. So that is why people prefer the informal. (Field Journalist, Soroti)

“ Many people trust the LC system... or the plant system [for marking borders]. They sit down over a pot of brew and discuss. So that's a typical traditional system. I think people usually don't go for formal court unless it is necessary. They know it is a waste of time. Usually the ones who go formal, are the ones who have a lot more money. They can afford to just keep you there. (Land Consultant, Kampala)

According to the justice providers, the complex system of different land justice providers creates confusion. Obtaining good advice and choosing an efficient path to justice can be a matter of awareness and knowing where to look. Personal and/or peer experiences can help to identify good options.

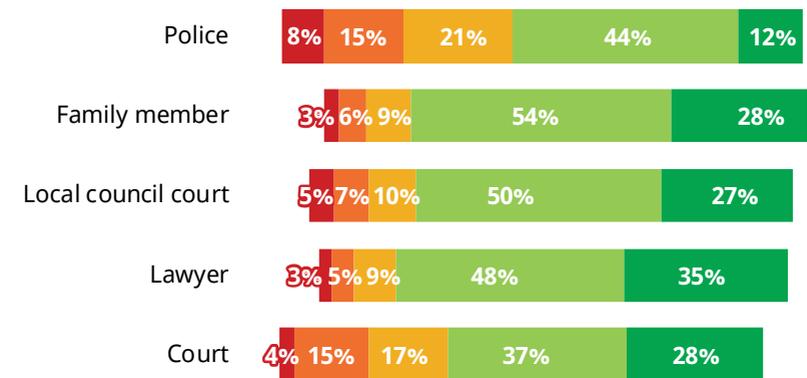
There is a degree of tension between the informal and formal systems. According to the interviews, the definition of 'formal' and 'informal' is unclear in case of a traditional system which is characterised by a level of informality, but at the same time makes decisions on customary land. Their decisions can be challenged by refiling the same case to the formal system, especially in cases where the complainant is unsatisfied with the decision.

“ People don't know where to go. They do go to their LCCs and the elites. Those who have educated their children go to the Resident District Commissioner's office and don't want to go to the police. That's where they would look for help. (Coordinator of a Peace and Justice Project, Kabale)

“ The formal structures go up to LC1 level, that's the formal judicial system. Ours is traditional, so legally our decisions are lawful because they are provided for in the law. We have authority to determine, but our determination is within the authority and from traditional power. So, when we decide, it's a lawful thing you don't ignore. When you ignore it, you would be committing a crime. But if people are unsatisfied they go the formal way to challenge this decision. (Traditional Minister, Soroti)

Generally, third parties receive positive evaluations on their helpfulness in reaching a solution to the problem. Family members and lawyers in particular are evaluated positively. Formal courts and the police receive more mixed reviews. The helpfulness evaluations can also be affected by the general unawareness on where to go and how to proceed with the case.

HOW HELPFUL WAS THE THIRD PARTY IN REACHING A RESOLUTION?



Very unhelpful    Unhelpful    Neither helpful/unhelpful  
Helpful    Very helpful

Court proceedings are stressful, among other things, because of long proceedings and case delays. As described in one interview, shortage in judicial employees causes prolonged court cases:

“ There are few magistrates, judges, a lot of delays, the justice system needs to improve on so many things. Even timing, at around 8:30 or 9:00 am people are already at court. You can imagine, up to 2:00 pm somebody comes from Kabeiramaido, something like 60 kilometres from Soroti. By 12:00 pm the judge or magistrate has not come to court, even lawyers have to wait. Then the other one is transport... the magistrates need transport, they don't even have accommodation. So, there are so many things the judiciary has to improve. (Field Journalist, Soroti)

Once a land case is taken to the court, officials need to visit the location of the dispute. This allows the officials to get a full picture of the dispute and. However, organising this in practice is difficult and causes bottlenecks in the litigation.

“ In litigation, the bottlenecks lead to the legal requirements per the standing order of the chief justice to visit locus in each and every case. Once you do not visit locus and you give an order and at the end of the day you have missed out on something very crucial, it could be a ground to overturn the Court's decision. Even the way that locus is conducted has a bearing, which poses a problem because there are no funds available to facilitate these locus visits. So, the other option is to give an interim order, which also expires within 60 days. So, we need to rethink this. (Assistant to the Register Judiciary, Arua)

Reaching a solution is however only a part of the justice journey; correct and timely enforcement of the decision is equally important. Despite LCCs being officially recognized, their rulings can still be controversial and difficult to execute.

“ After the LC1 court has decided a matter, if there is no appeal against that matter from LC1. The person who is successful, has to apply to the Chief Magistrate to execute the LC1 judgment that they have gotten. But at a certain point, when they had not been elected, we were divided. So actually, that period has also created problems: we have had people moving between court and... I don't know where. You have a judgment of LC1 all that time, but there is no way you can execute. Those who are lucky have enforced, but matters have gone on appeal. Those who were dissatisfied maybe appealed to LC3 and so forth. But you see, we are holding back somebody who finished litigating but now cannot execute. They now have to refine the matter and that is very costly both mentally and psychologically. It can drag you down until you give up your rights. And your right does not end with you, because maybe your children want to inherit. When you give up for them, they have also lost. (Assistant Registrar in the High Court, Kampala)

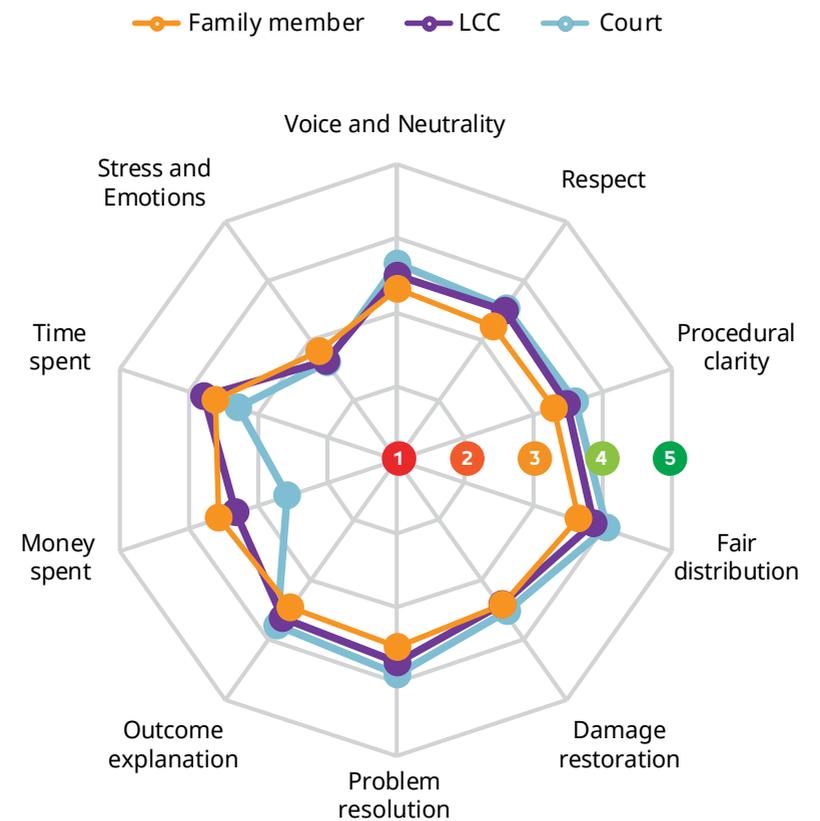




The chart on the right explores different dimensions of dispute resolution. We use it to understand how different justice providers compare on the scale from one to five. In the chart, one represents low evaluations and five represents positive evaluations. The lower the number, the more negative evaluation of the justice provider relating to that particular dimension.

Formal courts are evaluated positively on almost all dimensions, excluding money and time spent. However, family members and LCCs receive almost equally positive evaluations on all dimensions and better ones on time and money spent. This indicates that also informal providers do have an ability to solve problems in a clear, respectful and fair manner.

## JUSTICE JOURNEY EVALUATION



# Land justice and poverty

Official documentation of land ownership rights is essential for guaranteeing and protecting these rights. Yet, obtaining the proper documents can be costly. According to the justice providers, facilitating change is a two-way process: the citizens need to be sensitised about the importance of registering land, and they should be helped to obtain proper documents.

“ First of all, we need to sensitize the public about boundaries of their and if possible to have documents, necessary documents. You see sometimes, people ignore those documents which sometimes causes problems for them after sometime, so we should have documents. Supported documents even if in the village and the government should be a bit fair. You see sometimes it's expensive. The person in the village was poor but he wants that exercise done but because he doesn't have money. (LCCs Chairman, Soroti)

Financial and political power can create injustice when it comes to land disputes. The weaker party has limited capabilities to present their case, which is an exploitation of their vulnerability.

“ There is a very interesting case down here. A powerful man went and cut down a mvule tree in some weak person's land. This weak person went to the police to accuse this powerful man for trespassing on his land and cutting down his tree. The police said, “Okay, you can go back and sort it out. Now this weak man goes to the traditional leaders and they said: “just leave that man alone”. So, when the poor man goes to plough the land, the powerful man goes to police. The very police which the poor man initially reported to. And now, they rush to pick this poor man to whom the land belongs. They took him to prison. You see the injustice; that is the problem we have on a daily basis. Sometimes people become insecure when it comes to land justice. They tell you, you attack her if you don't want life, then you give up, so the power of the gun, political power, financial power, the power of witchcraft, those are the powers that disturb. (Traditional Minister, Soroti)



## Gender gaps in informal land justice

Power imbalance and lack of resources can become a barrier when trying to adjudicate the case in court. Court fees are high. Adjudication of land cases is lengthy. Often land disputes are word-against-word situations without clear evidence and witnesses need to be brought to the court. Witness facilitation can be costly, and the accuracy of witness testimonies can be compromised by threats.

” *When you have a land dispute automatically you need to have witnesses to support your case or to defend it. So, if you don't facilitate the witnesses to come to court with transport, automatically the judge or magistrate they adjourn because if your witnesses don't come, your case will be dismissed and the other party is a beneficiary. That's only because you are lacking facilitation for your witnesses. So that's why most of the cases are lost: because they don't provide witnesses and also don't appear in court, report a case and don't bring witnesses which forces the judge to dismiss your case. And, when you bring witnesses who are liars in court, you automatically lose. (Field Journalist, Soroti)*

” *The challenge is that you can have a witness and you can find that the other party is threatening the witness. That is one major problem. So, if you have a key person who knows the truth about how you got the land, and the other party starts threatening them, you find this may be a backslide. (Layperson, Soroti)*

Providers point to a clear gender dimension in land justice. Women are systematically disadvantaged when it comes to disputes related to land. Clans play a big part in land distribution and decision-making. The interviewees point out that women are not always fully represented in this decision-making process, causing decision which do not take women fully into consideration.



” *These Clan systems, they are very patriarchal. In the example of a girl versus a boy, they will give it to the boy. Even the way the LC system is set; it is rare that you have a proper gender balance in the committee. Or even if you do, like in those land committees and district land boards, the provision is that you should have at least two women. So, what they do is that they ensure that there are at least two women, and the rest are men. Then you see if you are going to make decisions by majority, you are going to take more male rooted decisions. The women are just there to satisfy the law. You are not very sure that the women can meaningfully communicate. (Land Consultant, Kampala)*

” *From what I have seen, women don't have enough voice in land. It is even difficult to inherit land, because the members cannot allow her. Members of the clan. Sometimes, it is very difficult for them to inherit from their husbands. (LCC Chairman, Soroti)*

Often land disputes are resolved in the community, and deep-rooted practices characterise the process. The legal framework for inheritance is not protecting women sufficiently.

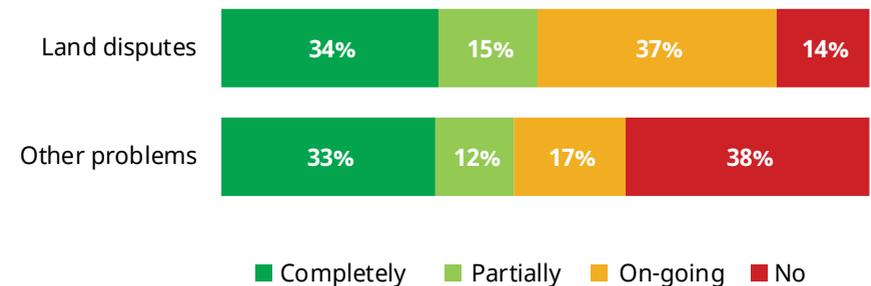
” When you talk about LCCs, you will find there are women representatives but an LC is from a village, depending on the culture of those people. If an LCC is deciding a case, they are going to take into consideration their norms and customs. Some of them are actually contravening the provisions of the constitution. And so, they end up being maybe biased against women. “Woman your husband died, you cannot inherit that land” ... some of them still actually believe the relative of the deceased can take over from the woman. They are there, as much as they don't talk about it, they are there. You know we have had those cases where the heir is actually planning to sell the land. And then where does the widow go? Sometimes not only the widow, even their own mother is a woman. We usually see women as somebody who is, you know, their life is a lease. Of course, all our lives are leases but for a woman in respect to life it is a lease. Once you are done, you have finished using the land, it is for the man. So, I think it is women who are marginalized in land issues. (Assistant Registrar in the High Court, Kampala)

## Land disputes take a long time

After taking action, Ugandans are able to resolve land disputes more often than other justice problems; other problems go more often unresolved. However, the resolution rate for land problems and other problems is almost

the same. The biggest difference is the percentage of on-going cases: land disputes take a lot of time, which is also reflected in the resolution status of land problems

### HAS YOUR PROBLEM BEEN RESOLVED?

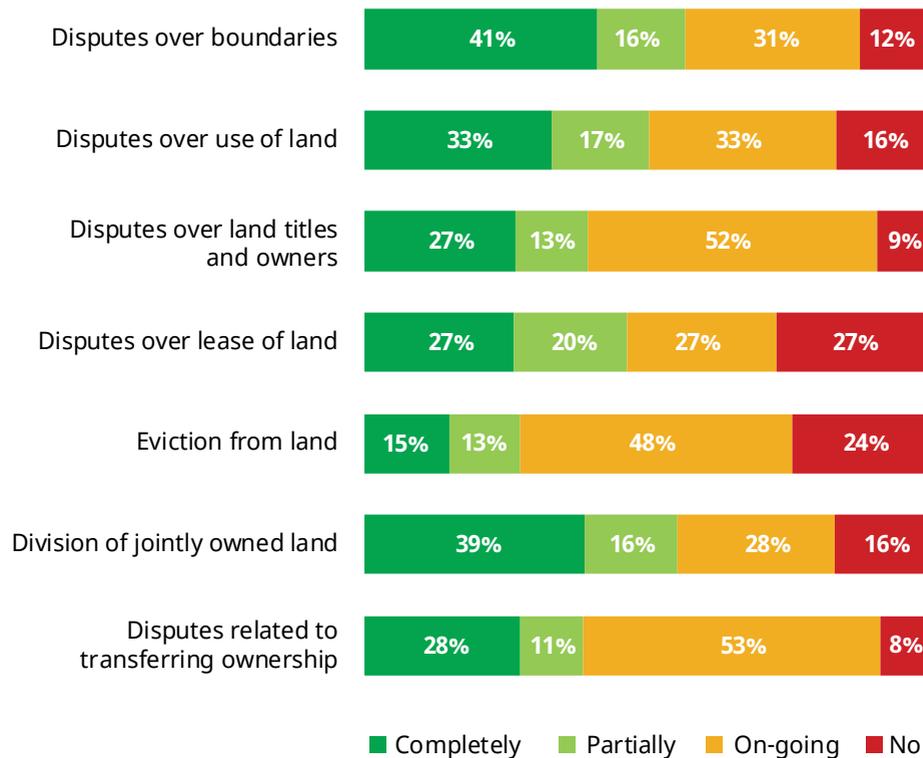


N = 5159 persons

When looking at specific land problems, most often disputes over lease of land remain unresolved (27% of lease disputes). Also eviction

remains unresolved in almost one in four cases. The on-going cases are often related to land titles or transferring of ownership.

#### RESOLUTION RATE FOR MOST COMMON LAND PROBLEMS



N = 1128 persons

## 49% of land problems are completely or partially resolved

At the time of the survey, approximately half of the respondents with a land problem had received a complete or a partial resolution.

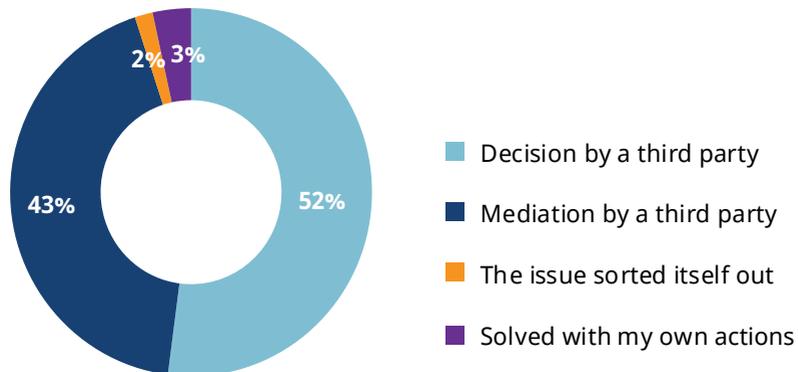
People can seek resolution by a third party, or through negotiating directly with the other party, or by taking self-actions to solve the problem.



## 82% of the people who resolved their problem involved a third party

Out of people who receive a complete or a partial resolution, over half of them achieve this resolution by a decision of a third party. Also mediation is common. People are almost equally satisfied with adjudication and mediation.

### HOW WAS THE PROBLEM RESOLVED? RESOLUTION THROUGH A THIRD PARTY

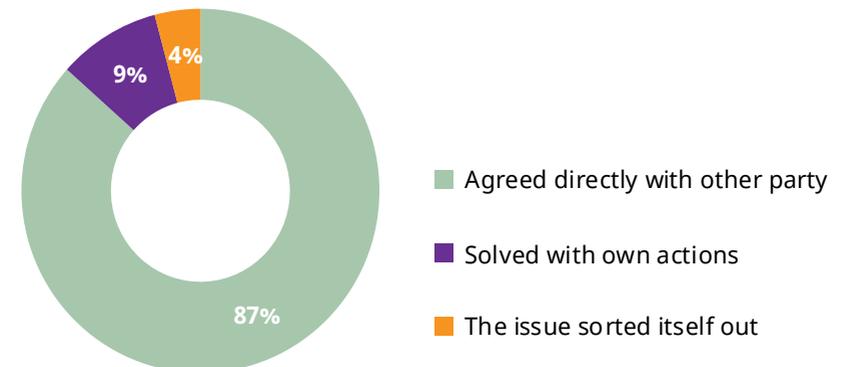


N = 448 persons

## 18% of resolutions were achieved by not engaging a third party to the dispute

When people do not involve a third party but manage to reach a complete or a partial resolution, the majority of people directly agree with the other party. Some are also able to solve the problem with their own actions.

### HOW WAS THE PROBLEM RESOLVED? RESOLUTION BY NOT INVOLVING A THIRD PARTY

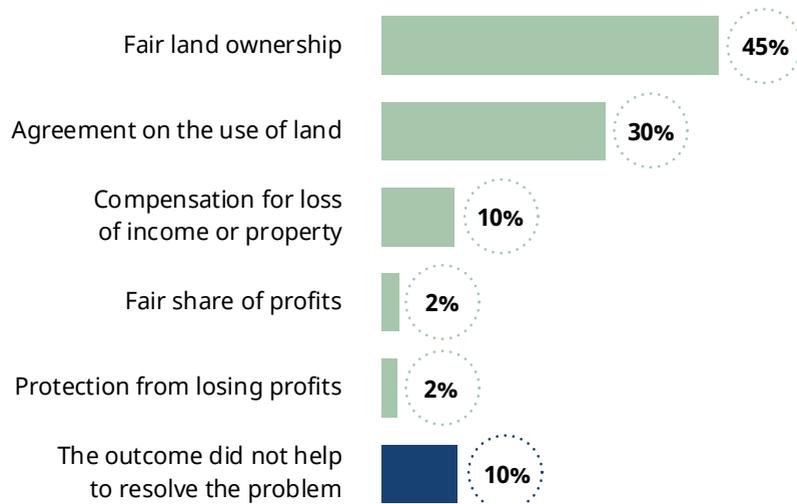


N = 97 persons

## 37% of cases are waiting for a resolution

Out of all who received a resolution to their problem, the most common outcome was fair land ownership, followed by an agreement on the use of land. Yet, 10%, (one in ten), received a formal resolution which did not facilitate any helpful outcome.

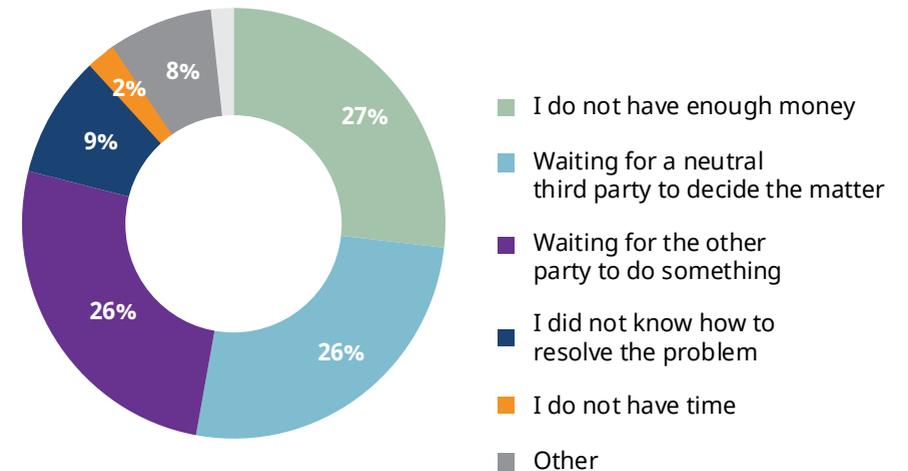
### WHAT DID THE OUTCOME BRING TO YOU?



N = 534 persons

For cases that are still on-going, equally common reasons for not-yet-achieving a resolution are: waiting for the third party decision, waiting input from the other party, or lack of money. Approximately one in ten do not know how to proceed to resolve their problem.

### WHY IS THE PROBLEM ON-GOING?



N = 403 persons

## 14% of land cases are abandoned

When we ask why people have not pursued or have stopped pursuing for a resolution, most people (28%) say that they did not have enough money to seek resolution, or, that the other party refused to cooperate. More than

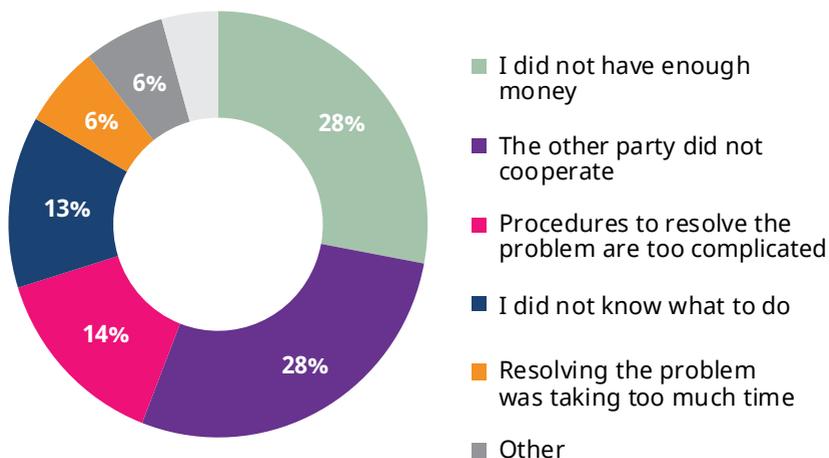
one in ten also say that the procedures are too complex, and equally often people do not know what to do to solve the problem.

One of the main barriers to justice identified by the interviewees was lack of legal knowledge and empowerment. As we see in the abandoned and on-going problems, people are not sure what to do and find the justice system complicated, causing people to be not are aware of their rights or all the options on how to solve land problems.

” *The weakness is mainly on ignorance because they don't know what to do. So, people just roam around with their ignorance, they just shy off and take what comes around.* (Traditional Minister of Land, Soroti)

” *The people lack information. For me, I would emphasize that agencies mandated to undertake civic education carry out that activity more frequently. They could organise seminars, regular civic education programmes, go on the radio. Even at a funeral say: Please this land should not be touched. Please do not exclude the widow when sharing property among others.* (Assistant to the Register Judiciary, Arua)

### WHY THE PROBLEM WAS UNRESOLVED?



N = 161 persons

People believe that having an unresolved land problem can cause further problems. 57% of people with an unresolved land problem think that it is likely or very likely they will encounter another justice problem. This reflects the cumulative nature of legal problems.

HOW LIKELY IS THAT YOU WILL EXPERIENCE OTHER PROBLEMS, BECAUSE THIS PROBLEM IS UNRESOLVED?



■ Very unlikely    ■ Unlikely    ■ Not likely or unlikely (unsure)  
■ Likely    ■ Very likely    ■ Do not know

N = 161 persons





# 5

## **Findings and implications**

## Justice Gap: What do people do and achieve?

Land problems are the second most common legal problems in Uganda. 26% of people have experienced a land problem during the past four years, with only crime being more common (34% of people). This translates to approximately 4 million land problems every year! Land issues are most often related to disagreements over who owns the land or some parts of it, or how to use a common plot. The biggest chunk of land problems are disputes over boundaries (51% of all land problems) or disputes over the use of land (26%). Various disputes about ownership and eviction (14%) are also fairly common. Especially widows are in a vulnerable position with land. They experience land problems relatively more often, with 47% of widows having experienced a land problem.

### Impact of land problems

Land problems often take a lot of time to resolve. Prolonged land disputes keep the situation on-going without a chance for the parties to move on. The situation can affect relationships in the community, inducing stress, distrust, and even violence. 63% of people feel that their land problem affected their

personal relationships to a large or very large extent. Hence, the impact of land problems is two-folded: they affect the parties personally, but also reach further than only the parties directly involved by affecting their children, families and neighbourhoods.

Another consequence of land problems is loss of money. Land problems affect people's financial well-being: 49% of people report that the land problem affected their financial situation to a large or very large extent. Especially in situations where the resources of one or more of the parties are limited, the stressful situation and loss of income can fuel tensions.

Most people take some kind of action after experiencing a land problem (92% of people). The small group who do not think it will take too much time or they will not accomplish anything by taking action. When people do take legal action for a land problem, they usually face a long process: Especially without clear land documentation, fact-finding can be prolonged and costly.

Most often action is taken by engaging a family member or negotiating directly with the other party. This does not necessarily guarantee a solution to the problem: only 18% of people who solved their problem were able to negotiate a solution or resolve it with their own actions. Most of the time, third parties are needed to resolve land problems.

Third parties primarily help by mediating or deciding the case. When a third party decides the case, the parties often appreciate the decision as fair and effective. Most often, the content of the resolution, whether achieved by mediation or a third party decision, provides fair land ownership or agreements about the use of land.

Resolution processes are not however the same for all. Women experience disadvantages in informal justice. The quality of resolution might be affected by gender imbalance, especially in inheritance processes. 77% of the widowed with a land problem are women. This sets especially widowed women at the risk of not having their rights exercised.





# 26%

of Ugandans have  
experienced  
a land problem

# 34%

of the land problems  
are fully resolved and  
15% partially resolved

# 37%

of land problems  
are on-going

# 14%

of land problems  
are unresolved

# What works to resolve land problems

The data suggest that people with land problems would benefit from improved assistance when they negotiate solutions. Likewise, justice providers themselves would benefit from better processes to assist the parties to ensure that each case is successfully resolved. Both, justice users and providers, could benefit from collecting best practices and developing evidence-based guidelines on how to effectively diagnose a land problem and find the right solution. Improved interventions and communication techniques may be able to prevent unnecessary prolongation or escalation of land disputes. Ideally, good processes for land problems should protect all, including the most vulnerable.

There are some examples of dispute resolution practices for land disputes that can improve the justice journeys for all parties by ensuring meeting, fact-finding, and shaping solutions. Many third parties already facilitate these actions in some shape or form, however designing robust processes and sharing best practices around them can significantly improve land justice resolution.



## Meeting

Opening a channel of communication between parties can help in resolving

the conflict. Bringing them to the same table, physically or through online systems, enables the parties to share information and interact collaboratively. For example, a mediation process can enable this meeting. For a meeting to be successful, the parties need strong incentives or motivation to participate. It is important that during a meeting, the situation creates a safe space where all parties are present and engaged.

Without communication and collaboration, the need to discuss and process what happened, find solutions, and prevent it from happening again cannot be met.



## Fact-finding

is about establishing what has happened. Fact-finding seeks to answer questions

like: What were the precise circumstances of the incident? Why did the parties do what they did? The process of finding and mapping facts has to be impartial and the findings need to be well recorded. As many land disputes lack evidence and are word-against-word situations, formal courts struggle to make decisions without witness statements. As a result, the decision of the formal court is based on local knowledge. Yet this facilitation of witnesses in courts, especially if far away from home, can cause delays and be costly. Solving problems at the site of the dispute can provide fast solutions, which are based on the local knowledge and customs. This requires well-designed fact-finding processes that work on the ground and help to exercise integrity, proper documentation and support vulnerable groups in land justice.



## Shaping solutions

In land conflicts, shaping solutions – meaning, exploring possible solutions

– is needed. Once needs of the parties are identified, it is time to uncover solutions that meet the needs. Collective brainstorming and drawing from what has worked for others facing similar problems helps to make this possible. Parties to a conflict can shape solutions during the mediation process or as part of a problem-solving court process. A successful shaping solutions process takes into account the needs of both parties and comes up with agreements that ensure sustainable peace for the conflict.

# What works in justice delivery services

After designing and improving processes that deliver people-centred resolutions, the next challenge is to deliver these effective treatments for land problems at scale. Improving and expanding self-help could be an effective strategy. Most people first try to resolve land disputes by themselves or by involving family members: Often the matter is negotiated directly with the other party or within the community before involving parties such as the LCC or formal institutions. Improving self-help strategies for example by making information more accessible can help people in understanding their own situation and empower them in seeking resolutions.



barefootlaw

## Solutions through innovation

BarefootLaw in Uganda is a nonprofit organization, which uses innovative use of digital

technology to empower people with free legal information. Their goal is to support people so that they can use the legal information to develop legal solutions for their own justice needs. BarefootLaw has embraced the use of technology and innovation in addition to traditional methods to bring knowledge of the law and human rights to communities and small businesses.

Sometimes a third party is needed to achieve a resolution. Courts are appreciated when adjudicating cases: court decisions are evaluated generally as fair and helpful. However, justice users equally evaluate court mediation, LCCs, and informal justice mechanisms as positive. In comparison to court decisions, these avenues can provide resolutions with less costs and within less amount of time. A problem-solving approach to dispute resolution focusing on delivering on outcomes can help prevent land problems from escalating. Local leaders, LCCs and community members can play an important role in mediating conflicts. They are accessible and know the local customs. In these processes the rights of the most vulnerable, namely women and children, have to be ensured.

LCCs as well as other informal dispute resolution channels can help to prevent and resolve cases, and thereby reduce the backlog of formal courts. The informal sector can be supported with evidence-based guidelines and training on problem-solving dispute resolution and mediation techniques. The formal sector can step in when the case involves other problems such as crime, or when the complexity of the case demands a formal court decision. The LCCs could deal with a large part of disputes and refer only the more complex (parts of) to the formal courts, or when the case involves matters outside of the LCCs' jurisdiction. Aligning the case management in referrals is important. Whether the decision is made by an LCC or the formal sector, it is equally important to ensure that the decision is rightfully enforced.



### Deciding

Deciding involves helping parties to conflict who are unable or unequipped to make a decision for themselves to reach resolution. Parties that are locked together in conflict may find it difficult to agree on a resolution. When parties to conflict are stuck, or when one party's rights have been violated, a neutral adjudicator who is familiar with the type of problem they are facing is needed to make a decision and move the process forward. This requires the intervention of a neutral decision-maker who is trusted by both parties and available at a low cost. This is often – but need not necessarily be – a judge. Deciding should be achieved in a procedurally just way that builds on the collective intelligence of the parties involved.

Local innovators could explore options on how to provide access to justice through services that are financially sustainable and scalable. There are Ugandan examples on how creative thinking can generate new services to address the most common land disputes. Innovations such as JusticeBot and BarefootLaw have been able to help people in resolving their problems by guiding them through their justice problems. An 'edutainment' innovation called Zzimba Games provides educational games that focus on land problems. On a global level, for example Badabon Sangho in Bangladesh helps its users to create maps of their land and supports gender justice in land matters. Documentation and evidence are essential in preventing and solving land problems. Innovation on how to document the issue and the dispute process, from gathering evidence to the implementation of the decision, could eventually guarantee better land justice.



# What works at the system level

The best way of organizing justice processes for land justice is often a multifaceted and potentially contentious matter. Legal and organizational dimensions interact with cultural, religious, economic and even political norms and values. Land justice needs careful consideration from all land justice providers, from prevention to resolution implementation. Ensuring land rights for the most vulnerable can prevent poverty and social exclusion. Renewal of the Marriage and Divorce Bill has been in the public discussion since 2009. The draft, which has been developed by utilising the recommendations of Uganda Law Reform Commission and FIDA-Uganda<sup>11</sup>, proposes changes in legislation to strengthen joint ownership in different forms of marriage and cohabitation. Women need to be socially, politically and economically empowered in order to secure equal land rights.

Goal 12 of the Agenda 2063 by African Union commits to capable institutions

and transformational leadership. Experience in Uganda and in other countries suggests that land problems are best addressed in a bottom-up way: starting from the situation on the ground. As a general line of action, the Task Force on Justice<sup>12</sup> has recommended to focus on problems as experienced by people to establish what is the need and expectation on the ground, rather than laws and access to formal institutions. The Task Force on Justice proposes defining and monitoring the outcomes that people need as the first step, followed by redesigning the processes to achieve these outcomes. One of the challenges is to mobilize investments and develop sustainable financial models for justice delivery, with appropriate fees and government subsidies. The findings in this report support the trajectory of the Task Force on Justice for improving the delivery of fair solutions for land problems in Uganda. Building on what already works, and improving it systematically, based on data seems to be the way forward.

<sup>11</sup> Godiva Akullo Monica. How long shall we wait? An analysis of the marriage and divorce bill 2009. <https://cepa.or.ug/wp-content/uploads/2018/06/270900389-HOW-LONG-SHALL-WE-WAIT-AN-ANALYSIS-OF-THE-MARRIAGE-AND-DIVORCE-BILL-2009.pdf>

<sup>12</sup> <https://www.justice.sdg16.plus/>



# Limitations to the Methodology

## A word of caution about the quantitative data

Our approach includes quantitative survey data supported by qualitative interview data with users of justice. We also conduct interviews and rounds of feedback with local experts. Despite these efforts, there are limitations to the data, just as in every study.

Some findings are based on answers from a limited number of people. For detail about people's experiences with specific justice journeys, different and larger samples are needed. This can be achieved with, for example, problem-specific research instruments.

Some people might not report problems due to shame and fear. For example, when people have spent time in prison or have had problems with figures of authority.

Cultural norms may cause people to under or over-report problems. Dependency relationships also play a role.

We did not include sub-samples for particular vulnerable groups, such as disabled people or victims of gender-based violence. We recognise that these are important problems and populations for Ugandan society and hope to collect data on their justice needs in the future.

The data that is presented in this report has been tested for statistical significance. Our standard approach

is to disaggregate results based on a number of variables, such as gender, income level, education level, etc. We only report differences if they are statistically significant at a 10% level or better.

## Limitations to the qualitative data

Unlike the survey data, the qualitative data from the interviews are not fully generalisable. Rather, this qualitative data help to contextualize the survey data. They describe choices and strategies. Deeper interaction with laypeople and justice providers makes possible a more nuanced perspective on the complex phenomenon of accessing justice after experiencing land problems. This combination of methodologies provides both breadth and depth to the report. Qualitative data also help to formulate further questions for investigation.

The following caution must be reiterated: the comments featured in this report cannot and should not be generalized beyond the individual sources. In the text below we provide

views and verbatim quotes from laypeople and justice providers. These opinions represent only the ideas of the interviewed respondents. Others might have radically different opinions. As our sample of qualitative sources is limited, the data does not claim to achieve saturation<sup>1</sup>.

When a certain point is being made in the report there are usually several respondents who share a particular view. The analysis aimed to add descriptive and explanatory knowledge to criminal justice problems. What is important is that such an opinion exists and is shared by justice providers and/or lay people. By acknowledging these views, we can understand all aspects of criminal justice better, and create a building ground for an exchange of experiences.

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<sup>1</sup> A point after which the interviews with the same outline do not produce additional information.

# Interviewees

## List of expert interviewees

#	Role	Organisation	Location
1	Programme Manager	<i>LEMU – Land Equity Movement in Uganda</i>	Soroti
2	Chairperson	<i>District Land Board</i>	Soroti
3	Field journalist/Court respondent, Paralegal	<i>New Vision paper, Uganda Law Society</i>	Soroti
4	Traditional Minister of Land	<i>Emorimor Office on Land</i>	Soroti
5	Chairman	<i>Local Council</i>	Soroti
6	Coordinator of a Peace and Justice project	<i>NUFODU CSO</i>	Kabale
7	LC1 Chairperson	<i>Local Council</i>	Kabale
8	Assistant registrar	<i>High Court/Commercial Division, mediation registry</i>	Kampala
9	Land Consultant	<i>USAID</i>	Kampala
10	Chairperson	<i>Land Area Committee</i>	Arua
11	Chairperson	<i>LC1</i>	Arua
12	Assistant Registrar Judiciary	<i>Land registrar</i>	Arua

## List of layperson interviewees

#	Location
1	Soroti
2	Soroti
3	Kabale
4	Kabale
5	Kabale
6	Kampala
7	Arua
8	Arua
9	Arua

# HiiL publications on Uganda

## Data reports

Justice Needs and Satisfaction, 1 <sup>st</sup> wave	2016
Family Justice	2017
Deep Dive into Land Justice in Uganda	2020
Deep Dive into Separation and Divorce in Uganda	2020
Deep Dive into Crime in Uganda	2020
Justice Needs and Satisfaction, 2 <sup>nd</sup> wave	2020

## Solutions Research

Family Justice Catalogue	2020
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## Other

Online Dashboard on Justice Needs in Uganda	2020
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# About Hiil and the authors

Hiil (The Hague Institute for Innovation of Law) is a social enterprise devoted to user-friendly justice. That means justice that is easy to access, easy to understand, and effective. We will ensure that by 2030, 150 million people will be able to prevent or resolve their most pressing justice problems. We do this by stimulating innovation and scaling what works best. We are friendly rebels focused on concrete improvements in the lives of people. Data and evidence are central in all that we do. We are based in The Hague, City of Peace and Justice.

For more information, please visit  
[www.hiil.org](http://www.hiil.org)  
[www.justice-dashboard.com](http://www.justice-dashboard.com)

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