

Ugandans see clan or family as best suited to resolve land disputes

Afrobarometer Dispatch No. 907 | Ssenkumba Muhammad

Summary

Disputes over land have become the order of the day in Uganda. News reports tell of land evictions, destruction of property, human remains exhumed without lawful authorisation, and brutal attacks or killings due to conflicts over land (Nalweyiso, 2023; Oyel, 2023; Independent, 2022a, 2022b; Human Rights Watch, 2023; Daily Monitor, 2021; Okello, 2023; Uganda Police Force, 2021).

The Uganda Police Force (2019, 2023) reported a rise in land-related crimes from 478 in 2018 to 561 in 2022. The most popular categories of reported land-related cases were fraudulent procurement of certificate of title, obtaining registration or money under false pretences, criminal trespass, and forgery.

The interplay of historical, economic, cultural, and legal factors has given rise to many land disputes in the country (Ojok & Ameny, 2017). Historically, the disruption of traditional forms of land ownership and management by the colonial administration resulted in the imposition of individual land titles, and the creation of large estates led to conflicts over land rights and access (Nile Post, 2023). An unclear mix of customary, leasehold, freehold, and public land tenure systems facilitates land alienation and leads to disputes over land ownership (Owaraga, 2012). Uganda's diversity of ethnic groups, each with its own customary land tenure system and practices, has given rise to disputes between different groups over land rights, boundaries, and resource use. Other factors contributing to land disputes include land grabbing, population growth, lengthy and expensive court processes, and limited access to legal aid, particularly marginalised groups.

Formal courts handling land cases are often castigated for not doing much to solve land problems. In such courts, land cases tend to drag on for a long time without delivering justice (Judicial Integrity Committee, 2011). In addition, a significant number of fraudulent and irregular land dealings are reportedly facilitated by the land registries (Judiciary, 2017) or corrupt magistrates and judicial officers, denying poor complainants justice (Rickard, 2022; Judicial Integrity Committee, 2011).

In a number of instances, the army and police have been accused of providing protection to land grabbers (Witness Radio, 2023; Land Portal, 2021; Daily Monitor, 2021) or being actively involved in land grabbing (Daily Monitor, 2022; Kazibwe, 2018; Kigongo, 2022).

When institutions that are supposed to resolve land disputes fail to play their role, people lose confidence in them and may search for alternative approaches (Kansiime & Harris, 2020; Rugadya, 2009).

Findings from Afrobarometer's 2022 survey in Uganda provide some insights into citizens' experience of land-related disputes and their views on who is best suited to resolve such conflicts. Almost one-fourth of respondents said someone in their household had experienced a land dispute during the previous five years, most commonly involving

disputed boundaries, family land wrangles, land fraud, or land grabbing. The clan or family were most widely seen as best placed to address such conflicts, while only one in five would instead look to the formal court system.

Afrobarometer surveys

Afrobarometer is a pan-African, non-partisan survey research network that provides reliable data on African experiences and evaluations of democracy, governance, and quality of life. Nine survey rounds in up to 42 countries have been completed since 1999. Round 9 surveys (2021/2023) cover 39 countries. Afrobarometer conducts face-to-face interviews in the language of the respondent's choice.

This dispatch draws mainly on Round 9 data. The Afrobarometer national partner in Uganda, Hatchile Consult Ltd., interviewed a nationally representative, random, stratified probability sample of 2,400 adult Ugandans between 7 and 25 January 2022. A sample of this size yields country-level results with a margin of error of +/-2 percentage points at a 95% confidence level. Previous surveys in Uganda have been conducted in 2000, 2002, 2005, 2008, 2010, 2011, 2012, 2015, 2017, 2019, and 2021.

Key findings

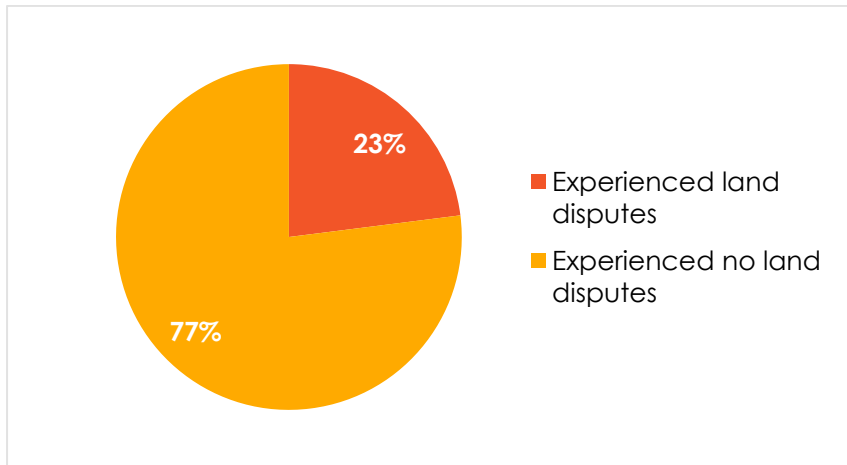
- Almost one in four Ugandans (23%) said someone in their household had been involved in a land dispute during the previous five years.
 - Involvement in land disputes was most common in the Northern (33%) and Central (25%) regions and among citizens experiencing high lived poverty (28%).
- Among those who reported experience with a land dispute:
 - The most common types of conflicts were disputed boundaries (46%), family land wrangles (30%), land fraud (22%), and land grabbing (22%).
 - Three-fourths (74%) said the tenure arrangement for their property allows them to fully use or develop the land, while 60% said it gives them sufficient security to access financial credit or loans. Citizens who had been involved in land disputes were less likely report benefiting from these aspects of land security.
 - The largest share (44%) said that the clan or family was best suited to address their dispute. Only 22% preferred the formal court system.
 - Faith in the clan or family as best suited to resolve land disputes was particularly strong in the Northern (65%) and Eastern (50%) regions, in rural areas (47%), among respondents with high lived poverty (49%) and those with no formal education (47%), among older respondents (54%).
 - A preference for formal courts was almost twice as strong among those who said the general level of corruption in the country had decreased during the previous year compared to those who saw corruption as having increased (43% vs. 24%).

Experience of land-related disputes

Almost one in four Ugandans (23%) said they or a member of their household experienced at least one land-related dispute during the previous five years (Figure 1).

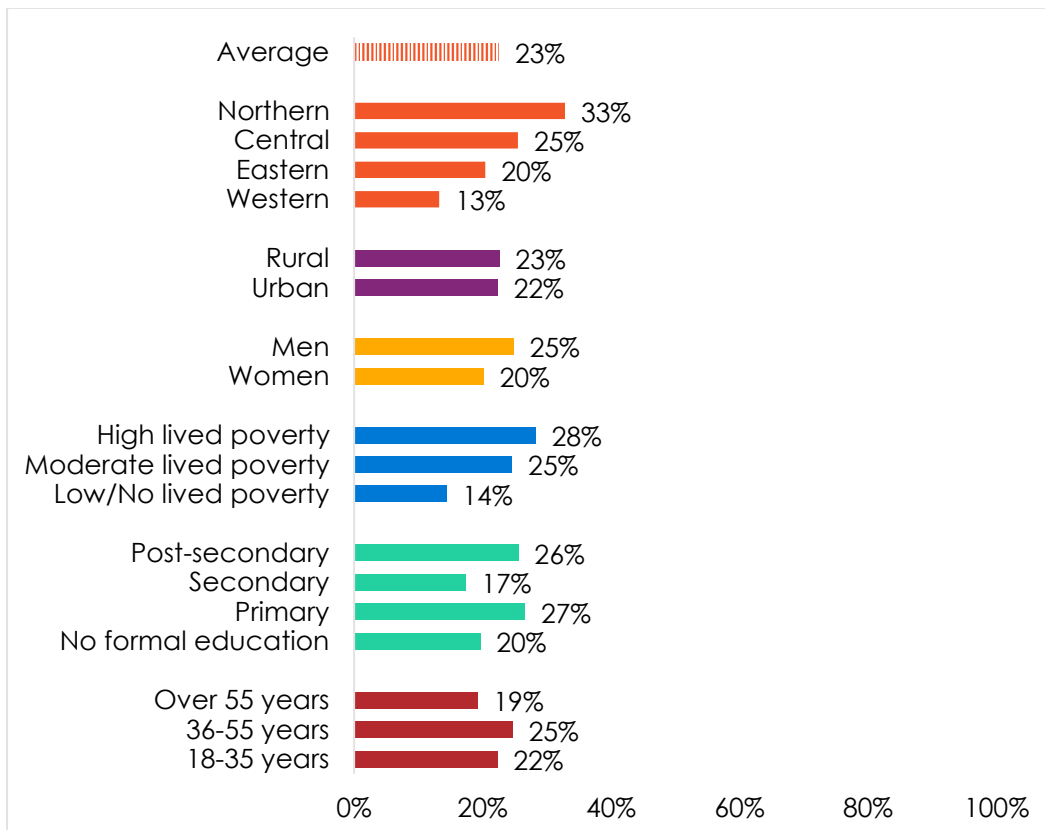
Land-related disputes were most commonly reported in the Northern (33%) and Central (25%) regions and were less common in the West (13%) and East (20%) (Figure 2).

Figure 1: Experience of land-related dispute | Uganda | 2022



Respondents were asked: Over the last five years, did you or any member of your household encounter any land-related dispute?

Figure 2: Experienced land-related dispute | by demographic group | Uganda | 2022



Respondents were asked: Over the last five years, did you or any member of your household encounter any land-related dispute? (% who said "yes")

In the Central region, urban expansion and the increased commodification of land are the main factors responsible for the rise in land disputes (Liam, 2023). In the North, disputes over

land are shaped by historical factors, including the 1986-2006 Lord's Resistance Army insurgency, which led many residents to leave their land and move to camps for internally displaced people (Mabikke, 2022). Upon their return, some found squatters on their land (Lule, 2014), while others had forgotten their boundaries. Some people took the opportunity to claim land that belonged to others.

Urban and rural populations were about equally likely to experience land disputes, while somewhat more men than women reported such disputes (25% vs. 20%).

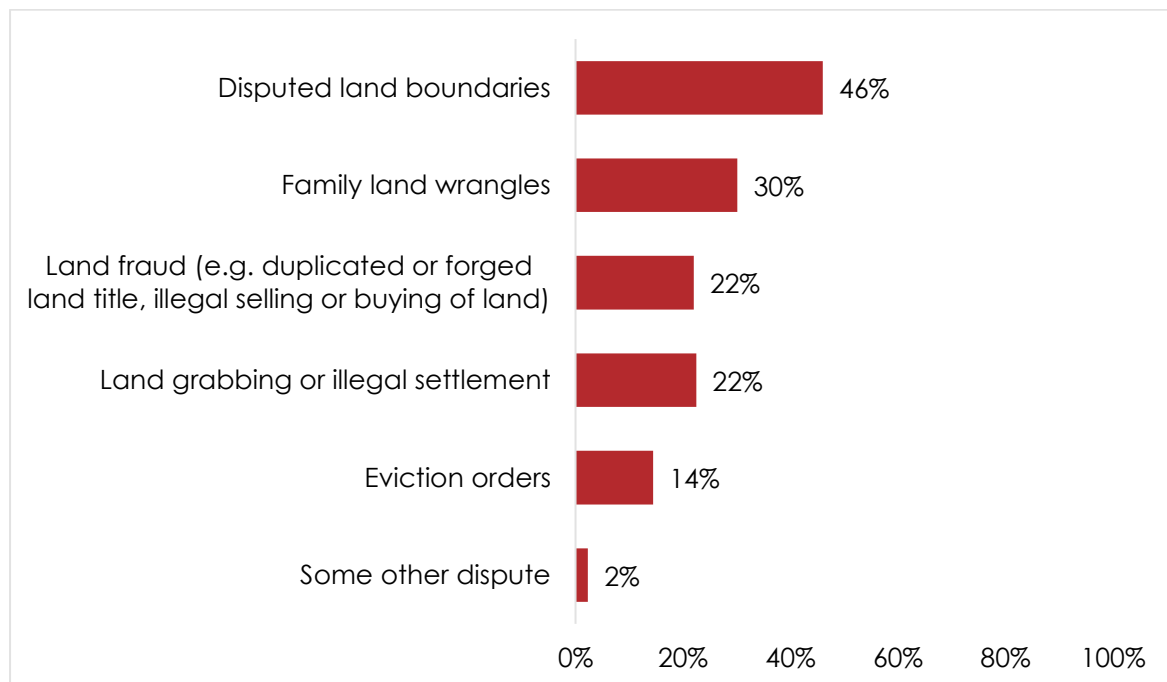
The frequency of land-related disputes increased with respondents' experience of lived poverty,¹ ranging from 14% among the economically well-off to 28% among the poorest citizens.

Senior citizens (19% among those over age 55) were slightly less likely to report experience with land-related disputes than their younger counterparts (22%-25%).

Among Ugandans who reported experiencing land disputes, almost half (46%) said they had dealt with disputed boundaries (Figure 3). Three in 10 (30%) reported disputes between members of the same family, which often occur when descendants fail to agree on the distribution or disposal of a deceased person's property (Myuganda, 2021).

Other conflicts include disputes related to land fraud, such as duplicated or forged land titles or illegal selling or buying of land (22%); land grabbing (22%); and eviction orders (14%).

Figure 3: Types of land disputes experienced | Uganda | 2022



Respondents were asked: Over the last five years, did you or any member of your household encounter any land-related dispute? [If yes:] Which of the following disputes did you or a member of your household experience? (Figure shows the percentage of respondents who reported each type of dispute. Percentages total more than 100% because some respondents reported more than one type of dispute. Respondents who said they had not experienced any land disputes are excluded.)

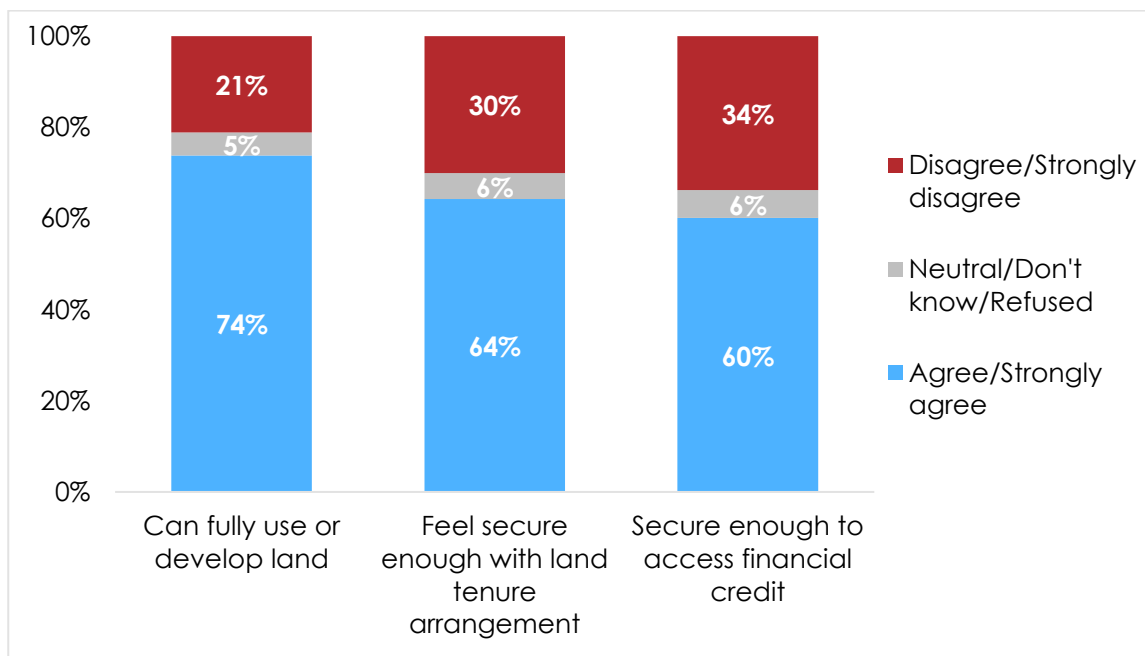
¹ Afrobarometer's Lived Poverty Index (LPI) measures respondents' levels of material deprivation by asking how often they or their families went without basic necessities (enough food, enough water, medical care, enough cooking fuel, and a cash income) during the past year. For more on lived poverty, see Mattes and Patel (2022).

Land security and utilisation

A critical aspect of land rights is land security, or the extent to which individuals, households, or communities are assured of the stability of tenure that allows them to use and manage land without fear of eviction or disputes over ownership.

Three-fourths (74%) of respondents said the tenure arrangement for the property that their household occupies allows them to fully use or develop the land, while 21% said it does not. When it comes to security of tenure, the proportion decreases by 10 percentage points: 64% said they “feel secure enough” with their current tenure arrangement, while 30% said they do not. And only 60% said their tenure arrangement gives their household sufficient security to access financial credit or loans.

Figure 4: Security of tenure, land utilisation, and access to credit | Uganda | 2022



Respondents were asked: With regard to land use and security of tenure for this household, to what extent do you agree or disagree with each of the following statements, or haven't you heard enough to say?

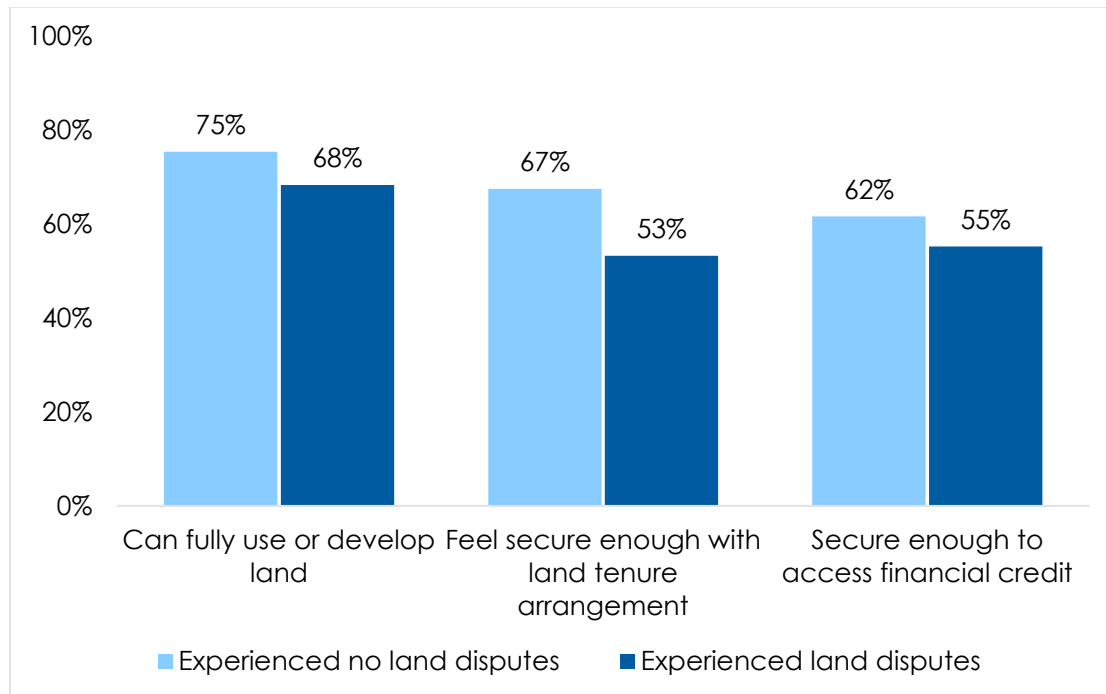
I feel secure enough with the current land tenure arrangement for this family home.

The current land tenure arrangement for this family home allows us to fully utilise or develop this land.

The current land tenure gives this family home sufficient security to access financial credit or loan facilities.

Citizens who had been involved in land disputes during the previous five years were less likely report enjoying these aspects of land security (Figure 5). Compared to those who had not experienced land disputes, they were less likely to say that their current tenure arrangement allowed them to fully utilise or develop the land (68% vs. 75%), that they felt “secure enough” with their tenure arrangement (53% vs. 67%), and that their tenure arrangement was secure enough to allow them to access credit from financial institutions (55% vs. 62%).

Figure 5: Security of tenure, land utilisation, and access to credit | by experience of land disputes | Uganda | 2022



Respondents were asked:

With regard to land use and security of tenure for this household, to what extent do you agree or disagree with each of the following statements, or haven't you heard enough to say?
 I feel secure enough with the current land tenure arrangement for this family home.
 The current land tenure arrangement for this family home allows us to fully utilise or develop this land.
 The current land tenure gives this family home sufficient security to access financial credit or loan facilities.
 (Percentage who "agree" or "strongly agree")
 Over the last five years, did you or any member of your household encounter any land-related dispute?

Authority best suited to address land disputes

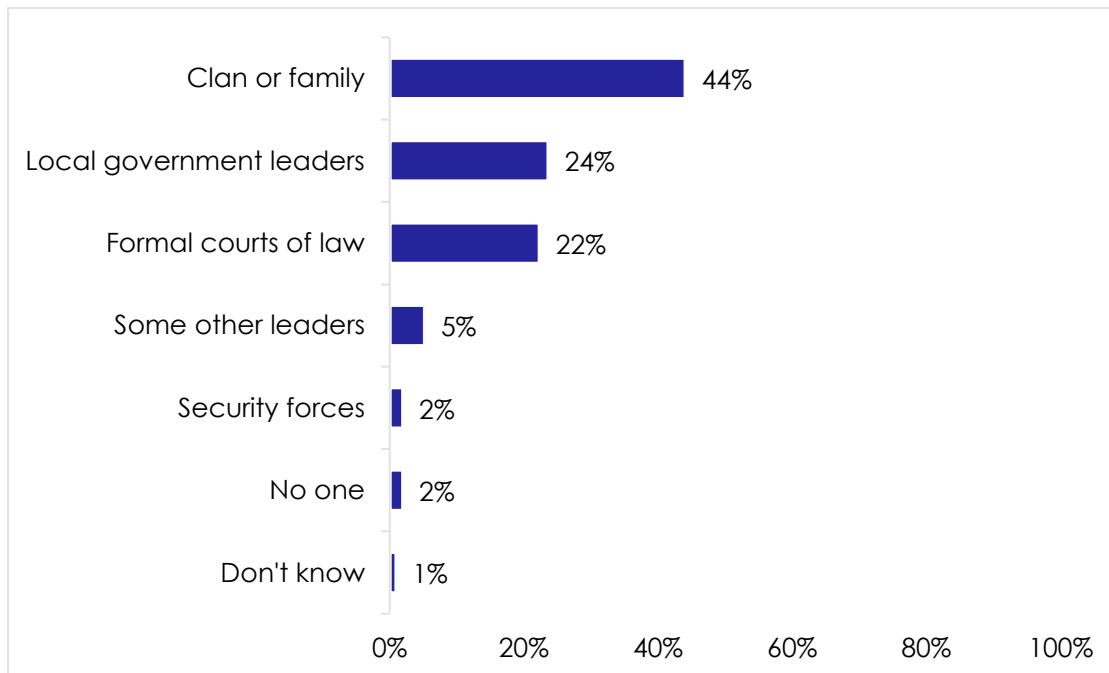
Citizen perception can play a major role in explaining the legitimacy of dispute-resolution mechanisms. Knowing who the public believes is best suited to handle land-related disputes not only provides insight into their expectations, preferences, and levels of trust in different institutions, but can also help ensure that resolution processes are accessible and acceptable to the parties involved.

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Among respondents who had been involved in land disputes during the previous five years, the largest share (44%) said that the clan or family was best suited to address their dispute (Figure 6). Next came local government leaders, such as district and subcounty leaders (24%) and the formal

court system (22%). Few respondents preferred to turn to various other leaders (5%) or security forces (2%) to resolve land-related conflicts.

Figure 6: Authority best suited to address land disputes | Uganda | 2022



Respondents were asked: Looking at the land dispute that your household encountered, in your opinion, who among the following authorities would you say was best suited to address the land dispute that you or your household faced?

Faith in the clan or family as best suited to resolve land disputes was particularly strong in the Northern (65%) and Eastern (50%) regions, whereas inhabitants of the Western and Central regions were more likely to look to local government leaders and formal courts (Figure 7).

The clan or family was also more trusted in rural areas (47%, vs. 36% in cities). A preference for resolution by the clan/family increased with respondents' experience of lived poverty, ranging from 37% among the best-off citizens to 49% among the poorest. It decreased as respondents' education level rose, from 47% among those with no formal schooling to 34% among those with post-secondary qualifications.

Older respondents (54%) were also more likely to look for resolution within the clan or family than their younger counterparts (43%).

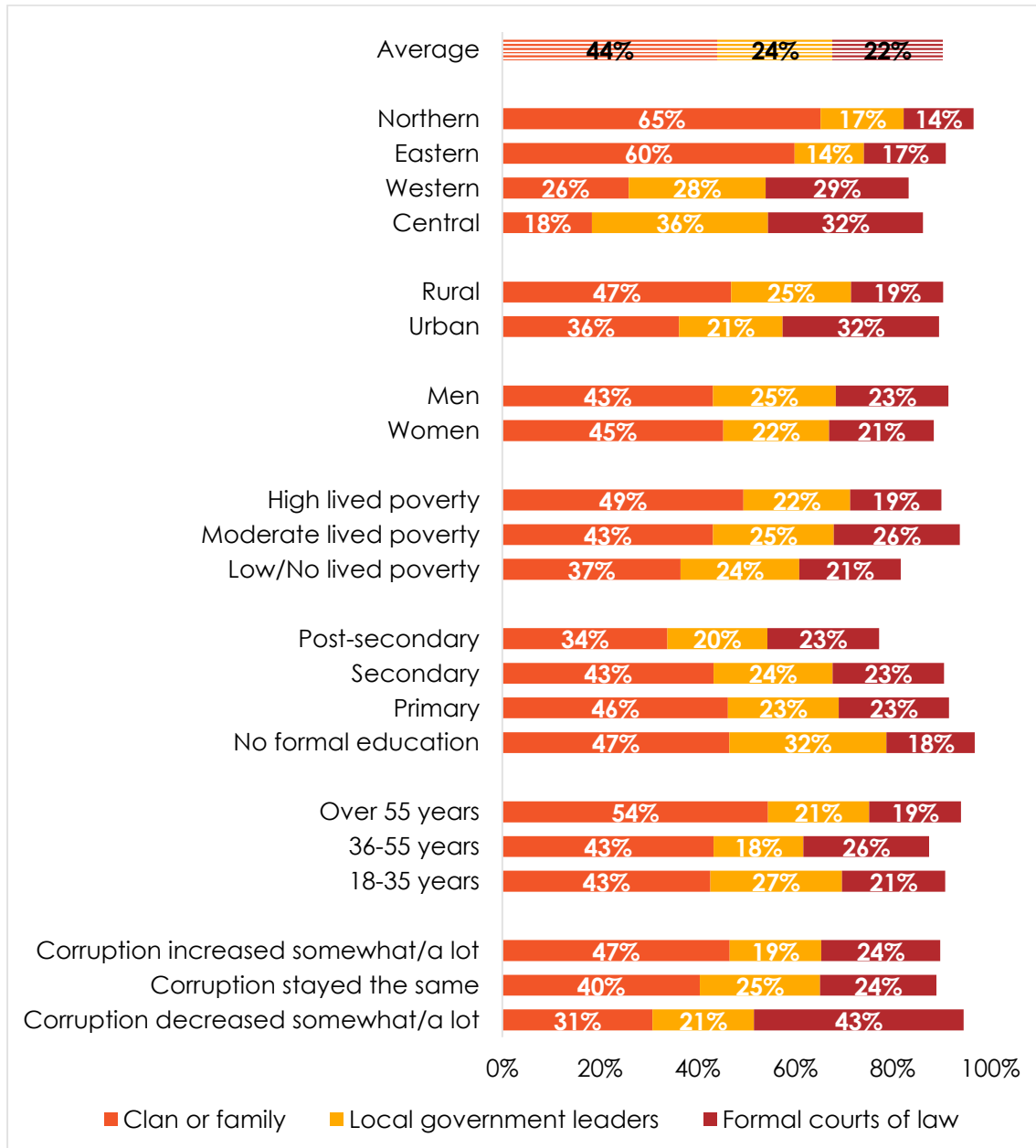
Groups registering above-average trust in the ability of formal courts to resolve land disputes include urban residents (32%) and inhabitants of the Central (32%) and Western (29%) regions.

Interestingly, people's preferences in dispute-resolution mechanisms might also be related to their perceptions of official corruption. Among those who said that the level of corruption in the country increased "somewhat" or "a lot" during the year preceding the survey were more likely to prefer the clan/family (47%) than those who said corruption had stayed the same (40%) or decreased (31%). Stated differently, people who saw corruption as having decreased were almost twice as likely to look to the formal court system as those who saw corruption as having increased (43% vs. 24%).

While an analysis of the interaction of perceived official corruption and the experience of land disputes is beyond the scope of this dispatch, we note that perceptions of widespread official corruption were somewhat higher among citizens who had experienced land

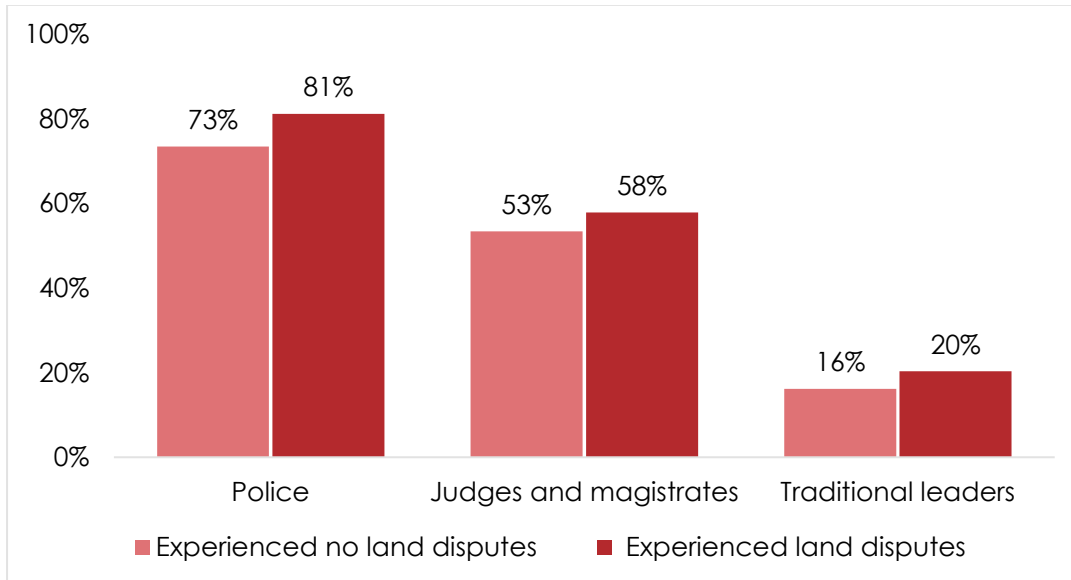
disputes: 81% said “most” or “all” police officials are corrupt, compared to 73% among respondents with no experience of land disputes (Figure 8). We see similar differences in citizens' perceptions of widespread corruption among judges and magistrates (58% vs. 53%) and traditional leaders (20% vs. 16%).

Figure 7: Preference for clan or family, local government leaders, and formal courts to resolve land disputes | by demographic group | Uganda | 2022



Respondents were asked: Looking at the land dispute that your household encountered, in your opinion, who among the following authorities would you say was best suited to address the land dispute that you or your household faced

Figure 8: Perceptions of corruption among police, judges, and traditional leaders
 | by experience of land disputes | Uganda | 2022



Respondents were asked:

How many of the following people do you think are involved in corruption, or haven't you heard enough about them to say?" (% who said "most of them" or "all of them")

Over the last five years, did you or any member of your household encounter any land-related dispute? (% who said "yes")

Conclusion

Among the many Ugandans who have been involved in land disputes, a majority see the clan and local government leaders as better suited to handle such disputes than formal courts of law. This finding points to at least two possible implications. First, in areas where they are already in place and have support, alternative forms of dispute resolution might be strengthened by putting in place necessary infrastructure for mediation as a way of improving their efficiency and effectiveness in land administration and settlement of land disputes.

Second, given the fundamental role that formal courts are expected to play in resolving conflicts and upholding social order in society, efforts may be needed to restore citizens' trust in the judicial system's ability to settle land disputes and deliver justice. Transparency would be a crucial aspect of such efforts, as it fosters accountability and integrity in the judicial system.

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