



## PUBLIC DEBATE ON MAILO TENURE

Kampala 05<sup>th</sup>/August/2021

### COMMUNIQUE

**“AN INDEPTH UNDERSTANDING OF THE MAILO TENURE SYSTEM: *“Can the Mailo Tenure Regime Secure land rights of Ugandans for inclusive growth, employment and wealth creation?”*”**

#### PREAMBLE

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Subsequent to the unrelenting public outcry and media attention to the Mailo tenure system; while noting that, this land tenure system plays a huge role in enhancing people’s livelihood particularly the vulnerable bibanja holders living on it. Food Rights Alliance and Partners organized a virtual debate on the 5<sup>th</sup> August 2021. The dialogue brought together different stakeholders to share their experiences on this tenure and promote an increased understanding of Mailo land tenure, its operation and rights and duties of the different parties in this tenure system.

**RECALLING** that His Excellency the President of Uganda during the 32<sup>nd</sup> Hero’s Day celebrations expressed his dismay at the century long “very bad” Mailo land tenure system used in Buganda kingdom stating that it’s “an evil system.” And Prime Minister and leader of Government Business Robinah Nabbanja confirmed that the government is set to start with the mailo land amendment in the eleventh parliament due to frequent land wrangles and evictions in the country. A number of leaders have taken sides with Buganda Kingdom protesting the move since they are the majority land owners in central Uganda. The Kabaka of Buganda Ronald Muwenda Mutebi even directed Buganda caucus legislators to fight tooth and nail to make sure that the assumed amendment is not passed. The Katikiro Charles Peter Mayiga added his voice while addressing the Buganda Lukiiko at Mengo, calling those agitating for the scrapping of the system are misinformed, and instead outlined a seven-point strategy government must adopt to streamline the land management and governance.

This thereby makes it necessary to create a platform to promote an in-depth understanding of the tenure system.



**WELCOMING** Ministry of Lands, Housing and Urban Development initiative to amend the Land Act 1998 and other related land laws which will hopefully address the tenure concerns of the vulnerable people living across the different tenure systems.

**RECALLING** that Government at all times has a duty to protect its citizens together with their property.

**CONCERNED**, that communities living on Mailo land are faced with multiple seemingly overlapping and land ownership that is interpreted by some to be the root cause of tenure insecurity resulting into illegal land evictions and violation of land rights. Further, the Mailo land system in some parts like Mubende, Hoima, Nakasongola, Nakaseke Kakumiro etc.. is characterized by absentee landlords which makes it hard for the Bibanja holders to fulfill their lawful obligation of paying Busuulu yet in case of default, the landlord can apply to court to take over the Kibanja. Landlords sometimes have been accused of hiding purposely to defeat the tenant's attempts to pay Busuulu thereby making tenants vulnerable to evictions.

Also, we are concerned that the land fund instituted as a multipurpose resource envelope meant to serve targeted beneficiaries including tenants seeking to buy or own land with government seeking to buy land for redistribution to bonafide occupants or resettlement of landless is not fully operational due to financial constraints. Also, the misinformation about the mailo tenure system is further exacerbating disputes among communities living on this tenure.

**WE RECOMMEND** that Government urgently addresses the following issues that emanated from the participants of the virtual debate and from stakeholders working in the lands sector.

1. There is need to assess and interrogate to what extent the various land reforms have been implemented, to what extent they have worked and whether there is need for further reforms. There is need to assess what is driving these reforms whether economy, human rights. Further if there is need for reforms take into consideration the evolution of mailo tenure system and reforms which started in 1926 to date as this will inform the reform



process. If the process of to take place, it should be participatory and inclusive to address the concerns

2. The Ministry of Lands, Housing and Urban development should implement the Uganda National Land Policy particularly the priority actions connected to identifying and resolving issues linked to the existence of multiple, overlapping and conflicting land rights on Mailo Tenure (Policy Statement 44 NLP 2013). Paragraph 43,44,45
3. The Ministry of Lands, Housing and Urban Development should fast track amendment of the package of legal reforms (land related laws). Effective recognition and implementation of policy and legal frameworks under article 26 of the constitution and Land Acquisition Act. This will protect communities living on Mailo tenure from illegal land evictions.
4. The government can consider land sharing agreements as a solution to strengthen landlord and tenants in a win-win solution. This promotes cordial relationship between land lords and tenants, clarify parcel boundaries and prevent evictions.
5. The government should fully operationalize the land fund by allocating it sufficient resources and finalization of the Uganda Land Commission Bill which will streamline the operations of the fund. The government should document all the tenants and landlords living on mailo land and clarify the beneficiaries of the land fund.
6. Massive land rights awareness campaigns should be prioritized by the all stakeholders. This will promote dissemination of accurate land information on mailo system.
7. The government should adopt the private individual led reforms and innovations like the Buganda kingdom model ( Kyapa Mungalo) of dealing with bonafide and lawful occupants. This model has stabilized the relationship between the kabaka and his tenants because it does not intend to usurp the power relations between the two.
8. There is need for strengthening of the land management and governance systems to ensure victims affected by conflicts and evictions access justice. Governance system should be enhanced, for example, through decentralized governance system, LC3 and other government bodies on ground should report cases of illegal land evictions to the Ministry to be able to take action. Also, the judiciary should be facilitated to so that they



can dispose of land cases within a stipulated time. Further local land administrators should be capacitated on the salient issues that affect mailo holders.

#### **NEXT STEPS**

1. Dissemination strategy for communique- Seek for an engagement with MoHULD
2. Commit to convening regular dialogues on Mailo
3. Consensus building with the Media on Mailo tenure
4. Mobilise non state actors for engagements on leaving no one behind ie forums for tenants, landlords and other vulnerable people