

Perspective

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The core problem is that officials often treat "no title/unregistered" as "no owner/unowned". This means lawful owners can be erased on paper even when their rights are visible on the ground, writes **Baker Mugaino**.

Section 60 gives district land boards power over land "not owned by any person." Several disputes arise when officials treat "no title/unregistered" as "no owner/unowned."

Communities and courts say the real issue is not empty land but land with owners who are not in the registry.

District land boards were meant to manage land fairly for the public. But one phrase in the law has become a doorway to abuse because it is easy to misuse: land "not owned by any person". On paper, it can sound like empty land; in practice, people ask a simple question: which land is that?

To be clear, "vacant" is often used as an administrative label for land with no title or unclear registry records; it is not proof that the land has no lawful owner.

A district land board's job should not end at allocating leases. A major role is to help citizens regularise and register unregistered interests so that lawful ownership is on the record, and disputes reduce over time.

In practice, that means guiding people toward lawful pathways (such as CCOs and related registration steps), requiring proper notice and records during verification, and coordinating with the land registry so valid interests can be captured accurately.

The same public duty applies to protected and reserved land: ecosystems, green parks, wetlands, and road reserves are held in trust for the public, so they are meant to be safeguarded and managed, not treated as "vacant" land to be given out.

To prevent "accidental" allocations, these areas should be clearly mapped, publicly marked on the ground where possible, and flagged in files before any decision is made. Done well, this creates certainty for communities and honest investors alike, because clear records and protected boundaries reduce disputes and reversals.

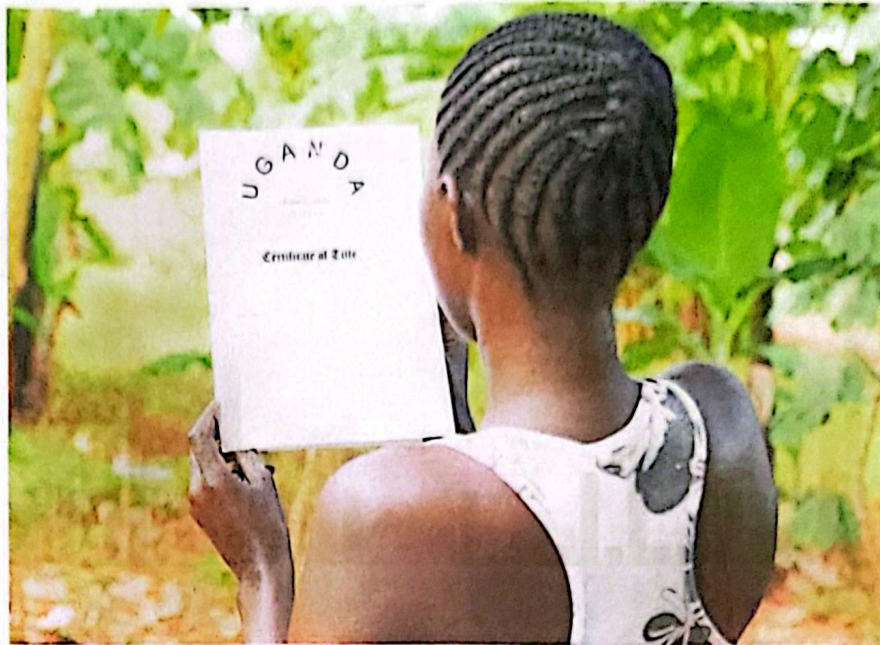
Unregistered is not unowned

The power comes from Section 60 of the Land Act (linked to Article 241 of the Constitution). It allows a district land board to hold and allocate land in the district that is "not owned" by anyone.

The core problem is that officials often treat "no title/unregistered" as "no owner/unowned." This means lawful owners can be erased on paper even when their rights are visible on the ground.

That one mistake, confusing "unregistered" with "unowned", has real costs. As a result, families who have lived, farmed, grazed animals, and buried relatives on the same land for decades can wake up to find it has been leased to someone else. By the time they hear about it, survey marks may already be on the ground, and threats may have started.

Why no title does not mean no land owner



District land boards have been urged to assume all land, including what is vacant or unused, has an owner until there is proof that it does not have any claimant on the ground. PHOTO/FILE

Also, customary ownership still counts. Customary land is not "informal land". It is a legal land.

A clan, family, or community can own land under customary rules even without papers.

A Certificate of Customary Ownership (CCO) or freehold grant is meant to confirm rights people already have. It should never be used to suggest that people had no rights before the certificate.

Misunderstanding on unused land

People also misunderstand "unused" land. A garden may be resting for a season. A path may look empty, but it is a grazing route. A patch of bush may be where the community collects firewood or medicinal plants.

Even truly open areas may be wetlands or forest land, where other laws apply. In those cases, the point is not that the land is "free" to allocate, but it is that such areas are held in trust for the public and must be protected.

Environmentally sensitive areas such as wetlands, riverbanks, lakeshores, and gazetted forest land are regulated for conservation, not treated as land to be given out through leases. The point is simple: calling land "vacant" just because it is unregistered should be the last conclusion, not the first excuse.

Some officials reply: "But the Area Land Committee inspected and said it was vacant." That should not be the end of the story. An inspection can miss seasonal use, shared community land, or old boundaries, especially when notice is poor; visits are rushed, or local pressure is involved.

Therefore, a real status check should be required: public notice in the village, a written record of what was checked, time for objections, and a clear announcement

path before any lease is processed.

What the courts have said

Omoro & 4 Others vs Attorney General & 8 Others (Constitutional Petition No. 28 of 2019): The Constitutional Court rejected the idea that district authorities can treat community land as "free land" simply because it is not registered. The court stressed that land vests in citizens and that customary rights must be taken seriously.

Kampala District Land Board vs Babweyaka & 3 Others (Supreme Court Civil Appeal No. 2 of 2007): The Supreme Court's message is clear: a lease document does not erase other lawful interests on the same land. Where an allocation ignores existing rights, it can be challenged and set aside.

This is not just a paperwork dispute. The Constitution says land belongs to citizens and protects property rights. So, when land boards allocate occupied customary land as if it belongs to nobody, they are not developing land but shifting rights from the weak to the powerful without due process.

What needs to change?

Uganda does not need more arguments about whether customary land is real. It needs clear rules that require decision makers to check properly and to record what they did.

Before any land is labelled "unowned", authorities should ensure there is local notice people can actually see, a village-level hearing, a written inspection record, and a genuine chance to object.

The simplest reform may be to change the starting point: assume land is claimed unless the board proves, openly and carefully, that it is truly free. In practice, this shifts the burden to the au-



Explanation. Uganda does not need more arguments about whether customary land is real. It needs clear rules that require decision makers to check properly and to record what they did. Before any land is labelled "unowned", authorities should ensure there is local notice people can actually see, a village-level hearing, a written inspection record, and a genuine chance to object. The simplest reform may be to change the starting point: assume land is claimed unless the Board proves, openly and carefully, that it is truly free," the author.

to the family struggling to defend its home.

The bottom line is this: "vacant land" is often only vacant in a file because it is unregistered. To improve public trust in district land boards, they must stop treating missing paperwork as "missing" people and protect the rights that are already on the ground.

What should affected persons do?

• Gather proof that you use or occupy the land (photos, witnesses, receipts,

• Ask for the area land committee/district land board file and request copies of the inspection record and notices.

• Object in writing and keep a stamped copy, then follow up on the hearing date and decision.

• Consider applying for a Certificate of Customary Ownership (CCO) where appropriate, or a freehold title where available.

• If registration under the Registration of Titles Act is underway, ask about lodging a caveat to pause transfers while the dispute is heard.

• Get legal help early if survey marks appear, threats start, or a lease is being processed.

What district land boards should do when they get it wrong

Land offices are not helpless when a wrong decision is made.

If a board learns that an allocation was based on bad facts, weak notice, or a missed customary claim, it should correct the record fast before the mistake turns into eviction, violence, or a long court case.

• Pause the process immediately: issue a written stop notice to halt survey, demarcation, lease processing, or any further steps where a credible claim or dispute is raised.

• Reopen the inquiry: order a fresh inspection with the Area Land Committee, record statements from neighbours/elders, and document land use over time (including seasonal use and communal access routes).

• Give effective notice: publish notices in the affected locality (physical postings, radio where appropriate) and allow a realistic objection window, especially where earlier notice was weak or inaccessible.

• Provide reasons in writing: keep proper minutes and issue reasoned decisions that explain how the land status was determined (including what checks were done to confirm competing claims) and how objections were handled.

• Use internal review and reversal: where procedure was not followed or the facts were wrong, formally rescind/cancel the allocation and notify the applicant/allocatee and affected occupants in writing.

• Coordinate with the land registry: where registration is underway, communicate promptly with the relevant land registry and advise parties to respect any caveats and pending disputes.

• Refer serious cases for oversight: flag suspected fraud, conflict of interest, or bribery to the appropriate oversight bodies, and cooperate with audits of the file.

• Choose settlement where possible: support mediation that recognises customary rights (including boundary agreements) and prioritises regularisation (CCOs) over forced displacement.

• Adopt a "status-check checklist": standardise a minimum file record (inspection report, photo evidence, maps, notices, objections, and reasons) so that decisions about whether land is truly vacant or simply unregistered/claimed are evidence-based and reviewable.

These steps protect everyone: communities, honest investors, and the district itself. When land decisions are transparent, evidence-based, and reversible, fewer people get displaced; fewer cases reach court, and development doesn't stop because of surprise land loss.

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