

'LAND DISPUTES ARE BEST SUITED FOR MEDIATION'

By Farooq Kasule

Principal Judge Jane Frances Abodo has been a proponent of mediation in resolving land disputes.

Abodo said the disputes are uniquely suited for mediation because they frequently involve family relationships, community ties, historical claims and economic livelihoods. According to her, many of the land disputes do not need to drag on through prolonged adversarial litigation.

"I strongly encourage judges, mediators and advocates to proactively identify suitable cases for mediation at the earliest possible stage," she says, adding that it is time for the parties involved in the land disputes to shift from a purely adversarial mindset to one that also embraces reconciliation and win-win outcomes wherever justice permits.

She appealed for a roundtable discussion with the stakeholders at the Supreme Court Conference Hall in Kampala recently, ahead of the mediation fortnight settlement for the land disputes.

Convened by the Judiciary through the Judicial Training Institute (JTI), the round-table discussion brought

together actors in land justice administration, including judges of the Land Division of the High Court, registrars, mediators, advocates and officials from the lands ministry, among others.

"Delayed justice, especially in land matters, often leads to hardship, frustration and sometimes even breaches of the peace. Therefore, timely delivery of decisions is an essential part of restoring public confidence in the Judiciary," Abodo said.

PREDICTABILITY FOR MORE EFFICIENCY

Justice Abodo also underscored the importance of predictability and consistency in the country's jurisprudence, saying litigants, investors and the general public deserve to know how the court is likely to approach recurring issues, such as spousal consent, fraudulent transfers, customary land rights, registration disputes and eviction procedures.

"While every case must be decided on its own merits, a consistent and principled application of the law builds certainty and reduces unnecessary litigation," Abodo said.

High Court land division head judge Damalie Lwanga said while the



Abodo (left) during a roundtable discussion with the stakeholders at the Supreme Court Conference Hall in Kampala recently

workload at the court reduced when the Entebbe and Wakiso High Court circuits were operationalised, heavy case loads persist.

"We have since set up an ADR [alternative dispute resolution] committee composed of 11 members,

including two judges and four registrars at the division," Lwanga said.

She said they have decided to make timely and systematic referrals of suitable cases to mediation to encourage early mediation for

faster case disposals.

JIT COMMENDED

Lwanga commended the Judicial Training Institute (JIT) executive director, Prof. Justice Andrew Khaukha, for his efforts in promoting ADR mechanisms, especially court-annexed mediation of the Judiciary, which has created an impact in case disposals.

Supreme Court Judge Mike Chibita, also the training institute governing council chairperson, reaffirmed the institute's commitment to strengthening judicial capacity and promoting ADR as a key component of access to justice.

Land-related disputes are among the most prevalent occurring within and among Ugandan communities. In 2016, President Yoweri Museveni set up a judicial commission of inquiry into land matters to address escalating land conflicts, rampant illegal evictions and systemic corruption within land administration.

The commission, chaired by now Supreme Court judge Catherine Bamugemereire, handed over the report to President Museveni for action.