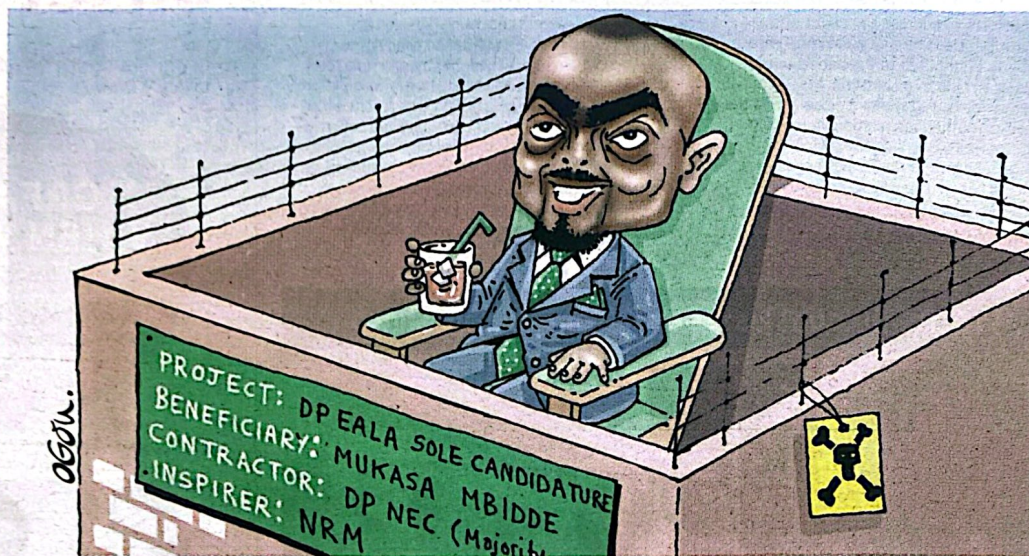




en Kale Kayihura on a mafia in police and army . "These con men involve our security personnel. They have infiltrated the police, they have infiltrated the military, they have infiltrated everywhere."

**CARTOON.** Democratic Party will maintain Fred Mukasa Mbidde as the party's candidate for the East African Legislative Assembly.



**Dennis Obbo** Land

## Landlords and tenants should have a good working relationship

The Ministry of Lands, Housing and Urban Development received many reports of tenants fighting landlords in 2016. How are tenants supposed to relate with their landlords who have land titles and want to know the tenants on their land, let alone open boundaries to know the extent of their land, if these actions may lead to their death?

How can we resolve and expect to untangle the challenge of multiple rights on the same piece of land when the one with inferior rights (tenants) is chasing and hacking to death the one with superior rights (landlords)?

The 1995 Constitution of Uganda provides, under Article 237(1) that land in Uganda belongs to the citizens of Uganda and shall vest in them in accordance with customary, freehold, mailo and leasehold tenure.

A tenant by occupancy on either mailo, freehold or leasehold tenure holding enjoys security of occupancy on the land. A tenant by occupancy is that lawful or bonafide occupant as defined by section 29 of the Land Act.

Any tenant who does not fall under the above categories is an unlawful occupant (squatter), therefore, his/her occupancy (tenancy) is illegal and not protected by the law. The law provides that such a person should take reasonable steps to seek and identify the registered owner of the land for purposes of negotiating and agreeing to their stay on that land. Incidences of occupants (tenants) disregarding the law and basically 'evicting' landowners are rife. Yet the two categories need to

work together to sort out or resolve the challenge of multiple rights on the same piece of land through 'okwegula' (the lawful or the bonafide occupant buying out their holding(s) from the registered landowner) or 'okutegeragana' (coming to an understanding whereby the land is shared between the lawful or bonafide tenant and registered landowner in a mutually agreed land sharing arrangement).

In such situation, the tenant receives a land title and the land ceases to have multiple rights. This would maintain harmony between the landlords and tenants. The ways of going about the two methods is provided for in the 2013 National Land Policy and other available guidelines on administration and management of land. A Landowner owns the land forever, if his or her holding falls under Freehold or Mailo tenure. The Landowner may sub-lease, mortgage, pledge or sale the land without giving the first option of purchase to the tenants. However the new landowner who buys the land must be introduced to the lawful and bonafide occupants and must respect the interests he/she finds on the land.

If the landowner wishes to dispose of land that is also claimed by a lawful occupant he may give the lawful or bonafide occupants the first option to buy out his/her holding(s). Lawful and bonafide occupants enjoy security of occupancy. They must pay annual ground rent, which the government has made to be nominal, to the landowner. They may acquire a Certificate of Occupancy by applying for it through the landlord.

Citizens need to know these provisions and their rights and obligations as contained within the law and use them to protect themselves from illegal eviction.

With the permission of the landlord, they may sublet or subdivide the land they occupy. When they end the occupancy, they return the 'kibanja' to the landlord or may sell to another person with the consent of the landlord. As noted above these are the occupants not protected by the law. They are sometimes referred to as squatters or illegal occupants. The law provides that such persons need to take reasonable steps to look for the landowner and negotiate with the owner concerning their occupancy and stay on the land. They may seek the help of a mediator agreed upon by both parties.

If the tenants do not have documents to attest to their ownership of their kibanja, they should report and seek assistance on the matter to police and the magistrate Grade 1 or the Chief Magistrate. Any landlord would be expected to know the occupants on their land and where possible keep a register of the occupants and their successors. Where there have been tenants on former public land, the Lands Ministry has urged Controlling Authorities to facilitate the sitting tenants to acquire registrable interests.

Mr Obbo is the spokesperson, Ministry of Lands, Housing and Urban Development. dennisfo2002@yahoo.com