

iv) Where does customary land rights come from?

Customary Land Rights are derived through one's family lineage and through marriage as seen from the Family Land Rights Tree below.

Category of person	Maiden family/Paternal / Maternal	Marital family
Married man		✓
Widow (if she chooses to remain on her land in the marital home)		✓
Widow (if she chooses to return to her maiden home)	✓	
Unmarried women	✓	
Divorced woman	✓	✓
Child born in marriage		✓
Child born out of marriage (if the biological father marries the mother or pays a penalty called "ekingol/luk/engassi")		✓
Child born out of marriage (if the biological father refuses to marry the mother or pay a penalty called "ekingol/luk/engassi")	✓	
Child born to a widow by inheritor		✓
Child born to re-married widow		✓
Child born to a woman who later marries and the child is accepted by the husband		✓
Child born to a widow by a man not inheritor or from late husband's clan		✓
Child born to a divorced woman	✓	
Child born to separated woman		✓

UNDERSTAND YOUR CUSTOMARY LAND RIGHTS AND HOW TO SECURE THEM

I. KNOW YOUR CUSTOMARY LAND RIGHTS

(i) What is customary land?

Customary land is land held in accordance with customs of a given location. Customary land is land passed down through families and communities. A Certificate of Customary Ownership (CCO) is legal proof of ownership on customary land.

(ii) How do you acquire customary land?

You acquire customary land through:

- Family inheritance/succession;
- Family allocation (including through marriage);
- Allocation by clan/community leaders;
- Long-term occupation;
- Donation from a family or clan/community leaders;
- Government allocations; and
- Socially-sanctioned purchase/ transactions approved by clans and customary authorities

(iii) How is customary land tenure managed/governed?

Under customary land, 'ownership' always carries a dual function: the right to use and the responsibility to guarantee and protect the land rights of others. Customary land is mainly managed through:

- The individual (though rarely and applicable only on land purchased)
- The family (through the family head);
- The clan;
- And, in some cases, through traditional/cultural institutions. According to Section 88 of the Land Act 1998 CAP 227 on customary dispute resolution and mediation, traditional authorities have powers to determine disputes arising from customary land tenure.
- Overall stewardship and authority, generally vested in the hands of clan/customary/traditional leaders;
- Land allocation roles, which clan leaders may also do but generally vested in the hands of family heads;
- 'Ownership', or more specifically direct land use, which all members of the customary community exercise in their families;
- Dispute resolution, which clan elders and councils do;
- Records and recording, which is done at family and clan levels, predominantly orally but increasingly written;
- And inheritance, which mainly takes the patrilineal line in most customary contexts but DOES NOT imply personalized inheritance to family lands, which would jeopardise the land rights of other family members. Almost in all customary land systems, inherited land remains customary land, subject to all customary rules of land 'ownership' and use. At best, an heir to the family headship under customary land inherits responsibility.
- According to Section 5 of the Land Act 1998 CAP 227 on Functions of Committee on application for Certificate of Customary Ownership, the Area Land Committee have a role to determine land boundaries and adjudicate disputes that may arise during the application for CCOs.

(iv) The role of decentralized formal land administration leaders in CCO registration

The table below shows the formal institutions responsible for Certificate of Customary Ownership (CCO) land registration at the local levels and their specific roles.

Entity	Core Roles
District Land Board (Located at the district H/Qs)	i) Hold and allocate land in the district which is not owned by any person or authority ii) Facilitate the registration and transfer of interests in land iii) Take over the role and exercise the powers of the lessor in the case of a lease granted by a former controlling authority iv) Cause surveys, plans, maps, drawings and estimates to be made by or through its officers or agents v) Compile and maintain a list of rates of compensation payable in respect of crops, buildings of a non-permanent nature etc. vi) Carry out annual review of compensation rates
Area Land Committees (Located within a sub-county)	Assist the district land board in an advisory capacity on matters relating to land, including ascertaining rights in land in their respective areas including: i. Verifying land ownership ii. Advising on land acquisition recommendations iii. Conducting public hearings, and assisting in conflict resolution iv. Recommending individuals for land acquisition/registration after due diligence. v. Land adjudication and inspection of boundaries
Recorder (Located at the sub county)	i) Responsible for keeping records relating to certificates of customary ownership (CCO). ii) Issuance of CCOs
Local Physical Planning Committee (Located within the sub-county)	i. Initiating the preparation of physical development plans ii. Recommending local physical development plans to the district physical planning committee for consideration iii. Recommending to the district physical planning committee the approval of local physical development plans iv. Implementing structure plans, with close consultations with the district planner v. Implementing, in close consultation with the district physical planner, detailed plans and area action plans vi. Inspecting boundaries of lands being mapped to ensure compliance with ecologically sensitive areas such as wetlands, forests and game parks.

Source: Adapted from The 1998 Land Act Cap. 227; The Physical Planning Act 2010

2. LAND REGISTRATION

(i) What is land registration?

Land registration on customary land refers to the formal process of recognizing and documenting land rights held under customary tenure primarily through the issuance of a Certificate of Customary Ownership (CCO).

(ii) What is a Certificate of Customary land Ownership (CCO)?

A Certificate of Customary Land Ownership (CCO) is a legal document issued by the Uganda government in recognition of Customary Land Rights. A CCO is obtained from the Sub-county, and it can be obtained by an individual, a family, a clan or a community that owns customary land. A CCO introduces new sets of rules for land governance by the state, but also allows for continuation of land management on the basis of customary rules and norms.

(iii) What is a Certificate of Customary Ownership (CCO) land registration process?

The procedures for application for Certificate of Customary Ownership (CCO) is outlined in Section 6 of the Land Act 1998 CAP 236. A Poster outlining and illustrating the nine (9) steps for CCO registration accompanying this brochure is shared separately.



3. LAND CONFLICTS AND DISPUTE RESOLUTION

Land conflicts under customary land tenure are usually complex and multi-layered, involving family, the clan, community members and institutional actors across State and Customary Institutions. They are usually historical and intergenerational, as some of them stem from unresolved past grievances and are very sensitive.

(i) What are the common conflicts on customary land?

- (ii) Inheritance-related conflicts
- (iii) Illegal land sales
- (iv) Retracted sales or gifts
- (v) Investor–community conflicts
- (vi) Gender-based land disputes
- (vii) Boundary disputes
- (viii) Conflicts arising from wars or displacement
- (ix) Historical and intergenerational grievances
- (x) Disputes involving both state and customary institutions



(v) The role of informal/traditional/clan leaders in Certificate of Customary Ownership (CCO) registration

Traditional leaders have the following roles during Certificate of Customary Ownership (CCO) registration

- Support Area Land Committees in determining of customary land boundaries belonging to families
- Support family members in resolving disputes around family land allocation before CCO registration
- Support Area Land Committee in determining the actual owners of the land to be registered on the CCO, based on acceptable family tree

(vi) Benefits of getting a Certificate of Customary Ownership (CCO)

A Certificate of Customary Ownership (CCO) has several benefits to individuals, families and communities that acquire them. The benefits can be economic, legal, technical and social as listed below;

Economic Benefits:

- Affordable: According to the Second Schedule, Regulations 72 and 95 on fees, Land Regulations 2004 states that application fees for a CCO is 5000shs and issuance fees is also 5000shs. According to the law therefore, the CCO costs 1000shs but there may be costs related to inspection of boundaries by the Area Land Committees and approval processes by the District Land Boards. Costs may therefore increase but this is dependent on the context and availability of donor funds.
- Can be used as collateral to access bank loans (be sure to obtain the necessary consent and have a proper loan repayment plan to avoid loss of land).

Legal and Security Benefits:

- Officially recognizes your customary land rights under Ugandan land law
- Protects against fraud, disputes and illegal claims
- Helps prevent land grabbing, especially after the death of family head
- Included in the National Land Information System (NLIS) -secure and difficult to falsify, but can also be searched for authentication.

Technical and Accessibility Benefits

- Uses Global Navigation Satellite System (GNSS) for accurate boundary mapping
- Issued at the sub-county level by a Recorder – no need to travel to district offices
- Allows land to be managed under traditional norms and community structures

Social and Family Benefits

- Accommodates social rights by including multiple names of family members. This makes a CCO ideal for families, clans and community ownership
- Strengthens inheritance planning to reduce family conflicts.

iii) What is Alternative Dispute Resolution?

Alternative Dispute Resolution (ADR) refers to methods of resolving disputes outside of formal court systems. It includes processes like mediation, arbitration, negotiation, and community-based dialogue. ADR is often guided by local customs, values, and trusted leaders. It is supported by both government and non-government actors including NGOs, and is especially useful for resolving customary land issues in a way that respects culture and promotes unity.

iv) How does ADR Work?

ADR follows community-based steps like:

- Listening to both sides
- Involving elders, clan leaders, or local committees
- Finding fair solution that respects tradition and avoids violence

v) Why Use ADR

- Respects cultural values
- Builds community Trust
- Avoids long court processes
- Encourages peaceful solutions
- ADR is often faster, cheaper, and more trusted than formal court systems

vi) What is the process of Alternative Dispute Resolution?

For a step-by-step process of alternative dispute resolution, see a separate poster that accompanies this brochure.



Table Illustrating the Common Types of Land Conflicts

Type of conflicts	Description
Boundary Disputes	Disagreements between individuals, families, or communities over unclear or shifting land boundaries.
Inheritance and succession conflicts	Arise when customary inheritance rules (often patrilineal) are contested, especially by women or youth. Sons and daughters clash over land rights after death of parents.
Institutional Conflicts	Disputes involving religious (churches) and state institutions (schools, hospitals) against communities with ancestral claims to the land. This may also involve contestations between state and customary authorities over jurisdiction and ownership rights.
Illegal sales	Land is sold or leased without the consent of rightful family, clan or community members. Here conflicts arise when the sales are contested within customary arrangements or within state judicial systems.
Land Encroachment	Individuals or neighbouring communities encroach on land belonging to another individual, family or community.
Land grabbing by elites or investors (Investor-community conflicts)	Businesspersons or companies (small and large-scale, local and foreign investors) take over customary land from individuals, families or communities without their consent.
Gender-based land conflicts	Women (unmarried women, married women, widows, divorced women, separated women) are denied access and/or control over land due to unfair and discriminative practices that contravene both state and customary norms that guarantee land rights for all.
Conflicts due to displacements and wars	Arise when internally displaced persons (IDPs) or refugees who previously left their homelands return only to find their land occupied.
Retracted land sales/land gifts	This happens when land that was previously sold gains value and the seller begins to demand that they buyer adds more money because the land has gained value. On retracted land gifts, the grandchildren of elders who donated land to institutions such as schools and churches begin to demand that their land is returned.
Community-Investor Conflicts	Conflicts between private investors and local communities during land acquisitions and the investment phase itself.

(iv) Benefits of Including Women in CCO Registration

- a. Ensures women have recognized claims to family or clan land, reducing the risk of exclusion or dispossession
- b. Including women helps safeguard land from being taken by relatives or outsiders after the death of a husband or father.
- c. Secure land rights for women contribute to household resilience, food security, and long term planning.
- d. Daughters and widows are legally recognized as rightful beneficiaries, reducing inheritance related conflicts
- e. Reflects fairness and inclusion in line with Uganda's Constitution and Land Act, which prohibit gender discrimination.
- f. Joint registration can help women access loans or financial services using land as collateral
- g. Empowers women to participate in land decisions, management, and dispute resolution within families and communities.
- h. Clear documentation of women's rights helps prevent disputes among siblings, in-laws, and extended family members.
- i. Acknowledges the evolving roles of women as heads of households, caregivers, and contributors to land productivity.

ABOUT THE AGRIP PROJECT

ZOA, in partnership with Cordaid and with funding from the Embassy of the Kingdom of the Netherlands (EKN), is implementing the Agricultural Governance Results Improvement Project (A-GRIP) in the Busoga, Elgon, Kigezi, Lango, and Rwenzori regions of Uganda. One key component of A-GRIP is to promote awareness and uptake of Certificates of Customary Ownership (CCOs) and enhance knowledge of land rights and land dispute resolution through development of context-appropriate Information, Education and Communication (IEC)



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4. GENDER SENSITIVITY IN ADR & CCO REGISTRATION

(i) What is gender sensitivity in ADR and CCO Registration?

Gender sensitivity in Alternative Dispute Resolution (ADR) and CCO registration refers to the intentional inclusion and consideration of the different roles, needs, rights, and challenges faced by women, men, and other gender identities and vulnerable groups during CCO registration processes. It ensures fairness, equity, and justice for all regardless of gender. Gender sensitive approaches will pay particular attention to women whose land rights is always undermined by men who are closely related to them, such as fathers, brothers, husbands, brothers-in laws and sons.

(ii) What is the position of Women's Land Rights in the Law and Under Customary Land Tenure?

- a. The 1995 Constitution and 1998 Land Act provide for non-discrimination of women or any gender with regards to access, use and control of land.
- b. Customary systems, too, recognise the rights of women to land.
- c. In many customary systems, women's land rights are actualized through customary arrangements that specify from which family women (just like other members) can claim land rights given their circumstances (married, widowed, separated, etc.).
- d. Customary contexts do not permit claiming land rights from two separate families at the same time as this is seen to promote bad faith and greed. For example, in some customary contexts, a widow can only claim land from her marital family, and not from both her maiden and marital family. Similarly, a divorced woman can only claim land from her maiden family, not the marital family.

(iii) How to ensure gender sensitivity in ADR and CCO registration?

Ensuring gender sensitivity in Alternative Dispute Resolution (ADR) and land registration requires deliberate actions, policies, and practices that promote equity and inclusion. For instance, during a CCO land registration, it is important and necessary to ensure that:

- a. The names of women are included in the CCO application forms in families where the women claim land rights. For example, a family with unmarried daughters should include their names in CCO application documents.
- b. A man with many wives and daughters should include all their names in the CCO application.
- c. A woman's family does not judge her based on behaviour (some women are excluded because of assumed bad behaviour), and to recognise that having rights to land rights under customary tenure is not conditional upon good or bad behaviour.
- d. Children born to women who are not married should be accorded land rights in the mother's family during CCO registration – unless the father of the child makes the customary or statutory commitments to take responsibility for the child, including allocating land to that child. Excluding them can have negative implications for the women's own rights.