

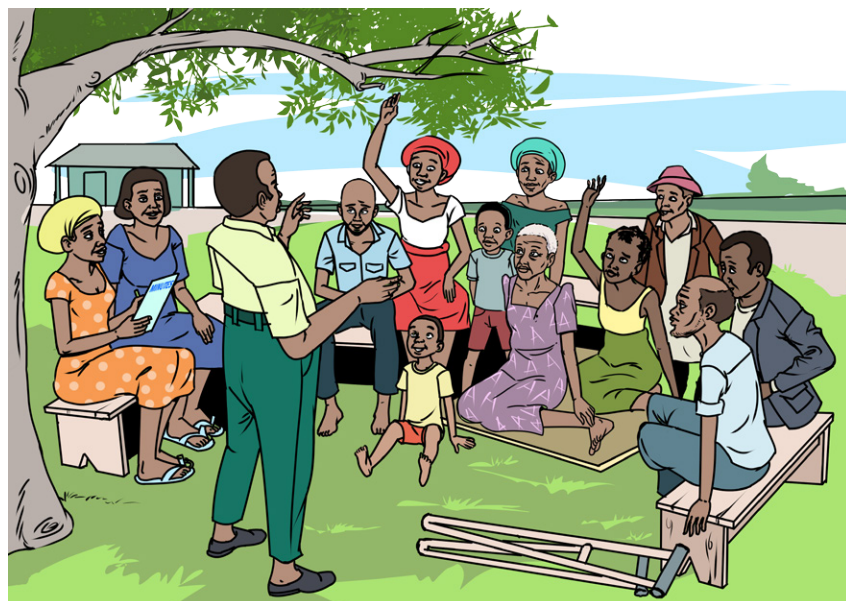


SECURING LAND TENURE UNDER CUSTOMARY SYSTEM



‘How to become a legal entity that can own communal land’

1st STEP



- Hold a meeting of the clan/sub clan and/or Land holding group members to agree on formation of a Communal Land Association. List all persons with rights/interests in the land. These may include women, minors, absent persons, or persons with disability, among others. Ascertain that all the members and their rights have been identified and make a record of all these names in a Register.
- Agree on name of the CLA that is to be incorporated in order to become a ‘legal entity,’ which name will also appear on Certificate of Customary Ownership (CCO). Women, youth, children and any other stakeholders should be provided an opportunity to declare their interests.
- The minutes of the meeting **MUST** be signed by all persons in attendance, including their representatives.

2nd STEP



- The Meeting makes an application to the Registrar of Titles by filling in Land Form 44 to incorporate the group into a ‘Legal Entity.’ Make sure that the traditional institutions in that area are fully involved, for proper guidance regarding the customary rules, norms and practices. Submit the duly filled in Application Form (Land Form 44) to the ROTs.

- The ROT issues a 21 day public notice inviting all members to determine whether the group can be incorporated into a CLA and to elect officers of the Association as members of the Managing Committee. The notice is placed in prominent places like churches, mosques, markets, in order to inform all members of the community.



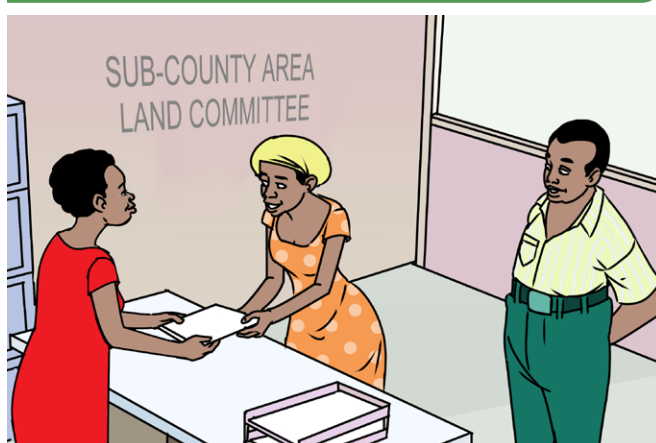
3rd STEP

- After 21 days a meeting is held. Members agree to form a CLA and they elect members of the Managing Committee. Minutes, resolutions and an Attendance list are compiled.
- The elected members draft a constitution which is presented to the entire group for approval. There after it is submitted to the ROTs who issues a certificate of compliance of the constitution of the CLA.
- The elected officers then apply to the ROTs using Land Form 47 to be incorporated as officers of the CLA.
- Once incorporated, then a Certificate of incorporation of the CLA is issued.



How to Register the Communal Land

1st STEP



- The CLA acquires three copies of a CCO application form from their respective sub-county ALC office. The total cost of three copies is UG shs 5,000. This amount is consolidated within the sub-county’s public revenue. The CLA fills out the CCO application Land form 1 in triplicate. These forms are submitted to the ALC office at the Subcounty.

2nd STEP



- The sub-county’s ALC sits, assesses the application, and puts out a public notice – this notice is displayed both at the sub-county’s office and at the applicant in question’s parish. It runs for 14 days and specifies the name of the CLA, the date of their application, and the date that the ALC will visit the CLA’s Communal land to determine and ascertain its boundaries and any other claim.

3rd STEP



- All ALC members visit the CLA’s communal land to verify the boundaries and provide an opportunity for any objections to be heard. If there are no disputes, the ALC together with the CLA members demarcate the borders of the communal land.
- Agree on the boundary with neighbours, and plant boundary trees (Ficus/Kituba, Jatropha, Euphorbia) along the land boundary as may be traditionally acceptable in the area.
- Picking of Coordinates using a GPS is also done and a hand sketch of the land is drawn.

4th STEP



- The ALC assembles to discuss the case in hand and prepare findings-based recommendations, which are subsequently submitted to the District Land Board (DLB).
- Once approved, the DLB communicates to the Recorder at the Subcounty with instructions to issue a CCO in the names of the CLA. The cost to the applicant for issuance is UGX 5,000.

5th STEP



NOTE

Any decision regarding the custody, use of CCO and any land transaction **MUST** be done with prior and documented consent of the majority members of the CLA

Incidences of any disputes due to the CCO shall be resolved by households or clans/sub clan systems & by the traditional institutions based on customary norms of the specific clan holding land. Thereafter, the decision shall be communicated to the Recorder for noting on the CCO.



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