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A QUARTER CENTURY OF INDIVIDUAL TITLE:  
AN ANALYSIS OF THE RUJUMBURA PILOT LAND REGISTRATION IN UGANDA  
AND ITS IMPACT ON SMALLHOLDER AGRICULTURE

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September 1989

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## PREFACE

This study is part of the Land Tenure Center's comparative program of research on security of tenure and land registration initiatives in Africa. This four-year research program has been carried out under LTC's Cooperative Agreement (ACCESS I) with AID's Bureau of Science and Technology and has involved a year or more of fieldwork in Somalia, Senegal, Uganda and Kenya, short-term work in other countries, and an extensive literature review. It has sought to understand, through study of a number of titling initiatives, the actual impacts of such programs. It is in the light of this experience that future proposals for titling programs must be evaluated, rather than solely in terms of a potential indicated by theory. Experience in the end suggests modifications to our theoretical models, more rigorous statement of their assumptions and an understanding of how far these assumptions apply in the cases which concern us.

Funding was provided by Africa Bureau of AID from Strategic Studies funds. The Land Tenure Center appreciates the interest and support of many in AID/Washington, including David Atwood and Gloria Steele in the Bureau of Science and Technology; Pat Fleuret, Gerald Cashin, and Curt Reintsma in Africa Bureau; and Joan Atherton in PPC. In USAID/Uganda, Ken Lyvers' support and encouragement contributed greatly to the success of the project.

The study was carried out and written by an excellent interdisciplinary team from Makerere University's Makerere Institute for Social Research (MISR). Assistance in planning and comments on drafts were provided by LTC staff Benoit Blarel, Carol Dickerman, and Michael Roth. Our thanks to all concerned.

John W. Bruce, Project Coordinator  
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## AUTHORS' ACKNOWLEDGEMENTS

A study of this scale, magnitude and calibre could not have been carried out without the assistance, support and cooperation of many individuals, institutions, offices and agencies.

We wish to acknowledge the support of the Land Tenure Center, (LTC) University of Wisconsin, USA, who underwrote the project costs. The funding provided by LTC was from USAID Africa Bureau's Strategic Studies Fund through the Bureau of Science and Technology's Cooperative Agreement with LTC, as part of a four-country study of Security of Tenure and Land Registration in Sub-Saharan Africa. We also wish to acknowledge some technical assistance rendered to the research team under LTC auspices. In particular, Mr. John Bruce of the LTC greatly assisted the research team in Kampala to concretise the study, define its scope and settle details of methodology. Dr. Benoit Blarel also made a useful contribution. We are equally grateful to the World Bank, who offered Mr. Kisamba-Mugerwa an air ticket to and from Rwanda to attend a World Bank workshop for technical orientation in the field of land tenure studies. Thanks are extended to Shem Migot-Adholla of the World Bank, who was of much assistance at the workshop at Gisenyi in Rwanda.

Various government offices readily cooperated with us. Without their cooperation this project would have been very difficult if not impossible. Here we wish to acknowledge the cooperation rendered to us by the Ministry of Lands and Survey (Kampala), the National Research Council, the District Administrator's office (Rukungiri), office of the District Executive Secretary (Rukungiri), District Agricultural Officer (Rukungiri), and District Veterinary Officer (Rukungiri). Special appreciation must be recorded in respect to the staff of the District Land Office (Rukungiri), who hosted us on the three research trips and went beyond the call of duty in helping us get a proper perspective of the ground truth for our study.

We worked closely with several local administration chiefs in both Nyakaina and Kyamakanda parishes as well as some of their superiors. Their enthusiasm and selflessness made our research life easier.

We cannot forget our enumerators who took out time to understand our research objectives and greatly assisted us in the administration of the questionnaire.

We commend the ordinary people of Rukungiri with whom it was our privilege to interact on this project. We found them warm-hearted, hospitable and cooperative. Their indomitable courage in the struggle for daily survival and their regular cheerfulness and humour will always remain a living challenge to us.

Mr. Ham Mulira of the Institute of Statistics and Applied Economics (ISAE), Makerere University made a useful input in the computer analysis of our data which we gratefully acknowledge.

Mr. Henry Kurikayo of the Department of Veterinary Services and Animal Industry and Mr. Edward Mugambagye of Lands and Survey both of Rukungiri District rendered us various invaluable services which also greatly eased our work.

Makerere Institute of Social Research (MISR) provided us with a comfortable academic home from which we carried out the study. Special thanks go to the Executive Director of MISR, Professor Dan Mudoola, for availing us of some of the essential facilities and back-up support for the project. We also acknowledge various services rendered to us by other staff of MISR, especially Mr. Samuel Kayabwe, who served ably and effectively as our Research Assistant.

If after all the foregoing assistance, cooperation and support, there are still shortcomings in the results of our study, we the principal researchers accept full responsibility for them.

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## EXECUTIVE SUMMARY

In the late 1950s, responding to the recommendations of the East Africa Royal Commission (1953), the colonial government of Uganda initiated several pilot schemes for registration of individual titles for smallholders. Once a parcel was registered, it was no longer subject to customary tenure but to the rules governing fee simple (freehold). This study analyzes the impact of this tenure individualization and land registration in Nyakaina and Kyamakanda Parishes (formerly in Rujumbura County) of Rukungiri District. They are located in the relatively densely populated and intensely farmed southwest of the country, an area which has suffered much less than others from two decades of civil war. The registration was done in response to applications, but there was an effective campaign to promote registration and by 1964 virtually all holdings--over 6,600 plots in Nyakaina Parish pilot area--were surveyed, demarcated and registered in full individual ownership. There was no consolidation of holdings, as was attempted in some other pilot schemes at the time. Subsequently, registration expanded into neighboring Kyamakanda Parish, which had not been in the pilot, in response to requests from individual landholders. Scattered parcels were registered. In 1975 a land nationalization converted freeholds to 99-year leaseholds from the State, but registered owners in the study area remain unaware of this legal change, which remains largely unimplemented in rural areas.

A sample of households was carried out in both parishes. Parcels were classified as titled exogenously (as part of the campaign in the pilot scheme), titled endogenously (as the result of a later, post-pilot, independent application), and untitled. Untitled parcels are governed by customary tenure rules. Households which had their parcels registered endogenously (in the pilot) were classified as endogenously titled households. Households with all their parcels exogenously (independently) registered were classified as exogenous households, while households with mixed holdings (subset registered) were dropped from the household analysis.

Three hypotheses concerning registered individual titles and its impact were explored.

Hypothesis 1: Registered individual title to a parcel gives the owner greater security of tenure and a more robust set of rights to use and deal with the parcel.

Registered owners had more robust (extensive) rights to deal with their land, but those registered endogenously (post-pilot) claimed more extensive rights than those registered exogenously (pilot), indicating a greater awareness of rights among those who independently reached the decision to register. The distinguishing claims of rights concerned land transfers. Registered owners were sometimes unaware that they had the right to transfer

land without consulting others (usually members of the immediate family), and this was more the case with those registered in the pilot scheme than those registered independently. There were in fact more sales of registered than unregistered parcels, though sales of the latter are also fairly common. Insufficient land for subsistence was the reason given for purchases and shortage of cash the reason given for sales, by all respondents.

Security against dispossession was ranked by respondents as the most important benefit from registration, followed by security against land disputes. While holdings under customary tenure were perceived as quite secure, registration was seen to further increase security. Unregistered parcels were in fact subject to more boundary and ownership disputes than registered parcels. Disputes concerning registered land were more commonly settled locally.

Collateral for credit was ranked by all respondents as the least important advantage of registered title. Titles have not been used to obtain credit, perhaps because lending institutions have only had a sporadic presence, relatively recently, in the research area. There was a general association among all respondents of use of land as collateral with physical possession of a title certificate.

Traditionally, daughters could not inherit land and a woman could not purchase and hold land in her own right. Initial registration of ownership was in the vast majority of cases to male household heads, and so security of tenure has not generally meant security of tenure for wives or children. There appears, however, to be an increasing openness to inheritance or purchase of land by women. Transferring land to women was more acceptable among young men than elderly men. Responses from the untitled and exogenously titled (pilot scheme) respondents were more conservative than those for the endogenously titled (independently) respondents.

Hypothesis 2: A registered individual title promotes improvements in the land.

Parcels registered in the pilot scheme had the highest number of improvements per parcel. While parcel tenure appears to influence the number of improvements, mode of tenure co-varies with factors such as parcel size, topography and time of acquisition. There was a tendency not to undertake improvements on smaller parcels, especially those below one acre. Improvements by households with untitled parcels tended to be non-permanent (e.g., mulching and continuous manuring), while there were larger numbers of permanent improvements such as fencing, terracing and construction of access roads by households with registered parcels, especially those registered under the pilot scheme. One interesting result concerning improvements was that an analysis of a small subset of "unregistered freehold" (land once registered but whose registration has not been kept current following a succession or sale) showed a very low level of improvements, suggesting (though the subset is too small to prove this) a possible association between lack of investment and failure to maintain registration current.

Comparisons of estimated mean capital/land ratios produced unexpected results. These ratios were the lowest for exogenously titled (pilot) parcels,

with the endogenously titled (independently) parcels being next lowest. The untitled parcels had the highest capital/land ratio. More elaborate econometric analysis of this data than was possible at MISR is required, and is being pursued by MISR and LTC.

Hypothesis 3: Registered individual title to land leads to progressive use of land.

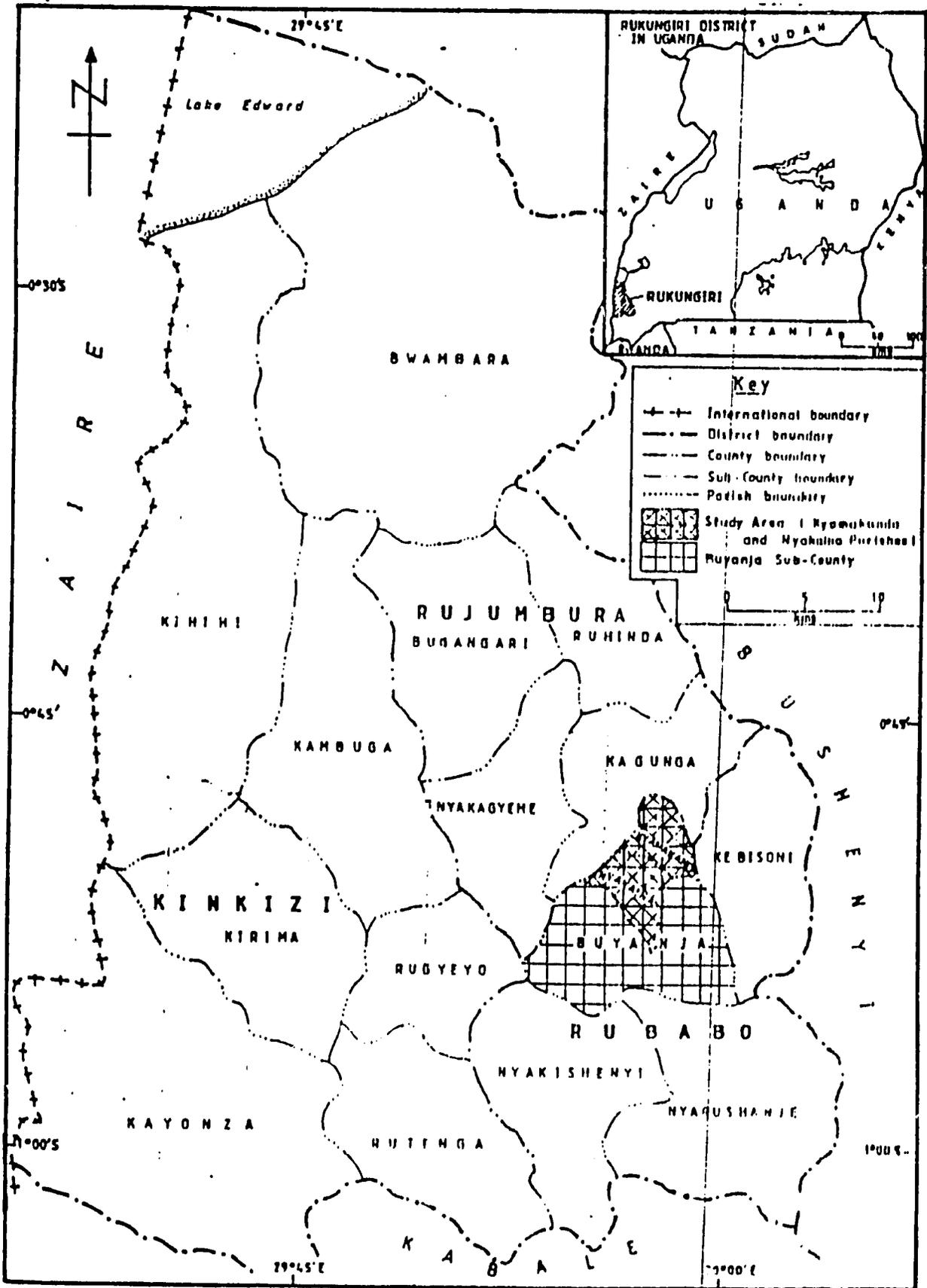
Owners of exogenously (pilot) registered parcels were found to have the best management practices for local cattle, untitled parcel holders the least satisfactory. Endogenous (independently) registered owners used marginally more modern agricultural inputs, but practices such as manuring tended to not vary significantly across tenure types. Overall, differences in use of modern agricultural inputs by tenure were not significant.

Conclusions

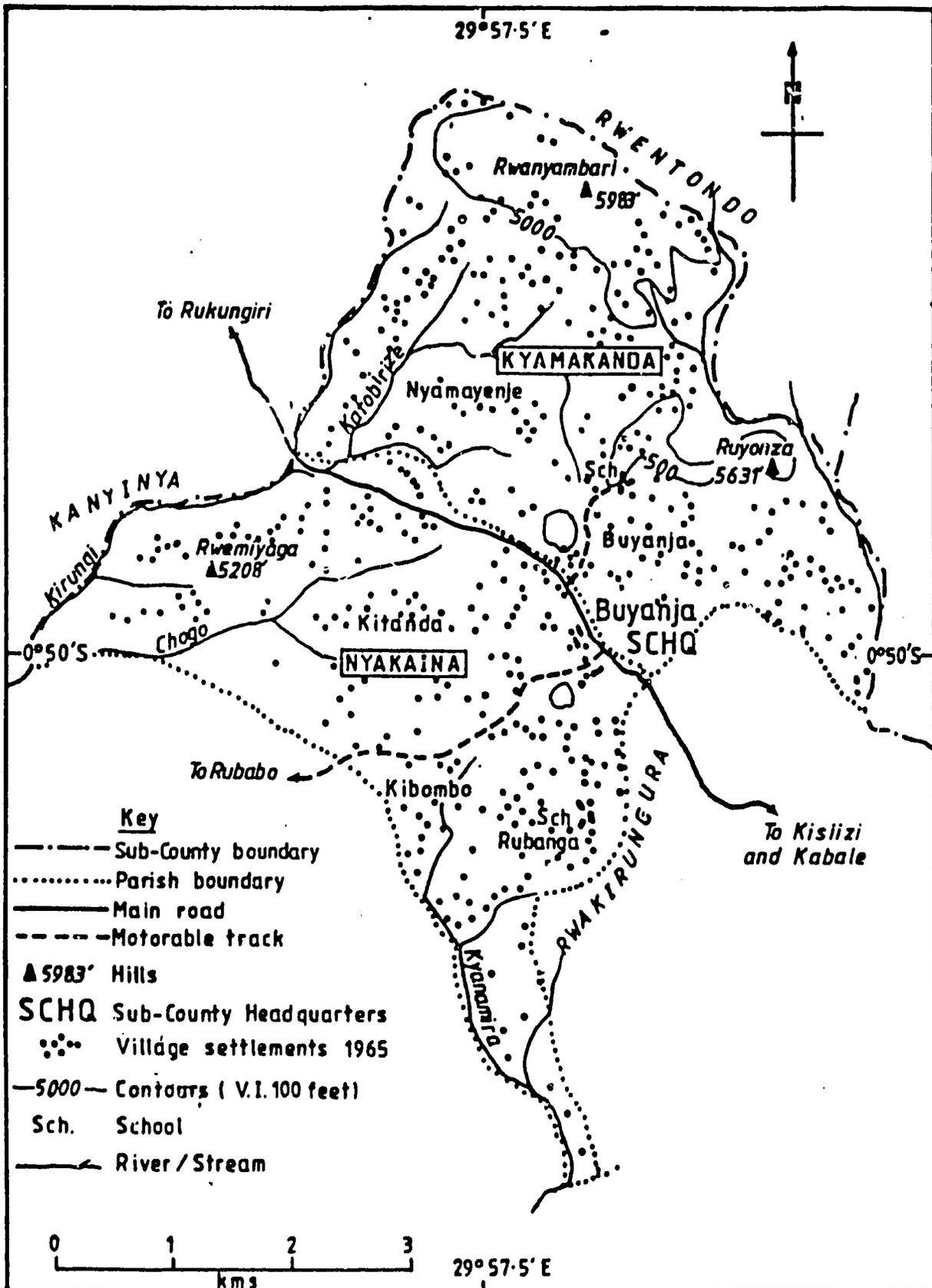
Registered title improves security of tenure, though customary tenure appears to be only a little less secure. It confers a more robust set of rights and has increased the incidence of land transactions. But the evidence for an impact on land improvements or more progressive land use practices is modest and sometimes ambiguous. That it is not more clear-cut could reflect a flaw in the reasoning of the conventional tenure security model. But it is also explicable by the fact that this area, while spared the terrible dislocations suffered by other parts of Uganda, has for many years been without lending institutions and cut off from research and extension, input supplies, and machinery purchase, rental and repair.

One of the most important indications from the study is the continuing demand on the part of individual farmers in areas near the pilot scheme for registration of title, and their willingness to bear survey costs and registration fees. When asked why some land was not registered, respondents indicated that the costs of registration were high and that the registration process was complex. The authors conclude that given popular attitudes, continuing individualization of tenure in the area is both likely and desirable.

Map 1  
Pilot Land Registration Scheme: Rukungiri District



Map 2  
Nyakaina and Kyamakanda Parishes



## CHAPTER ONE

### Introduction

#### 1.1 The Problem

At the back of the minds of students of the relationship between land tenure systems and the process of economic growth must be the assumption that there must be some correlation between the two. Tenure refers to the manner of holding land plus the terms upon which the land is held. Manner and terms of holding land must also include the whole range of permissible activities that can be engaged in by the landholder on the land itself. It must also include the entire range of transactions in which a landholder may engage with other persons in respect to the land.

Economic growth and development are perennial quests of man through the ages. Land must be regarded as man's most basic resource. Man's most basic use of land has hitherto been farming and farm activities. The major questions then are: Does the mode of holding land (tenure) have anything to do with faster economic growth and development?

How might one figure out the tenure conditions which are most conducive to faster economic growth and development? Under what conditions will a farmer most progressively invest on his holding such that his farm yield may significantly increase? Some theories claim that ownership insecurity on land negatively affects a farmer's motivation to invest on the land and his ability to obtain credit from credit institutions. The lack of progressive investment on land will itself result in reduced farm productivity. Taking this theory as a provisional point of departure, it becomes important to clarify the concepts of ownership security, progressive investment and farm productivity. At the same time, official policies relating to these matters must be taken into account.

Land policy and the appropriate system of land tenure most suitable for the development and progress of society are invariably lively issues in the history of human society. The theoretical nexus between land tenure and economic development is a major theme in practically all discussions of land policy in any country.

The foregoing matters have been lively issues in the modern history of Uganda. Following on the recommendations of the East African Royal Commission (1955) to have individualised freehold tenure in the then British East African territories, it was more or less taken for the next two decades or so that individualised freehold tenure promoted agricultural and general development. It was often assumed that individualised freehold titles were the hallmark of ownership security which would provide the necessary motivation and incentive for the farmer to invest progressively on the land and engage in credit-

related transactions, all of which would result in increased farm yields. Various theoretical studies have tended to support this position (e.g., Warriner (1964); Warriner (1969); and Jaenson and associates (1984). It also appears that policy makers tend to have such or similar views at the back of their minds in the process of formulating national land policy. Hence the necessity to have such views and contentions empirically and contextually tested.

## 1.2 Why This Study

Following the recommendations of the East African Royal Commission (1955), land policy in Uganda was once again discussed in terms of whether or not the land tenure system should be based on individualised freehold titles writ large. Indeed the colonial government in Uganda issued Land Tenure Proposals (1955) in which it accepted the recommendation of the East African Royal Commission to the effect that the land tenure system thenceforth be based on individualised freehold titles. In accordance with the Land Tenure Proposals a system of land adjudication and registration was introduced in Kigezi District in Western Uganda in the late 1950s. This system came to be known as the Pilot Land Registration Scheme in Rujumbura county (hereinafter, the Pilot Scheme).

The Land Tenure Center proposed the study of this Pilot Scheme rather than the earlier individualization in the mailo or early freehold areas, because those earlier efforts registered large holdings to chiefs and other notables, reducing customary smallholders to tenants who later required special legislation to protect their rights. Rujumbura was the first systematic smallholder registration in Uganda and provided the test of the model under consideration for the rest of Africa. Moreover, because the area was not disrupted by the infighting experienced in other parts of the country, agriculture was not so directly affected as in other parts of Uganda by the civil wars of the past two decades. Farmers have been able to market commercial crops such as coffee to neighbouring countries, albeit illegally.

The present study seeks to assess empirically and quantitatively the effect of land registration on farm productivity. The study will inquire into whether the introduction of individualised land tenure under the Pilot Scheme has contributed to agricultural and general economic development. Has the Pilot Scheme positively affected land tenure patterns, farmers' behaviour, agricultural and general economic development: has the scheme promoted resort to more progressive husbandry methods and use of credit facilities?

There are hardly any empirical studies on the relationship between land tenure and agricultural and/or economic development generally in Uganda. We, therefore, consider that the importance of this study cannot be overemphasized. Land is man's most basic natural resource. The terms of access to it, its occupation and use may or may not promote individual and/or collective well being. National land policies have almost certainly been based on some assumptions on this possible correlation. In the context of Uganda, has registration of individualised freehold titles had any positive impact on individual and/or collective welfare? Have registered title holders been more progressive farmers than others? Have registered title holders had

more access to credit? Does registration of titles solve social problems-- land fragmentation, inheritance disputes, or land disputes? Does registration of land titles promote equality/inequality between sexes? Are we generally better off with registered titles than without them?

### 1.3 Relevant Studies

The relationship between land tenure and economic development is a very complex one, and a number of studies have been done aimed at analysing one or more aspects of this relationship. The paragraphs in this section discuss some of these studies, those most relevant for our purposes because they:

- a. illustrate the nature of the existing literature;
- b. help us to clarify our hypotheses;
- c. underline the needs for further research in the area;
- d. generally contribute to clarifying the necessity, underlying philosophy, methodology and strategy of this study.

The only studies in Uganda which focus on security of tenure for peasants relate directly to tenants on mailo and freehold land. After the introduction of the mailo system in Buganda (West 1964 and 1972; Mugerwa 1973) and native freeholds in, among other areas, Bunyoro (Beattie 1971), it was found that peasant rights in land had been unwittingly expropriated. It was found necessary to enact special laws to reinstate and protect peasant rights of occupation. Hence the enactment of the Busuulu and Envujjo Law, the Ankole Landlord and Tenant Law, and the Toro Landlord and Tenant Law. Until the enactment of the Land Reform Decree 1975, which repealed these laws, the peasant was practically irremovable from mailo and native freeholds. There were, however, no functional equivalents of these laws in Kigezi.

Absentee landlordism has also been studied (West 1964, 1972; Luswata 1969; Beattie 1971; and Perlman 1962). Absentee landlordism implies that the tillers of land have tenuous and precarious access to it while its legal owners need not till it or invest in it. This is indeed one of the consequences of land registration and titling which is not predicated upon or accompanied by development conditions.

Richards (1963) critically studied the effect of the introduction of individual freehold in Buganda (the mailo system) and reported, inter alia, that the system had given security of tenure to the landowners with positive economic effects. Richards concluded that the mailo system was one of a number of conditions contributing to the relative economic advancement of Buganda vis-a-vis other areas of Uganda. The study by Richards is important to the extent that it considers individualization of tenure as a factor in economic development.

Jacoby (1966) produced a remarkable monograph on the methodology and evaluation of land tenure reform. This work is a good theoretical overview of methodological issues in land tenure reform. This work is a good theoretical overview of methodological issues in land tenure reform but is sadly lacking in quantitative approaches. Methodology is, inter alia, the crux of the matter in the present study; to this extent Jacoby's study is directly relevant to us.

Feder (1987) reports on the results of a study undertaken in Thailand on the economic implications of land titling in the agricultural sector. The study used qualitative techniques and attempted to estimate agricultural productivity in the wake of land registration and titling and to establish returns from cadastres and land titling. The study concludes that in most areas studied, titled farmers invest more than untitled farmers, undertake more land improvements, utilize more production inputs and have significantly higher productivity. The study shows that the market value of titled land is significantly higher than that of untitled land. It is also shown in the study that the social benefits generated by titling significantly outweigh its costs. This study has significant implications for our study of the Pilot Scheme.

Some of the findings of the Thai Study are, however, difficult to reconcile with another study on legal and informal land tenures in Thailand (Kemp 1981), which reveals the substantial clogs and fetters imposed by custom and traditional social structure against progressive land reform. The implications of the Kemp study certainly include the necessity to look beyond the formal legislative programme of land tenure reform and focus on the social context within which it is to be operationalized.

In a study done in the Juba River Valley in Somalia, Roth et al. (1987), while accepting that land titling may be an appropriate policy for increasing tenure security, investment and agricultural output, contend that "possession of title" is not necessarily identical to or synonymous with security. Titling does not offer the same set of rights or security across contexts and situations. Neither can the security impact of titling be taken as given since it depends on the existing environment for credit, agricultural technology and access thereto, the input markets, and, indeed, the marketing structure. The findings of Roth et al. raise the question of what extent the Feder/Onchan insights from the Thai study are context specific. The present study may contribute towards clarifying the relevance and feasibility of applying the Feder/Onchan insights outside the context in which they were originally developed and tested.

In a broad overview of earlier published findings, Feder and Noronha (1987) conclude that land rights in sub-saharan Africa evolved in response to changing conditions. Some responses have been induced by government interventions which are not always conducive to efficiency or equity. The authors consider that they have evidence to dispel the popular misconception that land rights in sub-Saharan Africa have normally been collective. They assert that there is increasing individualization of de facto ownership, and in many cases possession has always been individual. As indicated in the following chapter, traditional systems of land tenure were essentially collective. Individual rights of occupation and use, however, were recognized.

A good deal of literature has been produced in recent years on the prospects for land tenure reform in Kenya. These studies by both Kenyans and non-Kenyans have focused on expected benefits of land tenure reform, security of tenure, access to credit, fragmentation and subdivision, land disputes, investment in agriculture and increased productivity, the overall impact of land tenure reform and future prospects. These studies have been usefully summarized by Green (1987). The proximity of Kenya to Uganda and the relative

comparability of Ugandan and Kenyan social realities make these studies fundamentally important to Uganda.

We note that prospects of women's access to land are a major concern of some studies. Do land tenure reforms ever benefit the women or do they just pass them by? An FAO paper (1985a) shows that the issue of women's access to land is generally tied up with their legal status, while a second (FAO 1985b) shows that landlessness is peculiarly acute among women.

The literature often states that land titling and registration on individual basis will, other things being equal, work to promote economic development. These other things, such as the availability of credit and extension services, are critical to the success of any land tenure reform programme, but are not given prominence in the existing literature. Yet they are critical to the success or failure of tenurial reforms focusing on registration and titling.

Behind all this burgeoning literature on the interface between land tenure and economic development is one fundamental question: Whether registration and land titling are enough to generate the desired increased productivity and general economic development. If these are not enough, what are the additional necessary and sufficient conditions?

This study will have gone a long way if it lays a firm foundation for generating meaningful answers to these questions.

## CHAPTER TWO

### The Evolution of Land Tenure in Uganda: The Pilot Land Registration Scheme in Kigezi (Rukungiri)

This chapter first sets the Rujumbura Pilot Scheme in the context of general evolution of land tenure in Uganda and then documents the Rujumbura Pilot Scheme in some detail.

#### 2.1 Brief Overview of the Evolution of Land Tenure in Uganda

This section is itself subdivided into two major periods--the pre-colonial phase (i.e., the period before 1900) as well as the colonial and post-colonial phase.

##### 2.1.1 Land Tenure Before 1900

It is difficult to identify a single land tenure pattern for Uganda as a whole for this period. It is a fact, however, that two major land tenure patterns are identifiable during this period which roughly correspond to the feudal or semi-feudal, centralised societies and to the stateless decentralised societies. It is this latter pattern, found among the Bakiga people of Kigezi District, that is of particular interest.

In general, in a decentralised society such as that of the Bakiga, customary tenure did not recognize individual ownership of land. It did, however, recognise various rights of the individual to possess and use land subject to superintendency by his family, clan and/or community. These respective rights (e.g., Gayer 1957 or Makubuya 1981) worked out as follows:

- a. The individual landholder had the right to:
  - utilize his holding as he thought best;
  - rent or lend his piece of land for temporary purposes;
  - pledge crops on his land but not the land itself;
  - sell land subject to the approval of the family;
  - dispose of the land according to the customary laws of inheritance;
  - prohibit grazing near his homestead and cultivation; and
  - fence his homestead and cultivation.
- b. The clan or family had the powers and rights over land to:
  - settle land disputes within the area of its control;
  - exercise the right or option to buy any land offered for sale by its members;
  - prohibit the sale of clan land to an undesirable person;
  - declare void any land transaction which had not received its approval.

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c. The general community had the following rights over land:

- communal grazing over the whole area (although damage to cultivation must be made good);
- free access to salt licks, watering of cattle at running or open waters, access to water from springs and other "common" rights.

This scheme of respective rights over land amongst the individual, the clan and the community prevailed among the Bakiga (natives of Kigezi District) amongst whom the Rujumbura Pilot Scheme was introduced. There are, however, clear differences in perspective among some scholars as to the details of customary tenure in Kigezi. While M. Eder (1969) contends that pre-colonial Bakiga were individualistic and that individual ownership of land was the common mode of tenure in pre-colonial land tenure in Kigezi, J. Obol-Ochola (1971) finds that pre-colonial land tenure in Kigezi was essentially communal. What is certainly clear is that the pre-colonial land tenure system was fairly complicated recognizing the multiplicity of interests outlined herein above.

In the view of outsiders, including colonial officials, the customary tenure system in Kigezi District was defective and prone to result in tenurial insecurity because:

- a. The respective rights of the individual, the clan and the community, which look so easy to distinguish in the abstract, were difficult to distinguish in practice and led to uncertainty and insecurity.
- b. The native mode of devolution of land rights on death and in succession led to subdivision of holdings into pieces which were economically unviable.
- c. Clan and community had a considerable hold in land but did not have any incentive, initiative or mechanism to develop the land, while the individual--who might have incentive, initiative and mechanisms to do so--did not have sufficient or optimum control over his holding.
- d. The deadlock over control of land amongst the individual, the clan and the community prevented any of the parties from seriously contemplating developing the land.

### 2.1.2 Land Tenure in Colonial Uganda

The colonial state in Uganda was built on the official philosophy of protectorate and indirect rule (rather than colony, territory or direct rule). Logically, the colonial state should not have introduced any radical changes in the system of customary tenure in Uganda. It is misleading, though, to argue (e.g., Butagira 1969) that because of the philosophy of protectorate and indirect rule, the colonial state in Uganda preserved customary tenure wholesale. The colonial state adopted a mixed policy with regard to customary tenure. While preservation of customary tenure was a major theoretical consideration of colonial land policy in Uganda, in practice customary tenure was radically transformed by other colonial land policies. The other elements of colonial land policy (besides theoretical preservation

of customary tenure) included the introduction of freehold tenures (in Toro and Ankole), mailo tenure (in Buganda), and leasehold estates (on Crown land). These have been studied in some detail (Beattie 1971; Mugerwa 1973; Perlman 1962; Richards 1963; Richards et al. 1973; West 1964, 1972) and need not concern us here.

In southwestern Uganda, including Kigezi District, customary land tenure systems continued in force. But they too were subject to change as economic and social forces brought pressures to bear on them. As elsewhere in Uganda during the first half of the twentieth century, population levels rose and agricultural production was becoming increasingly commercialized and market-oriented. Within the land tenure system this resulted in the sub-division of holdings into ever smaller parcels, fragmentation of holdings (i.e., non-contiguous holdings in two or more separate locations), and de facto individualisation of title. In addition, the frequency of disputes over boundaries and land rights was rising.

General concern over the status of African societies throughout East Africa as well as with more specific matters such as the need to encourage agricultural development led to the appointment of the East Africa Royal Commission in 1953. Its report, issued in 1955, recommended important and wide-ranging economic and social changes for Kenya, Tanganyika, and Uganda.

Regarding land, the Royal Commission stated:

- that official land tenure policy should seek the individualization of land ownership;
- that transactions in land should be made easy to enable easy access to land for economic use;
- that land tenure should not be allowed to develop spontaneously but that government should guide the development of land tenure to meet the requirements of modern economic developments;
- that existing property rights in land should as much as possible be maintained and before exclusive individual rights in land were sanctioned, customary land rights must be ascertained and accommodated;
- that registration should not promote sub-division and fragmentation;
- that land tenure reform should accommodate local circumstances and be pursued on the basis of local support.

The colonial government in Uganda issued Land Tenure Proposals (Uganda Government 1955) in which it accepted the recommendations of the East African Royal Commission to the effect that thenceforth land tenure be based on individualised freehold titles.

The Land Tenure Proposals 1955 provided that the adjudication of land rights prior to registration of titles would be provided on district basis and in accordance with existing customary tenure. To this end, government issued

the Crown Land (Adjudication) Rule 1958. These later came to be known as the Public Lands Adjudication Rules (see Appendix IV). In general these rules were used to grant freehold titles to Ugandan Africans who had been holding land outside Buganda under customary tenure. These rules initiated what later came to be known as Pilot Schemes in the then districts of Ankole, Bugishu and Kigezi; they are discussed in some detail in the next section.

## 2.2 The Pilot Land Registration Scheme in Kigezi

The first attempt to implement the Land Tenure Proposals 1955 was the system of land adjudication and registration introduced in Rujumbura, Kigezi, Western Uganda,<sup>1</sup> in the late 1950s pursuant to the Crown Lands (Adjudication) Rules 1958. This system came to be known as the Pilot Land Registration Scheme and is the subject of this study.

Rujumbura was chosen for the Pilot Scheme for a number of reasons. The area was fairly flat and lent itself to easy deployment of the survey methods then found to be most convenient and cheap. Land fragmentation was also lower in the area compared to other parts of Kigezi where it was rampant. The Department of Lands and Survey thought it could do an exemplary and systematic job on the area given the flat topography and the survey methods.

The government sought to have the adjudication and registration exercise to be voluntary and not an imposition upon the people. It sought the consent of the people of Kigezi and members of Kigezi District Council. The proposals were tabled through the Kigezi District Council. There was a district-wide campaign for the proposals spearheaded by the Minister of Lands, Mr. Mungonya, and high-ranking officials of Kigezi District, including the Secretary General of the District. Eventually the District Council passed a resolution supporting the scheme. The entire exercise was heavily subsidized by government to make it easily accessible to whoever wanted to participate in the scheme.

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1. A word about names is necessary here. The principal research area is Nyakaina Parish situated in Buyanja Sub-county in Rubabo county in Rukungiri District (see Maps I and II at the beginning of this Report). The Pilot Scheme was originally introduced into Kigezi District which was, in 1974, divided into Kabale District (formerly South Kigezi) and Rukungiri District (formerly North Kigezi). Most of what is now Rukungiri District was originally known as Rujumbura county of the original Kigezi District. The present-day Rukungiri District is divided into three counties, namely Rujumbura, Kinkinzi and Rubabo. The present-day Rujumbura County encompasses only a small part of the original Rujumbura County. Hence our principal research area while originally falling under the former and larger Rujumbura County of the then Kigezi Districts, now falls under Rubabo County in Rukungiri District. It was into Nyakaina Parish that land adjudication and issuing of titles was done pursuant to the Crown Lands (Adjudication) Rules, 1958.

The Crown Land (Adjudication) rules laid out very specific procedures for the registration of land, and it is worth looking at them in some detail. Application of the rules provided for the designation of an area as an Adjudication District and the appointment of Land Adjudication Committees.

An Adjudication Committee was to consist of 10-20 taxpayers chosen by a meeting of all the adult members of a parish. The parish chief was the chairman of the Adjudication Committee. Once the rules were applied to a district, any occupier of land under customary tenure who wished to be registered as the owner/proprietor of a freehold estate became eligible to apply so that he might be adjudged owner of the land under customary tenure. A customary owner completed two forms and paid a deposit of Shs. 110/= (then about U.S. \$18) if the application involved open land, or Shs. 137/= (then about U.S. \$23) if the land to be adjudicated was bushy. The completed application forms would then be returned to the District Land Office. The District Commissioner (who was also the chairman of the District Land Committee) had to satisfy himself that there were enough applications to warrant a survey. He would then declare the relevant parish to be an Adjudication Area.

The declaration by the District Commissioner of an Adjudication Area was a condition precedent for the formation of the Adjudication Committee. The District Commissioner in his capacity as Chairman of the District Land Committee would issue a public notice naming the applicants and indicating that their applications would be considered by the Adjudication Committee after 30 days from the date of the notice. The sub-county chief was to display the notice issues by the District Commissioner and to send other copies to the members of the Adjudication Committee. After the statutory 30 days, the Adjudication Committee would then hear the application of the occupier in public. At that time the Committee would hear the objections, if any, to the occupier's application. If the committee concluded that the applicant/occupier was the true owner, the committee then actually went to the land with a surveyor who marked out the applicant/occupier's boundaries with concrete marks. After this, the committee reported its conclusions to the chairman of the District Land Committee through the District Land Office where its recommendations were first cross-checked. The decisions of the Adjudication Committee were appealable to a Magistrate Grade II within 30 days. Where no appeal to the magistrate or further appeal to the High Court was lodged, the surveyor went back and carried out a proper survey according to plan. All survey plans had to be submitted to the Land Office in Entebbe for approval. A final notice was issued declaring the applicant/occupier as the owner by native custom. After all this, the applicant/occupier was entitled to be registered as the proprietor of an estate in freehold. The applicant/occupier also became entitled to be issued with a certificate of title on payment of the prescribed fee.

The records show that by 1964, about 6,600 plots had been adjudicated, demarcated and surveyed under the scheme in Nyakaina Parish. As of 1986, Nyakaina Parish had an estimated total population of 3119. Records also show that in 1986 Nyakaina Parish had 597 taxpayers and 916 holders of registered parcels.

The Adjudication Committees were suspended in Kigezi in 1968. But according to records at Rukungiri District Land Office, survey and issuance of freehold titles continued, even outside the parish, until the coming into force of the Land Reform Decree, 1975 (Decree 3 of 1975). By that time around 80 percent of Rukungiri District had been demarcated and surveyed.

### 2.3 Land Tenure in Independent Uganda

Land in Kigezi District that was not registered as individual freehold remained subject to customary tenure and was classified as Public land (Crown land under the colonial regime). Provisions for the protection of customary holdings have been set out in the Public Lands Act of 1969 (a revision of the 1965 Public Lands Act and other legislation). Under its provisions, it is lawful for a person to occupy by customary tenure any rural lands not alienated in leasehold (see below) or freehold. A controlling authority has no power to grant a freehold or leasehold or any land occupied by customary tenure without the consent of the customary occupiers. Any applicant for a grant of a freehold or a leasehold of land occupied by customary tenure has to state that the land is so occupied and to furnish the controlling authority with evidence that customary tenants have consented to their land being alienated. Failure to comply with the last two requirements is grounds for revocation of any such grant. Even when the customary tenants have consented to the grant, compensation as approved by the Minister must be paid to them.

This arrangement worked well until 1975. There is no record of widespread abuse of these provisions in Uganda. There was certainly no record of massive displacement of customary holders nor outcries about widespread evictions or how compensation let alone actual lack of compensation. We consider that these happy circumstances were the result of (a) the requirement for applicants for grants of freeholds and leaseholds to state whether the land applied for was occupied by customary tenants; (b) the requirement to exhibit the consent of the customary tenants prior to alienation of their land; (c) the requirement to pay compensation approved by the Minister; (d) optimum honesty and integrity of administrators; and (e) high level of general honesty and integrity in the society. A lack of population pressure and general availability of arable land may also be contributing factors.

#### 2.3.1 The Land Reform Decree of 1975

The year 1975 ushered in what may properly be characterized as fundamental legal changes in the Uganda land tenure system. These changes were brought about by the enactment of the Land Reform Decree, decree 3 of 1975 (hereinafter the LRD). A full-fledged discussion of the detailed provisions, effects and implications of the LRD is deemed to be outside the scope of this report. This section merely highlights its principal provisions. (The full text of LRD is found in Appendix VI to this report.)

By its long title, this remarkable enactment professes to be a decree for vesting of title to all land in Uganda in trust for the people of Uganda, to facilitate the use of land for economic and social development and for other matters connected therewith. The LRD declares all land in Uganda to be Public land, which is to be administered by one authority--the Uganda Lands

Commission--in accordance with the provisions of the Public Lands Act, Act 13 of 1969. Section 1 (1) of LRD makes all this clear when it states that "with effect from the commencement of this Decree, all land in Uganda shall be public land to be administered by the commission in accordance with the Public Lands Act, 1969."

The Decree abolishes freehold interests in land other than where such interest is vested in the Commission; in consequence, all freeholds in land and any absolute ownership, including mailo ownership, which existed immediately before the commencement of the Decree are converted into leaseholds: Section 2 (1). These leaseholds on conversion are for the duration of 199 years in the case of public bodies and religious organizations and 99 years in case of individuals: Section 2 (3). It cannot be too emphatically stated that the maximum or largest estate legally possible and permissible in land in Uganda today is a leasehold. This applies across the board to all former freeholds including mailo land (Section 2 (1) Land Reform Decree 1975, No. 3 of 1975).

The LRD prima facie lifts the basic legal protections which had, until its coming into force, been enjoyed by customary tenants on Public land. The original legal protections set out in the Public Lands Act, 1969, has already been referred to in this Report. Prima facie, Section 3 (1) of the Land Reform Decree allows the system of occupying public land by customary tenure to continue. But this is almost certainly misleading since that very subsection repeals section 24 (2) of the Public Lands Act, 1969 (PLA). Under Section 24 (2) of the PLA the controlling authority could not alienate in freehold or leasehold any public land occupied by customary tenants without their consent. With Section 24 (2) of the PLA repealed, the Commission may now freely alienate such land in leasehold even if the customary tenants thereon have not consented. Section 3 (1) of the Decree adds that customary tenants on public land may not be evicted except under terms and conditions imposed by the Commission and approved by the Minister. This is clearly some protection, but it is far less than the original requirement that the prior consent of such tenants be obtained before alienating their land.

A more remarkable provision is clearly in Section 3 (2) of the decree which states: "For the avoidance of doubt, a customary occupation of public land shall, notwithstanding anything contained in any other written law, be only at sufferance and a lease of any such land may be granted to any person, including the holder of such a tenure, in accordance with this Decree." A tenant at sufferance normally occupies the land without the landlord's assent. Above all, a tenancy at sufferance can be terminated at any time and there is in law no requirement that any notice be given before termination. In other words, the LRD leaves the customary tenant on Public land in a very precarious position.

A customary tenant on public land does not have a transferrable interest in land. He may, however, transfer his interest in the improvements on that land after giving not less than three months' notice to the prescribed authority (Section 4 (1) LRD). It is an offense to enter into an agreement purporting to transfer any interest in any public land occupied by customary tenure (Section 4 (2) LRD).

Before the LRD, anybody could occupy public land by customary tenure without the express permission of the prescribed authority. Under the Decree, no person may occupy public land by customary tenure except with the written permission of the prescribed authority (Section 5 (1)).

The Decree moves into the direction of a uniform nation-wide regime applying to customary tenure wherever it might be in Uganda. It also extends the scope of public control of land transactions. Before the Decree, land changed hands freely among Africans of Uganda. Only land transactions between Africans and non-Africans required the consent of the Minister (Land Transfer Act (Cap. 202)). In addition to this sort of consent, written consent of the Commission is now necessary before the lessee can transfer the whole of his lease for value (Section 10). Under the LRD practically all land transactions in Uganda now need the consent of the Commission regardless of the races of the parties. Moreover, the Uganda Lands Commission now has power to impose development conditions on any land in Uganda under its legal control, i.e., practically all land in Uganda (Section 2 and 8, LRD).

No doubt the Decree enacts the most radical position so far on land tenure in post-independence Uganda. The private ownership of the allodial or radical title to land in Uganda was quietly abolished by stroke of the pen without any compensation whatsoever. A nation-wide regime of public leaseholds has been introduced. The hitherto special position of customary tenure on Public land in Uganda has become precarious and statutorily converted into tenancy at sufferance.

Although the 1975 Land Reform Decree converted all freehold land in Uganda to long-term leasehold, freeholders in Kigezi are generally unaware of the impact of the decree, which largely remains unimplemented even in areas close to Kampala. Transactions and successions continue to be registered as previously, using the same procedures and forms. Only those seeking first registrations of previously unregistered land are made aware of the change. There have been only a very few such registrations since 1975, involving appropriation of parcels from the fringes of areas treated as commons by the Pilot Scheme.

## CHAPTER THREE

### Hypotheses, Model and Data Collection

#### 3.1 Hypotheses

This study of the Pilot Scheme in Rujumbura takes us away from dogmatic assumptions and seeks to develop empirical insights on these topical issues.

For purposes of analysis, the themes discussed in chapter One have been reduced to the following discrete and empirically testable hypotheses:

1. Provision of a registered individual title to a parcel gives the holder greater security of tenure, and a more robust set of rights to use and deal with the parcel.
2. Provision of a registered individual title to land promotes investments in the land.
3. Provision of registered individual title leads to more progressive use of the land.

Each hypothesis is tested and underlying issues examined in detail following the pattern below:

1. Provision of a registered individual title gives the holder greater security on land and a more robust set of rights.

This set of rights is more extensive than on customary holdings, allowing the holder to do more things with the land with greater immunity as regards the community and other individuals.

- a. People with security will have a more comprehensive set of rights. We want to examine how different types of land tenure relate to security. We also want to know whether there is any significant difference in the extent of rights and whether there are differences of perceptions among those who got the title voluntarily and those under adjudication.

Attempt is made to determine the nature of rights which differentiate modes of tenure and whether there are differences in peoples' perceptions in respect of land tenures. We also want to establish whether there is any need to seek approval in disposing of any parcel of land and from whom approval will be sought.

- b. The higher the level of security on land the lower the frequency of disputes. On the basis of this assumption we want to know the distribution of disputes, the nature of disputes and at what level they are settled.

- c. Titling reduces the risk of eviction. Underlying this assumption we examine whether there are any different perceptions under different tenures. We also seek to establish the reasons given under different modes of tenure why people want or did not want to register.
- d. Titling improves women's access to land. We want to examine the gender issue in respect to whether land titling modifies the traditional practice of excluding women from land ownership and enhances security on land for women.

2. Provision of a registered individual title to land promotes investments in the land.

Individuals holding registered title to their land will be more inclined to make improvements and to invest in their holdings. The following measurements are examined under this hypothesis:

- a. Land investments/improvements made on the land since acquisition on a parcel basis.
- b. Value of capital per unit of land (capital/land ratio) on a household basis.
- c. Value of livestock per unit of land (livestock/land ratio) on a household basis.

3. Provision of a registered individual title leads to more progressive use of the land.

In examining this hypothesis the study proceeds as follows:

- a. More progressive use of land can be indicated by:
  - proportion of holding devoted to commercial crops against subsistence crops;
  - proportion of holding devoted to purely cash crops against food crops;
  - proportion of holding devoted to livestock production against agricultural production.
- b. Security on land leads to better land husbandry.
- c. Therefore, the overall effect of land registration is increased productivity.

3.2 Structural Economic Model

As will be explained later, the decision to register faced by each individual was either an ENDOGENOUS decision (Case 1), which was an independent, voluntary choice, or an EXOGENOUS decision (Case 2), which was a heavily promoted and constrained act.

We hypothesize that, in the case of landholders for whom the option of registration was afforded, the decision whether or not to register a particular parcel was determined by such variables as land law, the household and parcel characteristics, titling costs, year of acquisition of the land and the economic environment. Thus the economic model for each parcel is as follows:

$$\begin{aligned} R &= R (LL, HC, PC, TC, YA, EE) \\ I &= I (HC, PC, R, EE) \\ P &= P (HC, PC, R, EC) \\ S &= S (HC, PC, EE, I, C) \\ C &= C (HC, EE, SC, T) \\ T &= T (LL, HC, EE, R) \end{aligned}$$

Where:

- R = Registration--this means a binary variable whether or not the parcel "i" is registered.
- LL = Existing land law.
- HC = Household characteristics include such factors as existence of major sources of off-farm income, inherited wealth, and committee memberships.
- PC = Parcel characteristics consist of soil quality of the parcel, topography--e.g., whether on flat land, on slope--distance from the home, size and any major improvements made prior to acquisition by the current owner.
- TC = Title costs include monetary costs--i.e., official costs (e.g., fees) plus associated costs (e.g., travel expenses). However, there are also some non-monetary costs--e.g., time, complexity.
- YA = Year of acquisition--year when the parcel was acquired.
- EE = Economic environment--economic situation prevailing in the country.
- I = Investments on the parcels.
- P = Productivity of the parcel.
- S = Selected inputs--a binary variable indicating whether or not selected inputs are used on the parcel, e.g., improved seeds, fertilizer, pesticides, etc.
- C = Credit.
- SC = Supply of credit.
- T = Total land area under mode of tenure.

The endogenous variables are:

- registration of the parcel;
- total land area under mode of tenure;
- investments on the parcel;
- productivity on the parcel;
- selected inputs;
- credit.

While the exogenous variables are:

- land law;
- household characteristics;
- economic environment;
- plot characteristics;
- credit supply.

It can therefore be seen that land registration is a complex process affected by many variables.

### 3.3 Sampling Frame

At the formulation stage of this research project, it had been envisaged that Nyakaina Parish, where the Pilot Scheme was carried out, would be taken as the principal research area. It would have been studied in contrast to the neighbouring Kyamakanda Parish as a control area which had been assumed to be similar to Nyakaina in all respects except for non-registration of land. It turned out, however, that on the suspension of the adjudication committees in 1963, surveying and issuing of freehold titles continued not only in Nyakaina Parish but also in other parishes in the area until 1975, when the Land Reform Decree converted freehold title into leasehold. Every single parish adjacent to Nyakaina, together with others within Rukungiri District, had parcels surveyed and registered.

This had two implications for the study. In the first place, though Kyamakanda Parish was in many respects similar to Nyakaina, it could not serve as a perfect control area. Quite a number of parcels under different households in Kyamakanda had been registered, either under freehold before 1975 or thereafter under leasehold. Kyamakanda Parish did not thus exhibit much difference on the basis of having non-registered parcels. Secondly and most fundamental, it became necessary to classify the parcels and households in the sample according to the tenure situation faced by each household on acquiring each parcel. The tenure situation faced was either an ENDOGENOUS decision (Case 1), which was an independent, voluntary choice, or an EXOGENOUS decision (Case 2), which was a heavily promoted decision to register. It was less voluntary in the sense that registration was so thoroughly promoted as to become virtually universal for the residents of gazetted adjudication areas.

The chart below summarizes the kinds of registration and registration options available to inhabitants of the two parishes.

Pre-1968	Freehold, Nyakaina Parish	Exogenous
1968-75	Freehold, Nyakaine and Kyamakanda	Endogenous
1975-	Freehold (re-registration only)	Endogenous
	Leasehold (new registration only)	Endogenous

Three major divisions (strata) were made, namely Nyakaina title holders, Kyamakanda non-title holders (*bibanja*) and Kyamakanda title holders. It was decided to take 100 holders from the first two and 40 from the last one, giving a total sample size of 240 holders for the study. The sample was then drawn at random within each of these strata.

During the reconnaissance visit (see below) a list of title holders was obtained from the District Land Office for both the principal research area, Nyakaina, and the control area, Kyamakanda. Similarly, lists of tax-payers were obtained from the parish and sub-parish chiefs. Using both sets of records enabled us to check one against the other. This was particularly valuable given that files in the District Land Office, here and elsewhere in the country, are often out of date because many transactions (especially successions) go unrecorded. The list of holders (sampling frame) was drawn up during the second visit. With the help of the local parish and sub-parish chiefs plus some residents, tax-payers who did not own any holdings in the area were removed from the list. On the other hand, holders who did not pay tax were added to the list. The former mainly consisted of young men still living with their parents, while the latter were mainly the old and widows. Each holder was then stratified as to whether he or she had a title or not. This was done with the help of the lists of title holders from the District Land Office, with the assistance of local chiefs and residents. It had been planned also to stratify the holders according to the grades of graduated tax paid as a proxy variable for the level of income. This was abandoned, however, because the chiefs of Nyakaina were all new thus did not have lists of the amounts of tax paid. Compiling them specially for this purpose would have been very time-consuming.

### 3.4 Data Collection

Three visits were made to the research area for purposes of data collection as follows:

- a. Reconnaissance.
- b. Training of enumerators and launching of data collection.
- c. Supervision and winding up.

#### 3.4.1 Visits to the Research Area

The research team made a five-day reconnaissance visit to the research area in late June 1987. The purpose of our visit was to:

1. familiarise ourselves with the principal research area;
2. obtain the necessary information for designing the questionnaire;
3. obtain the necessary information for selecting the control area; and
4. identify candidates for field staff.

While on the visit, the research team held discussions with relevant personnel in the following district offices: the District Administrator, the District Executive Secretary, the District Agricultural Officer and the Veterinary Officer. Working relations and contracts were also established with the county, sub-county, parish and sub-parish chiefs in charge of the research area. In the research area the team held discussions with key informants, who included a cross-section of farmers; Mr. Andereya Tibesigwa, who had been the chairman of the Land Adjudication Committees in Nyakaina; elders; teachers, local chiefs and various government officials serving Buyanja county. The research team was also able to make preliminary efforts to assemble a field staff to administer the questionnaire. It was later decided that due to limitations of time, the questionnaire would not be translated from English into Runyankole-Rukiga (the local language). Selection of a field staff competent in both languages, however, enabled us to omit the time-consuming process of translation.

During an intensive tour of the study area stress was put on observing various topographical and agricultural characteristics in selecting a control area. A preliminary questionnaire which had been earlier prepared in the office was pretested. This was later reworked to accommodate what had transpired and been observed during the first visit to the area. During the second visit, enumerators were selected and trained. During their training the questionnaire was once again pre-tested and thereafter the study was launched. The third visit was for making checks and winding up the data collection.

#### 3.4.2 Questionnaire Design and Pre-testing

A preliminary questionnaire was pre-tested on several farmers during the reconnaissance visit. The main objective of pretesting was to find out the feasibility of asking certain questions and to gauge the time and the need to translate the questionnaire into Runyankole-Rukiga. The questionnaire was then finalized in discussion between the principal researchers and John Bruce and Benoit Blarel of the Land Tenure Center, University of Wisconsin. The final testing of the questionnaire was done during the training of the field staff and slight amendments were made. Copies of the questionnaire, as well as of the village questionnaire, designed to record more general information, can be found in Appendices II and III respectively.

#### 3.4.3 Training of Enumerators, Questionnaire Administration and Supervision

Sixteen enumerators were selected from a total of over forty applicants. All those selected were of school-certificate level or above (twelve years of education). Each was generally to work in his or her home area. They were fluent in English and Runyankole/Rukiga and familiar with the research area. Teachers were reluctantly left out as schools had just started, and so it was considered that they would not have enough time for data collection. The training took three days and consisted of talks by the District Staff Surveyor, District Agricultural Officer and a representative of the District Veterinary Officer. These gave background information. For example, the staff surveyor talked about the development of the land tenure system in the area. The agricultural and veterinary officials talked about agriculture and veterinary services, respectively.

After describing the objectives and background of the study in detail, the principal researchers went through the questionnaire, question by question, explaining what was to be collected. An enumerators manual was also used (see Appendix IV). One of the enumerators who performed best during the training was chosen as field co-ordinator.

Data collection started on the 28th of August and went on until the 18th of September 1987. During the first days of data collection, the principal researchers checked each questionnaire at the end of the day to make sure the enumerators had understood what was required. This process continued throughout the study under the supervision of the Research Assistant assisted by the Field Coordinator. Towards the end of data collection the team was joined by one of the principal researchers for final supervision and winding-up of the data collection. They collected and checked the completed questionnaires and then paid the enumerators. The village questionnaire was administered by the principal researchers during the second and third visits.

#### 3.4.4 Problems During Data Collection

Accurate data could not be obtained on size of holdings and crop areas, yield rates, and income. For the time and resources available, only farmers' estimates could be obtained. As shown in Chapter 4, only the sizes of holdings and coffee yields were considered reasonably accurate to permit any analysis.

## CHAPTER FOUR

### Data Analysis and Results

#### 4.1 Data Analysis

##### 4.1.1 Background

The general purpose of this study was to establish the impact of the Adjudication Freehold Land Pilot Scheme in Nyakaina Parish on economic development in the area. In other words, it was basically intended to establish the impact of registered individual title on farmers' economic behaviour, i.e., resource allocation, agricultural investment and use of credit. The impact of land security on either farmers' economic behaviour or on agricultural development would have been reflected in agricultural productivity. Where the ownership of land is secure we expect high incentives for investments, land improvements and access to credit facilities that would facilitate acquisition and utilization of farm inputs and thus achieve higher productivity.

The fundamental measure of land productivity requires time series data on yield rates of various crops or at least averages over a number of years. Unfortunately, no such data exist for the area. Such data are, in any event, hard to come by in Uganda as in many developing countries. Consequently, in the absence of data time series covering several seasons, the comparison of the Pilot Scheme (Nyakaina Parish) with an adjacent, geographically similar area in all aspects except for non-registration of land was considered most appropriate. As stated above, at the data collection stage neighbouring Kyamakanda Parish had been chosen for the purpose.

However, in the course of data collection it was realised that analysis based on that simple direct comparison could not work for reasons explained in Section 4.3 below. Hence classification of households and parcels on the basis of the tenure situation faced at the time of parcel acquisition became necessary.

##### 4.1.2 Overview of Sample Data

The general characteristics in the sample are given in Table 4.1. The table gives an overview of the characteristics for all households and parcels in the sample divided into titled and untitled groups. The titled group includes all households with at least some titled parcels--whether freehold or leasehold. The untitled group included the Kyamakanda non-title (kibanja)

TABLE 4.1  
General Characteristics of the Sample

CHARACTERISTICS	TITLED		UNTITLED	
	No.	(%)	No.	(%)
<b>General</b>				
Households surveyed	112		126	
Number of parcels recorded	194		273	
Number of parcels used in analysis	159		237	
<b>Household</b>				
Male household heads	108	(96.4)	120	(95.2)
Household heads above 50 years of age	67	(59.8)	46	(36.5)
Household heads with no education	36	(32.1)	37	(29.4)
Household heads with farming as main occupation	86	(76.8)	89	(70.6)
Household heads with average monthly income from main occupation less than U£500	22	(19.6)	37	(29.4)
Household heads with average monthly income from second occupation less than U£500	40	(35.7)	35	(27.8)
Household heads born in the area	72	(64.3)	104	(82.5)
Household heads who stay in area year-round	102	(91.1)	117	(92.9)
Committee memberships of household heads:				
- Village Development	21	(18.8)	37	(29.4)
- Farming Cooperative	8	(7.1)	2	(1.6)
- Savings and Credit	12	(10.7)	10	(7.9)
- Other	13	(11.6)	5	(4.0)
<b>Parcel</b>				
Average number of parcels	1.4		1.9	
Parcels less than 1 acre	36	(22.6)	85	(35.9)

holders and all the unregistered freeholds.<sup>2</sup> The number of titled households interviewed was 112, while the untitled ones numbered 126. For these households, 194 titled and 273 untitled parcels were recorded. After data cleaning, 159 titled and 237 untitled parcels could be used in the analysis.

The overwhelming majority of the households was headed by men: 96.4 percent for titled and 95.2 percent for the untitled ones. The titled household heads tended to be older, as almost 60 percent were above 50 years of age. The level of illiteracy was about the same in both groups, 32.1 percent for the titled households and 29.4 percent for the untitled ones.

Roughly three-quarters of the household heads had farming as their main occupation: 76.8 percent for the titled households and 70.6 percent for the untitled ones. The other main occupations were trading or shop-keeping and working as labourers or porters, especially for the untitled households.

In both groups beer brewing and selling was the major second occupation. The untitled household heads tended to earn less from the main occupation. The percentage with an average monthly income from the main occupation of less than U.shs 500 was 29.4 compared to 19.6 percent for the titled household heads. Conversely, 27.8 percent of the untitled household heads earned an average monthly income from the second occupation of less than U.shs 500 as compared to 35.7 percent for the titled household heads.

A larger proportion of the untitled household heads (82.5 percent) were born in the area compared to titled household heads (64.3 percent). However, in the whole sample, there was no household head who had settled in the last five years. There were also very few who had settled even in the last ten years. Settlers resident more than ten years were 34 (30.4 percent) for the titled household heads and 22 (17.5 percent) for the untitled ones. Related to this is the fact that most household heads stay in the area all year round.

The level of memberships on various committees, in spite of the lack of any very clear standard of comparison, strikes the researchers as low.

#### 4.1.3 Classification of Parcels and Households

Classification of both parcels and households, as earlier outlined in the Structural Economic Model and summarized in subsequent paragraphs, became the basis of data analysis throughout the study. However, the data collection had been based on three strata, namely, Nyakaina title holders, Kyamakanda non-title (kibanja) holders and Kyamakanda title holders. One of the problems faced in the analysis even after classifying the household according

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2. A customary land holding is referred to in Kigezi as in many areas of the country as **kibanja** (pl., **bibanja**). "Unregistered freehold" refers to holdings that were registered at some point in the past--generally as part of the Pilot Scheme--but whose current owners have not updated the title and are not entered in the records at the District Land Office; their holdings remain under freehold title, but their current owners are unregistered.

to the tenure situation faced on acquiring each parcel was to determine the unit of analysis since some households held a number of parcels under different modes of tenure. This is discussed below.

As shown in Table 4.2 there were 107 titled parcels (Group A) under endogenous decision in the sample. These parcels include those inherited or purchased after 1969 in the Pilot Scheme in Nyakaina.

TABLE 4.2  
Parcel and Household Classifications

	TITLED ENDOG.	TITLED EXOG.	UNTITLED	OTHER*	TOTAL
Number of parcels	107(A)	87(C)	273(B)	0(D)	467
(After data cleaning)	71	88	237	23	419
Number of households	41(E)	39(H)	126(F)	32(G)	233

\* This other category is comprised of 32 households (Group G) holding multiple parcels, some of which are titled and others not. For further analysis of Group G holdings, see Appendix I.

They also include parcels registered in Kyamakanda Parish outside the Pilot Scheme area. The 273 untitled parcels (Group B) shown in the table under endogenous decision include 202 parcels which correspond to unregistered parcels either inherited or purchased in Kyamakanda under customary land tenure (Group B2) and 71 unregistered parcels on freehold either inherited or purchased in both parishes of the study (Group B1). In other words, the latter parcels were never registered in the names of the current owners. Under the exogenous decision 87 parcels were registered (Group C). They correspond to those parcels in Nyakaina Parish which were inherited or purchased by the original owners who participated in the Pilot Scheme. However, while going through the data cleaning a number of parcels had to be dropped and others reclassified so that for the final analysis there were the following parcel numbers: 71 endogenously titled (A), 28 unregistered freehold (B1), 209 untitled (*bibanja*) (B2), 88 exogenously titled and 23 others.

Regarding the household classification, as shown in Table 4.2, under the endogenous decision or free choice there were 41 households whose parcels were all titled endogenously (Group E), 126 households with no parcel registered (Group F), and 32 households with some of their parcels registered and others not (Group G); see Appendix I. Of the 126 parcels in group F, 31 were unregistered freehold (Group F1) and 95 were untitled (Group F2). Under the exogenous choice there were 39 households whose parcels had been titled under

the Pilot Scheme and thus for whom the decision to register had been imposed (Group H).

## 4.2 The Results

On the basis of this classification of parcels and households, we turn now to analysis of the data and examination of the results according to the three hypotheses being tested in this study. Once again, these hypotheses are:

1. Provision of a registered individual title to a parcel gives the holder greater security of tenure and a more robust set of rights to use and deal with the parcel.
2. Provision of a registered individual title to land promotes investment in the land.
3. Provision of a registered individual title leads to more progressive use of the land.

### 4.2.1 Hypothesis 1: Land Security

The main issues to examine are whether provision of a registered individual title to a parcel gives the holder greater security of tenure and a more robust set of rights to use and deal with the parcel. Thus the hypothesis to test is that people with security on land will have more comprehensive set of rights. Underlying this hypothesis is first the identification of the nature of rights which differentiate the modes of tenure and secondly, the source of approval for the transfer rights.

Use Rights. In eliciting information about the various rights landholders possessed, the questionnaire asked household heads if they had the right to initiate or undertake specific activities with regard to their land without another's consent. These rights were classified into three categories: use rights, transfer rights, and exclusion rights. Use rights included growing perennial and annual crops, making permanent improvements, burial, collection of wild fruits and firewood, and cutting of wild commercial trees. Covered under transfer rights were the rights to sell, donate, mortgage, rent, bequeath or register a particular parcel, while exclusion rights referred to the landholder's right to exclude non-household members from carrying out such activities as collecting wild fruits and firewood, grazing animals, working animals, drawing water, using footpaths, or cutting trees. It should be emphasized that by framing the questions in this fashion, the research team gathered data about landholders' perceived rights rather than about their actual rights.

Examining the nature of rights which differentiates modes of tenure, we noted that the percentage of respondents with untitled parcels who claimed to have various rights was generally lower than those respondents with titled parcels (both exogenous and endogenous) particularly with transfer rights. Table 4.3 presents these results. It should also be noted that the percentages of the exogenously titled parcels are always lower than those of the endogenous ones, indicating that freehold owners whose decision to register was not their own are less aware of their actual rights.

TABLE 4.3  
Nature of Rights Which Differentiate Modes of Tenure  
(percent answering "yes")

NATURE OF RIGHTS	TITLED (Endog.)	TITLED (Exog.)	UNTITLED (Kibanja)
<u>Use</u>			
Growing perennial crops	98.5	97.7	96.2
Growing annual crops	98.5	97.7	98.6
Permanent improvements	98.5	97.7	96.2
Burial	98.5	97.7	96.7
Wild fruit collection	98.5	97.7	98.1
Firewood collection	98.5	97.7	98.6
Cutting wild commercial trees	98.5	97.7	96.7
<u>Exclusion</u>			
Collecting wild fruits	92.3	75.0	95.2
Collecting firewood	83.1	64.8	88.5
Grazing animals	96.9	94.3	94.3
Drawing water	26.2	15.9	19.6
Using footpath	35.4	37.5	26.3
Cutting trees	96.9	97.7	94.3
<u>Transfer</u>			
Right to sell	73.8	64.8	53.1
Right to gift	69.2	59.1	46.4
Right to mortgage	75.4	60.2	53.6
Right to pledge	75.4	62.5	59.8
Right to rent	81.5	69.5	61.5
Right to bequeath	80.0	65.9	68.4
Right to register	83.1	67.0	57.9

For all the various parcel modes of tenure there was a very high claim of the use rights, with the percentage answering "yes" always higher than 96 percent on all modes of tenure. For the untitled parcels the percentage of respondents claiming the use rights was generally marginally lower than other modes of tenure--but not statistically significantly so. This is to a certain extent a reflection of uncertainty of those rights among the households with untitled parcels. For the exogenously titled parcels, there was always one "no" and a mis-coding. Thus 86 respondents answered "yes" to all use rights. Similarly one mis-coding resulted in constant percentage for the endogenously titled parcels.

Regarding exclusion rights, those households with untitled parcels exhibited a marginally lower percentage in claiming the rights to exclude non-household members from grazing animals or cutting trees from their parcels. For the collection of firewood and wild fruits there was no clear pattern. For example the percentage answering "yes" in Group C (exogenously titled) was respectively 64.8 and 75.0 as compared to 88.5 and 95.2 in Group B2 (untitled parcels), or 83.1 and 92.3 in Group A (endogenously titled)--thus indicating that holders of untitled parcels believed they had more exclusion rights.

The results therefore indicated that the nature of rights that differentiated the modes of parcel tenure were generally the transfer rights.

An Index of the Number of Rights. In order to test the hypothesis that people with registered titles have a more comprehensive set of rights, an index of the number of rights was computed as follows:

- a. For the use and exclusion rights,

Let  $R_{1i} = 1$  if the respondent had the  $i$ th right on the parcel  
= 0 otherwise

- b. For the transfer rights,

Let  $R_{2i} = 1$  if the respondent had the  $i$ th transfer right for the parcel, or if the answer was No but needed approval from the family only (see Question 3.6.2 in the questionnaire, Appendix III)  
= 0 otherwise

The index for the number of rights was,

$$\text{Index} = \sum_{i=1}^{14} R_{1i} + \sum_{i=1}^7 R_{2i}$$

It should be noted that there were 7 rights in each category of use, exclusion and transfer rights, thus a possible total of 21 rights, which was therefore also the maximum value of the index. A summary of the results is given in Table 4.4.

TABLE 4.4  
Index of the Number of Rights, by Parcel Mode of Tenure

INDEX OF NO. OF RIGHTS	A	COL. %	B1	COL. %	B2	COL. %	C	COL. %
3	-		-		1	0.5	-	
4	-		-		2	1.0	-	
5	-		-		2	1.0	-	
6	-		-		-	-	-	
7	-		-		4	1.9	-	
8	-		-		1	0.5	-	
9	1	1.4	-		2	1.0	1	1.1
10	1	1.4	-		-	-	14	15.9
11	2	2.8	-		3	1.4	2	2.3
12	5	7.0	-		27	12.9	1	1.1
13	2	2.8	1	3.6	17	8.1	8	9.1
14	6	8.5	1	3.6	19	9.1	4	4.5
15	-		-		10	4.3	2	2.3
16	-		-		5	2.4	2	2.3
17	7	9.9	3	10.7	27	12.9	6	6.8
18	8	11.3	10	35.7	11	5.3	15	17.0
19	16	22.5	5	17.9	43	20.6	15	17.0
20	8	11.3	1	3.6	14	6.7	11	12.5
21	14	19.7	7	25.0	27	10.1	7	8.0
Total	71		28		209		88	

Note: A: endogenously registered;  
 B1: unregistered freehold;  
 B2: untitled (kibanja);  
 C: exogenously registered freehold.

The chi-square test was very highly significant. This implied that there was a difference in the number of rights. However, the numbers in Group B1 were too few and thus there were too many empty cells. But when we compared the titled parcels (Group A) against the untitled parcels (Group B) the chi-square test was significant at 0.146 and thus not very conclusive.

Reference to Table 4.5 reveals that 23 percent of the respondents with endogenously titled parcels had 14 rights or less whereas the comparable percentage of the respondents with untitled parcels was 37.4 percent. Similarly, for 17 rights the respective percentages were 33.8 percent for titled and 57.5 percent for untitled.

TABLE 4.5  
Cumulative Percentage of Each Number of Rights

NO. OF RIGHTS	TITLED PARCELS (Endog.)	TITLED PARCELS (Exog.)	UNTITLED PARCELS (kibanja)
9	1.5	1.1	5.9
10	3.0	17.0	5.9
11	4.0	19.3	7.3
12	10.7	20.4	20.2
13	13.8	29.5	28.3
14	23.0	34.0	37.4
15	23.0	36.3	42.2
16	23.0	38.6	44.6
17	33.8	45.4	57.5
18	46.1	62.4	62.8
19	70.7	79.4	83.4
20	81.5	91.9	90.1
21	100.0	99.9	100.2

In general the cumulative percentage for each set of rights is lower in respect of the titled parcels than the untitled ones, which implies that the respondents with titled parcels had more rights. The cumulative percentage for the exogenously titled parcels indicate fewer rights than the endogenously titled ones. Hence probably a problem of awareness. However, the rights are still more than the untitled parcels.

Source of Approval for Transfer Rights. In the case of those respondents who indicated that they did not have full transfer rights it became necessary to examine the source from which they would get approval. The possible sources of approval were the landholder's lineage, family, or others--in which case they had to be specified. In some cases respondents could not specify any source of approval for such transfers. The results of the study indicated that whenever approval was required, it was most often

sought from immediate members of the household, in other words the family. In all the cases of those who needed approval for the various transfers, over 80 percent of them sought it from the family. The right to register was exceptional; here the percentage was only 64.

**Level of Awareness.** Examining the level of awareness of the transfer rights it was established that 46.4 percent of those households who had untitled parcels (*bibanja*) knew that they could not mortgage their parcels and 42.1 percent of them were fully aware that they could no longer register the parcels as freehold. Regarding the unregistered parcels on freehold (Group B1), there were only two out of 28 parcels whose holders were unaware of their mortgage rights. Thus, even though the respondents had not registered their parcels they were aware of their transfer rights.

It is interesting to note that even among those respondents with titled parcels there were some who indicated that they were not aware that they had full rights over their parcels. This is shown in Tables 4.3, 4.4 and 4.5.

**Nature of Disputes by Mode of Tenure.** It was presumed that titled parcels would have fewer disputes than untitled parcels. The analysis was therefore limited to titled parcels (freehold) and untitled parcels (*kibanja*), because there were no respondents who had rented or borrowed parcels. Further, the leasehold parcels being too few, they were combined together with freeholds. A tabulation of the nature of disputes by the mode of tenure is given in Table 4.6 below.

TABLE 4.6  
Nature of Disputes by Mode of Tenure  
(numbers)

DISPUTE	TITLED		UNTITLED		TOTAL
	No.	%	No.	%	
Boundary	21	44.7	26	55.3	47
Ownership	5	35.7	9	64.3	14
Inheritance	3	42.9	4	57.1	7
Grazing animals	1	20.0	4	80.0	5
Communal	-		2	100.0	2
Others	3	60.0	2	40.0	5
Total	33	41.3	47	58.8	80

Note: Percentages are for rows.

For each nature of dispute, there were numerically more disputes on the untitled parcels (bibanja) than on the titled parcels. Overall there were 47 disputes for untitled parcels. This was 58.8 percent of all disputes. Again there were more boundary disputes than any other nature of disputes. This was followed by ownership disputes. However, the chi-square test was highly non-significant, indicating that there was no clear relationship between the mode of tenure and the disputes.

It should be noted that the data in Table 4.6 were derived from question 3.6.5 of the household Questionnaire (see Appendix II) which did not differentiate those households with titled parcels from those households with unregistered freehold parcels. The high number of disputes shown under freehold mode of tenure could therefore reflect boundary disputes which generally arise at times of inheritance and purchase when demarcation or surveying is not officially undertaken. This reduces the freehold mode of tenure status to the level of untitled parcels of customary tenants on Public land (bibanja), where disputes are common.

Strictly speaking to find whether the people with titled parcels had fewer disputes than those with untitled parcels, the analysis should have eliminated secondary owners on freehold whose parcels had not been surveyed and/or transferred in their names. This could not be done in this study as no data were collected on the mode of tenure at the time of acquisition. Rather, the mode of tenure was at the time of the study.

Many respondents described the process of registration as too costly, slow and complicated. (See section below on constraints to registration.) Further questioning revealed that the source of disputes on unregistered parcels with freehold tenure originated from two sources:

1. Lack of clear documented personal will on the death of the registered proprietors of titled freehold parcels.
2. Lack of legal supporting documents such as sale contracts.

The lack of wills and other documents contributes to the fact that records in the District Land Office are often out of date. The inaccuracy of the land registers in turn exacerbates problems of intestate successions and undocumented transactions and contributes to the number of disputes on unregistered freehold parcels.

Settlement of Disputes by Mode of Tenure. It had been supposed that the lower the security of tenure the higher the level at which the disputes are resolved. A hierarchy of institutions for the settlement of disputes would range from neighbors at the lowest level, to elders and resistance committees,<sup>3</sup> chiefs and police, and, at the highest level, the courts.

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3. The National Resistance Movement government has set up a system of resistance committees (RCs). At the lowest level, RC1, these are intended for local-level self-reliance and planning plus grass-roots political participation. (RC5, the highest level, is Parliament.)

Using this hierarchy, then, one can predict that for the more secure tenure, disputes would be resolved by neighbors or elders and resistance committees.

The results given in Table 4.7 indicate a significant difference between the level of settling disputes and that of security. Indeed the chi-square test was significant at about 0.1, thus indicating some dependence between the mode of tenure and the level of dispute settlement.

TABLE 4.7  
Settlement of Disputes, by Mode of Tenure

	NEIGHBOUR		ELDERS/RC		LOCAL CHIEF/ POLICE		COURT		TOTAL
	(#)	(%)	(#)	(%)	(#)	(%)	(#)	(%)	
Freehold/ leasehold	11	(33.3)	11	(33.3)	4	(12.1)	7	(21.2)	33
Kibanja	13	(27.7)	9	(19.1)	17	(36.1)	8	(17)	47
Total	24		20		21		15		80

Note: The percentages are for the row.

The table shows that a higher proportion of disputes on freehold parcels are solved at a lower level by neighbours or elders and resistance committees while a high proportion of disputes of untitled parcels are solved by local chiefs. More specifically, 66.6 percent of the disputes on titled parcels are solved at a level lower than chiefs or police whereas disputes on untitled parcels (kibanja) solved at that level account for only 46.8 percent. On the other hand a total of 53.2 percent of disputes on untitled parcels are solved at a level of chiefs and police and courts.

Although these results are somewhat unexpected, a number of explanations are possible. The involvement of chiefs in settlement disputes over unregistered land may reflect a residual of community authority. Freeholders, on the other hand, may not see chiefs as having any authority over freehold and prefer either to settle their disputes at the lower levels or to continue to press their cases up to the level of the courts. It is possible that many of them regard the courts as the appropriate level to resolve disputes concerning parcels whose tenure is governed by statutory law.

**Benefits of Registration.** Respondents were asked to name the benefits of registration alone (i.e., without the additional step of actually possessing the title) and the additional benefits conveyed by having the land title. (See question 5.9 in the Questionnaire, Appendix II.)

The results reveal that there is a high level of awareness among the population of the benefits of registration. Only one out of the 237 respondents said that there were no benefits at all from land registration. As one would expect, the respondent was in the untitled household (kibanja) group. Otherwise, 233 and 204 respondents cited security against land eviction and land disputes respectively as benefits of registration. Security against eviction was in fact ranked as the most important benefit of land registration by 52.3 percent of the respondents, followed by security against land disputes by 40.1 percent. It is not surprising to note that security for credit was considered as the most important benefit of registration by only 3.8 percent of the respondents. This is in line with our finding that those who had titles had not used them to obtain credit. The level of commercial transactions through financing institutions is still very low because, as stated earlier, there is only one Uganda Commercial Bank Branch in Rukungiri District and it is newly opened.

The data do not reveal any significant differences in perceptions about registration under different modes of tenure. They indicate that all households, regardless of the mode of tenure, considered registration a security against land disputes, with security for credit ranked as the least important benefit by all modes of tenure.

As for the additional benefits conveyed by actual possession of the land title, overall the respondents recognized that the most important benefit is the possibility of using it for credit. Those households with untitled parcels (bibanja) ranked security against land disputes as the most important benefit of physically having the title though they equally recognized security for credit as a second benefit. These results are shown in Table 4.8. It should be noted that those who had freehold parcels but had not registered them in their own names (unregistered freehold) recognized that the most important advantage of possessing a land title was security for credit to the same extent that holders of endogenously titled land did. This implies a high degree of awareness among the respondents as far as possession of a title as a security for credit is concerned.

**Reasons for Non-Registration.** Overall, 51.5 percent of the respondents under different modes of tenure indicated that the most important constraint to registration was that it was too costly. As much as 18 percent of those households with untitled parcels (bibanja) expressed ignorance about the registration procedure, making it the second (overall) most commonly cited constraint, after registration costs. The third most important constraint to registration was that the registration procedure was complicated. However, more of those who did not know the registration procedure and thought it was too complicated were owners of untitled parcels (bibanja). The results are given in Table 4.9. For owners of titled parcels the most important reason for non-registration was that the process was too costly.

**Sales or Purchases.** One of the key issues with land registration is whether private ownership creates the right environment for a land market as the owners exercise their right to sell. In order to examine whether the land market was more active for titled land than for land without a title, respondents were asked whether they had ever participated in sales or purchases of freehold or untitled land (bibanja). (See questions 6.1.1 and 6.2.1 on the Questionnaire.)

TABLE 4.8  
**Most Important Additional Benefits of Possessing Land Title,  
 By Household Mode of Tenure**

	TITLED (Endog.)	UNREG. FREE- HOLD	UNTITLED (Kibanja)	TITLED (Exog.)	OTHER	TOTAL
Security against land disputes	13 (20.6%)	3 (4.8%)	33 (52.4%)	14 (22.2%)	-	63
Security against eviction	10 (19.2%)	5 (9.6%)	27 (51.9%)	10 (19.2%)	-	52
Security for credit	14 (21.2%)	14 (21.2%)	30 (45.4%)	7 (10.0%)	1 (1.5%)	66
None	-	-	1	-	-	1
Don't know	-	3	1	-	-	6
Other	-	-	1	-	-	1
Total in group	41	31	95	39		206

Notes: (1) The percentages are for the row.

(2) The questions were asked in such a way that respondents could answer yes to more than one benefit. The sum of the column responses therefore differs from the "total in group" values. The latter figures are given to enable some comparison in each cell.

There were 61 purchases of freehold land against 54 purchases of untitled land (**bibanja**). When respondents were asked whether they had participated in any of the following transactions, namely sale of freehold, sale of untitled land (**bibanja**) and hiring land or any other, the results showed 32, 28 and 3 respondents respectively for each type of tenure. Thus numerically there were marginally more sales and purchases of freehold than **bibanja**. This does not, however, conclusively prove that the land market was more active for titled land than land without titles. Land being very scarce in the area, land sales are not common practice unless the holder has a serious problem of one sort or another. Results reveal that there were cases where a single respondent had been involved in all types of land transactions.

The most important reason given for sales of both freehold and untitled land was shortage of cash. We recorded 46.9 percent of sales of freehold land and 42.9 percent of sales of untitled land due to household liquidity problems. The second most important reason was because the seller was leaving the area. On the other hand, the most important reason for purchase of land was shortage of land for subsistence. This was followed by shortage of land for inheritance and then by a desire for access to different soil types. There were only a few cases of purchasing land as an investment. No significant differences were detected regarding the reasons for sales or purchases between freehold and untitled parcels (bibanja).

TABLE 4.9  
Most Important Reason for Nonregistration of Land,  
by Household Mode of Tenure

	TITLED (Endog.)	TITLED (Exog.)	UNTITLED (Kibanja)	UNREG. FREE- HOLD	TOTAL
Prefer customary tenure	-	2 (5.1)	3 (3.2%)	-	5
Don't know registration process	2 (4.9%)	-	17 (17.9%)	-	19
Registration process too complicated	1 (2.4%)	1 (2.6%)	9 (9.5%)	-	11
Registration process too costly	19 (46.3%)	23 (59.0%)	44 (46.3%)	20 (64.5%)	106
Not upset family or neighbors	1 (2.4%)	-	4 (4.2%)	1 (3.2%)	6
Other	-	-	3 (3.2%)	-	3
Total in group	41	39	95	31	206

Notes: (1) The percentages are for the column.

(2) The questions were asked in such a way that respondents could answer yes to more than one constraint. The sum of the column responses therefore differs from the "total in group" values. The latter figures are given to enable some comparison in each cell.

**The Gender Issue.** A final issue to examine is whether land titling modifies the traditional practice of limited access to land for women and instead enhances land security for them. In many areas of Uganda, including Kigezi, women did not customarily inherit land on the death of their next of kin. Generally they could not even consider owning land but were assured of usufruct rights through marriage. In case of the death of a husband, a woman would have access to land through her male children, who might have inherited or purchased some land. Registration of individual title modifies the traditional practice, providing everybody, including women, with access to land. Any woman in her own right may purchase a piece of land. In addition, she may inherit land on the death of her husband or relatives.<sup>4</sup> This has also been facilitated by the breakdown of the customary mode of tenure whereby land was collectively owned by members of the lineage or clan.

Among the respondents who participated in the Pilot Scheme in Nyakaina Parish, none of the household heads was a woman. Within the total group of our respondents, 4.9 percent of the household heads on land endogenously titled were women. Among the respondents who had unregistered freehold parcels, women accounted for 6.5 percent. For kibanja ownership only 4.2 percent were women. The percentage remains very low across all modes of household tenure; overall, only 3.4 percent of the household heads were women.

Given a piece of land for sale, women can equally compete for it depending on their purchasing power. In addition, we asked respondents whether they will give any of their parcels of land to their daughters. The results varies from one mode of tenure to another, as shown in Table 4.10.

TABLE 4.10  
Land to Daughters, by Mode of Tenure  
(percent)

MODE OF TENURE	YES	NO
Titled exogenously	38.5	61.5
Titled endogenously	56.4	43.6
Unregistered freehold	64.5	35.5
Kibanja	42.1	57.9
Total	46.9	53.1

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4. In the mailo areas of Uganda, it has become increasingly for both sons and daughters to inherit land from their father, a change from pre-colonial practice when only sons inherited land (West 1972).

Those households with exogenously titled parcels, together with households with untitled parcels (*bibanja*), were more likely to respond conservatively on the issue, while the rest were more inclined to offer land to their daughters. The more conservative response from respondents who had exogenously titled parcels is perhaps due to the fact that they were generally older (see Table 4.21). As for those who had untitled parcels, there is a strong possibility that their security of tenure is in the traditional norms and system.

Turning to the case of wives, we wanted to know whether the wives were among those male household heads would accept to inherit land. Results reveal that over 75 percent in all modes of tenure say "no" to offering land to their wives. It is interesting, however, to note that the percentage of answers was lower for the first wife than for the second and the third wives, the overall percentages being 87.3, 98.3 and 93.3 respectively.<sup>5</sup>

Legal procedures for registering land parcels do not discriminate against women, though in practice in remote rural areas, as the study reveals, conservative tendencies are still at play. The issue is less one of cultural practices but rather of purchasing power and the availability of land.

The study also reveals that male respondents are willing to offer land to their children. In all modes of tenure over 77 percent of the respondents indicated that their land would be inherited by their children. This is in line with those who indicated offering land to their daughters. Further analysis indicated that 43.3 percent of the respondents had daughters who had established independent homes, though not necessarily in the area of the study. Of these daughters, 31.6 percent had inherited the land, 17.3 percent had purchased it, 11.4 percent had received it as a right or donation, 5.5 percent had acquired it through marriage while 2.5 percent had acquired it through the Pilot Scheme--although, being so few, none of the latter was captured in the sample.

The legal position is that if women wish to undertake some agricultural activities they qualify for land just like any other citizen of Uganda. It is gradually becoming acceptable that women should have access to land for utilisation in their own right. Responses to the village questionnaire indicate that in the study area there were some parcels of land belonging to women though very few were captured in the sample. Of the respondents, 19 percent thought that access to land by their wives would be only through their children, while 9.7 percent thought that their wives would never have access to land.

There were no significant differences between the various modes of tenure over all these gender issues.

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5. This indicates that there is more sympathy and attachment to first wives than to second wives. Similarly, there is more sympathy toward third wives than to second wives. The explanation may be simply that the first wife is normally fairly old and must have worked together with her husband at the initial period in accumulating their assets. As regards sympathy for third wives, that may be a reflection of their youth and love, being new in the home.

#### 4.2.2 Hypothesis 2: Land Improvements and Investments

The purpose was to establish whether the provision of a registered individual title to land promotes improvements and investments on that land. Tests were therefore conducted to see whether there are any significant differences in land improvements and investment since acquisition among parcels under various modes of tenure.

Improvements Since Acquisition. As suggested by the Structural Economic Model the decision to carry out land improvements and investments is influenced by both parcel and household characteristics. Parcel characteristics are soil quality, topography, distance of the parcel from the homestead, parcel size, major improvements made prior to acquisition by the current owner and number of years since acquisition. Household characteristics are level of education, years of farming, age, family size, existence of major sources of off-farm income, inherited wealth, various improvements and membership on various committees.

An examination of land improvements and investments since acquisition under different modes of tenure was undertaken by cross-tabulating the mode of parcel tenure with the number of improvements on each parcel. The list of improvements included such activities as fencing, improving drainage, planting trees, making an access road, manuring, liming, terracing or trenching, irrigating, mulching, removing stumps, and ridging (see Appendix II, question 3.1.1, for the complete list). The results were as shown in Table 4.11. Parcels with no improvements accounted for 29.6 percent of all parcels included in the study. The results show that 46.4 percent of the unregistered freehold parcels had no improvements at all. Similarly, the percentage of parcels on which there were no improvements among the untitled parcels (*kibanja*) mode of tenure was as high as 30.1 percent. The high percentage of parcels without any improvements at all or with only one improvement among the parcels on the unregistered freehold mode of tenure is in line with the finding discussed earlier of a high degree of disputes over registered freehold parcels.

It is also interesting to note that parcels whose owners participated in the Pilot Scheme were the ones with the highest number of improvements. About 21 percent of them had at least eight types of improvements on their parcels and there were only 18.2 percent of the parcels without any improvements. Overall the chi-square test was very highly significant, indicating a relationship between the mode of parcel tenure and the number of improvements.

In order to have a clear sense of when and why the improvements were either undertaken or not, we found it useful to examine both parcel and household characteristics and their relationship to the improvements and investments. Where a particular characteristic was significantly correlated with the mode of tenure, the different levels of that characteristic were examined then for correlations to various improvements. We could not, however, compute the correlation coefficients between the mode of tenure and most of the parcel and household characteristics simply because most of them were classificatory data. Instead, we cross-tabulated the various characteristics with the parcel mode of tenure and used the chi-square test

for independence. Then three-way tabulations were undertaken for those characteristics for which the chi-square test was significant to allow for the fact that each level of the characteristic affected land tenure and thus the improvements differently.

TABLE 4.11  
Number of Improvements Executed Since Acquisition,  
by Parcel Mode of Tenure

NO. OF IMPROVE- MENTS	TITLED (Endog.)		TITLED (Exog.)		UNREG. FREEHOLD		UNTITLED (Kibanja)		OTHERS	TOTAL	
	#	(%)	#	(%)	#	(%)	#	(%)		#	(%)
0	19	(26.8)	16	(18.2)	13	(46.4)	63	(30.1)	13	124	(29.6)
1	7	(9.9)	15	(17.0)	10	(35.7)	50	(23.9)	2	84	(20.0)
2	16	(22.5)	10	(11.4)	3	(10.7)	37	(17.7)	3	69	(16.5)
3	9	(12.7)	10	(11.4)	-		17	(8.1)	3	39	(9.3)
4	6	(8.5)	9	(10.2)	1	(3.6)	20	(9.6)	2	38	(9.1)
5	4	(5.6)	7	(8.0)	1	(3.6)	13	(6.2)	-	25	(6.0)
6	5	(7.0)	2	(2.3)	-		7	(3.3)	-	14	(3.3)
7	3	(4.2)	1	(1.1)	-		1	(0.5)	-	5	(1.2)
8	-		9	(10.2)	-		1	(0.5)	-	10	(2.4)
9	2	(2.8)	9	(10.2)	-		-		-	11	(2.6)
Total in group	71		88		28		209		23	419	

Note: The percentages are for the column. These are the percentages of the respondents who undertook a specific number of improvements under each mode of parcel tenure.

Regarding parcel characteristics the results indicated that there were significant relationships between the mode of tenure and parcel size, topography and time of acquisition. These are therefore examined in more detail below. There were generally very few improvements prior to acquisition by the current owner, so we proceeded on the assumption that all holders under the various modes of tenure started from the same base. Further, as stated earlier, no data had been collected on soil quality and distance of the parcel from the homestead.

Parcel Size. The results of the chi-square test show that the parcel size and the mode of tenure were very highly significant (0.005) and thus

dependent. The results shown in Table 4.12 reveal that overall, 95.7 percent of the parcels were less than 10 acres (4.05 ha) in area.<sup>6</sup> Furthermore, 50 percent of the unregistered freehold parcels were of less than one acre. This may therefore explain why owners made very few improvements or even fully registered them.

TABLE 4.12  
Parcel Size, by Mode of Tenure

PARCEL MODE OF TENURE	AREA OF PARCELS				TOTAL
	<1 (acre)	1-5 (acres)	6-10 (acres)	10+ (acres)	
Titled endogenously	15 (21.1%)	36 (50.7%)	13 (18.3%)	7 (9.8%)	71
Titled exogenously	21 (23.9%)	40 (45.5%)	23 (26.1%)	4 (4.5%)	88
Unregistered freehold	14 (50.0%)	10 (35.7%)	4 (14.3%)	-	28
Untitled (kibanja)	71 (34.0%)	113 (54.1%)	21 (10.0%)	4 (1.9%)	209
Others	11	7	2	3	23
Total	132	206	63	18	419

Note: The percentages are for the row.

Further analysis by cross-tabulating the number of improvements and parcel size also revealed very highly significant differences. As shown in Table 4.13 there was a tendency not to undertake any improvements on small-size parcels particularly those below one acre. Parcel size therefore emerges as a major determining factor in making improvements on all modes of tenure. For that matter, the number of improvements since acquisition were further examined differently for different parcel sizes. These varied from less than an acre, one to five acres, five to ten and above ten acres.

The cross-tabulation of the number of improvements by mode of tenure for parcels less than one acre gave a non-significant chi-square value.

6. Parcel areas are from farmers' own estimates.

However, as shown in Table 4.14 (A and B) for parcels whose size was between one and ten acres, the chi-square value was highly significant.

TABLE 4.13  
Number of Improvements, by Parcel Size

PARCEL SIZE (acres)	NUMBER OF IMPROVEMENTS										TOTAL
	0	1	2	3	4	5	6	7	8	9	
1	63	29	28	6	5	-	-	-	-	1	132
1-5	52	45	29	23	21	14	12	1	4	5	206
5-10	6	8	10	6	10	9	2	3	6	3	63
10+	3	2	2	4	2	2	-	1	-	2	18
Total	124	84	69	39	38	25	14	5	10	11	419

TABLE 4.14A  
Parcel Tenure, by Number of Improvements for Parcels  
(1-5 acres)

MODE OF TENURE	NUMBER OF IMPROVEMENTS										TOTAL
	0	1	2	3	4	5	6	7	8	9	
Titled endogenously	6	6	6	6	4	3	4	-	-	1	36
Titled exogenously	6	7	5	3	6	3	2	-	4	4	40
Unregistered freehold	5	4	1	-	-	-	-	-	-	-	10
Untitled (kibanja)	31	27	17	12	11	8	6	1	-	-	113
Other	9	4	1	-	2	-	-	-	-	-	7

TABLE 4.14B  
Parcel Tenure, by Number of Improvements for Parcels  
(6-10 acres)

MODE OF TENURE	NUMBER OF IMPROVEMENTS										TOTAL
	0	1	2	3	4	5	6	7	8	9	
Titled endogenously	2	1	6	1	-	-	1	2	-	-	13
Titled exogenously	1	2	1	3	3	4	-	1	5	3	23
Unregistered freehold	-	2	-	-	1	1	-	-	-	-	4
Untitled (kibanja)	3	3	2	2	5	4	1	-	1	-	21
Other	-	-	1	-	1	-	-	-	-	-	2

Fifty percent of the unregistered freehold parcels had no improvements at all while 40 percent had only one and none of them had more than two types of improvements. On the other hand, 20 percent of the exogenously registered parcels in Nyakaina had eight or nine types of improvements. It is interesting to note that the numbers of improvements on untitled parcels (*bibanja*) are not much different from those for the titled parcels but in any case more than for unregistered freehold parcels.

**Topography and Mode of Tenure.** We analysed the data on parcel topography and mode of tenure. Using the designations of hillside, flat land, swamp, and other for the various parcels, we wished to see if particular types of land were more likely to be registered than others. The results were highly significant; that is to say, the distribution of parcels under different types of topography varies. For instance, only 25 percent of the unregistered freehold parcels were on the hillsides, whereas for the other modes of tenure the percentage was above 49.

Furthermore, the chi-square test on a tabulation of topography by a number of improvements since acquisition was also significant at the 5 percent level. So we again had to look at the number of improvements by mode of tenure separately for the different types of topography. Because only 7 out of 419 parcels were designated as swamp land, we considered only the other two categories and swamps were not taken into account. As the results in Table 4.15 indicate, there were more improvements on the hillside than on the flat land.

TABLE 4.15  
Topography, by Number of Improvements Since Acquisition

TOPOGRAPHY	NUMBER OF IMPROVEMENTS										TOTAL
	0	1	2	3	4	5	6	7	8	9	
Flat land	41	22	16	5	4	6	-	-	-	-	94
Hillside	62	41	41	26	21	13	10	3	8	11	236
Other	20	19	12	8	13	6	4	2	2	-	86

**Nature of Improvements.** Because of these significant results, we were interested to examine the nature of improvements generally undertaken by mode of tenure and parcel size. That is, having established that the numbers of improvements were positively correlated by mode of tenure, parcel size, and topography, we wished to investigate the kinds of improvements landholders were likely to undertake. It was established that mulching is the most common type of improvement on all modes of tenure. (This is understandable because plantain is the most common crop grown in the area.)

For exogenously titled parcels, the five most common improvements undertaken (in descending order) were as follows:

Mulching	53.4 percent (of exogenously titled parcel owners)
Tree/Agro Forest <sup>7</sup>	44.3 percent
Tree Cropping	40.9 percent
Continuous Manuring	30.9 percent

For the endogenously registered parcels the same list also applied, but in a different order. On the untitled parcels (**bibanja**), however, fencing was not among the first five types of improvements undertaken. It is also worth noting that terracing and making of access roads were done by a much higher percentage of respondents on the exogenously registered parcels than on either endogenously registered or on untitled parcels (**bibanja**).

Taken together, the kinds of improvements undertaken by holders of parcels under different kinds of tenure indicate significant and important differences between tenure types. Holders of untitled parcels (**bibanja**) tend to concentrate on non-permanent kinds of improvements such as mulching and continuous manuring. By way of contrast, households on titled parcels,

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7. Tree/Agro Forest refers to integrated agricultural and forestry activities, while Tree Cropping is monocropping of trees.

especially in Nyakaina, are more likely to invest in more permanent improvements such as fencing, terracing, and access roads, although they too mulch and manure their parcels.

Time of Acquisition. As shown in Table 4.16 an examination of the time of acquisition of various parcels by their mode of tenure reveals differences that, according to the chi-square test are very highly significant. The highest percentage of exogenously titled parcels was acquired in 1951-60 while among the endogenously titled and unregistered freehold parcels, 1961-75 was the predominant period, and for the untitled (bibanja) parcels the period since 1975. Further, 81.9 percent of the exogenously titled parcels were acquired by 1960 while only 40.9 percent of the endogenously titled were. All of the unregistered freehold and 59.8 percent of the untitled (bibanja) were acquired after 1960. (As regards unregistered freehold, the 100 percent figure is obviously because there could not have been such parcels before the Pilot Scheme.)

TABLE 4.16  
Time of Acquisition, by Parcel Mode of Tenure

TIME OF ACQUISITION	MODE OF TENURE					TOTAL
	Registered (Endog.)	Registered (Exog.)	Unregistered Freehold	Untitled (Kibanja)	Other	
Before 1940	6 (8.5%)	18 (20.5%)	0	15 (7.2%)	2	41 (9.8%)
1941-50	10 (14.1%)	14 (15.9%)	0	27 (12.9%)	3	54 (12.9%)
1951-60	13 (18.3%)	40 (45.5%)	4 (14.3%)	42 (20.1%)	1	100 (23.9%)
1961-75	31 (43.7%)	14 (15.9%)	13 (46.4%)	57 (27.3%)	5	120 (28.6%)
Since 1975	11 (15.5%)	2 (2.3%)	11 (39.3%)	68 (32.5%)	12	104 (29.6%)
Total	71	88	28	209	23	419

Note: The percentages are for the column.

As there were such significant differences in the time of acquisition of parcels under the various modes of tenure, it became necessary to examine the relationship between the time of acquisition and the number of improvements.

The chi-square test was significant at 0.0019. As Table 4.17 shows, over the years there has been an increasing number of parcels with no improvements. This is to be expected as stress on crop husbandry has declined tremendously since the late 1960s. The table also reveals that there are very few parcels acquired since 1961 with five or more improvements. For example, of the 104 parcels acquired since 1975, 47 had no improvements at all while 48 had three or less.

TABLE 4.17  
Time of Acquisition, by Number of Improvements

TIME OF ACQUISITION	NUMBER OF IMPROVEMENTS										TOTAL
	0	1	2	3	4	5	6	7	8	9	
Before 1940	9	6	8	5	4	6	0	0	1	2	41
1941-50	10	13	6	5	7	5	3	1	2	2	54
1951-60	22	16	19	14	8	4	4	2	7	4	100
1960-75	36	29	14	9	15	7	6	1	0	3	120
Since 1975	47	20	22	6	4	3	1	1	0	0	104
Total	124	84	69	39	38	25	14	5	10	11	419

It was thus necessary to examine the number of improvements by parcel mode of tenure separately for the different times of acquisition. This analysis showed that for parcels acquired before 1940 and since 1961, there are no significant differences in the number of improvements for the various modes of tenure. However, as shown in Tables 4.18 and 4.19, the results for 1941-50 and 1951-60 are significant. Table 5.16 indicates that there are no exogenously titled parcels without at least one improvement. On the other hand in Table 5.17, there was a high percentage of exogenously titled parcels with seven or more improvements.

Thus for parcels acquired from 1941 to 1960 there appears to be a proportionately higher percentage of improvements on the exogenously titled parcels. However, these parcels were acquired before the Pilot Scheme, and the improvements appear unrelated to titling of parcels in the area.

TABLE 4.18  
Number of Improvements for Parcels Acquired 1941-50,  
by Mode of Parcel Tenure

NO. OF IMPROVEMENTS	MODE OF TENURE				TOTAL
	Titled (Endog.)	Titled (Exog.)	Unreg. Freehold	Untitled (Kibanja)	
0	2	0	0	5	7
1-3	5	6	0	13	24
4-6	2	5	0	8	15
7+	10	14	0	27	51

TABLE 4.19  
Number of Improvements for Parcels Acquired 1951-60,  
by Mode of Parcel Tenure

NO. OF IMPROVEMENTS	MODE OF TENURE				TOTAL
	Titled (Endog.)	Titled (Exog.)	Unreg. Freehold	Untitled (Kibanja)	
0	1	10	2	8	21
1-3	8	14	2	25	49
4-6	3	5	0	8	16
7+	1	11	0	1	13
Total	13	40	4	42	99

**Household Characteristics.** Having examined the relationship between the number of improvements (since acquisition) with parcel mode of tenure and the parcel characteristics, we now turn to a similar examination of household characteristics. We start by looking at the relationship between household characteristics and household mode of tenure. In this case, for some characteristics the data has to be analysed in two ways. First for the household heads and secondly for the total population composition--i.e., considering all the people in the households studied. The results for the chi-square test are summarized in Table 4.20 below.

TABLE 4.20  
Results of Chi-Square Test Between  
Household Characteristics and Household Mode of Tenure

HOUSEHOLD CHARACTERISTICS	CONSIDERING WHOLE POPULATION	CONSIDERING HOUSEHOLD HEADS
Sex	highly nonsignificant	highly nonsignificant
Age	significant - 0.0073	significant - 0.0039
Education	significant - 0.0000	significant - 0.0063
Main occupation	significant - 0.0036	nonsignificant
Secondary occupation	significant - 0.0000	significant - 0.0004
Average monthly income from main occupation	-	significant - 0.0906
Average monthly income from secondary occupation	significant - 0.0028	significant - 0.0131
Length of stay in area	n.a.	significant - 0.0034
Time away	n.a.	nonsignificant
Reasons for moving	n.a.	(most born in area)
Major occupation before farming	mainly agriculture	mainly agriculture
Membership of committees:		
- Land Adjudication	significant - 0.0131	significant - 0.0651
- Village Development	nonsignificant	significant - 0.0041
- Farming Cooperative	nonsignificant	nonsignificant
- Saving and Credit	nonsignificant	significant - 0.0002
- Other	nonsignificant	nonsignificant

A number of remarks can be made about these results.

1. As noted earlier (section on gender issues), over 94 percent of the household heads in all modes of tenure were male. Indeed there were no female

household heads in the sample for the exogenously titled parcels. No conclusions can thus be drawn concerning gender of household head and tenure other than the most basic, that women hold very little (almost no?) land.

2. As shown in Table 4.21, 56.4 percent of the household heads of the exogenously titled parcels were more than 60 years old. This contrasts with the other groups where the median age group was 41-50. On the other hand, for the whole population 55.8 percent were below 20 years old. This is in line with population age distributions in most developing countries.

TABLE 4.21  
Age of Household Heads, by Household Mode of Tenure

MODE OF TENURE	A G E						TOTAL	
	0-20	21-30	31-40	41-50	51-60	61-70		70+
Titled endog.	-	-	9 (22.0%)	10 (24.4%)	9 (22.0%)	7 (17.1%)	6 (14.6%)	41
Titled exog.	-	-	1 (2.6%)	8 (20.5%)	8 (20.5%)	11 (28.2%)	11 (28.2%)	39
Unreg. freehold	1 (3.2%)	3 (9.7%)	9 (29.0%)	9 (29.0%)	4 (12.9%)	4 (12.9%)	1 (3.2%)	31
Untitled (kibanja)	-	15 (15.8%)	16 (16.8%)	27 (28.4%)	17 (17.9%)	12 (12.6%)	8 (8.4%)	95
Total (column)	1 (0.5%)	18 (8.7%)	35 (16.9%)	54 (26.1%)	38 (18.4%)	34 (16.4%)	26 (12.6%)	207

Note: The percentages are for the row.

3. The percentage of household heads with no education was 30.8 while that with primary/junior education was 50.2. Thus there were very few highly educated household heads in the total sample--only 4.6 percent had secondary or higher education. However, 8 percent of the heads had obtained adult education. The percentage of household heads with no education was 41.0 for the exogenously titled parcels. This compares with 38.7 percent for the unregistered freeholds and less than 29 percent for the other groups. Being older (see above), it is probably understandable that most of the exogenously titled parcel holders did not attend school. Schools only became widespread in the 1960s.

4. The main occupation of the household heads was farming (at least 66.7 percent of the heads) in all groups. However, as many as 12.6 percent of untitled (kibanja) parcel owners gave labourer/porter as their main occupation.

5. Beer brewing was the most common second occupation (27.8 percent of household heads) followed by farming. Each group had a few traders/shopkeepers (3.4 per of heads) and artisans (2.1 percent). However, for the untitled parcels (bibanja) labourer/porter was the second main occupation (11.6 percent of the heads). Thus a good proportion of (bibanja) holders had labourer/porter as either their main or secondary occupation.

6. As shown in Table 4.22, there were high percentages of household heads whose monthly incomes from the main occupation were less than Uganda Shs 100/=. The owners of exogenously titled parcels had a relatively lower percentage (2.6) earning more than Sh 9,000/=.

TABLE 4.22  
Distribution of Monthly Income from Main Occupation,  
by Household Mode of Tenure (household heads only)

INCOME (U. Shs)	TITLED (Endog.)	TITLED (Exog.)	UNREG. FREEHOLD	UNTITLED (Kibanja)	TOTAL
0-100	28 (68.3%)	27 (69.2%)	12 (38.7%)	48 (50.5%)	115 (55.3%)
101-500	6 (14.6%)	9 (23.1%)	13 (41.9%)	24 (25.3%)	52 (25.2%)
501-1,000	2 (4.9%)	2 (5.1%)	-	4 (4.2%)	8 (3.9%)
1,001-5,000	1 (2.4%)	-	1 (3.2%)	3 (3.2%)	5 (2.4%)
5,001-9,000	-	-	-	-	-
9,000+	4 (9.8%)	1 (2.6%)	5 (16.1%)	16 (16.8%)	26 (12.6%)
Total	41	39	31	95	206

Note: The percentages are for the column.

7. As shown in Table 3.21, there were high percentages in the income groups U.Shs 101-500/= and greater than 9000/=. Thus it appears people earned more income from the second occupation than the main one. It should be noted that in this study main and second occupations were defined by amount of time spent.

TABLE 4.23  
 Distribution of Monthly Income from Secondary Occupation,  
 by Household Mode of Tenure (household heads only)

INCOME (U. Shs)	TITLED (Endog.)	TITLED (Exog.)	UNREG. FREEHOLD	UNTITLED (Kibanja)	TOTAL	ROW %
0-100	3	5	2	7	18	7.6
101-500	18	16	7	28	75	31.9
501-1,000	8	2	3	4	24	10.2
1,001-5,000	4	1	5	7	17	7.2
5,001-9,000	-	-	-	-	-	-
9,000+	8	15	14	49	101	43.0
Total	41	39	31	95	235	-

8. With regard to length of stay in the area, none of the respondents (household heads) had settled in the last five years. In fact very few had settled in the last ten years. This is probably a reflection of the high population density and thus no immigration. Overall, 74.7 percent of the heads were born in the area. Another 23.2 percent had been there more than 10 years. The exogenously titled parcel owners had the highest percentage (43.6) who had moved to the area but had come more than 10 years previous. These were followed by the unregistered freehold holders (35.5 percent) and the endogenously titled parcel holders at 31.7 percent. On the other hand, 86.4 percent of the untitled parcel (**bibanja**) owners were born in the area and this is possibly why they still adhere to customary systems of land ownership and gender practices.

9. Overall, 92.8 percent of the household heads stay in the area all year round. Indeed, for the exogenously titled parcels all the heads in the sample stayed in the area all year round.

10. The most important reasons for moving to the area were, in descending order: to gain additional land, to join relatives and to look for employment. However, as there were only 58 household heads in the sample who had moved into the area, the cross-tabulations gave too few cell results to establish any patterns between the modes of tenure.

11. Household heads with exogenously titled parcels had the lowest percentages of membership in the village development committee, the farming

co-operative and the savings and credit society with the lowest percentages of 10.3, 5.1 and zero respectively. However, overall membership on these village committees was very low in the area.

Having examined the relationship between household characteristics and mode of tenure, it is now necessary to also examine the relationship between the household characteristics and the number of improvements since acquisition.

Relationship Between the Household Characteristics and the Improvements Since Acquisition. Before studying this relationship some points need to be noted. First of all, the analysis at this stage was only done for household heads. Secondly, for many of the characteristics the respondents in the study were mainly in one or two classes. For instance, only eight household heads were female; the main and second occupations were mainly farming; as for length of stay and reason for moving to the area, most of the respondents were born in the area. Thus for these characteristics there was no need for cross-tabulation with the number of improvements. Thirdly, for yet other characteristics the numbers were too few to allow any meaningful analysis. This included length of stay and reasons for moving in the area, membership on the various committees, second occupation and major occupation before farming. Fourthly, to obtain the number of improvements made by the household a summary was made of all the improvements made on each parcel owned by the household head.

Therefore the analysis was limited to age, education and average monthly incomes from the main and second occupations. However, except for age, chi-square tests between the number of improvements and the other characteristics were highly non-significant. For education, part of the difficulty was that, as mentioned above, 81 percent of the respondents had either no education or up to primary/junior education. For these two groups there were no significant differences in the number of improvements. It was, however, interesting to note that of the 15 respondents with adult education each had made at least one improvement, leading to the supposition that somebody keen enough to obtain adult education is likely to be a progressive farmer. Also, there were relatively few cases of respondents with no improvements at all at the higher income levels.

For age, the results of which are shown in Table 4.24, the chi-square test was significant at 0.128 and thus not conclusive. It should, however, be noted that all the respondents with 11 or more improvements were older than 41 years. Indeed, of the seven respondents with fifteen or more improvements, four were over 70 years old.

The results indicating that time of acquisition affects the number of improvements, it is to be expected that the age of respondent should also affect the number of improvements. Time of acquisition and age should be related. A cross-tabulation of the household mode of tenure by the number of improvements for the different age groups indicated that the highest number of improvements for the untitled (**bibanja**) parcel owners was in the age group 41-50, while for titled (both endogenously and exogenously) parcel owners the highest number was in the 61-70 age group.

TABLE 4.24  
Age of Household Heads, by Number of Improvements

NO. OF IMPROVEMENTS	AGE GROUPS						TOTAL	ROW %
	21-30	31-40	41-50	51-60	61-70	70+		
0	4	7	9	4	3	2	29	14.9
1-5	9	11	29	23	20	12	104	53.6
6-10	2	5	10	11	15	6	49	25.3
11-15	0	0	2	1	1	1	5	2.6
15+	0	0	1	1	1	4	7	3.6
Total	15	23	51	40	40	25	194	
Column %	7.7	11.9	26.3	20.6	20.6	12.9		

It can therefore be concluded that in this study except possibly for age, the household characteristics could not be proved to have had any major impact on the number of improvements made since acquisition. For education and average monthly income from both the main and the second occupations the chi-square test results were non-significant, indicating that they did not influence the making of improvements. It is also possible that the monthly income figures are not entirely accurate.

Investment in the Land. As a gauge of land investment, two indicators were computed, namely a capital land/ratio and the value of livestock.

a. Value of Capital per Unit of Land (Land/Capital Ratio). A capital-to-land ratio was constructed for each household by taking the value of the capital assets and equipment owned by the household and dividing it by the total area of the holding. (The area of the holding was taken to be the total area of all the parcels within the parish managed by either the head or spouse.) For the assets and equipment, after inspecting the data through frequency counts, we narrowed our focus to only those capital assets which differentiated among households (either in terms of number or terms of item). Thus hoes were not included in the valuation as virtually every household had at least one hoe. On the other hand, radios, pick-up trucks, tractors, crushers and sprays were dropped as no respondent owned any. (The complete list of assets and equipment can be found in section 9 of the questionnaire, Appendix II.)

The prices used in the valuation were collected by the research team using the village questionnaire and asking selected respondents in the study area the average and range of prices for the various items. (It was not

possible, however, to allow for any depreciation that could have occurred on any of these items.) The results obtained are shown in Table 4.25 below. However, a one-way analysis of variance on the ratios for the various household modes of tenure was highly non-significant.

TABLE 4.25  
Mean Capital/Land Ratio for the Various Modes of Tenure

MODE OF TENURE	MEAN CAPITAL/LAND RATIO	NO. OF CASES	STANDARD DEVIATION
Endogenously registered	287.84	22	931.085
Exogenously registered	112.203	38	147.604
Unregistered freehold	944.625	8	2,531.756
Untitled (kibanja)	455.906	93	2,042.620

The lowest ratios were for exogenously titled parcels, followed by endogenously titled parcels. Unregistered freehold had the highest ratio but there were only eight cases, so in reality untitled (bibanja) had the highest ratio.

TABLE 4.26  
Mean Value of Stock, by Household Mode of Tenure

MODE OF TENURE	MEAN (U. Shs)	STANDARD DEVIATION	NO. OF CASES
Endogenously registered	73,684.62	84,349.02	26
Exogenously registered	55,863.16	75,594.97	19
Unregistered freehold	68,672.73	151,739.68	11
Untitled (kibanja)	25,526.39	42,818.47	72

The lowest mean is for the untitled parcel (bibanja) owners.

b. **Value of Livestock.** It would have also been interesting to compute a ratio of the value of livestock per unit of land for the various modes of tenure. However, the data collected did not give all the land used for grazing animals. No data was collected for communal grazing land, yet all of the cows were local breeds or crosses and a high proportion grazed on communal land. However, a one-way analysis of variance on the value of stock was highly non-significant.

#### 4.2.3 Hypothesis 3: Provision of Registered Individual Title Leads to More Progressive Use of Land

Under this hypothesis we examine three major issues:

- a. Provision of registered individual title leads to more progressive use of the land;
- b. Provision of registered individual title leads to better husbandry practices; and
- c. Land productivity leads to higher yields.

Progressive Use of Land. More progressive use of land can be indicated by:

- The proportion of holding devoted to commercial crops versus subsistence crops;
- Proportion of holding devoted to purely traditional cash crops versus food crops;
- Proportion of holding devoted to livestock production versus agricultural production.

Because of current problems in defining commercial or purely traditional crops and subsistence crops, it was decided to define coffee and plantain as the former and all the rest as subsistence crops. A ratio was then computed for each holding and a one-way analysis of variance made between the various household modes of tenure. The results, given in Table 4.27 were only significant at 0.27 and thus non-significant.

It should be noted that in all cases the mean ratio is much higher than one, indicating that the area under cash crops is larger than that under subsistence crops. However, the untitled (bibanja) parcels had the highest ratios followed by the endogenously registered parcels.

Husbandry Practices. As indications of better husbandry practices, we looked at the following:

- Livestock management practices;
- Use of modern inputs; and
- Nature of activities for hired labour.

TABLE 4.27  
Ratio of Cash/Subsistence Crops

	MEAN RATIO OF CASH/SUBSISTENCE CROPS	NO. OF CASES	STANDARD DEVIATION
Endogenously registered	5.47	20	7.6
Exogenously registered	5.05	24	9.70
Unregistered freehold	2.39	13	3.15
Untitled ( <b>bibanja</b> )	8.16	67	11.03

Note: (1) Cash and subsistence crop areas are derived from farmers' own estimates.

(2) In order to avoid an infinitely high ratio when all the holding land was under cash crops and thus land under subsistence crops was zero, the value of the ratio was fixed at 30. This number was arrived at after inspecting the other ratios and finding out that none of them was higher than 30.

a. **Livestock Management Practices.** The practices considered were: (a) grazing/tethering on communal land; (b) grazing/tethering on (own) fallow land (this included paddocking); (c) grazing/tethering on rented/borrowed land; (d) zero grazing; and (e) keeping the livestock with other households.

In the sample although there were no respondents with exotic cows, 16 respondents had improved or crossed cattle. Of these 8 had a subset of their parcels registered, 6 had endogenously registered parcels, while there was one each under the unregistered freehold and untitled (**bibanja**) categories, and none for the exogenously registered parcels. Further, there were seven cases of zero grazing out of the 16 owners of crossed cattle. Three of these were for the endogenously registered parcels with the other four being for those with a subset of the parcels registered. Therefore these two had the highest percentages of crossed cattle ownership and in both cases 50 percent of them were practicing zero grazing, one of the most advanced management practices for cattle.

The results for local cattle breeds and sheep/goats are given in Tables 4.28 and 4.29, respectively. On the whole, fewer owners of untitled parcels (**bibanja**) (28.4 percent) had cattle. This compared to 56.7 percent for the endogenously registered, 41.9 percent for the unregistered freehold and 38.5 percent for the exogenously registered parcel owners.

In all modes of tenure, livestock was mostly grazed/tethered on the landholder's own fallow land, a practice obviously the result of the lack of land due to population pressure. However, those on untitled land (**bibanja**) were least likely to do so, instead grazing/tethering their cattle on communal land (29.6 percent) and keeping the livestock with other households (18.5 percent). These results are shown in Table 4.28.

TABLE 4.28  
Management Practices for Local Cattle, by Household Mode of Tenure

MANAGEMENT PRACTICES	MODE OF TENURE				TOTAL
	Endog. Reg.	Exog. Reg.	Untitled (Bibanja)	Unreg. Freehold	
G/T comm. land	5 (22.7%)	4 (26.7%)	8 (29.6%)	-	17
G/T fallow land	11 (50.0%)	11 (73.3%)	10 (37.0%)	9 (69.2%)	41
G/T rented borrowed land	2 (9.1%)	-	1 (3.7%)	-	3
Zero grazing	3 (13.6%)	-	3 (11.1%)	1 (7.7%)	7
Kept with other HH	1 (4.5%)	-	5 (18.5%)	3 (23.1%)	9
Total	22	15	27	13	77

Note: The percentages are for the column.

Paddocking, the best management practice, was included in the grazing/tethering on one's own fallow land category. It can therefore be concluded that the owners of exogenously registered parcels have the best management practices for local cattle, with 73.3 percent of them grazing their cattle in this fashion. They are followed by holders of unregistered freehold with 69.2 percent; holders of the endogenously registered parcels had 50.0 percent with the untitled parcel (**bibanja**) owners coming last at 37.0 percent. However, as shown in Table 4.12, the untitled parcels tend to be smaller than both the endogenously and the exogenously registered parcels, and it is very likely that **bibanja** holders have very little fallow land for livestock grazing.

Table 4.29 shows that most respondents grazed or tethered their sheep and goats on their own fallow land. (Sheep and goats, it should be noted, require less land than cattle.) Finally, in the sample there were no cases of exotic

chickens or deep-litter chicken-keeping. However, the percentage of respondents with chickens was 50.5 percent for the untitled parcel (bibanja) owners while it was higher than 61.5 percent for all the other modes of tenure.

TABLE 4.29  
Management Practices for Local Sheep/Goats, by Household Mode of Tenure

MANAGEMENT PRACTICES	MODE OF TENURE				TOTAL
	Endog. Reg.	Exog. Reg.	Untitled (Kibanja)	Unreg. Freehold	
G/T comm. land	4 (19.0%)	5 (38.5%)	12 (26.1%)	2 (22.2%)	23
G/T fallow land	15 (71.4%)	7 (53.8%)	32 (69.6%)	6 (66.7%)	60
G/T rented borrowed land	-	1 (7.6%)	1 (2.2%)	-	2
Zero grazing	1 (4.8%)	-	1 (2.2%)	1 (11.1%)	3
Kept with other HH	1 (4.8%)	-	-	-	1
Total	21	13	46	9	89

Note: The percentages are for the column.

b. Use of Modern Inputs. The results on the use of modern agricultural inputs are given in Table 4.30. It should be noted that none of the respondents reported any use of fertilizers. Overall, however, 47.5 percent of the respondents claimed to use manure, the lowest percentages using manure being found in the unregistered freeholds (29.0 percent) followed by the exogenously registered (35.9 percent); the highest percentage was for the untitled parcel (bibanja) owners (54.9) closely followed by the endogenously registered with 53.9 percent.

Questioning of respondents elicited the information that the few cases of pesticide use that were reported were for tomato production. It is also interesting to note that there is generally more use of inputs for animal husbandry than for crops. However, the use of the veterinary drugs by the untitled parcel (bibanja) owners is low. This is no doubt because, as noted above, they have fewer livestock. In addition, only 2.1 percent of bibanja holders use improved seeds, the lowest percentage. Use of veterinary drugs is

also low among the exogenously registered parcel owners. Overall, however, the results were not statistically significant between the various modes of tenure.

TABLE 4.30  
Use of Inputs, by Household Mode of Tenure

INPUTS	MODE OF TENURE				TOTAL
	Endog. Reg.	Exog. Reg.	Untitled (Kibania)	Unreg. Freehold	
Manure	22 (53.7%)	14 (35.0%)	52 (54.7%)	9 (29.0%)	97 (47.1%)
Pesticide	1 (2.4%)	2 (5.1%)	1 (1.1%)	-	4 (1.9%)
Herbicide	1 (2.4%)	-	-	-	1 (0.5%)
Improved seeds	4 (9.8%)	5 (12.8%)	2 (2.1%)	7 (22.6%)	17 (8.3%)
Acaricide*	12 (29.3%)	3 (7.7%)	14 (14.7%K)	6 (19.4%)	35 (17.0%)
Mineral lick	15 (36.6%)	5 (12.8%)	9 (9.5%)	6 (19.4%)	35 (17.0%)
Other vet. drugs	4 (9.8%)	-	5 (5.3%)	2 (6.5%)	11 (5.3%)
No. of households	41	39	95	31	206

\* Acaricide is used to kill snails.

Note: The percentages are for the column.

c. Nature of Activities for Hired Labour. The results of questions on the nature of activities for hired labour are given in Table 4.31. Overall the highest percentages are for the endogenously registered parcel holders. By way of contrast, there is a very low incidence of labour use in the exogenously registered and untitled parcel (**bibanja**) holders.

TABLE 4.31  
Activities for Hired Labour, by Household Mode of Tenure

ACTIVITY	MODE OF TENURE				TOTAL	ROW %
	Endog. Reg.	Exog. Reg.	Untitled (Kibanja)	Unreg. Freehold		
Bush clearing	14 (34.1%)	6 (15.4%)	3 (3.2%)	2 (6.5%)	25	12.1
First plowing	6 (14.6%)	1 (2.6%)	6 (6.3%)	1 (3.2%)	14	6.8
Second plowing	6 (14.6%)	1 (2.6%)	6 (6.3%)	1 (3.2%)	14	6.8
Harrowing	-	-	1 (1.1%)	-	1	0.5
Planting	4 (9.8%)	4 (10.3%)	-	3 (9.7%)	11	5.3
Thinning	3 (7.3%)	1 (2.6%)	2 (2.1%)	1 (3.2%)	7	3.4
Weeding	9 (22.0%)	4 (10.3%)	11 (11.6%)	4 (12.9%)	28	13.6
Pruning	-	-	-	-		
Ridging	2 (4.9%)	1 (2.6%)	-	-	3	1.5
Harvesting	3 (7.3%)	1 (2.6%)	5 (5.3%)	2 (6.5%)	11	5.3
Herdsman	5 (12.2%)	-	1 (1.1%)	2 (6.5%)	8	3.9
Total	41	39	95	31	206	

Note: The percentages in parentheses are for the column.

**Higher Yields.** The overall effect of provision of a registered individual title, greater numbers of improvements and investments is expected to be improved productivity and hence higher yields. In other words, we

expect owners of registered freehold to have on average higher yields. However, as stated earlier, one would require time-series data on yield rates of various crops. Further, during this study it was not possible to measure area or yields for the various crops. Rather, the respondents were asked the areas and production of the various crops they grew. Of all these crops, however, it is only coffee where the respondents are considered capable of giving any useful data. Coffee growing is carried out by about 25 percent of the respondents in all modes of tenure. Coffee is a perennial crop for which respondents are well aware of the basic information such as yields and area of cultivation. The yield rates for coffee have been computed by dividing the production (in sacks) by the area. These are given in Table 4.32.

TABLE 4.32  
Yields of Coffee, by Household Mode of Tenure

MODE OF TENURE	YIELD (sacks/acre)	KG/ACRE	NO. OF CASES	STANDARD DEVIATION
Endogenously registered	4.64	278	9	2.39
Exogenously registered	7.87	472	10	10.08
Unregistered freehold	9.85	591	9	10.30
Untitled (kibanja)	8.76	526	22	8.27
Total	7.74	464	59	7.84

Note: A sack is assumed to weigh 60 kg.

The national average production of coffee is considered to be 10-15 sacks per acre (600-900 kg) while the overall mean here is about eight sacks per acre (464 kg). We consider this to be a reasonably accurate figure as observation in the area showed that respondents do not look after coffee well. Thus their average is likely to be below the national average.

A one-way analysis of variance on the means of the various modes of tenure was highly non-significant, indicating no significant differences in yields for coffee. However, as Table 4.32 shows, the lowest yield is for the endogenously registered holders (4.64 sacks) while that for the unregistered freeholds is the highest at 9.85 sacks per acre.

## CHAPTER SIX

### Summary and Conclusions

The general objective of this study was to establish the impact of the Pilot Scheme on agricultural and general economic development in the study area. The main issues considered included land tenure conditions which are more conducive to faster agricultural and economic development, parcel and household characteristics most conducive to titling and the impact on farmers' behaviour. In light of those issues we formulated the following hypotheses:

1. Provision of a registered individual title to a parcel gives the holder greater security of tenure and a more robust set of rights to use and deal with the parcel.
2. Provision of a registered individual title to land promotes investments in the land.
3. Provision of a registered individual title to land leads to more progressive use of the land.

Since surveying and the issuing of freehold titles continued not only in the Pilot Scheme area in Nyakaina Parish, but also in other parishes in the whole of Rukungiri district, every single parish in the area had some parcels surveyed and registered. By the time of this study, households in both the Pilot Scheme in Nyakaina and the chosen control area in Kyamakanda Parish had been characterised by access to land under various modes of tenure. The classification of parcels and household according to modes of tenure at the time of acquisition became necessary. This formed the basis of analysis and facilitated in visualising the extent of multiple modes of tenure experiences in the study area.

The purpose of this classification was made to group households which faced similar constraints and institutional environments regarding their mode of access to land resources. The tenure situation faced was either an endogenous decision, which was a voluntary choice, or an exogenous decision, which was a constrained decision to register--constrained in the sense that the registration was very heavily promoted among the households in the Pilot Scheme in Nyakaina Parish. Those households had no choice, and all their parcels were categorised as titled parcels under exogenous decision. Under the voluntary choice (endogenous decision) were categorised titled parcels which correspond to those parcels inherited or purchased after the end of the Pilot Scheme in 1969 in Nyakaina and those registered outside the scheme in Kyamakanda Parish. Untitled parcels (bibanja) under the endogenous decision belong to households which had a choice to register their parcels but did not register. There was another category of those households who had some of their parcels registered and others not registered, viz. subset registered

parcels. Since there were only 32 households in this category, the group was dropped from the analysis (see Appendix I).

On the basis of the classifications outlined above, a sample survey was designed to collect empirical data and each hypothesis was tested after which the following findings and conclusions were established.

Regarding the hypothesis that provision of a registered individual title to a parcel gives the holder greater security of tenure and a more robust set of rights to use and deal with the parcel, the findings of this study are that respondents with titled parcels had a more comprehensive set of rights than those with untitled ones. Those owning exogenously titled parcels, however, claimed to enjoy fewer rights than the endogenously titled parcels. This was due to problems of the level of awareness of the rights among the respondents. For each mode of tenure the households claimed usufruct rights. The nature of rights that differentiated the modes of parcel tenure most were generally transfer rights. These included rights to sell, rights to donate, rights to mortgage, rights to pledge, rights to rent, rights to bequeath and rights to register.

The study established that landholders felt that it was necessary to gain approval of some sort before exercising transfer rights. The commonest source of approval is immediate members of the family. The study also established that many respondents with titled parcels are not aware that they have full transfer rights. This is largely due to strong family and communal ties, which tend to discourage rugged individualism.

It was established that untitled parcels (bibanja) have more disputes than the titled parcels under freehold tenure. There are more boundary disputes than any other nature of disputes followed with ownership disputes, thus associating registered parcels with a higher level of security than the untitled parcels.

A higher proportion of disputes on titled parcels is solved at a lower level by neighbours, elders, resistance committees, while a high proportion of disputes on untitled parcels are solved at a high level by chiefs and police. The involvement of chiefs in settlement disputes over unregistered land may reflect a residual of community authority. Freeholders, on the other hand, may not see chiefs as having any authority over freehold and prefer either to settle their disputes at the lower levels or to continue to press their cases up to the level of the courts. It is possible that many of them regard the courts as the appropriate level to resolve disputes concerning parcels whose tenure is governed by statutory law.

All respondents indicated that the process of registration is too costly, slow and, in most cases complicated for an average farmer. The biggest hindrances to registration were indicated by most respondents to be the high costs of registration and the popularly perceived complexity of the process of registration itself.

Analysing the benefits of land registration, security against eviction from land was ranked as the most important, followed by security against land disputes. Collateral for credit was ranked last by all respondents of all

modes of tenure. This is not surprising since even those who have titles have not actually used them to obtain credit. This may be explained in terms of the low level of commercial transactions through financing institutions in the area. It should be noted, however, that security for credit is recognised by all respondents whether with titled or untitled parcels as an additional benefit of physically possessing a title to land.

Regarding sales and purchases, there were more of them on titled parcels than on untitled parcels (bibanja). The reason given for sales or purchases among both modes of tenure is lack of sufficient land for subsistence while the most important reason given is shortage of cash.

As regards women's access to land, it was established that among other factors private ownership of land modifies the traditional process whereby daughters did not inherit parcels of land and a woman could not purchase a piece of land on her own right. The process has been facilitated by a gradual breakdown of the customary mode of tenure whereby land was owned collectively by members of a lineage or clan. It was, however, established that there are conservative tendencies, against women holding land, among the household heads with exogenously titled parcels and those with untitled parcels. Transferring land to women is more acceptable among young men than among elderly men.

It is important to note that despite a lack of significant differences among the parcel and household characteristics in determining modes of tenure, there are strong indications that households with titled parcels enjoy a more robust set of rights, especially the transfer rights which, in this study, differentiate the modes of tenure. That is, households with titled parcels possess a more extensive set of rights over these parcels which permit them greater freedom of action. Besides that, land disputes on freehold parcels are solved at a lower level than disputes on untitled parcels. All respondents recognised security against eviction from land as the most important advantage of land titling. Awareness of the transfer rights one may exercise depends on the holder's perception of the rights, which in turn depends on the household characteristics.

Turning to hypothesis that provision of a registered individual title to land promotes investments and improvements, it was established that those who had participated in the Pilot Scheme had the highest number of improvements on their parcels. The study established that there is a relationship between the mode of parcel tenure and the number of improvements. However, the decision to carry out improvements is also influenced by various parcel and household characteristics. The results indicate that there are significant relationships between the mode of tenure and parcel size, topography and time of acquisition. It was established that there is a tendency not to undertake improvements on small size parcels particularly those below one acre.

It was further established that mulching is the most common type of improvement on all modes of tenure. This is understandable because plantain is the most common crop grown in the area. The most important finding with regard to improvements is that there is a tendency for those households with untitled parcels (bibanja) to concentrate on non-permanent improvements such as mulching and continuous manuring whereas those households on titled parcels, especially in the Pilot Scheme, had invested in permanent

improvements such as fencing, terracing and construction of access roads. It is important to note that over the years, there has been an increasing number of parcels with no improvements. This was expected as stress on crop husbandry has tremendously decreased since the late 1960s.

For parcels acquired during the period 1941-1960, there appears to have been a proportionately higher percentage of improvements on exogenously titled parcels. However, the bulk of this period was before the Pilot Scheme, so it does not appear that titling had anything to do with the improvements undertaken.

Regarding household characteristics, it can be concluded that in this study, except for age, the household characteristics cannot be proved to have had any major impact on the number of improvements made since acquisition.

Regarding investment on the land, our findings were somewhat unexpected. The mean Capital/Land ratios were lowest for exogenously titled parcels, followed by endogenously titled parcels. The untitled parcels had the highest capital/land ratio, but the lowest mean value of livestock.

Turning to the hypothesis that provision of a registered individual title to land leads to progressive use of land, it was established that the owners of exogenously registered parcels had the best management practices for local cattle, followed by the unregistered freehold, with the untitled parcel (**bibanja**) owners coming last.

The results on the use of modern agricultural inputs show that the endogenously registered owners exhibited a higher percentage of use than the owners of exogenously registered parcels, though just second to the untitled parcel owners in respect of the utilization of manure. None of the respondents used fertilizers. There was, however, more use of veterinary inputs than insecticides on crops, except on tomatoes. There was generally little use of hired labour, especially among the exogenously registered and untitled parcel (**bibanja**) holders.

In conclusion it is important to note that the Pilot Scheme in the area sparked off surveying and issuing of titles in the neighbouring parishes to such an extent that by the time of this study, none of the parishes in the area and the whole of Rukungiri district was without at least some private land owners. Unlike in other areas, acquisition of land titles was here undertaken by the local people on their small holdings and not just by a few big shots in the area. Thus, the Pilot Scheme succeeded in individualising land ownership for smallholders.

The level of awareness regarding the advantages of land titling, especially security against eviction from land, reduction in land disputes and possibly access to credit facilities was enhanced in the area. With regard to credit facilities, however, for many years there was hardly any financial institution for credit in the area and general infrastructure for marketing, roads, farm supply shops for inputs, tractor hire services, and research and extension services were generally lacking. This explains why the level of agricultural development was lower than expected.

That titled farmers invest more than untitled farmers, undertake more land improvements, utilize more inputs and have significantly higher productivity as asserted by Feder (1987) according to our findings depends on the level of development of supporting institutions and facilities in the area together with the holders' perceptions. Despite some mixed results noted above, this study shows that given a certain level of infrastructure and supporting institutions such as marketing and financial institutions, land titling facilitates agricultural and general economic development.

Considering the results of this study in the context of Uganda as a whole, it is observed that although farmers feel secure on holdings under customary mode of land tenure, land titling is perceived to add to security of tenure. Close observations reveal that even where customary tenure tends to be traditionally rooted, land use is on individual basis either on the household level or by an organised group of people. The clan or community may have considerable hold over land but development is based on the initiative of individuals or organised groups. The trend of land tenure in Uganda, and indeed in many parts of Africa, is towards individualisation of use rights.

REFERENCES

- Baker, P.V. 1975. Megarry's Manual of the Law of Real Property. 5th ed. London: Stevens and Sons.
- Beattie, J. 1971. The Nyoro State. Oxford: Oxford University Press.
- Bruce, J.W. 1986. Land Tenure Issues in Project Design and Strategies for Agricultural Development in sub-Saharan Africa. LTC Paper, no. 128. Madison: Land Tenure Center, University of Wisconsin.
- Butagira, F. 1969. "Mailo Tenure in Buganda." In Land Law Reform in East Africa, edited by J. Obol-Ochola. Kampala: Uganda Press Trust.
- Cheshire, G.C. 1967. Modern Law of Real Property. 10th ed. London: Butterworths.
- East African Royal Commission. 1955. Report. Cmd. no. 9475. London: HMSO.
- Edel, M.M. 1969. The Chiga of Western Uganda. London: International African Institute.
- Feder, G. 1987. "Land Registration and Titling from an Economist's Perspective: A Case Study of Rural Thailand." Discussion Paper Report, no. ARU 65. Washington, D.C.: World Bank.
- Feder, G., and R. Noronha. 1987. "Land Rights Systems and Agricultural Development in sub-Saharan Africa." Discussion Paper Report, no. ARU 64. Washington, D.C.: World Bank.
- FAO (Food and Agriculture Organization). 1985a. The Legal Status of Rural Women. Rome: FAO.
- \_\_\_\_\_. 1985b. Women and Landlessness. Rome: FAO.
- Gayer, C.M.A. 1957. "Report on Land Tenure in Bugishu." In Land Tenure in Uganda. Entebbe: Government Printer.
- Green, J.K. 1987. Evaluating the Impact of Consolidation of Holdings, Individualization of Tenure and Registration of Title: Lessons from Kenya. LTC Paper, no. 129. Madison: Land Tenure Center, University of Wisconsin.
- IBRD (International Bank for Reconstruction and Development). 1961. The Economic Development of Uganda. Entebbe: Government Printer.
- Jacoby, E.H. 1966. Evaluation of Agrarian Structure and Agrarian Reform Programmes. Rome: Food and Agriculture Organization.

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Kemp, J.H. 1981. "Legal and Informal Land Tenures in Thailand." Modern Asian Studies 15(1).

Jaenson, C., J. Harmsworth, T. Kabwegyere, and P. Muzaale. 1984. "The Uganda Social and Institutional Profile." Prepared for USAID/Uganda by Experiment in International Living. Agency for International Development, Contract no. 617-0135-C-00-3013-00. Kampala.

Lawrance, J.C.D. 1963. Fragmentation and Agricultural Land in Uganda. Entebbe: Government Printer.

Lawrance, J.C.D., and J.M. Byagagaire. 1957. "The Effect of Customs of Inheritance on Subdivision and Fragmentation of Land in South Kigezi." In Land Tenure in Uganda. Entebbe: Government Printer.

Luswata, F.J. 1969. "The Implications of Land Tenure to Agricultural Development Projects in Uganda." In Land Law Reform in East Africa, edited by J. Obol-Ochola. Kampala: Uganda Press Trust.

Makubuya, E.K. 1981. "Land Law Reform and Rural Development in Uganda." In Rural Rehabilitation and Development: Proceedings of the Conference on Rural Rehabilitation and Development Organized by the Faculty of Social Sciences at Makerere University, 14-18 September 1981, edited by A. Nsibambi and J. Katorobo, vol. 1, pp. 303-329. N.p.

Morris, H.F., and J.S. Read. 1966. Uganda: The Development of its Laws and Constitution. London: Stevens and Sons.

Mugerwa, E.B. 1973. "The Position of the Mailo-Owners in the Peasantry Society in Buganda: A Case Study of Muge and Lukoye Villages." B.A. thesis, Department of Political Sciences, University of Dar-es-Salaam, Tanzania.

Munster, Earl of. 1961. Report of the Uganda Relationships Committee. Entebbe: Government Printer.

Obol-Ochola, J.Y. 1971. "Customary Land Law and Economic Development in Uganda." LL.M. thesis, University of Dar-es-Salaam, Tanzania.

Perlman, M.L. 1961. Land Tenure in Toro. Kampala: EAISR, Makerere University.

Richards, I.A. 1963. "Some Effects of the Introduction of Individual Freehold into Buganda." In African Agrarian Systems, edited by D. Biebuyck. London: International African Institute.

Richards, I.A., F. Sturrock, and J.M. Fortt. 1973. Subsistence to Commercial Farming in Present Day Buganda: An Economic and Anthropological Survey. London: Cambridge University Press.

Roscoe, J. 1911. The Baganda. London: Macmillan.

Roth, M., R. Barrows, M. Carter, and D. Kanel. 1989. "Land Ownership Security and Farm Investment: Comment." American Journal of Agricultural Economics 71: 211-214.

Uganda, Government of. 1955. Land Tenure Proposals. Entebbe: Government Printer.

\_\_\_\_\_. Acts and Treaties.

- (a) Crown Lands (Declaration) Ordinance, 1922.
- (b) The Public Lands Ordinance, 1962.
- (c) Crown Lands (Adjudication) Rules, 1958.
- (d) Public Lands (Adjudication) Rules, 1967.
- (e) The Public Lands Act, 1969 (Act no. 13 of 1969).
- (f) The Land Reform Decree, 1975 (Decree no. 3 of 1975).

Warriner, D. 1969. Land Reform in Principle and Practice. Oxford: Oxford University Press.

\_\_\_\_\_. 1964. "Land Reform and Economic Development." In Agriculture in Economic Development, edited by C. Eicher and L. Witt. New York: McGraw-Hill.

West, H.W. 1972. Land Policy in Buganda. London: Cambridge University Press.

\_\_\_\_\_. 1964. The Mailo System in Buganda. Entebbe: Government Printer.

APPENDIX I:  
TITLED AND UNTITLED PARCELS IN GROUP G

Of the 238 households sampled in the study, 32 had multiple parcels, some of which had been registered and others not. The number of households falling into this category (Group G) is, of course, too small to draw firm conclusions, but it is worth investigating this group further to see what parcel and household characteristics are related to registration.

The first issue to consider was that the household characteristics in Group G were such that they were induced to register a parcel of land depending on its characteristics. The next step was to establish the characteristics of the parcels which had been endogenously registered against those parcels which had not been registered by the households in this group. Thus, comparison could be made between the titled and untitled parcels in. The issue to examine was whether the parcel characteristics between the registered and unregistered parcels were different. As shown under the Structural Economic Model, the possible parcel characteristics include soil quality, distance from the homestead, slope or topography, size or area, and major improvements made to the parcel prior to acquisition by the current owner. However, for this study data was only available on the last three characteristics.

The characteristics for topography covered whether parcels were on flat land or hillsides, in swamps or other types of topography. The results are given in Table A.1 below.

TABLE A.1  
Comparison of Topography between  
Titled and Untitled Parcels in Group G

	T O P O G R A P H Y					Total
	Flat Land	Hillside	Swamp	Others	N/S	
Titled (row percent)	8 (16.7)	23 (47.9)	2 (4.2)	15 (31.3)	-	48
Untitled (row percent)	16 (33.3)	20 (41.7)	-	11 (22.9)	-	48
Total	24	43	2	26	2.1	

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As indicated by the row percentages, the distribution pattern under different types of topography does not reflect any major differences between the titled and the untitled parcels. The only, and not very important, exception are the two titled parcels (about 4 percent) in swamp areas; none of the untitled parcels is in a swamp. The evidence regarding topography is therefore not conclusive. In fact the chi-square value was 6.49 and significant at 0.165 level. Thus, the null hypothesis of equality of topography characteristics cannot be rejected even at the 10 percent level of significance.

The results for the size or area of the parcels are given in Table A.2. The mean of titled parcels is 4.2 acres and that of untitled parcels is 2.6 acres. The t-test was significant at 0.054. However, one cannot conclusively say that the smaller the parcel the less attractive it is to register it. This is because the titled parcels exhibited a skewed mean due to one exceptionally large parcel of 35 acres. When this parcel is excluded the mean for the titled parcels is 3.49 acres, which remains larger than for the untitled parcels.

TABLE A.2  
Comparison of Size of Parcels between  
Titled and Untitled Parcels in Group G

	A R E A (acres)				Total	Mean
	< 1	1-5	6-10	> 10		
Titled (row percent)	11 (22.9)	27 (56.3)	9 (18.8)	1 (2.1)	48 -	4.15 -
Untitled (row percent)	17 (35.4)	25 (52.1)	6 (12.5)	0 -	48 -	2.58 -

Note: The computed chi-square was 11.503 and was significant at 0.3196.

One cannot therefore reject conclusively the null hypotheses of equality of the parcel characteristics of size or area.

We also wanted to know whether improvements on a parcel prior to its acquisition played any part in registration of the piece of land. The data given in Table A.3 below reveal that they are highly non-significant. It should, however, be noted that in light of the topography in the study area, some of the improvements such as terracing are not applicable.

As indicated earlier, there was no technical investigation made of soil differences between titled and untitled parcels. General observation, however, reveals that the topography and soils of the area are generally the same throughout. Indeed, the total area involved is fairly small and thus can be expected to be homogeneous.

**TABLE A.3**  
**Comparison of Improvements prior to Acquisition in Group G**

	NO. OF IMPROVEMENTS						
	0	1	2	3	4	5	6
Titled (row percent)	24 (50.0)	16 (33.3)	5 (10.4)	2 (4.2)	1 (2.1)	-	-
Untitled (row percent)	22 (45.8)	16 (33.3)	6 (12.5)	3 (6.3)	-	-	1 (2.1)

Note: The computed chi-square was 2.377 and was significant at 0.79.

Another variable which would have been useful to analyze is the distance each parcel was from the homestead; unfortunately, we were not able to collect the necessary data.

Parcel Characteristics of Subset and Endogenously Registered Parcels

Because we did not obtain conclusive differences between the characteristics of registered and unregistered parcels held by the households in Group G who had a choice to register, we decided to compare parcel characteristics between those parcels which were endogenously registered held by households in Group E and the subset of registered parcels in Group G. Since all of the parcels had been registered, it was anticipated that all would have similar parcel characteristics.

The analysis revealed mixed results. We established some similarity of parcel characteristics in respect to size (area) and improvements prior to registration. For topography, shown in Table A.4 the chi-square test was significant at the 0.0156 level, implying that the topography was different. The evidence reveals that the registered parcels tend to be larger than the unregistered. On the other hand, we found that improvements made prior to acquisition of the land did not play any part in inducing registration. In general, neither test was sufficiently conclusive to dismiss or prove the hypothesis that parcel characteristics are related to registration.

General Observations on Parcel Characteristics

It is probably not surprising to note that the study did not reveal much difference between the parcel characteristics of the registered and the unregistered parcels. There are several possible explanations. First, from

general observation of the study area, we learned that there are no distinct geographical features that would hinder or promote registration. All the area is generally good for agricultural purposes and the soils are generally of the same type. Secondly, the area is already experiencing population pressure to such an extent that even swamps, locally considered as marginal pieces of land, have been developed. Thirdly, as in the case of holders of unregistered parcels on public land today, the inhabitants feel confident that their tenure is secure.

TABLE A.4  
Comparison of Topography between  
Titled and Untitled Parcels in Groups E and G

	T O P O G R A P H Y					Total
	Flat Land	Hillside	Swamp	Others	N/S	
Reg. endog. (row percent)	12 (21.1)	39 (68.4)	- -	5 (8.8)	1 (1.8)	57
Subset reg. (row percent)	8 (16.7)	23 (47.9)	2 (4.2)	15 (31.3)	- -	48
Total	20	62	2	20	1	105

### Household Characteristics

In regard to household characteristics of the households with titled parcels in Groups E and G, the basic assumption was that the household characteristics would be the same. The rationale underlying that assumption is that since the households have all or a subset of their parcels registered and face the same tenure situation, their household characteristics should be the same.

The data were analysed in two ways. First we considered household heads and then the total population in the households of the two groups. For the household heads, some household characteristics are non-significantly different. These include education, major occupation before farming, and membership in land adjudication committees and farming cooperatives.

On the other hand, average monthly income from the main occupation and length of residence in the area as well as second occupation and membership in savings and credit societies gave results which were not conclusive. Average monthly income from the second occupation and membership on the village development committee were all significantly different, counter to the expected results. A summary of the significantly different results from chi-square tests is given in Table A.5 below.

TABLE A.5  
**Comparison of Household Characteristics among  
 Households with Titled Parcels in Groups E and G  
 (level of significance)**

CHARACTERISTICS	TOTAL SAMPLE	HOUSEHOLD HEADS	REMARKS
Monthly income from:			
- main occupation	0.03	0.11	sig. for total popula- tion; not significant for household heads
- second occupation	0.39	0.03	significant for heads
Type of second occupation	0.0019	0.16	significant for total sample
Lengths of stay	0.3	0.18	not conclusive
Membership to committees:	<u>Others</u>	<u>Head</u>	
- Village Development	0.10	0.06	significant

When household characteristics were analysed on the basis of total household composition, some characteristics such as monthly income from the main occupation, second occupation and membership on the village development committee were found to be statistically significant. On the other hand, education, average monthly income from the second occupation, the length of residence in the area, the major occupation before farming, membership in the Land Adjudication Committee and the Farming Cooperative Society together with membership in other committees were, as expected, statistically non-significant. Regarding average monthly incomes from the main and second occupations, the households with a subset of parcels registered had higher incomes.

As expected, membership on the village development committee together with membership on the savings and credit society were statistically non-significant. This can be explained because a member of a household elected to either the village development committee or a savings and credit co-operative society tends to be progressive and development-oriented and to have access to capital for development purposes.

The overall conclusion to be drawn from both the data for the household heads and the total household composition in Groups E and G is that the results are not conclusive as to whether the household characteristics are the same. In other words, the characteristics of the households with all the parcels endogenously registered and those with only a subset of parcels endogenously registered could not be proved the same.

#### Comparison of Household Characteristics Between Group F and G

Similarly, household characteristics among households with untitled parcels (bibanja) (Group F) and households with a subset of parcels registered (Group G) were analysed. The assumption was that the household characteristics would be different because those in Group F did not utilise the opportunity to register when they had a choice to do so, while those with a subset of parcels registered only registered some of the parcels under their possession. The analysis was again done by first taking the household heads and then the total household composition.

For the household heads, the results from the study indicate that the average monthly income from the main and second occupations, the type of second occupation, the lengths of residence in the area, membership in farming cooperatives plus membership in the savings and credit societies were, as expected, significant. However, education and membership on the land adjudication committee, village development committee and other committees were not significant. The results from the major occupation before farming were not conclusive.

On the other hand, considering the total household composition, the results from the study indicate that education, average monthly income from the main and second occupation, type of second occupation, length of residence, membership in farming cooperatives together with savings and credit cooperative societies were, again as expected, significantly different. The other characteristics, including major occupation before farming and membership on land adjudication, village development and other committees, were non-significant, results that were counter to what was expected.

On the whole, it appears the hypothesis of differences of household characteristics was generally proven between those households with all parcels untitled (bibanja) and households with some registered parcels. However, a number of points should be made:

1. Group G contained 32 households whereas Group F had 126; there were thus many empty cells in the cross-tabulations for Group G.
2. For the average monthly income from the main occupation the chi-square test was significant. But the t-test on the average income was not significant, implying that there were differences in income distribution but not in average income.
3. In both respects the average income from the second occupation was higher than the main occupation. It should also be noted that occupation (first or second) was defined by the length of engagement other than by level of income.

4. The percentage of the household heads born in the area or who had settled more than ten years previous was higher in Group F than in Group G.
5. For membership in the village development committee, farming cooperatives and savings and credit societies, the percentage of households with a subset of registered parcels was generally higher than for those with untitled parcels.

APPENDIX II:  
THE HOUSEHOLD QUESTIONNAIRE

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LAND TENURE STUDY, RUJUMBURA COUNTY

RUKUNGIRI DISTRICT, UGANDA

HOUSEHOLD QUESTIONNAIRE

PARISH \_\_\_\_\_ CODE \_\_\_\_\_

VILLAGE \_\_\_\_\_ CODE \_\_\_\_\_

NAME OF HOUSEHOLD HEAD \_\_\_\_\_

HOUSEHOLD SERIAL NUMBER \_\_\_\_\_

NAME OF ENUMERATOR \_\_\_\_\_

DATE OF INTERVIEW \_\_\_\_\_

ENUMERATOR'S OBSERVATIONS ON INTERVIEW

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. Socio-Economic Characteristics of households members

Household \_\_\_\_\_

Name	Sex	Age	Relation to head	Highest level of Education		OCCUPATION				Time away in the last 12 months		
				Formal	Informal	Main	Average monthly income	Second	Average monthly income	In months	Occupation while away	Cash Remittances

M 01 - Head	01 - married	<u>Formal Education:</u>	None	- 01	<u>Occupation:</u>		
02 - Husband	02 - Widowed		Primary/Junior	- 02	01 - Farming	13 - Fisherman	
F 03 - Wife	03 - Divorced		Secondary	- 03	02 - Teaching	14 - Beer Brewer	
04 - Child	04 - Single		TTC/Technical	- 04	03 - Artisan		
05 - Father			University	- 05	04 - Civil Servant	15 - Other (Specify)	
06 - Mother		<u>Informal Education:</u>	None	- 06	05 - Trader/Shopkeeper		
07 - brother			Adult Education	- 07	06 - Labourer/Porter	16 - None	
08 - Sister			Artisan Training	- 08	07 - Health Worker		
09 - Grandchild			Listening to Radio	- 09	08 - Student		
10 - Other relative			Other (specify)	- 10	09 - Houseworker		
11 - Other non-relative					10 - Retired		
					11 - Unemployed		
					12 - Military/Police		



### 3.1 Household Land Inventory and Characteristics

Household \_\_\_\_\_

Parcel Name/Description	Parcel	Location	Land Tenure	Acquisition Method	If Registered who holds the title	Acquisition		Est. Area (Acres)	Topography	Managed by
						Since when	cost share			
	01									
	02									
	03									
	04									
	05									
	06									
	07									
	08									
	09									
	10									

- |   |   |  |  |
|---|---|--|--|
| <p><u>Location</u></p> <ol style="list-style-type: none"> <li>1. Within Parish</li> <li>2. Outside Parish</li> <li>3. within sub-county</li> <li>3. Outside Parish</li> <li>4. outside sub-county</li> </ol> <p><u>Land Tenure</u></p> <ol style="list-style-type: none"> <li>1. Reg. Freehold</li> <li>2. Unreg. Freehold</li> <li>3. Leasehold</li> <li>4. Customary</li> <li>5. Kibanja</li> <li>7. Rented in</li> </ol> | <p><u>Acquisition Method</u></p> <ol style="list-style-type: none"> <li>1. Inherited</li> <li>2. Purchased</li> <li>3. Leased in</li> <li>4. Gift/Donation</li> <li>5. Eented</li> <li>6. Share cropped</li> <li>7. Pledged</li> <li>8. Borrowed</li> <li>9. Adjudicated</li> <li>10. Through Marriage</li> </ol> | <p><u>Topography</u></p> <ol style="list-style-type: none"> <li>1. Flat Land</li> <li>2. hillside</li> <li>3. Swamp</li> <li>4. Other</li> </ol> <p><u>Who holds title</u></p> <ol style="list-style-type: none"> <li>1. Household head</li> <li>2. Original owner</li> <li>3. Survey office</li> <li>4. Don't know</li> </ol> | <p><u>managed by</u></p> <ol style="list-style-type: none"> <li>01 - Head</li> <li>02 - husband</li> <li>03 - Wife</li> <li>04 - Child</li> <li>05 - Father</li> <li>06 - mother</li> <li>07 - brother</li> <li>08 - Sister</li> <li>09 - Grand Child</li> <li>10 - Other relative</li> <li>11 - Other non-relative</li> </ol> |
|---|---|--|--|

3.1.1 Improvements and Investments

Household \_\_\_\_\_

Indicate the relevant Code

Parcel	Fencing	Drainage	Wind Break	Tree/ Agro-Forestry	Tree Crop	Access Road	Continuous Manuring	Liming	Making Beds	Terracing/ Trenching	Irrigation Work	Mulching	Remov. Stumps	bonding	Ridging	Grass Striping
01																
02																
03																
04																
05																
06																
07																
08																
09																
10																

Existing of time of acquisition - 1  
 Executed since Acquisition - 2  
 Both of the above - 3  
 Not applicable - 4  
 None - 5

Household \_\_\_\_\_

3.1.2 Subdivision

Parcel	As of 1960 or adjudication, was it part of a larger parcel? If so, who originally owned original parcel	Into how many parcels has original been divided?
01		
02		
03		
04		
05		
06		
07		
08		
09		
10		

Answer: No; or if answer is Yes, identify owner as:

1. household head
2. Father
3. Mother
4. Other relative
5. Other non-relative

If parcel has not been subdivided, enter zero (0). Never enter (1)

Household \_\_\_\_\_

3.2 Household Field Inventory within Parish

Parcel #	Field #	Crops Grown if farmed by RH Description if rented/ lent  Code	Area (est.) in acres	<u>Crops Grown/</u> <u>Description:</u> Rented out - 01 Lent - 02 Share-cropped - 03 Fallow - 04 Paddock/ cowshed - 05  The List of Crops

Household \_\_\_\_\_

**3.3 Use of Inputs over the last 12 months**

Field Code		Input	Code	Qty	Measurement Unit	Price per unit	Mode of Finance
Parcel #	Field #						

- Purchased by household - 1
- Gift from relative - 2
- Gift from Church - 3
- Gift from other - 4
- Own farm - 5
- Other (specify) - 6

Input

- Fertilizer - 1
- Manure - 2
- Pesticide - 3
- Herbicide - 4
- Improved seeds - 5
- Acaricides - 6
- Mineral Lick - 7
- Spray pumps - 8
- Other Vet. Drugs - 9

**3.3.1 Which of the following items have you ever used in the past?**

- Fertilizer \_\_\_\_\_ Field Code: \_\_\_\_\_
- manure \_\_\_\_\_ Field Code: \_\_\_\_\_
- Pesticide \_\_\_\_\_ Field Code: \_\_\_\_\_
- Herbicide \_\_\_\_\_ Field Code: \_\_\_\_\_
- Improved seeds \_\_\_\_\_

Household \_\_\_\_\_

3.4 Hired Labour/Machine Services

Field Parcel #	Code Field #	Operation	Code	Tractor/ Manual	Cost		Type
					Qty	Measurement Unit	

- Operation
- Bush Clearing - 01
  - 1st Ploughing - 02
  - 2nd Ploughing - 03
  - Harrowing - 04
  - Planting - 05
  - Thinning - 06
  - Weeding - 07
  - Pruning - 08
  - Ridging - 09
  - Harvesting - 10

Household # \_\_\_\_\_

3.5 Output over the: Last season - annual crops  
12 months - perennial crops

Field Code		Output	Code	Qty	Measurement Unit	Price	Destination	Code
Parcel #	Field #							

Destination:      Output:  
 Local market - 1  
 Home consumption - 2  
 Storage - 3  
 Co-operative - 4  
 Trader - 5  
 Other - 6

Household # \_\_\_\_\_

3.6.1 Specific Land Rights by Tenure Type

3.6.1 Use Rights

Do you have the following	Freehold		Leasehold		Customary		Squatter		Rent/Borrow		Kibanja	
	Choice	# of Seasons	Choice	# of Seasons	Choice	# of Seasons	Choice	# of Seasons	Choice	# of Seasons	Choice	# of Seasons
Growing of Perennial Crops												
Growing of Annual Crops												
Permanent Improvement												
Burial												
Wild Fruit Collection												
Firewood Collection												
Cutting wild Commercial trees												

Choice:

1. Yes
2. No
3. Don't know

# of seasons:

- For one season - 1
- For more than one season - 2
- None, not applicable - 3

Household # \_\_\_\_\_

3.6.2 Transfer Rights

Do you have the following	Freehold		Leasehold		Customary		Squatter		Rent/Borrow		Kibanja	
	Approval	From	Approval	From	Approval	From	Approval	From	Approval	From	Approval	From
Right to sell												
Right to gift												
Right to mortgage												
Right to rent												
Right to bequeath												
Right to register												

Approval:

1. Yes
2. No
3. Don't know

From:

- lineage . -- 1
- Family -- 2
- Both of the above - 3
- None of the above -- 4
- Other (specify) - 5

Household # \_\_\_\_\_

3.6.3 Exclusion Rights

Rights to exclude  
non-household members  
from:

	Free-hold	Leasehold	Customary	Squatter	Rent/Borrow	Kibanja
Collecting wild Fruits						
Collecting Firewood						
Grazing animals						
Working animals						
Drawing water						
Using Footpath						
Cutting Tree						

Yes -1

No -2

Don't know -3

Household # \_\_\_\_\_

3.6.4 Do any members of your household have any rights over land in this location that is farmed by other household? (Excluding land rented by you to other persons).

Tick the relevant answer.

	Yes	No	Don't know
Collecting Wild Fruits			
Collecting Firewood			
Grazing animals			
Watering animals			
Drawing water			
Using Footpath			
Cutting Tree			

Household # \_\_\_\_\_

3.6.5 Land Disputes in the last five years

Land Tenure Type	Nature of Dispute	Who settled the dispute
Freehold		
Leasehold		
Customary		
Kibanja		
Renting		
Borrowing		

Nature of Disputes

Who settled

- |  |                    |
|--|--------------------|
| 1. Boundary Disputes                         | 1. Neighbours      |
| 2. Dispute over ownership                    | 2. Elders          |
| 3. Inheritance Dispute                       | 3. Local Chief/RC. |
| 4. Grazing of Animals dispute                | 4. Court           |
| 5. Communal use dispute (Firewood,<br>Fruit) |                    |
| 6. Other Disputes (Specify)                  |                    |

Household # \_\_\_\_\_

4. Loan Description

4.1. Have you or any members of your household ever applied for a loan from any source in the last 5 years?

	Loan Application					
	1st	2nd	3rd	4th	5th	6th
Year						
Purpose						
Lender Type						
Amount applied for						
If Application successful:						
Amount received						
How was credit received						
Repayment period						
Interest rate						
Type of collateral required						
Outstanding Amount						
Actual use of credit						

Purpose:

1. Education
2. Non farm business.
3. Farming
4. Ceremony
5. Food and clothing

Lender Type

1. Relative
2. Money lender
3. Commodity Trader
4. Cooperative
5. Rural Bank
6. Commercial Bank
7. Neighbour

Form of Credit Received

1. Cash
2. Kind
3. mixed

Collateral

1. Land
2. Building
3. Animal
4. Co-signature
5. Group Loan

Actual Use:

1. Ag. inputs
2. Ag. implements
3. Labour hiring
4. Machine hiring
5. Non-Ag. use

4.2 If, during the last five years, you have not applied for a loan to a bank or a cooperative association, which of the following reasons are relevant (tick), and circle the most important.

- Had enough money for requirements \_\_\_\_\_
- No need \_\_\_\_\_
- Other available source \_\_\_\_\_
- Do not need requirement \_\_\_\_\_
- Lack of awareness \_\_\_\_\_
- Fear Debts \_\_\_\_\_
- No collateral, specially land title \_\_\_\_\_
- Fear loss of collateral, especially land title \_\_\_\_\_
- Other (specify) \_\_\_\_\_

4.3 Do you or any member of your household have a savings

Account with a Formal banking institution?

Yes \_\_\_\_\_ No \_\_\_\_\_

4.4 Is any member of the household a member of a local savings and credit association? (Tick if Yes)

- Formal Association \_\_\_\_\_
- Informal Association \_\_\_\_\_
- Both \_\_\_\_\_

Household # \_\_\_\_\_

5. Perceptions of Security of Access to Land

5.1 How many brothers and sisters do you have?

Brothers \_\_\_\_\_  
Sisters \_\_\_\_\_

5.2 How many of your brothers and sisters established their own farms?

Brothers \_\_\_\_\_  
Sisters \_\_\_\_\_

5.3 How many of your brothers and sisters who have established farms inherited land from your father?

Brother \_\_\_\_\_  
Sister \_\_\_\_\_

5.4 How many of your sons and daughters have established their own independent farms?

Sons \_\_\_\_\_  
Daughters \_\_\_\_\_

5.5 Which of the following are likely to inherit your land?

Your wife (1st) \_\_\_\_\_  
Your wife (2nd) \_\_\_\_\_  
Your wife (3rd) \_\_\_\_\_  
Your brother \_\_\_\_\_  
Your children \_\_\_\_\_  
Your nephews \_\_\_\_\_  
Your nieces \_\_\_\_\_  
Others (specify) \_\_\_\_\_

5.6 Is your land likely to be subdivided if inherited by more than one person?

Yes \_\_\_\_\_  
No \_\_\_\_\_

5.7 If your children will inherit the land, is there enough land for them?

Yes \_\_\_\_\_  
No \_\_\_\_\_

Household # \_\_\_\_\_

5.8 If there is not enough land, what plans do you have for those who may not have access to such land?

5.9 Some people have their land registered but do not have the title document; while others also have the title document.

	What are the benefits of registration <u>alone</u> (Tick) and circle the most important.	What are the additional benefits of having the land title (tick) and circle the most important.
Security against land dispute		
Security against eviction		
Use as security for credit		
Other (specify)		
None		
Don't know		

5.10 What are the reasons for non-registration of land (tick) and circle the most important.

- Prefer customary land tenure system \_\_\_\_\_
- Do not know registration procedure \_\_\_\_\_
- Registration procedure too complicated \_\_\_\_\_
- Registration procedure too costly \_\_\_\_\_
- Do not wish to upset family or neighbours \_\_\_\_\_
- Other (Specify) \_\_\_\_\_

5.11 What are the reasons for not obtaining the title document once land is registered?

Household # \_\_\_\_\_

6. Transaction in land

6.1.1 Have you ever participated in any of the following transactions?

If several transactions of same nature have taken place, give details concerning the most recent one.

	Occurance	Fixed (Cash or Kind) Share Crop)	Written Unwritten	Time Period
Sale of Freehold				Not applicable
Sale of Kibanja				
Land Rental				
Other (specify)				

Yes/No

Annual/Multi. Year

6.1.2 For those Land transactions in which you participated

(Q.6.1.1) which of the following reasons are relevant

(tick), and circle the most important.

	Short of Cash	Short of Labour	Moving out of area	Other (Specify)
Sale of Freehold				
Sale of Kibanja				
Land Rental				
Lending				
Other (Specify)				

Household # \_\_\_\_\_

6.2.1 Have you ever participated in any of the following transactions? If several transactions of the same nature have taken place, give details concerning the most recent one.

	Occurance	Fixed (cash or kind) Share rent (share crop)	Written Unwritten	Time Period
Purchase of Freehold				Not applicable
Purchase of Kibanja				
Land Rental				
Borrowing				
Other (specify)				

Yes/No

Annual/Multi. Year

6.2.2 For those land transactions in which you participated (Q.6.2.1) Which of the following reasons are relevant (Tick), and circle the most important.

	Access to diff.soils	Shortage of Land for subsistence	Shortage of Land for inheritance	Investment	Other (specify)
Purchase of Frechold					
Purchase of Kibanja					
Land Rental					
Borrowing					
Other (specify)					

Household # \_\_\_\_\_

6.3.1 Would you like to hold all your land in one place?

Yes \_\_\_\_\_ No \_\_\_\_\_

6.3.2 Here are some problems of fragmentation

Do you think they are important?

Yes | No

- 1. Lack of access to different soils
- 2. Increase crop and pest disease risks
- 3. Increase time spent going to and from parcel
- 4. Increase cost of operation (e.g. Tractor ploughing, transport)
- 5. Increase difficulty of management/supervision
- 6. Other (Specify) \_\_\_\_\_

6.3.3 Here are some of the advantages of Fragmentation.

Do you think they are important?

Yes | No

- 1. Access to different soils
- 2. Reduce crop and pest disease risks
- 3. Reduce time spent going to and fro parcel
- 4. Reduce cost of operation (e.g. tractor ploughing, transport)
- 5. Reduce difficulty of management/supervision
- 6. Other (specify) \_\_\_\_\_

Household # \_\_\_\_\_

7. Livestock Inventory

Type of Animal	Total Number	Management		Acquired Through			
		Main	Second	Purchase	Inherited	Reared	Gift
Exotic Adult Milk Cow							
Exotic Young Milk Cow							
Exotic bull and Bullocks							
Cross/Grade Mature Cow							
Cross/Grade Young Cow							
Cross/Grade Bulls & Bullocks							
Local Adult Male Cattle							
Local Young Male Cattle							
Local Adult Female Cattle							
Local Young Female Cattle							
Adult Sheep/Goat							
Young Sheep/Goat							
Adult Pig							
Young Pig							
Local Poultry							
Exotic Poultry							

- Management Practice:
1. Grazing/Tethering on Communal Land
  2. Grazing/Tethering on Fallow Land
  3. Grazing/Tethering on rented/borrowed land
  4. Zero grazing
  5. Kept with other household
  6. Free range (Poultry)

Household # \_\_\_\_\_

8. Household Dwelling Description

8.1 Construction material (Tick the relevant answer)

a) Roof - Roofing Material

Thatch	Iron Sheet/Tin	Tile/Slate	
_____	_____	_____	
Asbestos	Other		
_____	_____		_____

b) Condition of Roof

Good	Reasonable	Bad	
_____	_____	_____	_____

c) Wall - Wall material

Iron sheet	Mud/Wattle	Straw/Grass	Concrete/Brick/Block
_____	_____	_____	_____
Wood	Other		
_____	_____		_____

d) Condition of Wall

Good	Reasonable	Bad	
_____	_____	_____	_____

e) Floor - Floor Material

Concrete/tile	Timber	Earth/Dump	Other
_____	_____	_____	_____

8.2 Number of separate rooms in the house \_\_\_\_\_

8.3 Number of dwellings in this parish \_\_\_\_\_

Household # \_\_\_\_\_

9. Ownership of Capital Asset and Equipment

Number Currently Owned

	Number Currently Owned
Hoes	
Axes	
Slashers	
Pangas	
Watering Cans	
Wheelbarrows	
Prunning saws	
Chain saws	
Bicycle	
Radio	
Pick-up (Form vehicle)	
Tractor	
Plough	
Ox-Plough	
Trailer	
Harrow/Cultivator	
Sprayer	
Weeder	
Planter	
Dip	
Crusher	
Hand-spray	
Mechanical spray	
Spray-Race	
Housing of Stock	
Barbed wire Fencing	
Water Source	
Other (specify)	

Household # \_\_\_\_\_

9.2 Inventory of Farm and Non Farm Building Owned

	Number	Parcel # on which each is built (Ref:3.1)
<u>Farm building:</u>		
Store		
Barn		
Chicken house		
Livestock house/ shed		
<u>Non Farm buildings:</u>		
Restaaaurant		
Bar/Pub		
- Local Beer		
- Foreign Beer		
Shop		
House for renting		

9.3 Does the household own any of the following building outside  
the Parish?

<u>Building type:</u>	<u>Number owned</u>
Dwelling house	_____
Restaurant.	_____
Pub/Bar	_____
Shop	_____
Other (specify) _____	_____

Household # \_\_\_\_\_

10. Land Issue with Regard to Women

10.1 Do you have daughters who have established independent homesteads?

Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes how many? \_\_\_\_\_

1 2 3 4 5

10.2 How did each acquire the land?

(Use land acquisition code on page 3)

10.3 Will you give some land to any of your daughters?

Yes \_\_\_\_\_ No \_\_\_\_\_

10.4 If any of your daughters don't get married and still want land, how will they get it?

.....  
.....

10.5 Does any of the household land in your village belong specifically to a woman?

Yes \_\_\_\_\_ No \_\_\_\_\_

10.6 If Yes Name .....

10.7 If a woman wished to undertake some agricultural activity which require land could she obtain it?

Yes \_\_\_\_\_ No \_\_\_\_\_

10.8 If yes, How .....

10.9 If No, Why? .....

10.10 If you are to die would your wife or wives be assured of access to land?

No access \_\_\_\_\_

Through children \_\_\_\_\_

In her own right \_\_\_\_\_

APPENDIX III:  
THE VILLAGE QUESTIONNAIRE

Previous Page Blank

1.0 SAMPLE AREA

- 1.1 Village..... Altitude .....
- Parish..... Soil .....
- Sub-County..... Rainy Seasons.....
- County ..... District .....

2.0 DEMOGRAPHIC PARTICULARS

	Latest Census	Estimate
2.1 Total Population	.....	.....
2.2 Number of Households	.....	.....
2.3 Population Density	.....	.....

3.0 LOCATION AND COMMUNICATION

- 3.1 District Headquarters
  - 3.2 Nearest Principal (Main) Road
  - 3.3 Nearest Secondary School
  - 3.4 Nearest Primary School
  - 3.5 Nearest Post Office
  - 3.6 Nearest Commercial Bank
  - 3.7 Nearest Weekly Market
  - 3.8 Nearest Bus Station
- 4.0 Mode of public Transport available to each Village.

5.0 LAND CHARACTERISTICS

- 5.1 In your opinion would you say that those who have fallow land on their holdings are in the Majority/About 50 percent/Quite few.
- 5.2 Idle Land in the village

Location      Extent in Acres      Type of Land      Land Tenure

Previous Page Blank

Type of Land

Swamp

Steep Hill

Full of Stones

Rocky

Good Soils

Forest Area

Others (specify)

5.3 Which are the most important areas where people graze the livestock outside their own homes?

5.4 Indicate the number of people in this village who would like land but have no land at all.

Grown up Boys

Young men

Old men

Women

5.5 How many young men and householders who have left for other areas are farming?

5.6 How many young householders who may have immigrated to the area?

6.0 NON-FARM LABOUR

6.1 Are there any farms, government projects or any other sources of off-farm-employment in this village? If so, give the following details:

Type of Farm/Activity	Total Number of Employees	
	Men	Women
a)		
b)		
c)		
d)		
e)		

6.2 Do residents of this village go out for employment elsewhere apart from the activities already mentioned above?

6.3 Do people from other villages come to work in this village? If so, for what kind of work and during which seasons?

Kind of work	Season

7.0 FINANCIAL INSTITUTIONS

7.1 Is there any credit available for the following activities?

Activity	Source of Credit	Conditions
Buying farm equipment		
Improving land/fencing		
Improving livestock/poultry		
Setting small business		
Others: a)		
b)		
c)		

8.0 Is there marketing facilities in the village?

- Shop (retail)
- Store
- Farm supply shop
- Daily open market
- Weekly market
- Monthly market

9.0 Have there been recent cases of land disputes in this village?

Yes  No

If yes, how are they solved?

10. PRICES OF LIVESTOCK IN THE VILLAGE

TYPE OF ANIMAL	AVERAGE PRICE
Adult milk Cows	
Young Milk Cows	
Bull	
Adult Beef Cattle	
Young Beef Cattle	
Adult Goats	
Adult Sheep	
Young Goats	
Young Sheep	
Adult Pigs	
Young Pigs	
Poultry	
(Local)	
(Exotic)	
Other (specify)	
Rabbits,	
Donkeys,	
Turkeys,	
Ducks,	
Gaese	

11. EXTENT OF SUBDIVISIONS

Parcel No.	As of 1960 or adjudication, was in part of a larger parcel? If so who owned original parcel?	Into how many parcels has original been divided?	How large is each parcel in acres?	How did the current owner acquire it?
1			1.1	
			1.2	
			1.3	
			1.4	
			1.5	
			1.6	
2			2.1	
			2.2	
			2.3	
			2.4	
			2.5	
			2.6	
3			3.1	
			3.2	
			3.3	
			3.4	
			3.5	
			3.6	
			4.1	
			4.2	
			4.3	
			4.4	
			4.5	
			4.6	
			5.1	
			5.2	
			5.3	
			5.4	

Answer "No", or if answer is Yes, identify original owner as:

1. household head	1. inheritance
2. father	2. purchase
3. mother	3. Other (specify)
4. Other relative	
5. non-relative	

**APPENDIX IV:  
THE ENUMERATORS' MANUAL**

**Previous Page Blown**

Page 1. Enumerator's Observations on Interview:

This should include un-usual happenings that occur during the interview like:

- i. Whether or not the respondent was generally co-operative.
- ii. Whether there was any interferences that affected the interview.
- iii. Where there are more than one parcels belonging to the household head estimate their distance from the homestead.
- iv. Any other relevant information deemed useful to the study.  
e.g. whether head is away, any un-usual happenings during the interviews, etc.

Page 2. Name:

Indicate with (R) against the name of the member of the holding providing information (respondent) in case it is not the head. Only those persons currently eating and living in the household should be listed.

Age:

Is number of completed years - may have to probe to find out.

Education:

Adult Education stands for the type of education offered under the Literacy Campaign generally offered in Uganda by the Department of Community Development.

Farmers' Training:

This covers visits and explanations at Barazas by extension agents, together with any training at the District Farm Institutes etc.

Listening to Radio:

This is specifically confined to listening to radio farmers' programme.

Previous Page Blank

Occupation:

Main occupation is distinguished from second occupation by time engagement and not income. These occupations should be the current ones especially for the retired persons.

Time away from home:

Must be completed in terms of months.

Cash Remittances:

Only cash values in kind remittances for agricultural purposes are covered in Table 3.3 when asking the source of inputs.

Page 3.

2.0 Social-Economic Background about the Head of the Household.

2.1 Born Here:

Means that the parents were living in the same parish at the time the respondent was born.

2.2 District:

Refers to the current name of the district.

2.5 The respondent may not know the exact year - one has to deduce from the information given by the respondent through probing.

2.6 Land Adjudication Committees:

This refers to committees formed for the purposes of allocating land in 1958-64.

Village Development Committee:

This refers to any local committee constituted for the purpose of planning development in the area.

Farming Co-operatives:

Refers to a Co-operative Society for procurement of farm inputs and marketing crops.

Savings and Credit Society:

Refers to Co-operative Society formed for the purpose of mobilizing local Savings and Credit facilities. For all these questions if the respondent is not the Head, information should still as much as possible be given on the Head.

Page 4. Table 3.1.

Name of Parcels:

Parcels number one is always where the homestead is located. Name the rest by any common convenient form for ease of differentiation, say by the name of the village or name of the person adjacent to it. However, the names should be identifiable at the end of the study and on subsequent pages of the questionnaire.

Mode of Land Tenure:

Just fill in the appropriate mode as shown on the bottom of the same page.

Adjudicated Freehold Land:

This refers to land held under individual registered freehold title which was granted after ascertainment of customary rights by adjudication committees in the early 1960s.

Unregistered Freehold

Freehold where the title has not been transferred into the names of the secondary owner.

Leasehold:

This is a system of land whereby land has been leased to individuals or group of individuals by the Uganda Land Commission through the District Land Committees or by an individual owner as provided for in the Land Reform

Decree 1975.

Customary:

Under this system of Land Tenure a person had exclusive rights of using a land by virtue of either himself or his parents or relatives who lived in the community of the area for a long time.

Squatters.

This is whereby a person settles on land belonging to another person or institution without permission from the owner.

Managed by:

Who makes the decisions about a particular parcel e.g. what crops to grow.

Page 5.

- 3.1.1 On the table each column to which a number is given stands for a parcel as recorded in 3.1 on page 4
- Just tick against the appropriate improvements for each parcel on owned land.

Page 7.

3.2 Field Names and Numbers:

Start with Parcel No.1 until all the fields on it are covered, then move to other parcels. Field numbers should be differentiable. Should be given after a survey of all the fields which should be named by the major crops grown. It may be necessary to walk around the holding before determining the fields.

- Production:

Crops grown: Probe into all crops grown in the field during the last season as some might have been already harvested depending on the period of the study.

- Where a seasonal crop is interplanted with a mature perennial crop the latter is the main crop.
- Where seasonal crops are interplanted, judge the major crops by density of crops grown.
- Area: Farmer's estimate with the enumerator's help.

Pages 7 to 10

The Parcel and Field Nos: and Crops

As recorded in 3.2 page 7.

Page 8. Care should be taken in noting the measurement units e.g. where "Kimbo" tin is used could be different sizes. The price should correspond to the Measurement Units.

Pages 11 to 14.

3.6 On this table just tick the appropriate column - the rights corresponding to the parcels as in 3.1 page 4.

Page 9.

Type of payment when payment is in kind e.g. sacks, debes, bunches.

Indicate with a T or M if Tractor or Manual Labour - respectively.

Page 10.

- If a crop goes to different destinations, have to make as many entries as there are destinations - divide up the production e.g. coffee - 50 bags grown of which
  - 25 to co-operatives
  - 25 to private buyer.

Pages 11 to 13

Want to know the respondents' perceptions of use, transfer and exclusion rights for the different modes of Land Tenure

- so fill out whole table
- may have to explain the various modes of land tenure

Pages 11 to 14

3.6 On this table tick the appropriate column - the rights corresponding to the parcels as in 3.1 page 4.

A different set of pages 11 to 13 to be filled for each parcel. The household member has to be filled in on each page or even write the name of the holder on each page.

Page 12.

Mortgage - from bank - formal lender

Pledge - informal lender

Page 18.

Brothers and sisters - refer to immediate family i.e. the sons and daughters of the respondent's parents

- Children of the same father of the respondent.

Page 18.

5.5 If from table 1. should know if Head has more than one wife

- otherwise if one wife leave out 2nd and 3rd wives.

- Need care with wives - as the husband may not want their ordering to be known!!!

Page 19.

5.9 Interested in perceptions of the people as to what Registration and Titles ownership lead to.

Tick all relevant ones and circle the tick of the most important.

5.10 Tick all the relevant ones and circle the tick of the most important.

Page 16.

4.1 Only interested in loans for agricultural purposes.

Not interested in small consumption loans or very small loans for agricultural purposes e.g. Kilo of seeds or borrowing hoe.

Plus those loans obtained where land was used as collateral

Page 23

Livestock Inventory

- After going through means of acquisition, check that the total - adds to Total Number.

Main - Management Practice.

Defn: of Young "Enyana" as locally used as opposed to old.

There are cases of livestock kept with or for others, these should as much as possible be probed.

Page 24.

Household Dwelling Description

Observe directly wherever possible but explain to the respondent what is happening.

APPENDIX V:  
THE PUBLIC LAND ADJUDICATION RULES 1958

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Statutory Instrument 201-5

THE REPUBLIC LANDS (ADJUDICATION) RULES.

ARRANGEMENT OF RULES

Rule:

1. Citation and application.
2. Interpretation.
3. Declaration of adjudication areas.
4. Chairman of committee and quorum.
5. Application for adjudication.
6. Form of application.
7. Adjudication notice.
8. Committee to meet.
9. Marking of boundaries
10. Procedure at meeting
11. Certificate of Committee
12. Record of customary rights.
13. Inspection of certificates.
14. Appeal.
15. Verification of record.
16. Notice of names of persons adjudges as owners
17. Application for registration.
18. Saving.

Laws of Uganda (1964)  
Vol.XII

THE REPUBLIC LANDS ACT.

Statutory Instrument 201-5

The Public Lands (Adjudication) Rules. 1\*These rules, formerly known as the Crown lands (adjudication) Rules, were made under the Crown Lands Ordinance (Cap. 119, 1951 Revision) (now repealed) and remain in force by virtue of paragraph 6 of the Fifth Schedule to the Public Lands Act. 1 (Paragraph 6 of the Fifth Schedule to the act).

1. These Rules may be cited as the Public Lands (Adjudication) Rules and shall apply to such area or areas as the Minister may from time to time declare by statutory instrument.

2. In these Rules, unless the context otherwise requires "adjudication area" means a parish or part of a parish declared to be an adjudication area under the provisions of paragraph (1) of rule 3 of these Rules;

"chairman" means the chairman of a committee;

"committee" means an adjudication committee elected under rule 3

of these Rules;

"court" means the District African Court established under the African Courts Act;

"district commissioner", except for the purpose of rules 15 and 16 of these Rules, includes an assistant district commissioner;

"land" means public land.

3. (1) After the application of these Rules to any district or area, the district commissioner may from time to time by writing under his hand declare any parish or part thereof in that district or area to be an adjudication area and require any county chief in that district or area to make arrangements in accordance with these Rules for the election of an adjudication committee for each adjudication area in his country.

(2) Each county chief shall, on receiving a request from the district commissioner under paragraph (1) of this rule, call together the adult males residing in each adjudication area in his county to attend a meeting at such time and place as he shall appoint for the purpose of electing an adjudication committee for such adjudication area.

(3) An adjudication committee shall consist of not fewer than fifteen nor more than twenty-five male taxpayers (excluding the chairman) who shall be elected at a meeting called together under paragraph (2) of this rule.

(4) On the completion of the election of an adjudication committee under this rule, the county chief shall forward to the district commissioner the names and occupations of the persons elected together with his certificate that -

- a) Such persons were duly elected at a meeting summoned for such purposes; and
- b) that each such person resides in the adjudication area in respect of which the election was held.

(5) When any member of the committee -

- a) dies; or
- b) resigns from the committee; or
- c) ceases to reside in the ad

there shall be deemed to be a vacancy on the committee and the district commissioner may require the county chief to make arrangements for the election of another person in place of such member, and the provisions of paragraphs (1) and (2) of this rule shall, with all necessary modifications apply to filling of any such vacancy:

Provided that if during any period any member of a committee is temporarily unable to act by reason of absence, illness or other cause, the district commissioner may appoint another person to act temporarily in place of such person during such period.

(6) If at any time the district commissioner is satisfied that a committee is not performing its duties and functions under these Rules in a proper and efficient manner, he may dissolve such committee by writing under his hand addressed to the chairman thereof and thereafter he shall require the county chief to make arrangements, in accordance with the provisions of this rule, for the election of a new committee in place of the committee so dissolved.

(4) (1) The chairman of a committee shall be a parish or village chief exercising jurisdiction in or over the adjudication area for which the committee is elected.

(2) The chairman of a committee shall be entitled to vote at any meeting of such committee and shall in case of equality of voting, have a casting vote in addition to his original vote.

(3) A decision of the majority of the members of a committee present at any meeting thereof shall be deemed to be the decision of the committee:

Provided that no such decision shall be valid unless at least eight members of the committee are present at the meeting at which such decision is made.

(5) Where in any district or area to which these Rules have been applied any person who is in occupation of any land by virtue of any customary right is desirous of being registered as proprietor of a freehold estate in respect thereof, such person may apply in manner provided by these Rules to be adjudged the owner of such land by customary law.

(6) (1) An application under 5 of these Rules shall be made in writing addressed to the district commissioner and shall contain the following particulars -

a) the name of the applicant;  
b) the name of the father of the applicant;  
c) the sub-county, parish and village within which the land is situated,  
together with such other particulars as the district commissioner may consider necessary for the purpose of identifying such land.

(2) A separate application shall be made in respect of each parcel of land of which a person claims to be adjudged owner by customary law.

- (7) (1) Upon receipt of an application under these Rules, the district commissioner shall issue an adjudication notice which shall -
- a) specify the particulars required by paragraphy (1) of rule 6 of these Rules;
  - b) give notice that the application will be considered by the committee after the expiration of thirty days from the date of such notice.
- (2) Every adjudication notice issued under this rule shall be displayed in a prominent position at the office of the district commissioner and a copy of every such notice shall be -
- a) similarly displayed at the headquarters of the sub-county within which the land is situated;
  - b) forwarded to the chairman and to each member of committee and to the Commissioner of Lands and Surveys.
- (3) In the case of an application under these Rules made in respect of any parcel of land which lies partly within one adjudication area and partly within another, the district commissioner shall cause an adjudication notice to be forwarded to the chairman and committee for each such adjudication area and thereafter each such chairman and committee shall proceed to deal with the application, so far as it relates to such part of such parcel of land as lies wholly within such adjudication area, in the manner prescribed by the Rules.
- (8) On receipt of an adjudication notice under rule 7 of these rules the chairman shall cause the committee to meet after the expiration of thirty days from the date of such notice on or near the land to which such notice relates.
- (9) The chairman may, prior to a meeting of the committee require any applicant to mark with poles or other temporary marks the boundaries of the land in respect of which the applicants is made.
- (10) (1) A meeting of a committee shall be held in public and any person who wished so to do may make representations to such committee regarding -
- a) the boundaries; or
  - b) the ownership by customary law,
- of the parcel of land the subject of the application under consideration by the committee.

- (2) The Commissioner of Lands and Surveys shall be entitled to be present or to be represented by a surveyor at any meeting of a committee and the Commissioner or such surveyor shall be at liberty to ask any questions of person making representations to the committee relevant to the matters required to be decided by such committee.
  - (3) The chairman may summon to appear before the committee any person residing in the adjudication area who, in the opinion of the committee, may be able to make representations regarding an application.
- (1) (1) After hearing all representations made in respect of any application the committee shall -
- a) verify the boundaries of the land; and
  - b) determine whether or not the applicant is the person recognized as the owner of the land by customary law:

Provided that no verification or determination shall be made in respect of any land in relation to which action is pending before any court.

- (2) Immediately after the committee has reached a decision in respect of an application, the chairman shall forward to the district commissioner a certificate containing -
  - a) the name of the applicant;
  - b) the location of land;
  - c) the date of the decision of the committee;
  - d) the names of the members of the committee present at the meeting at which the decision was made;
  - e) the result of the voting on any matter concerning the application;
  - f) the decision of the committee whether the applicant is recognised as the owner of the land by customary law; and
  - g) a statement of any interest, lease, right, occupation charge or other encumbrance affecting the land, whether by virtue of customary law or otherwise, together with the name and description of every person entitled to the benefit thereof.
- (3) Every certificate under paragraph (2) of this rule shall be signed by all members of the committee present at the meeting which considered the application to which such certificate relates.
- (4) Immediately after the committee has reached a decision in respect of an application, the Commissioner of Lands

and Surveys shall cause the boundaries of the land to be marked in such manner as he shall think fit.

#### Record of Customary Rights:

(12) The district commissioner shall cause to be kept a record of customary rights adjudication upon under these Rules (in these Rules referred to as "the record") in respect of each adjudication area and shall insert therein every certificate forwarded to him under rule 11 of these Rules.

#### Inspection of certificate

(13) (1) If, not receiving a certificate under rule 11 of these Rules, he is satisfied that the provisions of these Rules in relation to the proceedings of the committee have been observed, the district commissioner shall cause a copy of such certificate to be forwarded to the appropriate sub-county chief together with a notice that such copy may be inspected at the office of such sub-county chief for a period of thirty days from the date of such notice.

(2) The provisions of paragraph (2) of rule 7 of these Rules shall, with all necessary modifications, apply to a notice issued under paragraph (1) of this rule.  
Appeal

(14) (1) Any person aggrieved by a decision of committee contained in any certificate in the record may within the period of thirty days referred to in rule 13 of these Rules appeal from such decision to the court which may confirm or vary such decision.

(2) Every appeal under paragraph (1) of this rule shall be made in the form of a petition in writing which shall set out the grounds upon which such appeal is made.

(3) Every appellant shall forward a copy of his petition to the district commissioner.

(4) The decision of the court on any appeal under this rule shall be final.

(15) (1) If within the period of thirty days referred to in rule 13 of these Rules no appeal is made from any decision of the committee contained in any certificate in the record, the district commissioner shall sign such record as correct.

(2) In the case of an appeal being made from any decision of the committee the district commissioner shall make

an entry in the record noting such appeal and shall after the expiration of the period of thirty days referred to in rule 13 of these Rules sign such record as correct except in so far as a certificate therein is the subject of a pending appeal.

(3) Upon the determination of an appeal under these Rules, the court shall, in addition to notifying the appellant, inform the district commissioner of its decision and thereupon the district commissioner shall make and sign such correction or other entry in the record as may be necessary to make the same accord with such decision.

(16) (1) At the time of signing the record as correct under rule 15 of these Rules, the district commissioner shall issue a notice containing the names of the persons adjudged to be the owners by customary law of the lands specified in such notice.

(2) Where a decision of a committee has been the subject of an appeal under these Rules, the district commissioner shall receiving the decision of the court, and after making such entry in the record under paragraph (3) of rule 15 of these Rules as may be necessary, issue a supplementary notice containing the particulars prescribed by paragraph (1) of this rule in respect of the persons and land affected by such decision.

(3) A copy of every notice under this rule shall be

- a) displayed in a prominent position at the office of the district commissioner and at the headquarters of the sub-county within which the lands specified in such notice are situated;
- b) forwarded to the chairman; and
- c) forwarded to the commissioner of Lands and Surveys and to the Region Lands and Surveys Officer.

(17) Any person whose name appears on a notice issued under rule 16 of these Rules may apply to the Commissioner of Lands and Surveys to be registered as the proprietor of an estate of freehold in respect of the land of which has been adjudged the owner by customary law and on payment of all prescribed fees shall be entitled to the issue of a certificate of title in the prescribed form in respect of such land.

(18) Nothing in these Rules shall be so constructed as to entitle any person to be

- a) adjudged the owner by customary law; or
- b) registered as the proprietor of an estate of freehold, of any land which, after survey, is found to be comprised within the boundaries of any land in respect of which -

- i) any person is the registered proprietor by virtue of the provisions of the Registration of Titles Act; or
- ii) any mining lease or temporary occupation licence is in existence; or
- iii) any road, forest, game or other reserve or national park has been declared; or
- iv) the ownership has been vested in any person; other than a controlling authority, by virtue of the provisions of any Act of Parliament.

THE REPUBLIC LANDS ACT

AND

THE REPUBLIC LANDS (ADJUDICATION) RULES.

Statutory Instrument 201-6

Applications of Public Lands (Adjudication) Rules.  
(Rule 1 of the Rules)

It is hereby declared that the said Rules shall apply to -

- a) the District of Kigezi;
- b) the Kingdom of Ankole; and
- c) the District of Bugisu.

Consequently reissued by

S1 39/67

**APPENDIX VI:  
THE LAND REFORM DECREE, DECREE 3 OF 1975**

Land Reform Decree  
THE LAND REFORM DECREE, 1975.

ARRANGEMENT OF SECTIONS.

Section.

1. All land to be public land.
2. Abolition of tenure greater than leasehold.
3. Customary tenure on public land
4. Sales, transfers of customary tenures.
5. Fresh acquisition of land.
6. Unlawful occupation of land.
7. Termination of customary tenures on conversion
8. Rents and other conditions to be covenants.
9. Definition of unused land.
10. Lessees may transfer interest
11. Protection of parties to transaction affected by Decree.
12. Administrative jurisdiction of Commission.
13. Lands Tribunal.
14. Lands Appeal Tribunal
15. Regulations.
16. Interpretation.
17. Commencement.

THE LAND REFORM DECREE, 1975.

A Decree to Provide For the Vesting of Title to all Land in Uganda in Trust For the People of Uganda. To Facilitate The Use of Land For Economic And Social Development and For Other Matters Connected Therewith.

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1. (1) With effect from the commencement of this Decree, all land in Uganda shall be public land to be administered by the Commission in accordance with the Public Lands Act, 1969, subject to such modifications as may be necessary to bring that Act into conformity with this Decree.
- (2) Without prejudice to the generality of sub-section (1) of this section, the following provisions of this Decree shall have effect with respect to the tenure and use of land in Uganda.
2. (1) There shall be no interest in land other than land held by the Commission which is greater than a leasehold, and accordingly, all freeholds in land and any absolute ownership, including mailo ownership, existing immediately before the commencement of this Decree are hereby converted into leaseholds.
- (2) Any interest converted by subsection (1) of this section shall be deemed, with effect from the said commencement, to be a leasehold granted by the Commission without the payment of a premium and accordingly, any other interests purchased, derived or otherwise held by grant under the interest so converted, are hereby also converted into sub-leases, subject to such terms and conditions which the commission may impose in relation thereto under the Public Lands Act, 1969:

Provided that the following shall not convert into sub-leases, that is to say,

- a) any holding on mailo land under the Busulu and Envujo Law; and
  - b) any holding under the freehold system created by the Ankole Landlord and Tenant Law and the Toro Landlord and Tenure Law.
- (3) The freeholds and ownerships, including the mailo ownership, as hereby converted shall, notwithstanding anything to the contrary, be for leaseholds for a period.
- a) in the case of public bodies, religious organisations and other charitable organisations, of one hundred and ninety-nine years, and
  - b) in case of individuals, of ninety-nine years and any other holdings thereunder shall be one day or more than one day less than such leasehold.
- (4) For the avoidance of doubt, the period of any leasehold granted by the Commission, and in existence before the commencement of this Decree, shall not be affected by

anything contained in this Decree.

- (5) The Public Lands Act, 1969, shall, with effect from the commencement of this Decree, be construed as if the references in section 19 to the power to sell public land and to make grants in freehold together with all related provisions, have been deleted therefrom.

3. (1) The system of occupying public land under customary tenure may continue and no holder of a customary tenure shall be terminated in his holding except under terms and conditions imposed by the Commission, including the payment of compensation, and approved by the Minister having regard to the zoning scheme, if any, affecting the land so occupied, and accordingly, the Public Lands Act, 1969 shall be construed as if sub-section (2) of section 24 thereof has been deleted therefrom.

- (2) For the avoidance of doubt, a customary occupation of public land shall, notwithstanding anything contained in any other written law, be only at sufferance and a lease of any such land may be granted by the Commission to any person, including the holder of the tenure, in accordance with this Decree.

- (3) Without prejudice to the generality of sub-sections (1) and (2) of this section, tenancies on land held immediately before the commencement of this Decree,

- a) as mailo land subject to the Busulu and Envujo Law; or;  
b) by the freehold system under the Ankole Landlord and Tenant Law and the Toro Landlord and Tenant Law, respectively,

may continue after such commencement subject to the following

- i) the conversion of any such tenancy into a customary tenure on public land, but without the payment of busulu, envujo or the customary rent required by the laws referred to under paragraph (b) of this sub-section; the payment of busulu, envujo, or the customary rent required by the laws referred to under paragraph (b) of this subsection;
- ii) the development needs of the lessee on conversion with respect to the land, as approved by the Commission under section 8 of this Decree based upon the economic use of the land within the requirements of the zoning scheme affecting the land, if any;

- iii) Such conditions as the Commission may, having regard to the zoning scheme affecting the land; and

iv) the payment of compensation, where the tenancy is terminating at the instance of, or satisfy the said development needs of, the lessee on conversion, by such lessee, and in case of resumption, by the Commission, subject to the Public Land (Compensation for Resumption) Act, 1965.

(4) The following laws shall cease to have effect in any part of Uganda, namely.

- a) the Busulu and Envujjo Law;
- b) the Ankole Landlord and Tenant Law; and
- c) the Toro Landlord and Tenant Law.

4. (1) A holder of any customary tenure on any public land may after notice of not less than three months to the prescribed authority or of any lesser period as the said authority may approve, transfer such tenure by sale or gift inter vivos or otherwise, subject to the condition that such transfer shall not vest any title in the land to the transferee except the improvements or developments carried out on the land:

Provided that in the case of a transfer by succession whether testate or intestate, the notice to the said authority shall not be required.

(2) Any agreement or transfer by the holder of a customary tenure purporting to customary tenures as if it were actual title to land shall be void and of no effect and in addition, the person purporting to effect such transfer shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

5. (1) With effect from the commencement of this Decree no person may occupy public land by customary tenure except with the permission in writing of the prescribed authority which permission shall not be unreasonably withheld.

Provided that the Commission may, by statutory order, specify areas which may be occupied by free temporary licence which shall be varied from year to year until revoked.

(2) Any agreement or transfer purporting to create a customary tenure of land contrary to sub-section (1) of this section shall be void and of effect, and, in addition, the person purporting to effect such transfer shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding five thousand

shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

- (3) Upon the conviction of any person under subsection (2) of section 4 or subsection (2) of this section, the court shall, in addition to the penalty prescribed in each subsection, order the refund of anything paid as purchase price to the person by whom such payment was made.

6. (1) It shall be an offence under this Decree to occupy land unlawfully.
- (2) A person shall be guilty of occupying land unlawfully if, having no grant of title to that land, he occupies that land after the commencement of this Decree, otherwise than as provided in section 5 of this Decree.
- (3) An offence under this section shall be punishable by a fine not exceeding two thousand shillings or by a term of imprisonment not exceeding one year or by both such fine and imprisonment, and any improvement carried out by the offender shall be forfeited to the owner of the interest adversely affected thereby.
7. (1) A lessee on conversion may not terminate any customary tenure on his leasehold without sufficient notice in writing, being not less than six months addressed to the holder of the tenure or his representative, with a copy to the Commission.
- (2) any dispute over the sufficiency of any notice required by subsection (1) of this section may be referred to the Commission by either party for decision.
- (3) In deciding whether any notice is sufficient or not, the Commission shall take into account the extent of any development carried out on the land in question by the holder of the customary tenure and whether such developments are consistent with the zoning scheme, if any, affecting the land.
- (4) Where any customary tenure is terminated either by a lessee on conversion or by resumption, the Commission shall, as far as possible, resettle the holder of such tenure.
8. (1) Any terms and conditions, including the payment of rent and royalties, which the Commission may, pursuant to section 2 of this Decree impose, shall be deemed to be covenants to be observed by the lessee on conversion upon the breach of which the Commission may, as the case may be, apply the re-entry procedure laid down in section 32 of the Public Lands Act, 1969, or the provisions of Sections 34 to 36 inclusive, and section

38 of that Act, in each case with such modifications as the circumstances of each case may require and a sub lease shall be construed accordingly:

Provided that the period of unused in respect of land for which re-entry or, as the case maybe, forfeiture may apply under this section, shall, in the case of individuals, be eight years unless sufficient cause is shown and in the case of public bodies, religious organisations and other charitable organisations, for the whole period of the lease unless the land is required earlier for another purpose.

- (2) Rents and royalties for leases on conversion shall as far as possible, be the same as for those on other public land of comparable value except that in the case of public bodies, religious bodies and other charitable organisations, the rents or royalties shall be nominal only.
9. (1) Without prejudice to subsection (3) of section 8 of this Decree, a piece of land shall be deemed to be an un-used land if it is not occupied by customary tenure or developed substantially in fulfillment of the objects of purposes for which may lease or sub-lease has been granted.
- (2) For the purpose of this section, the lessee on conversion shall be deemed to have applied for, and been granted, the lease for the purposes for which the zoning scheme affecting the land, if any, require, except that any use of the land by the holder of a customary tenure not objected to by the lessee shall, notwithstanding that such use is contrary to the zoning scheme, be deemed to be a proper use of the land until such lessee decisions to apply the land whether personally or otherwise to actual requirements of the zoning scheme affecting the area.
  - (3) For the purpose of this section, where there is any doubt as to whether any land is unused or not, the procedure for entry and inspection provided for in sections 34 and 35 of the public Lands Act shall mutandis apply to the resolution of that doubt.
10. A lessee on conversion may, with the consent in writing to the Commission, transfer the whole of his lease for value.
11. (1) Where the Commission intends to re-enter a demised land or forfeit any lease, it shall first give notice in writing, of not less than three months, by way of a General Notice in the Gazette, or in any newspaper circulating in Uganda, to all encumbrancers of such land including any banks or financial institutions specified by the lessee in the formations required under

subsection (3) of section 8 of this Decree and at the address of any such encumbrancers shown in the register of titles and such encumbrancers may take such lawful steps as provided for in the agreement creating the encumbrances and subject to any written law regarding such encumbrance to enforce their interests in the land.

2) An encumbrancer who wishes to enforce interests in any land pursuant to subsection (1) of this section shall give notice to the Commission indicating the steps he intends to take in such enforcement, and the Commission shall permit such enforcement if it is not inconsistent with any term and conditions imposed by the Commission or with the zoning scheme affecting the land, if any.

(3) For the avoidance of doubt, notwithstanding conversions effected by or in consequence of this Decree nothing therein shall be taken as reducing the value of and land affected thereby for the purpose of any transactions for which such land serves as security.

12. (1) The Commission shall decide any disputes under this Decree between parties, other than the Commission, concerning the payment of compensation and the sufficiency of notice in accordance with the rules of natural justice.

(2) Any party dissatisfied with any decisions of the Commission under subsection (1) of this section may within thirty days appeal to the Lands Tribunal.

13. (1) There is hereby established a Lands Tribunal which shall consist of a Magistrate or other Advocate of less than two years' standing as chairman and two other persons all of whom shall be appointed by the Attorney General in consultation with the Chief Justice.

(2) An appointment under subsection (1) of the section may be general or for any particular province.

(3) The Tribunal shall, in addition to the appellant jurisdiction conferred on it by section 12 of this Decree, have such original jurisdiction, including the settlement of disputes to which the Commission is a party as may be prescribe.

(4) The Minister may, by statutory instrument and in consultation with the Attorney-General, regulate the procedure of the Tribunal.

14. (1) An appeal shall lie from the decision of the lands to a Lands Appeal Tribunal which shall consist of three Judges of the High Court one of whom shall be chairman.

- (2) The decision of the Lands Appeal Tribunal of any appeal shall be final notwithstanding anything contained in any other written law to the contrary.
- (3) The chairman and other members of the Lands Appeal Tribunal shall be appointed by the Chief Justice.
- (4) The Chief Justice may, by statutory instrument regulate the procedures of the Lands Appeal Tribunal.

15. The Minister may, by statutory instrument, make the regulations,

- a) providing for the original jurisdiction of the Lands Tribunal;
- b) prescribing anything required to be prescribed under this Decree; and
- c) generally for the better carrying into effect the provisions and principles of this Decree.

16. In this Decree, unless the context otherwise requires, "Commission" means

- a) the Uganda Land Commission, in relation to grants to grants of leases and the payment of compensation for resumption of public land; and
- b) includes any prescribed authority in relation to sub-leases, temporary occupation licenses and customary tenures;

"lessee on conversion" means the holder of any lease resulting from the conversion of a freehold or absolute ownership by virtue of section 2 of this Decree;

"Minister" means the Minister responsible for land;

"premium" means the consideration for the grant of a lease by the commission.

"public body" has the same meaning assigned to that expression in Schedule 4 to the Public Lands Act 1969.

17. Section 6 of this Decree shall be deemed to have come into force on the 7th day of May, 1975.

Made under my hand and the Public Seal, this 1st day of June, 1975.

GENERAL IDI AMIN DADA

President

Date of Publication: 1st June, 1975.

**APPENDIX VII:  
TERMS OF REFERENCE**

1. To carry out a study of the Pilot Land Registration Scheme (1958-1962) at Rujumbura, Kigezi (Rukungiri District), hereinafter called "Pilot Scheme."
2. To determine the extent to which and the manner in which land registration in the Pilot Scheme area has affected land tenure patterns, farmers' behaviour and agricultural development.
3. To undertake field research including:
  - key informant and small group interviewing in the Pilot Scheme and control areas.
  - A sample survey of not less than 60 households evenly divided between the Pilot Scheme area and a nearby control area.
  - A review of the freehold registry records for the Pilot Scheme area.
4. To carry out a sample survey in all or part of the Pilot Scheme area and a comparable survey in a nearby control area, viz., an area with unregistered land, purposely selected such that the control area is, to the extent possible, similar in all respects to the Pilot Scheme area except for the non-registration of titles.
5. To draw conclusions on the relationship between land titling and agricultural productivity and the general economic development in the context of the Pilot Scheme.