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Land Tenure Systems and Ethnic Relations in Kasese District in Western Uganda

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Abstract: The logical study cherished the relationship between Land Tenure Systems and Ethnic Relations in Kasese District in Western Uganda. The research study betrothed a cross-sectional and descriptive research design with qualitative prototype. The researchers used purposive sampling strategies to select the reading materials for the research venture study. A sample of 20 resources was selected from Kasese local government for the purposes of carrying out a rational study. Information was collected using documentary reviews and analyzed utilizing content and thematic assessment. The study project findings revealed that Land Tenure Systems significantly influence Ethnic Relations in Kasese District in Western Uganda. The study concluded that Land tenure systems form the bedrock of economic stability, food security, and social organization. Land tenure systems are the foundational framework governing how land, the world's primary economic asset is held, used, and transferred. Globally and locally, a balanced land tenure system is critical for ensuring sustainable environmental management, food security, social inclusion, and conflict prevention. From the study findings, the researchers recommended that there is need to improve Land Administration Infrastructure by modernizing digital land registries, decentralize services to district/municipal levels, and reduce the transaction costs and time required for titling and conversions. This may become an impetus to growth and development as it reduces on bureaucracy, encourages peace and harmony in society.

Keywords: *Land Tenure Systems, Ethnic Relations, Kasese, Uganda.*

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Introduction

In Britain, Land ownership in Britain is rooted in a feudal legal framework dating back to the Norman Conquest, where all land ultimately belongs to the Crown. Instead of owning land outright, individuals and organizations hold legal "estates" or "interests" most commonly as freehold (de facto ownership) or leasehold (right to occupy for a set time). Less than 1% of the population (roughly 25,000 landowners) owns about half of all land in England. Traditional aristocratic estates and gentry control roughly 30% of English land. Companies, commercial entities, City bankers, and foreign/offshore investors hold a significant share (with corporate ownership around 18% and oligarchs/bankers around 17%). Government departments and public bodies are major area holders, including the Forestry Commission (2.2 million acres) and the Ministry of Defense (over 1.1 million acres), alongside the Crown Estate. Organizations like the National Trust and the National Trust for Scotland manage nearly 600,000 acres for public and environmental benefit. In England and Wales, property and land titles are registered centrally, though roughly 15% to 17% of land remains unregistered. Scotland and Northern Ireland operate under separate legal and land registration systems (Alden, 2018).

In Switzerland, Land ownership in Switzerland is highly regulated, transparent, and structured through a rigorous legal framework governed by the Swiss Civil Code. While Switzerland has one of the lowest homeownership rates in Europe (around 36%), its cadastral and registration system provides exceptional legal security. Land ownership in Switzerland is governed by the Swiss Civil Code and a highly decentralized, transparent administrative system. The Grundbuch is the official, public register for all properties in the country, maintained by municipal land registry offices. Under Swiss law, ownership of real estate is officially transferred only when the transaction is recorded in the land register following a notarized purchase agreement. Managed via swisstopo and cantonal authorities, Cadastral System tracks parcel boundaries, easements, public-law restrictions, and mortgages. Residents with valid permits (such as a C Permit or B Permit) generally enjoy the same rights as Swiss citizens to purchase a primary residence. Subject to restrictions under the Lex Koller framework; a C Permit holder has broad freedom to buy, whereas B Permit holders face tighter controls (typically limited to a primary home and unable to rent it out). Buying property from outside Switzerland requires special authorization for non residents. Agricultural Land is g**o**verned by the Peasant Land Act, which restricts the acquisition of farmland by non-farmers or corporate entities to protect agricultural use. Historical and institutional forms of collective ownership such as alpine cooperatives still manage pastures, woodlands, and shared resources in various cantons (Barlowe, 2017).

In Africa, Land ownership across Africa is defined by a mix of traditional customary practices, state-managed public

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frameworks, and statutory or colonial-derived title systems (Boone, 2024). Customary Tenure governs the majority of rural land across the continent. Rights are held communally or by families rather than as strict individual property, shaped by ancestral and local community customs. While millions rely on it, customary land often lacks formal statutory recognition, making it vulnerable to state acquisition or commercial "land grabs". In many African nations (such as Ethiopia, Tanzania, and Mozambique), the state holds the "radical title" (ultimate legal ownership) over 90% or more of the land, granting citizens and enterprises rights of occupancy or lease rather than permanent freehold. Private individual ownership—where land is owned indefinitely without direct state interference—is concentrated largely among a small percentage of private or elite holders, often stemming from post-independence or colonial titling systems. Leasehold Systems which are common in countries like Kenya, Rwanda, and Uganda, where individuals or foreign entities can hold land through long-term leases (such as 99 years) rather than absolute ownership. Less than 5% of agricultural land and a quarter of urban land in many sub-Saharan African countries have formal, documented titles, limiting people's ability to use land as financial collateral. Despite making up a massive share of agricultural labor, women hold a small fraction of formal land titles, as customary and statutory inheritance systems often favor men. Colonial segregation and displacement policies continue to influence modern legal battles over restitution and land reform in countries like South Africa and Zimbabwe (Muhereza, 2020).

In Kenya, Land ownership in Kenya is governed by the Constitution of Kenya (2010)**,** the Land Act (2012)**,** and the Land Registration Act (2012). Under Article 61 of the Constitution, all land in Kenya is classified into three main categories. Public Land which is vested in either the national or county government and managed by the National Land Commission (NLC). It includes unalienated government land, national parks, forests, water bodies, roads, minerals, and the territorial sea. Community Land which is held and managed by communities based on ethnicity, culture, or shared interest, and governed under the Community Land Act (2016). Private Land which is owned by natural persons or corporate entities, registered through the Ministry of Lands and Physical Planning. Private land ownership operates under two primary tenure types. Freehold which grants the holder absolute, perpetual ownership of the land for life with minimal use restrictions (though some agricultural conditions may apply). Leasehold which grants use rights for a specific period (typically 99 years for non-citizens), subject to annual land rent to the national government and land rates to the county government. Key Rules & Rights include Title Deeds being a certificate of title is the primary proof of ownership. However, courts can revoke title deeds if the initial acquisition process was fraudulent or illegal. Foreign Ownership including Non-citizens who legally own land in Kenya, but their ownership is restricted to leasehold terms of up to 99 years. Adverse Possession under the Limitation of Actions Act, where an individual can claim legal title to land if they have occupied it openly, continuously, and without interruption for 12 years without the owner's consent. Due Diligence where Buyers always conduct official searches at the Ministry of Lands, verify boundaries with a licensed surveyor, and check for encumbrances before purchasing property (Boone,2019 & FAO, 2020).

In Uganda, Land ownership in Uganda is governed by the 1995 Constitution (Article 237) and the Land Act, which vest all land directly in the citizens of Uganda. Uganda recognizes four primary systems of land tenure. Freehold which grants complete, perpetual ownership of the land with no time limit. Owners have full rights to use, sell, lease, or inherit the property. It is identified by a Freehold Register Volume (FRV) on the title. Mailo where a system is unique to central Uganda (originating from the 1900 Uganda Agreement). It separates ownership of the land from the occupants, meaning the land title holder co-exists with "tenants by occupancy" (kibanja holders) who have legal security. Leasehold involves an agreement where a landlord (the state, a board, or an individual) grants exclusive possession of land to a tenant for a specific period, such as 49 or 99 years, in exchange for rent. This is the only system available to non-citizens. It is identified by a Leasehold Register Volume (LRV). Customary which is governed by local customs, traditions, and clan rules, and most commonly found in rural areas. Customary land can be formally recognized through a Certificate of Customary Ownership (CCO) or converted into freehold tenure. Only Ugandan citizens (or majority-citizen corporate entities) can own land under Customary, Freehold, or Mailo tenures. Non-citizens are restricted to leasehold agreements (maximum of 99 years). Written agreements are required for any land transaction. Spousal and family consent is legally mandatory before selling or leasing family or occupied land. Buyers should always verify title details (such as block, plot, and folio numbers) at the official Ministry of Lands, Housing and Urban Development registry or through local area land committees before making payments (Kasese Community Dialogue report, 2024; Odendaal, 2025).

In Kasese District, Land ownership in Kasese District (located in western Uganda within the Rwenzori sub-region) is characterized by a high rate of unregistered tenure, widespread reliance on informal agreements, and frequent land disputes. Reports from local land awareness campaigns indicate that the vast majority of residents (with estimates suggesting up to 99% lack formal registered land titles) rely instead on simple sale agreements or Certificates of Customary Ownership (CCOs). Most land is held under customary or leasehold arrangements. In urban settings like Kasese Municipality, traditional customary lands face pressure from urbanization, where authorities push for statutory or titled documentation to approve developments. A substantial portion of land across the region is classified as government-owned, public, or conservation land (such as national parks and forest reserves), which limits available space for a growing population and triggers friction between local communities. Tensions frequently arise from competing claims including conflicts between farmers and pastoralists (such as the Basongora and Bakonzo communities), disputes over institutional or corporate lands (such as Kilembe Mines Limited land allocations), and displacement issues related to environmental events like floods. The Ministry of Lands, Housing and Urban Development, alongside local governments and civil society organizations (such as Caritas Uganda and PELUM), has been conducting Land Awareness Week campaigns to help residents survey, demarcate, and process formal freehold and customary land titles (Deininger et al, 2017; Fearon,2023 & Rugadya,2020).

Methods and Materials

Data capturing

A cross sectional survey and Descriptive design was utilized to amass explanatory research information whereby qualitative information was garnered using surveillance observations and documentary reviews.

Selection of reading materials

The target reading materials for the study were selected purposively from the communities living in Kasese district in Western Uganda. 20 hard cover books were read and 10 e-resources were perused through for the purpose of getting information for the research venture.

Documentary reviews

The researchers collected information for the research study through reading a lot of resources such as text books, journals, magazines, newspapers, Primary local government newsletters, Government briefs, periodicals and the internet technology.

Data Analysis

Information was analyzed by means of content and thematic evaluation. The information collected was organized into themes and sub-themes by putting them into meaningful categories. The researcher was cautious enough to avoid any grammatical errors. Conclusion was made following the series of actions. Passionate attention was used to recognize or minimize the effect of likely bias on the documents considered.

Results

Land ownership in Uganda is governed through four legally recognized tenure systems including customary, freehold, leasehold, and mailo, as provided for under Article 237 of the Constitution of the Republic of Uganda (1995) and the Land Act (Cap. 227). These tenure systems establish the legal, social, and institutional relationships among individuals and groups regarding land access, usage, and control. Because land represents not only an economic asset but also social standing, political power, and ethnic identity, the administration and interactions among these four tenure systems significantly shape inter-ethnic relations.

Customary land tenure is the most dominant system in Uganda, covering the majority of rural landholdings. Under customary tenure, land access and ownership are regulated through traditional norms, clan governance, and family inheritance rather than formal statutory documentation. Boone (2019; 2020) argues that while customary tenure reinforces internal group solidarity and cultural identity, it frequently privileges native or dominant ethnic groups while excluding migrants, minority groups, and settlers. In multi-ethnic settings like Kasese District, reliance on customary authority often generates friction when indigenous ancestral claims collide with the land needs of non-indigenous or migrant communities who lack formal customary recognition. Furthermore, weak documentation and overlapping customary claims between neighboring clans often escalate into broader inter-ethnic competition.

Freehold tenure grants registered landowners full ownership of land in perpetuity, allowing them to freely hold, lease out, or transfer the property through sale or inheritance. In Western Uganda, including parts of Kasese District, the gradual conversion of land from customary holdings to individual freehold titles has intensified. While freehold titling aims to provide tenure security and reduce ambiguity. Byamugisha (2019) observes that rapid individualization can spark inter-ethnic grievances. Indigenous communities governed by customary norms often perceive the commercial sale and private titling of communal or ancestral lands to "outsiders" as a direct threat to their heritage, leading to feelings of territorial displacement and heightened socio-political mistrust.

Leasehold tenure involves a contractual agreement where a landowner (individual, institution, or government) grants exclusive possession of land to a lessee for a specific period (commonly 49 or 99 years) in exchange for rent. In multi-ethnic districts, leasehold arrangements—particularly those involving government public land or local government grants frequently become points of contention. When leasehold titles are awarded over land that local communities historically claim under customary right, severe conflict can emerge. Perceptions that statutory authorities favor specific ethnic groups or commercial entities when granting public leases fuel narrative claims of institutional bias, marginalization, and ethnic injustice (Robison & Diop,2022).

Nabudere (2018) & Platteau (2019) noted that Mailo tenure is a specific legal arrangement originating from the 1900 Buganda Agreement, which divided land between the crown and regional leaders, creating a legal separation between ownership rights (mailo owners) and occupancy rights (*kibanja* holders/tenants). Although historically localized to the central region and parts of neighboring traditional kingdoms (such as Tooro and Bunyoro), the structural legacy of mailo-style landlord-tenant dynamics affects cross-regional land relations in Uganda. Dual ownership rights under mailo and similar statutory occupant arrangements often lead to friction between landowners and bona fide occupants from different ethnic backgrounds. Insecurity of tenure among occupants and resistance from legal titleholders generate prolonged legal disputes and social instability.

Overall, the co-existence and legal pluralism of these four tenure systems create legal ambiguities, institutional overlaps, and tenure insecurity across Uganda. In Kasese District, where customary systems, statutory leases, and individual freehold titles overlap within a multi-ethnic population, competing claims over land access frequently align along ethnic identities. Rugadya (2017 & 2020) emphasizes that without clear harmonization between customary arrangements and statutory administration, the friction among these tenure systems will continue to serve as a principal driver of inter-community disputes. While existing research establishes the broad impacts of land tenure legal pluralism at the national level, limited empirical evidence exists regarding how the interplay among customary, freehold, and leasehold tenure specifically influences ethnic relations among the diverse communities in Kasese District

Discussion

From the findings, the study established that Land Tenure Systems greatly influence Ethnic Relations in the universe. This implied that putting more emphasis on Land Tenure Systems in any government goes a long way in encouraging the peaceful coexistence of people in society. . The findings are in agreement with Nooitgedar et al (2023) who conducted a study on Operations of Land Tenure Systems in Madagascar and found out that countries that prioritized the choice of Land Tenure Systems in their legislation have always encouraged harmony among their communities. However, Robinson & Diop (2022) conducted a study on the importance of Land Tenure Systems in society in Mali and found out that personality of people can always lead them to violent conflicts over land distribution in society. This can culminate into a state of lawlessness and underdevelopment in a country

Conclusion

Land tenure systems form the bedrock of economic stability, food security, and social organization. A comprehensive conclusion on land tenure systems highlights several core takeaways. Most nations operate on a hybrid model combining statutory laws (freehold**,** leasehold, and mailo**)** with pluralistic, community-rooted customary land tenure**.** While statutory systems facilitate formal credit access and urban-commercial investments, customary systems preserve social cohesion and traditional livelihoods for the majority of rural populations. A vast majority of rural smallholders such as around 95% of landowners in Uganda lack formal registered land titles. This lack of documentation limits access to institutional credit, discourages long-term agricultural improvements (like permanent crops or soil conservation), and triggers frequent boundary or landlord-tenant disputes. Patriarchal inheritance and traditional management structures mean that women perform a high percentage of agricultural labor while holding disproportionately low direct ownership or decision-making rights (often restricted to secondary user rights). Sustainable development requires legal and administrative reforms that bridge the gap between statutory frameworks and customary practices. This includes decentralizing land administration, lowering the cost of titling, protecting the rights of vulnerable groups and tenants, and officially codifying customary ownership to unlock full economic potential without eroding community heritage

Recommendations

Governments in the world need to formalize Customary and Communal Claims by accelerating the issuance of Certificates of Customary Ownership (CCOs) to strengthen tenure security for rural smallholders particularly women and vulnerable families without stripping away communal safeguards.

There is need to resolve Mailo overlaps by implementing alternative dispute resolution (ADR) and legislative clarity around the dual interests of mailo landlords and tenants by occupancy to curb illegal evictions and endless court litigation.

There is need to integrate Spatial and Neighborhood Planning by utilizing tenure-responsive land use planning (such as scaled-down neighborhood planning frameworks) to balance rapid urbanization with local property rights.

There is need to improve Land Administration Infrastructure by modernizing digital land registries, decentralize services to district/municipal levels, and reduce the transaction costs and time required for titling and conversions.

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