



**MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT**

**REMARKS**

**BY**

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**MINISTER OF LANDS, HOUSING AND URBAN DEVELOPMENT**

**DELIVERED AT THE CONSULTATIVE MEETING ON THE DRAFT  
GUIDELINES ON LAND EVICTIONS**

**IMPERIAL ROYALE HOTEL, KAMPALA**

**31<sup>ST</sup> JULY 2019**

**REMARKS BY THE MINISTER OF LANDS, HOUSING AND URBAN DEVELOPMENT TO BE DELIVERED AT THE CONSULTATIVE MEETING ON DRAFT GUIDELINES ON LAND EVICTIONS AT IMPERIAL ROYALE HOTEL, KAMPALA ON 31<sup>ST</sup> JULY 2019**

The Hon. Chief Justice  
The Deputy Chief Justice  
The Hon. Principal Judge  
Hon. Justices  
The Chief Registrar  
My Lords and my Worships  
Members of the Legal Fraternity  
All invited participants  
Ladies and Gentlemen.

It is a great honour and privilege for me to give remarks at this consultative meeting that is going to discuss the draft guidelines on land evictions.

This consultative meeting is timely given that the Government is currently concerned about the rampant land evictions and conflicts in the Country that have threatened to cause landlessness among the lawful and bonafide tenants.

I want to thank the organizers, the Chambers of the Chief Registrar for having organized this important meeting. I am also aware that the Chambers strive to promote Justice for All in all aspects including safeguarding land rights and opportunities for the poor people in rural and urban areas through standardized land management and administration systems.

The word eviction has quite a number of meanings: it can either mean to force a tenant to leave a property, especially the tenant's residence, usually because he or she has failed to comply with the terms of the lease or for non-payment of rent; or to force somebody to leave a place, usually

because of bad behavior; or to recover property or title to property from somebody by legal means through a process of re-entry.

Every eviction, whether it is court-based or eviction of a tenant by a Landlord, is a forced eviction. As we all know, forced eviction is the permanent or temporary removal against the will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection. Forced evictions are often linked to the absence of legally secure tenure especially for the tenants.

I would also like to categorically emphasize that despite the existence of the policy and regulatory framework for land administration and management as well as management of land evictions in the Country, there continues to be significant illegal land evictions that are being carried out every now and then.

Land evictions are common in areas where the Landlord-Tenant phenomenon exists, and also in areas where customary land is dominant. In areas where the Landlord-Tenant relationship is predominant, the Landlords sell the tenanted land and the new land owners basing on the search statements from the Land Registry conclude that the land is free of encumbrances. This implies that they do not take into account the rights and obligations of the tenants as stipulated in the Land Act, Cap 227 and unilaterally evict them or make life difficult for them to stay on their "*bibanja*". Whereas for customary land, most customary land owners do not have the necessary legal documentation as proof to show that they own the land, as stipulated in the Land Act, Cap 227.

Even the traditional institutions that claim to hold and manage land on behalf of the communities they represent are not registered as legal entities and so cannot acquire legal ownership of the customary land they claim to own.

In view of the above, Government has the responsibility of protecting all people from evictions by providing lawful protection and redress for evictions that are contrary to the law taking human rights principles into consideration; in situations where evictions are unavoidable, Government

will through the land eviction guidelines, ensure that appropriate and alternative suitable solutions are provided.

Evictions should therefore not result in individuals or families being rendered homeless or vulnerable to the violation of other human rights. There is need for protective mechanisms for evictees in the highly exceptional circumstances where eviction is unavoidable.

The Government of Uganda has undertaken a number of reforms to ensure that land evictions are carried out in such a way that the rights of those affected are protected as provided for under the 1995 Constitution, the Land Act, Cap. 227, Registration of Titles Act, Cap.230, Land Acquisition Act, Cap. 226, the Mortgage Act, Cap.229, among others. The Presidential directive on land grabbing (22<sup>nd</sup> February 2013) further emphasized Government's commitment to protect citizen from illegal land evictions.

The Government is also cognizant of the fact that development based evictions are inevitable for the socio-economic development of the Country. However, protection of rights of the citizens must be upheld at all times.

As a Ministry of Lands, Housing and Urban Development, we have come to realize that some of the causes of illegal land evictions in this country include the following;

- a) Inadequate enforcement of land and housing related laws.
- b) Lack of comprehensive eviction guidelines.
- c) Lack of adequate knowledge of the law by the people effecting evictions and those affected.
- d) Deliberate violation of the law by individuals and/or organisations.
- e) Fraud and forgery of eviction related documents.
- f) Deliberate violation of the law by the registered land owners who disregard the rights of tenants.
- g) Lack of registration of tenants' rights which results in calling them trespassers by registered land owners, among others.

I need to state here that illegal land evictions have had a negative effect on the economy of the country and I want to believe that these eviction guidelines are going to help in addressing this matter.

The perpetual fear of forced evictions has caused tenants and customary land owners to adopt a state of impermanence which has led to land not being utilized. This fear has also caused destruction of property, violence, bankruptcy, social distress, insecurity and landlessness. Land evictions have also affected food production and hence the increasing food insecurity in the Country.

Where there is fear of forceful eviction due to conflict, the affected land is withdrawn from the land market as it can neither be sold, leased, mortgaged, farmed nor invested on. Land that is not under any dispute is more productive than land that is disputed. The fear of eviction is at the root of underdevelopment and unproductiveness in respect of land under occupancies and also land held under customary tenure.

The fear of endless evictions locks up human potential and yet this is the bedrock of the subsistence sector of the less developed economies like ours. The fear leads to adoption by peasants of a livelihood of impermanence characterized by building of temporary structures of mud & wattle as well as growing seasonal crops due to the perpetual fear of endless evictions and dispossession.

In addition, the greedy tendencies by land speculators, unscrupulous land brokers/agents and property developers have exploited the relationship between the land owners and the land users. This has led to land users being condemned and evicted in disregard of the law simply because the land purportedly occupied and used by the tenants is claimed to be underutilized or idle.

It is on record that Uganda is an agricultural based economy where agriculture contributes over 43%, industry 18% and services 39% of the national Gross Domestic Product (GDP). Land therefore is an essential factor of natural and human managed production systems, influencing the level of natural capital and social, economic development. This means that access, ownership and use of land and importantly land tenure security offer perhaps the only survival alternative to the majority of Ugandans hence the need for comprehensive guidelines on land evictions.

I want to assume that today's discussion on the draft guidelines on land evictions will largely focus on coming up with proposals that are intended to promote uniformity and consistency whilst handling matters related to land evictions arising out of court orders. The eviction guidelines are timely and will give the Government and the other stakeholders a leeway and provide strategic interventions following a string of controversial land evictions that have affected thousands of people with total disregard for their rights as individuals who were in occupancy; and a failure to heed to international standards during and after the land evictions.

As I conclude, I want to state that there can never be sustainable development if the tangible and intangible barriers which hold back part of the population are not addressed. We look forward to working with all of you as our partners on this important agenda of coming up with comprehensive guidelines on land evictions

I thank you for listening to me and wish you fruitful deliberations.

**FOR GOD AND MY COUNTRY!!**