

# An Analysis of Challenges and Opportunities in Addressing Land Grabbing Conflicts Through the Law On Land Registration In Uganda, Case Study of Kayunga District.

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**Abstract:** This study analyzed the challenges and opportunities in addressing land grabbing conflicts through land registration laws in Kayunga District, Uganda. Guided by an interpretivist philosophical orientation and using a qualitative cross-sectional case study design, the research explored how legal frameworks, institutional practices, and community experiences influence land governance. Data were collected from 90 respondents through focus group engagements, document review, and archival analysis. The findings revealed that land grabbing is largely driven by governance failures, institutional corruption, weak enforcement of laws, limited legal awareness among the public, and socio-economic pressures, particularly affecting individuals without formal land titles. While Uganda's land laws, including the Constitution and the Land Act (Cap. 236), provide a legal foundation for land protection, their implementation remains inconsistent and often excludes customary tenure and vulnerable groups. However, the study identified several opportunities embedded within the legal system. These include the formal recognition of customary governance in land registration, strengthening of institutional structures, digitization of land records to reduce manipulation, promotion of legal literacy in local communities, inclusive stakeholder participation, and the harmonization of statutory and customary land tenure systems. The study concludes that effectively addressing land grabbing conflicts requires improved enforcement, institutional accountability, and the development of inclusive, transparent, and community-based land governance approaches.

## I. Background

Land constitutes a foundational pillar of Uganda's socio-economic development, cultural identity, and household livelihoods (Na, 2021). However, in many rural areas, including Kayunga District, land tenure insecurity continues to prevail due to the coexistence of statutory and customary tenure systems, which often generate overlapping claims and unresolved disputes (Adriano, 2023). A considerable proportion of Ugandans lack formal land titles, thereby increasing their vulnerability to land grabbing defined as the acquisition of land without the free, prior, and informed consent of the rightful owners or occupants. This phenomenon is frequently perpetuated by politically connected individuals, state agencies, and private investors, leading to tenure insecurity, forced evictions, and socioeconomic displacement in several districts, including Bugiri, Amuru, Kalangala, and Kayunga (Mabikke, 2011). The issue of land grabbing in Uganda is rooted in structural and institutional weaknesses, rather than mere procedural lapses (Na, 2021). As global economic trends have intensified the commodification of land, Uganda has witnessed an influx of both domestic and foreign investors seeking land for commercial agriculture, infrastructure development, and urban expansion. However, the absence of robust legal safeguards, widespread corruption, and the influence of patronage systems have facilitated irregular and often illegal land acquisitions. These trends have disproportionately affected rural populations whose customary land claims are frequently undervalued or excluded from formal legal recognition (Ackah-Baidoo et al., 2022). To address tenure insecurity, the Government of Uganda through the Ministry of Lands, Housing and Urban Development has promoted land registration as a mechanism to enhance land ownership security and reduce disputes (Ministry of Lands Housing and Urban Development, 2023). Despite this endeavor, the transition from customary holdings to formal registration has remained a complex process. Vulnerable groups, including women, indigenous

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populations, and economically marginalized communities, face significant challenges such as high transaction costs, limited access to legal services, and discriminatory practices entrenched in both formal institutions and local cultural norms. Consequently, the land registration process has, in certain instances, facilitated land speculation and elite capture, thereby exacerbating existing inequalities. Ackah-Baidoo et al. (2022) noted that without inclusive and transparent procedures, land registration can legitimize dispossession rather than provide protection.

While previous research has addressed the broader implications of Uganda's dual land tenure systems, there remains a lack of empirical focus on how these legal frameworks impact rural communities experiencing modern land grabs, particularly in Kayunga District. The role of colonial legacies, administrative corruption, and weak enforcement structures in undermining land justice for customary landholders remains under-examined (Anthony, 2022). This study, therefore, seeks to analyze the challenges and opportunities presented by Uganda's land registration framework in addressing land grabbing conflicts in Kayunga District. The district presents a unique case of overlapping tenure claims, unresolved mailo land issues, and increasing pressure from state-led and private land acquisitions. Through this analysis, the study aims to contribute to a deeper understanding of the effectiveness of land governance and the prospects for inclusive, rights-based land reform in Uganda.

### **1.2 Objective of the Study**

This study analysed the challenges and opportunities that emerged in the process of addressing land grabbing conflicts through land registration laws in Kayunga District, Uganda. It focused on how legal frameworks, institutional practices, and community experiences shaped the effectiveness of land registration in preventing or resolving such conflicts.

### **1.3 Research Question**

What were the challenges and opportunities in addressing land grabbing conflicts through land registration laws in Kayunga District, Uganda?

## **II. Theoretical Review**

This study is based on three theoretical frameworks: production theory, conflict theory, and property theory of land rights, aimed at examining the intricate dynamics surrounding land registration and land grabbing in Kayunga District. The production theory, informed by classical economists such as Friedman (1953) and Von Mises (1949), provides a perspective through which the commodification of land and elite-driven exploitation of productive resources are analyzed. It particularly elucidates how formal land registration has facilitated the accumulation of land for commercial ventures at the expense of subsistence users. Conflict theory, as articulated by Coser (1957) and Dahrendorf (1958), sheds light on the underlying power struggles, class divisions, and systemic inequalities that perpetuate land grabbing and the displacement of local communities. It emphasizes that legal reforms alone cannot remedy structural injustices without addressing entrenched socio-political hierarchies. Property theory of land rights, closely associated with Buchanan & Tullock (1965), offers insights into how formal land registration, intended to secure tenure and legitimize ownership, can both protect and exclude. This exclusion is particularly evident when legal and institutional frameworks favor wealthier, politically connected individuals while marginalizing customary claims and vulnerable groups. Collectively, these theories guide the research in understanding how land registration laws simultaneously mitigate and facilitate land grabbing, thereby revealing challenges associated with legal complexity, policy implementation, and elite capture, while also identifying opportunities for reform, transparency, and community-centered land governance in Kayunga District.

### **2.1 The Challenges and Opportunities in Preventing and Resolving Conflicts arising from Land Grabbing**

The literature regarding land governance increasingly emphasizes the dual role that land registration laws can assume in both preventing and facilitating land grabbing, contingent upon the legal context and implementation framework. Antonio et al. (2021) explored the applicability of the Social Tenure Domain Model (STDM) in Uganda, Kenya, and Zambia, presenting it as a flexible land registration tool intended to bolster tenure security in informal and customary contexts. The study illustrated that participatory registration processes could enhance the recognition of land rights, diminish disputes, and influence institutional reforms. Nevertheless, the authors cautioned that traditional land registration mechanisms, if not modified to suit local conditions, may unintentionally undermine existing rights and exacerbate conflicts. This highlights the necessity of adopting context-specific, suitable land registration systems that protect both formal and informal land claims—a matter that remains insufficiently examined in relation to the statutory frameworks active in Kayunga District.

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Ashukem (2020) concentrated on the inadequacies inherent in the legal protection of customary land tenure in Uganda. He underscored that despite the existence of legal frameworks acknowledging customary rights, enforcement remains inconsistent, and legal provisions are frequently not effectively implemented. This predicament renders rural communities vulnerable to land grabbing through formal land transactions that disregard customary interests. While Ashukem's research is centered on customary land tenure, the current study shifts its focus toward the statutory land registration regime, which encompasses mailo, leasehold, and freehold systems, predominating in Kayunga District. Understanding the interplay between formal land registration and dispossession in such a context unveils a distinct dimension of the land governance challenge.

The report by the FAO and MRLG (2020) from Cambodia offers additional insights by demonstrating how the absence of formal recognition for customary tenure exposes Indigenous communities to dispossession by influential state and private actors. The report identified challenges such as weak legal integration, absence of consent in land transactions, and administrative manipulation. It also pointed to opportunities, including legal recognition mechanisms and enhanced community land mapping. While these findings affirm the broader risks associated with insecure tenure, their applicability to Uganda's formal land registration system is limited due to disparities in institutional, legal, and political structures. Consequently, localized studies are requisite to scrutinize how formal land laws operate within specific Ugandan districts, such as Kayunga.

Pickering (2021) reviewed customary tenure in the Pacific Islands and noted that while community-based land systems foster social cohesion and food security, they encounter legal ambiguity and elite capture, particularly where land laws are ambiguous or inadequately enforced. Large-scale land acquisitions frequently bypass community consent, resulting in disputes and the erosion of communal land rights. Although these insights hold relevance, the legal frameworks in the Pacific region differ significantly from Uganda's statutory land registration system, especially in districts like Kayunga, where mailo tenure complicates the administration of land rights. Therefore, the present study's focus on registered land and statutory mechanisms addresses a critical gap in examining how land registration laws influence conflict outcomes in Uganda.

Loure&Lekaita (2017) provided a case study from Tanzania that highlighted the use of Certificates of Customary Rights of Occupancy (CCROs) as a mechanism for enhancing land security and diminishing conflict. While CCROs proved effective in securing tenure for pastoralist groups and facilitating development partnerships, the study lacked methodological detail and did not address statutory tenure systems. Furthermore, Tanzania's legal framework is dissimilar to Uganda's, where mailo and leasehold tenure dominate the central region, including Kayunga. Similarly, Modera (2019) emphasized how state-led land acquisitions for investment in Ethiopia resulted in displacement and violated human rights. Nonetheless, Ethiopia's system of state land ownership diverges from Uganda's legal pluralism, which necessitates research rooted in Uganda's legal realities.

In closer proximity to Uganda, Nakayi (2021) analyzed the Torrens system and revealed that registered titles under the Registration of Titles Act do not consistently offer guaranteed protection due to loopholes that permit fraud, corruption, and administrative manipulation. Nakayi further noted that courts often interpret land laws rigidly, disregarding the social realities faced by landowners, particularly women and customary claimants. While Nakayi's research provides foundational insights, her focus primarily revolved around isolated legal cases and customary claims in northern Uganda. This study extends that inquiry by concentrating on Kayunga District, utilizing a broader dataset of legal cases and field evidence to evaluate the efficacy of land registration laws in preventing and resolving conflicts related to land grabbing.

Further theoretical depth is provided by Akerlof (1970), who introduced the concept of asymmetric information through his work "The Market for Lemons," illustrating how quality uncertainty can distort markets. This notion bears implications for land transactions, wherein information asymmetries facilitate fraudulent registrations and exploit vulnerable landowners. Similarly, Stiglitz (2003) accentuated the transformative role of information in economic policy, positing that enhanced legal literacy and public awareness could alter land governance outcomes. Kahneman & Tversky (2013), in their Prospect Theory, also suggest that risk perception influences decision-making a relevant consideration for communities facing a choice between customary tenure security and formal registration.

Nabudere&Velthuizen (2013) advocated for a restorative justice perspective grounded in African epistemologies, calling for reconciliation-based approaches to land conflicts. Pollack (2012), in commentary on David Harvey's notion of accumulation by dispossession, contributes a macro-political economy critique that aligns with the current study's findings concerning elite capture of land under formal regimes.

## **2.2 Research Gap**

The extant literature recognizes the dual nature of land registration serving both as a mechanism for the protection of tenure and as a potential facilitator of land grabbing. Nevertheless, the majority of studies predominantly emphasize customary land tenure or concentrate on comparative international contexts. There is a notable paucity of empirical analysis regarding the operational efficacy of Uganda's statutory land registration laws, particularly in regions such as Kayunga District, where mailo and leasehold systems intersect with feeble governance. This study seeks to address that deficiency by investigating the challenges and opportunities inherent in land registration laws as instruments for preventing and resolving land grabbing conflicts within Kayunga District.

## **III. Methodology**

### **3.1 Philosophical Orientation and Research Design**

This study was grounded in an interpretivist philosophical orientation, emphasizing the understanding of the subjective meanings individuals attach to their lived experiences and social realities. Interpretivism was deemed appropriate for this research as it allowed the researcher to explore community perceptions, experiences, and interpretations regarding land registration laws and land grabbing in Kayunga District (Klein & Myers, 1999; Walshaw, 1995). It highlighted how impacted communities perceive legal frameworks, land tenure systems, and socio-economic forces that influence land ownership and conflict. The study utilized a qualitative cross-sectional case study design. This approach enabled a detailed, context-specific investigation into the intersection of statutory land registration and land grabbing within Kayunga District. As a case study, it presented a holistic understanding of the challenges and opportunities posed by the existing legal frameworks. The cross-sectional nature of this design permitted the collection of data at a single point in time, reflecting the current community realities and legal dynamics (Kumar, 2018).

### **3.2 Study Population, Sample Size, and Sampling Techniques**

The study targeted a diverse group of participants, including legal professionals, local government officials, community opinion leaders, and affected landowners and tenants in Kayunga District. A total of 90 respondents took part in the study. Purposive sampling was used to select key informants, such as members of the District Land Board, area land committees, political leaders, and legal officers, based on their involvement in land governance and dispute resolution. Simple random sampling was employed to select local community members, drawing from existing village registers to ensure fairness and equal representation across sub-counties. Stratification was applied to account for gender, age, and tenure status (landowners, tenants, widows, youth). Inclusion criteria required participants to be residents of Kayunga District who were directly or indirectly affected by land registration processes or land disputes. Efforts were made to minimize sampling bias through participant verification and geographic distribution across rural and peri-urban areas.

### **3.3 Data Collection Methods and Analysis**

Various qualitative data collection methods were employed, such as document analysis, archival review, case study evaluations, and focus group discussions (FGDs). Legal documents, including the 1995 Constitution, the Land Act (Cap. 227), the Registration of Titles Act, and the Land Acquisition Act, were examined to identify statutory deficiencies and clarify institutional mandates. Archival records, which included district land office registries and historical inquiry commission reports, provided a thorough historical and contextual background regarding land transactions and disputes. Eight FGDs were held with community members from selected sub-counties in Kayunga District to gain insights into local experiences related to land registration and land grabbing. Each discussion featured between 8 and 12 participants, including men, women, and youth, thereby capturing a range of perspectives. Thematic analysis was utilized to interpret the qualitative data collected. Manual transcription and coding were conducted for all FGDs and case notes. An inductive coding approach was used, enabling themes to emerge from the data. These themes were grouped around governance challenges, legal constraints, community responses, and suggested reforms. To enhance the credibility of the findings, peer debriefing and inter-coder reliability assessments were carried out. Transcripts were reviewed by an independent coder, and any discrepancies were resolved through consensus. This analytical framework allowed the researcher to understand local knowledge and institutional dynamics with methodological rigor and contextual sensitivity.

## **IV. Findings**

The study revealed that land grabbing in Kayunga District is a multifaceted issue driven by institutional inefficiencies, legal inconsistencies, socioeconomic vulnerabilities, and limited public awareness. Although statutory instruments such as the Constitution of Uganda (1995) and the Land Act (Cap. 236) provide a legal framework for land governance, the actual implementation and enforcement of land rights remain weak and inconsistent. The findings are presented in two

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main categories: challenges and opportunities. Section 4.1 outlines the underlying challenges contributing to land grabbing, while Section 4.2 presents the opportunities provided by land registration laws for addressing these conflicts.

### **4.1 Challenges Contributing to Land Grabbing in Kayunga District**

#### **4.1.1 Governance Failures and Corruption**

The study established that governance failures and corruption were critical enablers of land grabbing in Kayunga District. Despite constitutional provisions under Article 237(1), which vested land in the citizens of Uganda, public officials tasked with land administration often acted contrary to their fiduciary duties. The findings revealed that land offices operated with opacity, where access to services was contingent upon bribery, and processes were routinely manipulated to favor individuals with political or financial power. *"We tried to report a case of encroachment to the district land office, but they said someone had already processed the title. They told us the process was final, yet we had no idea when the title was issued"* (Land Owner, 2023). Another respondent remarked, *"When we seek help at the land office, they tell us to return later, but if someone pays them, their documents are prioritized even if the land is disputed"* (Land Owner, 2023). Such testimonies reflected systematic corruption that enabled land registration fraud and weakened the legitimacy of land governance institutions. The absence of effective oversight allowed actors within land offices to collude with land speculators, undermining both procedural fairness and constitutional justice. This governance deficit contradicted the principles of transparency, accountability, and nondiscrimination enshrined in Uganda's land policies.

#### **4.1.2 Weak Legal Frameworks and Ineffective Enforcement**

The study found that Uganda's legal framework governing land registration and tenure was plagued with structural weaknesses that complicated conflict resolution and enabled exploitation. The coexistence of statutory and customary systems, though constitutionally recognized, was poorly harmonized. While statutory law prioritized registered titles, customary tenure systems, on which many rural populations depended, lacked robust mechanisms for legal recognition and protection. A respondent explained, *"This land has been in my family for generations, but someone came with a title and said it's theirs. The court said the paper is stronger than my history. What do I do?"* (Land Owner, 2023). Another added, *"We don't have documents because we inherited this land. Now they say if you don't have papers, you have no rights"* (Land Owner, 2023). The prioritization of paper-based titles over customary claims left large segments of the rural population at risk of dispossession. Courts and administrative bodies often favored those with formal documentation, undermining the legitimacy of historically held land rights. In addition, enforcement bodies such as police and local land committees were reported to lack capacity, resources, and autonomy, which severely hindered the implementation of the Land Act provisions.

A member of a local council observed, *"The Land Act provides guidelines for resolving disputes, but enforcement is weak. Many cases are delayed for years because we don't have enough resources to investigate or adjudicate"* (Local Council Member, 2023). This indicated a disconnection between legislative frameworks and enforcement realities, which continued to fuel land-related conflicts.

#### **4.1.3 Socioeconomic Pressures and Population Growth**

The study identified poverty, population growth, and land scarcity as critical pressures intensifying land grabbing. Many landowners were compelled to sell land to meet urgent needs such as school fees or medical treatment. However, due to lack of legal literacy and negotiation power, these transactions often led to exploitation. One respondent recounted, *"I sold part of my land to pay for my children's school fees. The buyer promised he would only take what we agreed upon, but later, he started claiming the rest of my land. I cannot afford to take him to court"* (Land Owner, 2023). This reflected a transactional imbalance where financial desperation led to long-term tenure insecurity. In other cases, population growth caused excessive fragmentation of family land, making boundaries unclear and leading to frequent intra-family disputes. *"Our family land has been divided so many times because of population growth that there is hardly enough left for farming. Each time we try to decide on boundaries, it ends in conflict"* (Land Owner, 2023). Moreover, the increasing commercialization of land, driven by infrastructure projects and investor speculation, made land a highly contested economic commodity. Government-led acquisitions without adequate consultation or compensation further destabilized rural livelihoods.

#### **4.1.4 Limited Legal Literacy and Public Awareness**

The study found that low legal literacy among Kayunga District residents significantly hindered their ability to secure land rights. This lack of legal awareness left many landowners vulnerable to fraud and unable to contest illegal

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transactions. The combination of illiteracy and limited outreach from state institutions further intensified their plight. One respondent remarked, "*When someone comes with a document claiming they own your land, you don't know what to do. We don't understand the law, so we just agree because we fear getting into trouble*" (Land Owner, 2023). A widow expressed, "*My in-laws told me women can't own land. I didn't even know how to prove them wrong. I felt helpless*" (Female Tenant, 2023). These testimonies illustrated that lack of awareness impacted not only land registration but also succession planning and conflict resolution. Women, in particular, encountered additional obstacles due to enduring patriarchal norms that persisted despite legal protections offered by the Land Act and the Constitution, which affirm their right to own and inherit land. The study revealed that civil society initiatives aimed at educating communities were underfunded and insufficiently widespread, leaving rural residents with limited access to legal information.

### **4.1.5 Institutional Inadequacies in Land Governance**

The findings revealed significant inefficiencies within land governance institutions, including district land boards, area land committees, and local courts. Many of these bodies lacked the technical knowledge, personnel, and logistical capacity to process land disputes effectively. One respondent shared, "*When we report a land dispute, the officers at the land office tell us to wait because they are overwhelmed. Sometimes they even lose the files, and the case is never resolved*" (Land Owner, 2023). This sentiment was reiterated by another individual who noted, "*The land board members don't inspect the land properly. They rely on what powerful people tell them*" (Land Owner, 2023). These gaps contributed to the perception that land governance institutions were biased and ineffective, further pushing landowners to either accept injustice or seek costly private solutions.

### **4.1.6 Customary Governance as a Preferred Dispute Resolution Mechanism**

The study found that many residents of Kayunga District continued to rely on customary governance mechanisms to resolve land disputes. These systems were deeply rooted in community norms and were often perceived as more trustworthy and accessible than formal courts. One elder commented, "*When we have disputes about land, the first place we go is to the elders. They understand the history of the land and can mediate fairly. Everyone in the community respects their decisions*" (Religious Leader, 2023). However, while these systems offered informal justice, their decisions often lacked formal legal enforceability. The lack of legal recognition limited their influence in larger or cross-community disputes involving state authorities or private investors.

### **4.1.7 Weak Implementation of National Legal Reforms**

The study revealed that national-level interventions, such as the Bamugemereire Land Commission, generated hope but failed to produce tangible change at the local level. Although the Commission documented widespread land-related injustices, its recommendations remained largely unimplemented due to legal limitations and lack of political will. A respondent from Nazigo Sub-County expressed frustration, "*We thought the land probe would help us get justice, but after the findings were released, nothing changed. The same people who grabbed our land are still there*" (Land Owner, 2023). This highlighted the ineffectiveness of ad hoc commissions when their findings were not connected to statutory reforms and enforcement mechanisms. The judicial ruling that stated the Commission had exceeded its mandate further weakened its authority and left many cases unresolved.

## **4.2 Opportunities Presented by Land Registration Laws in Addressing Land Grabbing Conflicts**

The study established that Uganda's land registration laws offer various practical opportunities that, if well-implemented, could contribute to resolving land grabbing conflicts in Kayunga District. These opportunities include formal recognition of customary practices, improved legal awareness, institutional improvements, use of technology, inclusive stakeholder participation, and legal harmonization. These are presented below.

### **4.2.1 Recognition of Customary Governance in Formal Land Registration**

The land laws provide an opportunity for integrating customary governance into the formal land administration framework. Respondents reported that community members often prefer resolving land disputes through traditional leaders and elders due to their knowledge of family land histories and accessibility. One participant stated, "*When we have disputes about land, the first place we go is to the elders. They understand the history of the land and can mediate fairly. Their decisions are respected by everyone in the community. The elders resolve disputes quickly and without the costs involved in going to court. For us, it is the best way to solve these problems*" (Land Owner, FGD, Galiraya Sub-county, 2023). The existence of

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legal provisions recognizing customary tenure provides an entry point for formalizing these systems and strengthening community trust in land governance.

### **4.2.2 Strengthening Legal Literacy and Rights Awareness**

Land registration laws offer a foundation for promoting public awareness about land rights and procedures. Respondents shared that many landowners, especially in rural areas, lack the knowledge to protect themselves against fraud. A participant explained, *"When someone comes with papers saying they own your land, you don't know how to fight back because you have never seen such documents. No one explains to us how to protect our land or what these laws mean"* (Land Owner, FGD, Busaana Sub-county, 2023). Another stated, *"My in-laws told me women can't own land, and I didn't even know how to prove them wrong. I felt helpless"* (Female Tenant, FGD, Galiraya Sub-county, 2023). The law provides a basis for developing community-based legal education programs that could empower people to engage with registration systems confidently.

### **4.2.3 Institutional Reforms Enabled by Land Policy Mandates**

The structure of land registration laws assigns responsibilities to specific local institutions, creating space for reforming how they operate. During field discussions, respondents expressed the need for institutions to function more transparently and fairly. One noted, *"The land board members don't inspect the land properly. They rely on what powerful people tell them"* (Land Owner, FGD, Kitimbwa Sub-county, 2023). Another added, *"When we report a land dispute, the officers at the land office tell us to wait because they are overwhelmed. Sometimes they even lose the files"* (Land Owner, FGD, Bbaale Sub-county, 2023). The legal framework provides an opportunity to strengthen these institutions through training, oversight, and clearer accountability mechanisms.

### **4.2.4 Digitization and Technology-Based Land Administration**

Provisions in the law support the digitization of land records, which presents a strong opportunity for addressing fraud and enhancing transparency. Respondents frequently mentioned that manual systems were easily manipulated. One landowner remarked, *"The paper records are easy to lose or change. Someone can pay a bribe, and suddenly the land that has been yours for years is gone in the files. If modern tools were used to map our land, no one could argue against those records"* (Land Owner, FGD, Kayunga Town Council, 2023). The expansion of digital land registries and mapping technologies could help reduce boundary disputes and provide greater protection to rightful landowners.

### **4.2.5 Inclusive Participation Through Multi-Stakeholder Frameworks**

The laws allow for participatory governance mechanisms, enabling diverse actors to engage in resolving land conflicts. Respondents indicated that many conflicts escalate because affected stakeholders are excluded from decision-making. A landowner shared, *"Land conflicts involve many people, but decisions are usually made by a few powerful individuals. If everyone affected was included in discussions, we could solve these problems better"* (Land Owner, FGD, Kayunga Town Council, 2023). Another added, *"Traditional leaders and elders understand our history, but they are often excluded from formal processes. Their involvement would help prevent disputes from escalating"* (Religious Leader, FGD, Nazigo Sub-county, 2023). Strengthening multi-stakeholder platforms in line with legal provisions could reduce conflict and promote fairness.

### **4.2.6 Legal Harmonization for Equitable Tenure Security**

The recognition of both customary and statutory tenure under Uganda's laws presents an opportunity for harmonizing the two systems to ensure equitable land protection. However, respondents reported that formal titles are often given more weight in disputes, leaving customary landowners vulnerable. One participant stated, *"The laws exist, but they don't protect us. The wealthy use them to take land, while those of us without resources can't even get justice"* (Tenant, FGD, Kayonza Sub-county, 2023). Another noted, *"We thought the land probe would help us get justice, but after the findings were released, nothing changed. The same people who grabbed our land are still there"* (Land Owner, FGD, Nazigo Sub-county, 2023). Harmonizing land registration practices and strengthening protections for non-titled but legitimate landholders can help reduce conflict and promote tenure security for all.

## **V. Discussion**

The findings of this study revealed that land grabbing in Kayunga District is largely driven by systemic governance failures, weak legal enforcement, socioeconomic vulnerabilities, and limited public legal awareness. These challenges echo the assertions by Ashukem (2020), who argued that Uganda's dual land tenure system inadequately integrates customary rights, thereby enabling dispossession of vulnerable groups. Similarly, Mabikke (2011) emphasized that the lack of effective institutional coordination and political will has allowed powerful individuals to exploit ambiguities in land administration processes. The coexistence of formal and informal tenure arrangements has also produced structural inequalities, whereby those with access to formal documentation or political connections are better positioned to manipulate registration systems to their advantage (Na, 2021). This aligns with Stiglitz's (2003) broader critique of governance in post-colonial legal systems, which he observed often fail to protect marginalized communities despite formal guarantees.

Despite these challenges, the study also identified strategic opportunities embedded within Uganda's existing legal framework, particularly the potential for legal reforms, digitization, and the formal recognition of customary governance mechanisms. Antonio, Zevenbergen, & Gitau (2021) highlighted the promise of digital platforms such as the Social Tenure Domain Model in reducing fraudulent registrations and protecting informal landholders. Similarly, Nakayi (2021) advocated for harmonizing the Torrens system with community-based tenure systems to prevent unjust land transfers. The recognition of traditional authority in dispute resolution is consistent with the restorative justice perspective advanced by Nabudere & Velthuizen (2013), who called for culturally grounded approaches to conflict resolution. If fully implemented, these legal innovations could help bridge the gap between statutory systems and local realities, thus enhancing equitable access to land rights in districts like Kayunga.

## **VI. Conclusions**

The study found that land grabbing in Kayunga District results mainly from a mix of governance failures, legal ambiguities, economic difficulties, and a lack of public legal knowledge. Although land rights are constitutionally protected and there are laws intended to ensure fair land management, these measures fall short due to corruption, insufficient institutional capacity, and the exclusion of customary tenure. Uganda's dual land tenure system continues to create conflicting claims and legal inconsistencies, putting rural communities at a disadvantage since many do not have formal titles. Economic hardship and population pressures drive vulnerable people into exploitative land deals, while weak judicial and administrative enforcement makes it hard to seek justice. Additionally, the sidelining of customary governance and the failure to enact national land reforms worsen land-related disputes.

However, the study also established that existing land registration laws present tangible opportunities for redress. These include the formal recognition of customary tenure, the potential for institutional reform through legal mandates, and the promotion of public legal literacy. The digitization of land records through systems like the National Land Information System provides a means of combating fraud and increasing transparency. Furthermore, the inclusion of multi-stakeholder voices such as traditional leaders, civil society, and vulnerable groups into land governance processes was identified as an underutilized opportunity for resolving disputes sustainably. Therefore, the core issue of land grabbing in Kayunga District is not the absence of legal frameworks, but rather their inadequate implementation, exclusionary design, and limited responsiveness to the socio-cultural and economic realities of rural landholding communities.

## **VII. Recommendations**

The study recommends aligning Uganda's dual land tenure system to give equal recognition to customary and statutory land rights. Legal reforms should integrate customary dispute resolution into formal frameworks, ensuring they uphold principles of fairness and gender equality. Land governance bodies such as district land boards and committees should be strengthened through training and the use of technology like GIS and digital registries. Anti-corruption measures are needed to enhance transparency. The government should launch legal literacy campaigns in local languages, focusing on empowering women and vulnerable groups. Community paralegal programs should be institutionalized, and specialized land courts established to fast-track land cases. Inclusive collaboration among traditional leaders, civil society, and local authorities should be promoted to support transparent and participatory land governance.

#### **VIII. Declaration of Conflict of Interest**

The authors assert that there exists no conflict of interest pertaining to this study. The research was conducted independently, uninfluenced by any financial support, institutional affiliation, or personal interest that could potentially compromise the integrity or impartiality of the findings. This study was undertaken exclusively for academic purposes and aims to contribute to scholarly discourse on land registration and land governance in Uganda.

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