

## BUGANDA LAND BOARD POLICY PAPER TO OLUKIIKO TABAMILUKA U.S.A

### SECTION 1 – HISTORICAL

- a) The 1900 agreement between the Protectorate Government and the Kingdom of Buganda commonly referred to as the 1900 Buganda Agreement assumed that the total acreage of Buganda land was 19600 square miles.

#### The said land was shared as follows:

1. Crown land	9000 sq. miles
2. Ebibira (forests)	1500 "
3. Kabaka	350 "
4. Namasole	16 "
5. Abalangira	32 "
6. Abambejja ba Nnalinyanya	90 "
7. Katikkiro	32 "
8. Omuwanika	32 "
9. Omulamuzi	32 "
10. Abamasaza	320 "
11. Omulangira Mbogo	24 "
12. Kamuswaga	20 "
13. Abataka (Private Mailo)	8000 "
14. Abaminsane	92 "
15. Ebibuga (Kampala, Entebbe, Masaka)	50 "
<b>Total</b>	<b>19600 square miles</b>

- b) The 1967 Constitution abolished the Kingship and removed the authority of the administration of Kabaka's land.
- c) The 1975 Land Reform Decree abolished the system of mailo land tenure and other freehold ownership following which Kabaka's Land was mismanaged by state appointed chiefs.
- d) The 1995 Constitution restored the Kingdom of Buganda among others and the system of Mailo land.
- e) The Land Act of 1998 established the land administration dispute resolution Institutions.

### SECTION II

#### RE - INTRODUCTION OF BUGANDA LAND BOARD (BLB)

1. Following these political changes, the Buganda Land Board was re-introduced in 1994 by the Kabaka of Buganda to act as his agent in the administration of Kabaka's land and other properties of the Buganda Kingdom and ensure that this is done in the interest of the Kabaka and his Kingdom.

Buganda Land Board administers on behalf of the Kabaka the following:

- i) Land
- ii) Buildings, such as:
  - Bulange

- Tweekobe
- Butikkiro
- Basiima
- State Lodge Makindye
- Supreme Court Mengo
- Omulamuzi residence
- Omuwanika residence
- Kigo farm and Prison land
- Makindye Military Barracks and Officer's Mess
- Bulange Plaza

Bulange is the seat of Ssbassajja's Government and is where the Lukiiko meets. Apart from its imposing structure, it is the symbol of Buganda's tradition and glory. An uncompleted structure stands on the grounds of the Bulange, which is referred to as the "Bulange Plaza" The structure is still solid and plans are underway to complete the building and most likely rent it out.

Some of the above buildings although have been returned in theory and are being rented by the central Government, have arrears of rent owing i.e. Kigo prison and Supreme Court Mengo.

There are also a group of properties previously owned by Buganda Government yet to be returned i.e. police stations, hospitals, schools, saza and Gombolola headquarters etc.

#### 2. Functions of Buganda Land Board

- a) To lease, license, mortgage or otherwise deal with Land for development purpose.
- b) To operate profitably and generate revenue for the Kabaka, Nkuluze and the Kingdom of Buganda.
- c) To enter into joint ventures with various investors for development purpose.
- d) To cause surveys, plans, maps, drawings with regard to the Land controlled by the Board.
- e) To advise the Kabaka, if so requested by the Kabaka, on the management of his personal land, estate or interest in land personally held by him.
- f) To forward to the Kabaka, the Katikkiro, the Minister responsible for Lands and to Buganda Cabinet at least every three months, a full report of the Board's activities, in particular the leases granted and money realized there from during that period.
- g) To prepare and forward to the Kabaka, the Katikkiro and to the Buganda cabinet an annual financial report.

#### 3. Objectives of Buganda Land Board

- a) The main objective of the Board is to advise the Kabaka, on behalf of the Buganda Kingdom, on all matters relating to the Land.
- b) To professionally manage all land properties that fall under its jurisdiction in a sustainable manner.
- c) To facilitate and promote the proper use and utilization of the land.
- d) To promote and advise on retention of land by Buganda subjects (i.e. abantu obuteemalako ttaka).
- e) To establish a fund or machinery of advising and assisting the people of Buganda who may wish to buy, sell, lease, develop, mortgage or otherwise deal with their privately owned lands with a view to getting them maximum benefit.

- f) To be responsible for ensuring that all land in Buganda is utilized in a manner which ensures maximum benefit for the present and future generations and protects the environment.

#### 4. Restrictions of the Powers of the Board.

- a) The Board does not have any power to sell any land.
- b) The Board does not have power to grant any land leases on Mengo Lubiri or on any Masiro land.
- c) The Board does not have power to grant any lease on land exceeding fifty acres in rural areas or more than one acre in urban areas to any individual, group or company unless approved by the Buganda Cabinet.

#### 5. Composition of the Board

- a) The membership of the Board is in the discretion of the Kabaka but cannot be less than 10 (ten) members, and not more than 15 (fifteen)
- b) The Chairperson of the Board is appointed by the Kabaka.
- c) A member of the Board holds office for a period of 2 (two) years but at the expiration of the term of appointment can be eligible for re-appointment.

#### 6. Committees of the Board

In the performance of its duties BLB has established the following committees:

##### a) Lease Committee

This Committee deals with lease applications from tenants on Kabaka's land.

##### b) Finance and Administration Committee

This Committee considers the financial aspects of the Board and its staff welfare.

##### c) Land Advisory Committee

Ssaabasajja Kabaka in his wisdom directed the setting up of a department to address the rampant selling of land from his subjects. There was a concern that people are indiscriminately selling land at almost give away price and in future Kabaka's people would be destitute on their land. The same committee is charged with a responsibility of developing a land fund which operate profitably not as a social service though to some degree its role is supposed to appear or take on a social outlook.

##### d) Planning and Development Committee

This Committee deals with long term investments on land by Buganda Land Board which would fetch sustainable income.

##### e) Property Management Committee

This Committee deals with the status of Buganda Kingdom buildings as far as occupancy and repairs are concerned.

#### f) Information, Publicity & Public Relations committee

This committee deals with educating the masses on the operations of Buganda Land Board and information technology. Buganda Land Board has computerized and is now on the website-www.bugandalandboard.or.ug.

### SECTION III

#### 7. Tenants registration exercise.

The Land situation in Buganda during the period 1967 to 1995 was in a most confused state and people took advantage of this to deal with it for their gains as they wished and in some cases trying to deny that the Land in question truly belonged to Kabaka.

It was therefore under this state of affairs that the Buganda Land Board started its work. The first main task was to find out where the Land in question was and the state in which it was. An experiment was undertaken and a company was engaged to operate a pilot scheme on a limited area of Makindye, but unfortunately while some of the information received was useful to start with, the experiment turned sour and had limited success. It is therefore still necessary to continue with the effort of identifying, registration of tenants on Kabaka's land and regularization of occupancy. It must however be realized that this is a costly exercise.

Notwithstanding these problems, BLB has done fairly good job so far in securing some funds for the Kingdom, funds which enabled the institution to carry on its work in a modest way.

### SECTION IV

#### 8. Public reaction to Buganda Land Board activities

During the operations of Buganda Land Board, views have been expressed that the Board's leasing rates are too high compared with other Landowners like Kampala City Council and religious organizations. Others were of the view that Kabaka's Land should be given free to Baganda or leased out for a very minimal fee. On close examination, however, BLB charges were found not to be too out of line with the others. The Board therefore found itself in a dilemma as to whether it should appear to give away Kabaka's land cheaply even though the Kingdom was in dire need of funds. The Board is constantly reviewing this matter.

Another complaint made is that the Board leases out most of land to non-Baganda who are more endowed with funds presently. This is not borne out as facts on the ground show.

The notion that Kabaka's Land is too expensive has led to a situation where applicants are given leases after all formalities are completed only to never come back to finalize and pay. Corrective measures have been taken where by if applications become stale they are cancelled and the applicant is made to start afresh.

## SECTION V

### 9. Gazetted land

A decision has been taken to reserve some of Kabaka's land for re-developing among which are the following;

- a) All Masiro land in Buganda
- b) Lubiri palace
- c) Former Minister's land at Mengo
- d) Land at Kabaka's lake
- e) Makindye State lodge Block 273 plots 67,69, & 2
- f) Kakeeka land Block 8 plots 1088, 1093 and 937
- g) Katwe Jubilee Park
- h) Upper Konge land Block 273 plots 2697 and 2698
- i) Busabala Girl Scout land Block 273 plot 1
- j) Busabala Boys Scouts land Block 273 plot 5
- k) Kigo farm and Prison land Block 273 plot 38
- l) Kaazi, Busabala and Kigo land
- m) Munyonyo market land
- n) Former U.S.A Makindye land Block 273 plots 3 and 70
- o) Damba Islands Block 497 plot 1
- p) Kisinsi Block 390 plot 1

## SECTION VI

### 10. Land and Properties not yet returned to Kabaka

It is the review of the Buganda Kingdom that all land that was under the administration of the Kingdom should be returned to it as landlord. The 9000 square miles continues to be the biggest bone of contention to which the Government of Uganda remains adamant and without a clear cut policy. The 1500 square miles of forest is another important issue as the forests are being eliminated at a high rate with diverstating results to the echo system of Buganda.

#### Some others include

- a) 16 square miles of Katikkiro of Buganda
- b) 16 square miles of Omulamuzi of Buganda
- c) 16 square miles of Omuwaniika of Buganda
- d) 8 square miles of Ssaza Chiefs of Buganda making a total of 144 square miles of land.
- e) 49 acres of Gombolola Chiefs of Buganda
- f) 154 square miles and 162 acres residue on the 8000 square miles of land that was given to bataka (private mailo) technically referred to as a Surplus Estate (S.E).
- g) 90 Square miles of land for princesses
- h) Palace's land acreage not confirmed
- i) Buganda Government shares in U.E.B
- j) Buganda Government shares in Kampala and the District Land Board
- k) University College of East Africa (Presently Makerere University Kampala) - FRU 59/21 ne FRU 206/2.
- l) Empire Cotton Growing Association Namulonge (FRU 6/11, FRU 48/2 ne FRU 31/2)

- m) Land for Katikkiro, Omulamuzi and Omuwaniika in Kampala District.
- n) Land for Ssaza and Gombolola Chiefs in Kampala District in places such as Kisenyi-Mengo, Lungujja, Nateete etc.

## SECTION VII

### 11. Topical Land Issues

#### i) Mailo Land Versus Freehold land

A proposal has been put forward for Uganda to have a Uniform type of land system. Mailo land appears to be the likely first casualty. The Buganda Lukiiko has discussed this issue and reaffirmed the need for Mailo Land to remain Consultations are continuing on this subject.

#### ii) Mabira Forest

The Mehta Group of Companies which grows sugar canes and makes sugar at its factory at Kawolo wanted more land to grow sugar canes. The Company proposed to the Government that part of the Mabira forest be given to them to carry out this expansion. Mabira's forest is of course part of the 1500 square miles belonging to Buganda and designated as forest land. As the Government was considering the request there was a national outcry against the idea of cutting down the forest to grow sugar canes. Ssaabasajja offered some of his land in Kyagwe for this purpose to save the forest but the offer has not yet been taken up and a Uganda cabinet Committee is still considering the matter.

It is indeed perplexing that at this time when the entire world is concerned with climate change etc, an idea is forwarded to cut down part of the Mabira, which serves many purposes.

#### iii) The Balaalo of Bulisa

This is the most recent land issue which has also aroused a lot of interest and concern. The idea is for the Government to move the Balaalo from where they are in Bunyoro and temporarily bring them to a place near Kyakwanzi in the Ssaza of Singo. The land in question is part of the 9000 Sq. miles that have yet to be returned to Buganda Kingdom. Once again the Lukiiko objected to the proposal and matters were further complicated by the Balaalo refusing to move from the land they claim they have bought.

## SECTION VIII

### Way forward and conclusion

- a) Buganda Land Board should be in position to manage all land returned and to be returned to the Kabaka of Buganda.
- b) To ensure that all land is identified and documented.

c) An amicable solution is found between Buganda Land Board and its tenants as regards leasing.

Buganda Land Board is building up capacity to enable it manage all Buganda Kingdom land and properties when they are returned to the Kingdom. A number of institutions will no doubt be put in place towards this end.

As things stand now despite these frustrations and the rather unclear atmosphere in which it operates Buganda Land Board continues to do what is expected of it namely to manage Buganda Kingdom land as well as it can.