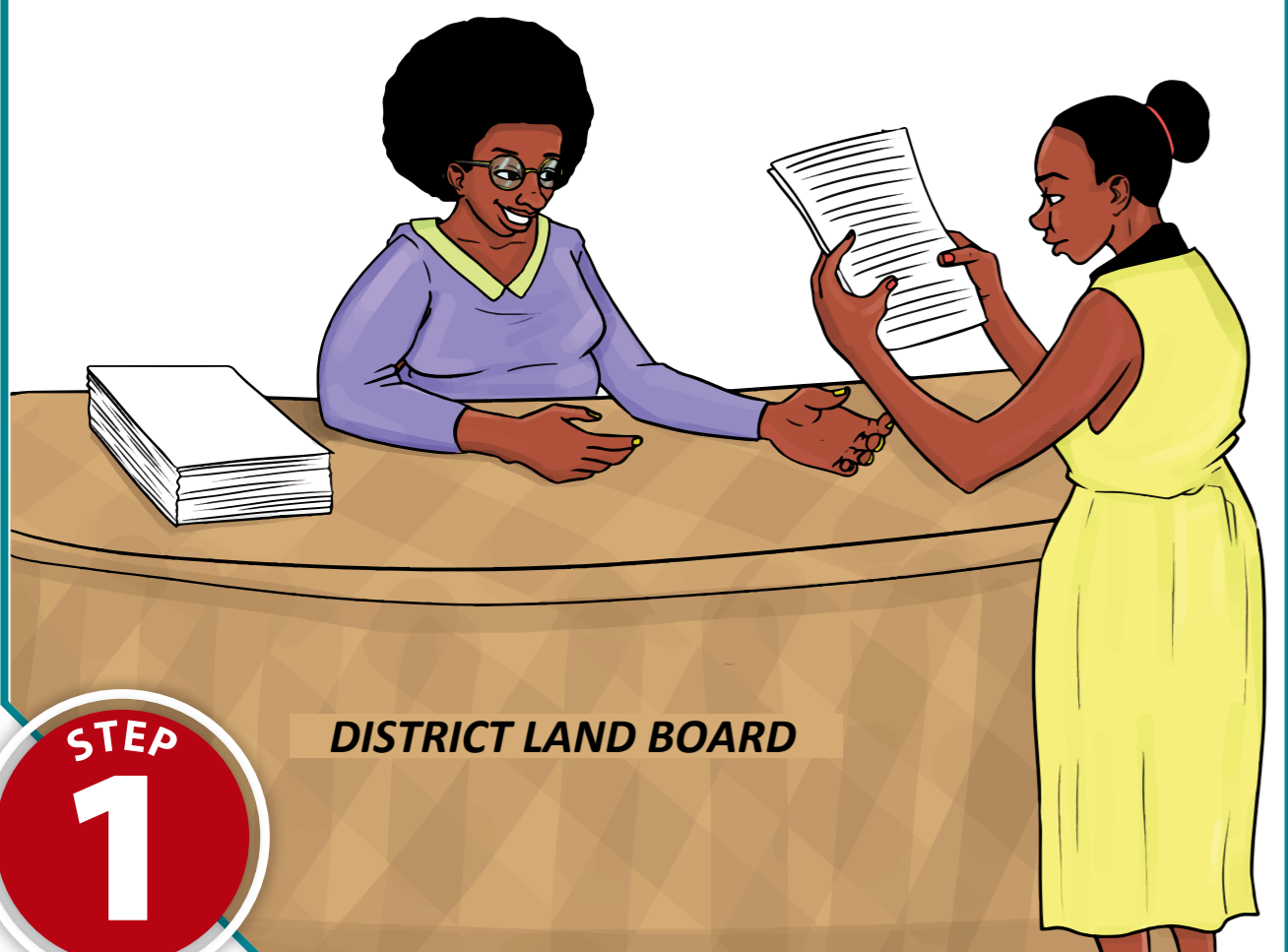


HOW TO ACQUIRE A CERTIFICATE OF CUSTOMARY OWNERSHIP

(CCO)

The Applicant(s) picks the application forms (Form 1), from the offices of the District Land Board (DLB) after paying the prescribed fees.



STEP 1

The Area Land Committee using Form 23 goes ahead to mark boundaries, rights of way and other forms of easements witnessed by owners of adjacent lands and LC1 Chairperson.



STEP 4

The committee also makes a sketch map of the area and prepares an inspection report.

The decision of the ALC is a recommendation, which the DLB considers and may either accept or reject with reasons for rejection. When the board accepts, its acceptance is put into writing and it is sent to the Recorder who then issues the certificate at the sub-county.



STEP 7

The applicant fills in the Forms in triplicate (3 copies) and submits them to the Recorder (Sub-county chief for a Sub-county, Town Clerk for a Gazetted Urban Area, Assistant Town Clerk for a City Division)



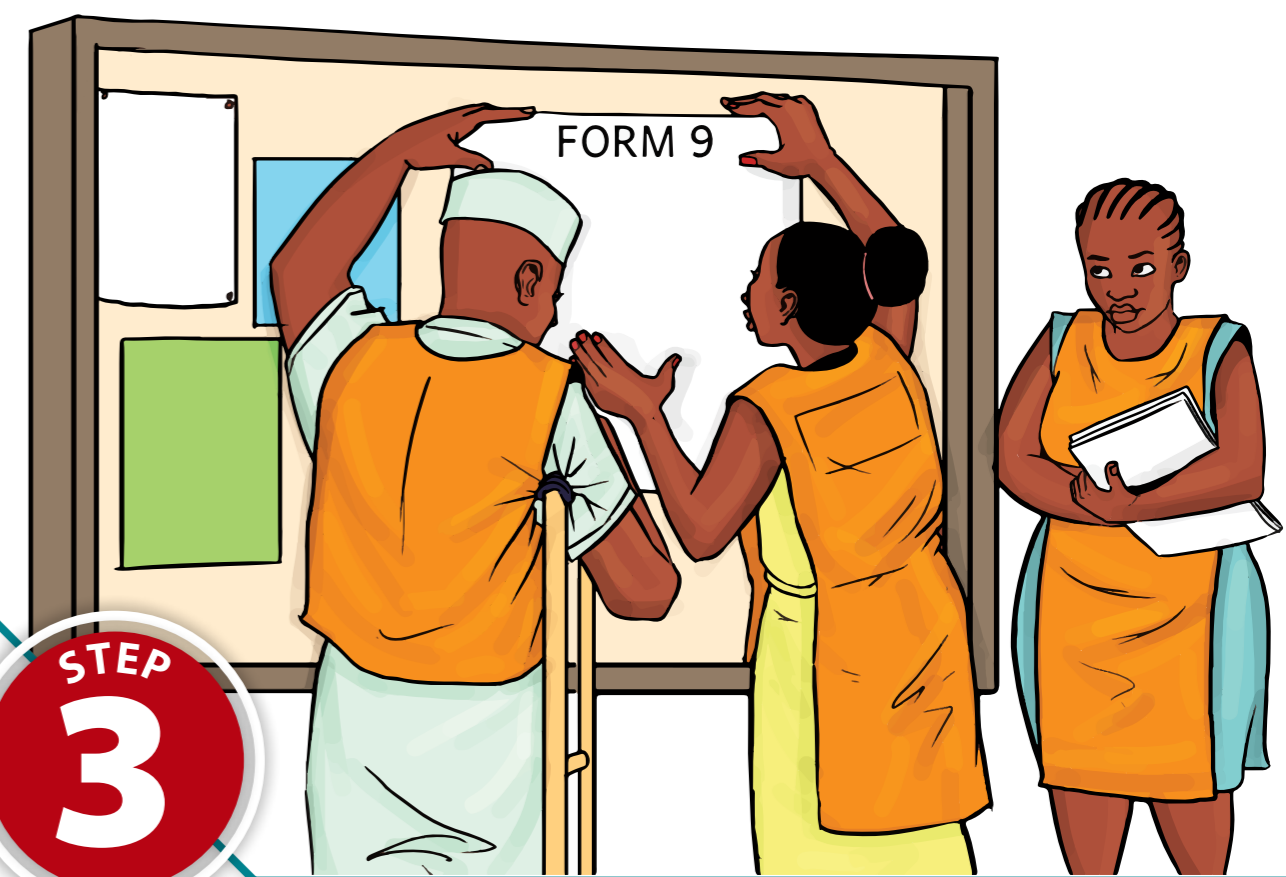
STEP 2

Before the Area Land Committee makes its final decision, it hears and determines claims from any person with any interest in the land or in any adjacent land which may be affected by the application. The committee is guided by customary law, the Land Act and any other applicable laws. The committee may also request an officer from the district land office or any other person to conduct further investigations into any claim.



STEP 5

The Area Land Committee puts up a public notice (using Form 9) notifying the public of the applicant's intention to acquire a CCO.



STEP 3

The decision of the Area Land Committee is put into writing. Three copies are made. The original is forwarded to the District Land Board together with a sketch map of the area.



STEP 6

A customary Land Identification Number, Instrument number and portion numbers are given to each certificate of customary ownership issued and the prescribed fees are paid. The applicant is then issued with a certificate subject to land use rights and physical planning regulations.



STEP 8

HOW TO CARRY OUT A SUBDIVISION ON MAILO LAND

The Applicant presents the originals and photocopies of the documents to the Ministry Zonal Office for checking and approval of the required subdivision, in order to proceed. The documents are received and the photocopies are stamped 'Received' and returned to the Applicant.

MINISTRY ZONAL OFFICE



STEP
1

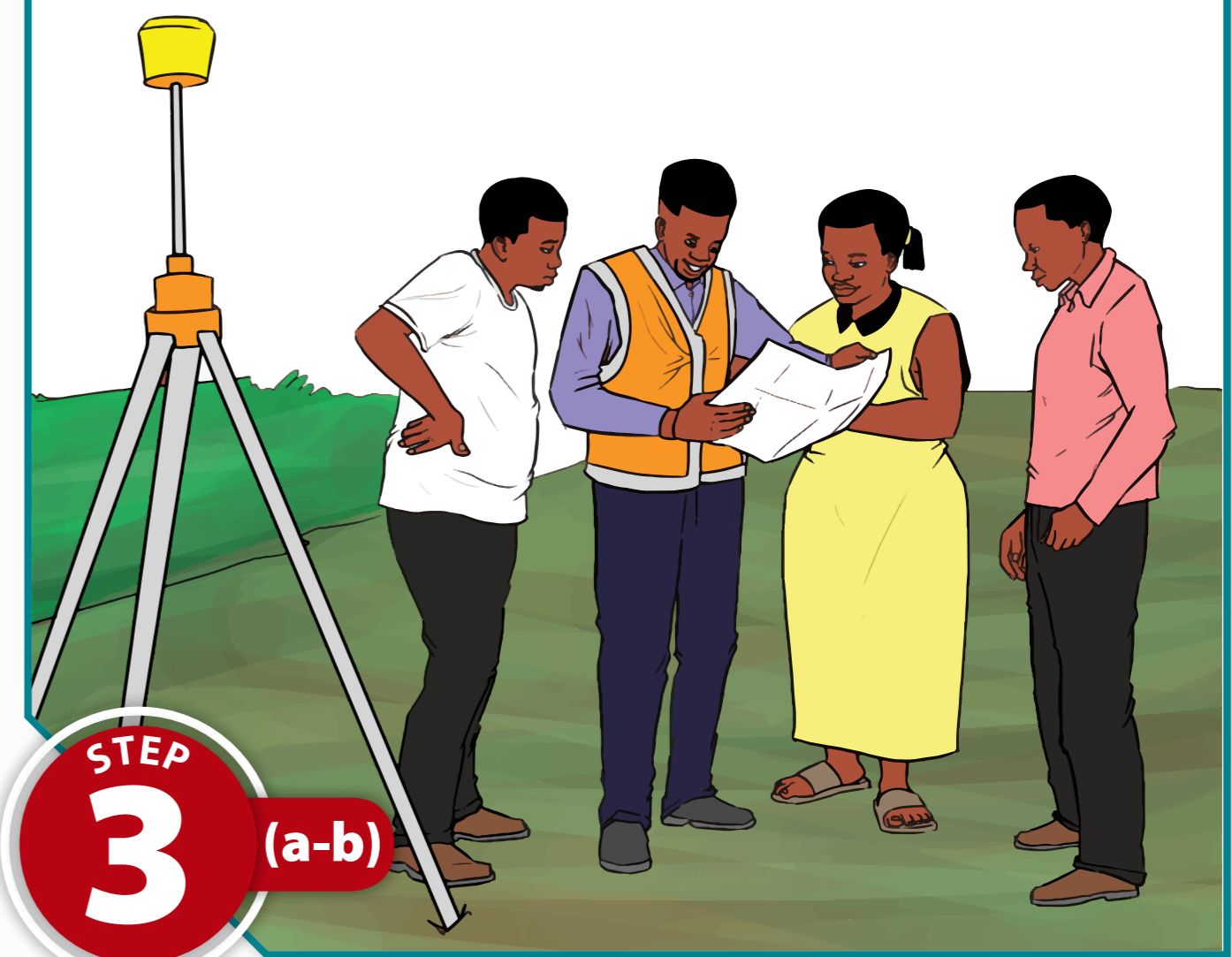
The documents are scanned and forwarded to the physical planner for issuance of site plan and then forwarded to the Senior Staff Surveyor (SSS) to issue Instruction to Survey (IS). The SSS issues the IS to a registered surveyor.

SENIOR STAFF
SURVEYOR



STEP
2

- The Registered Surveyor is expected to inspect, demarcate and survey the land in the presence of the Applicant(s), local council leaders, neighbours and owners of adjacent land.
- Thereafter, the Registered Surveyor prepares a Job Record Jacket (JRJ), which includes the measurements he/she took on the land in question and any other relevant information concerning the land.



STEP
3 (a-b)

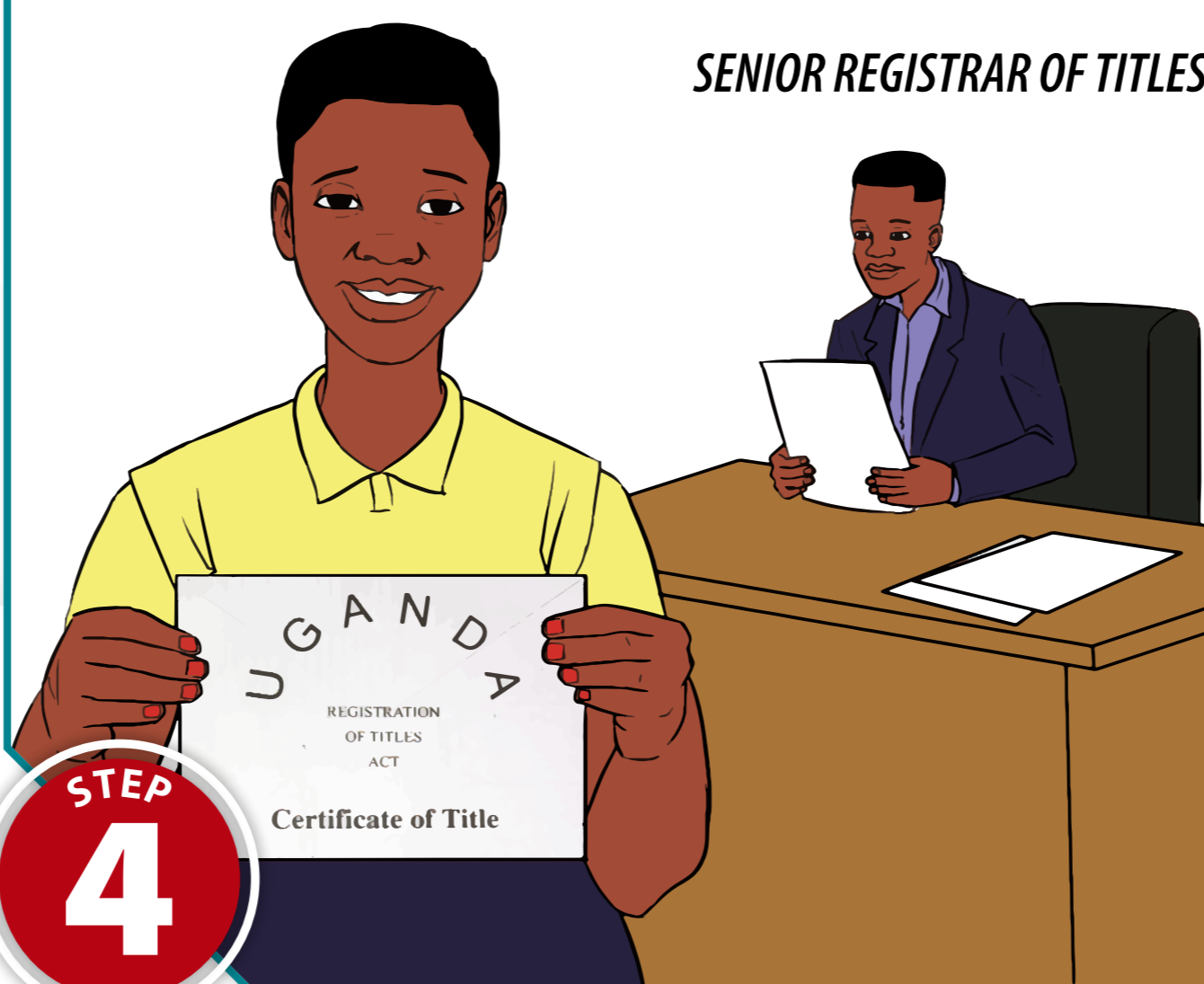
- The JRJ is submitted to the intake clerk, scanned and forwarded to the Senior Staff Surveyor, who forwards to the Cartographer for plotting and is returned to the Senior Physical Planner for checking compliance.
- The Applicant pays checking and deed plans fees and certified deed plans are issued.



STEP
3 (c-d)

The deed plans, fully completed mutation form and Duplicate certificate of title are forwarded to the Senior Registrar of Titles, who approves the transaction and issues Mailo certificates of title for all new plots. The new titles are issued to the Applicant.

SENIOR REGISTRAR OF TITLES



STEP
4

Required documents

- Duplicate Certificate of Title
- Mutation Form, which must have been filled and signed by the registered owner, stamped and signed by a private Registered Surveyor contracted to carry out the sub-division.
- Two Passport photographs of the owner (seller)
- Photocopy of the national identity card of the registered owner

ALTERNATIVE DISPUTE RESOLUTION MECHANISMS IN THE CONTEXT OF RESPONSIBLE GOVERNANCE OF INVESTMENTS IN LAND

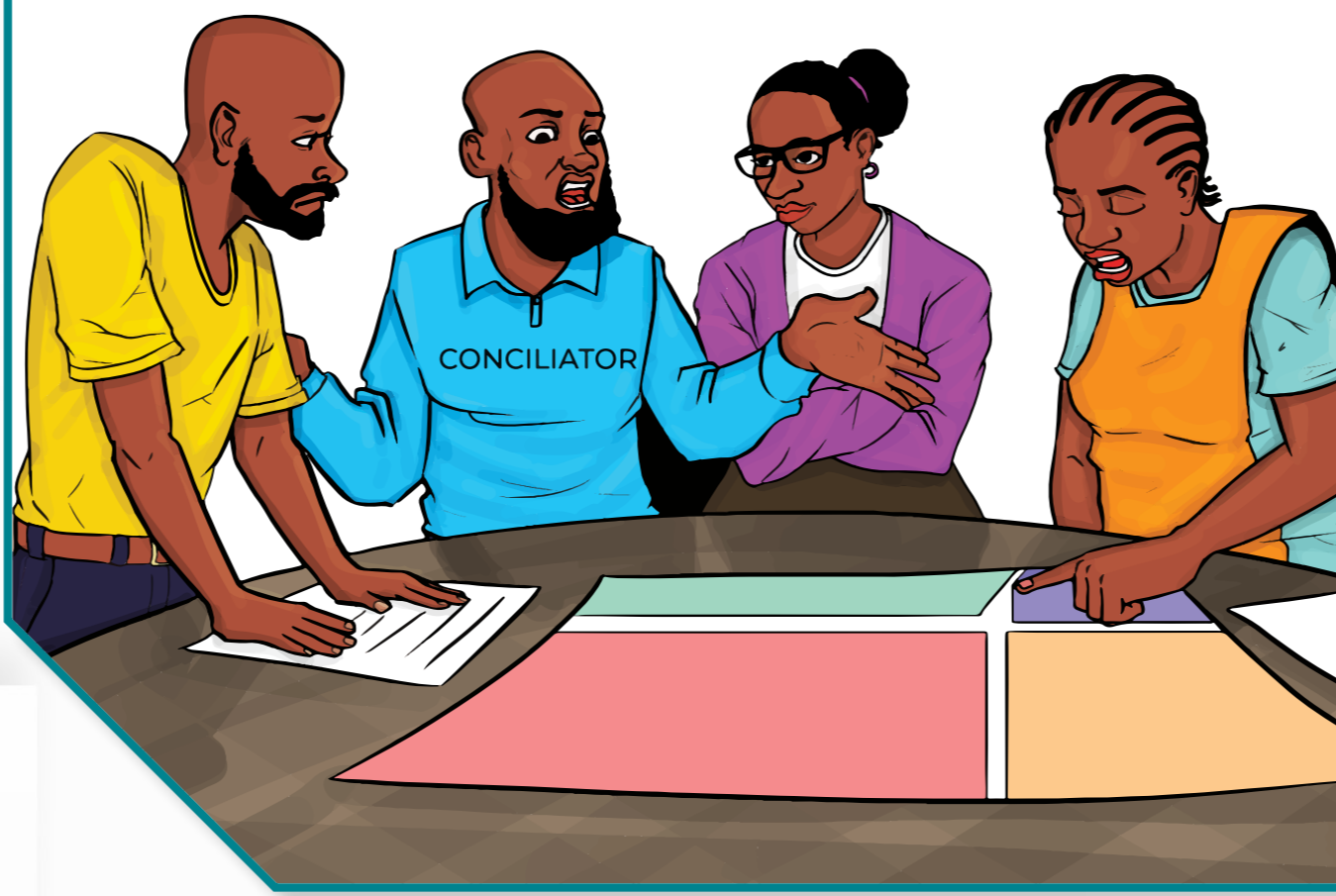
Unaccompanied Negotiations

This is the simplest, quickest and cheapest way to resolve a conflict. It only requires the parties to the conflict to meet and negotiate a solution without the intervention of a third party.



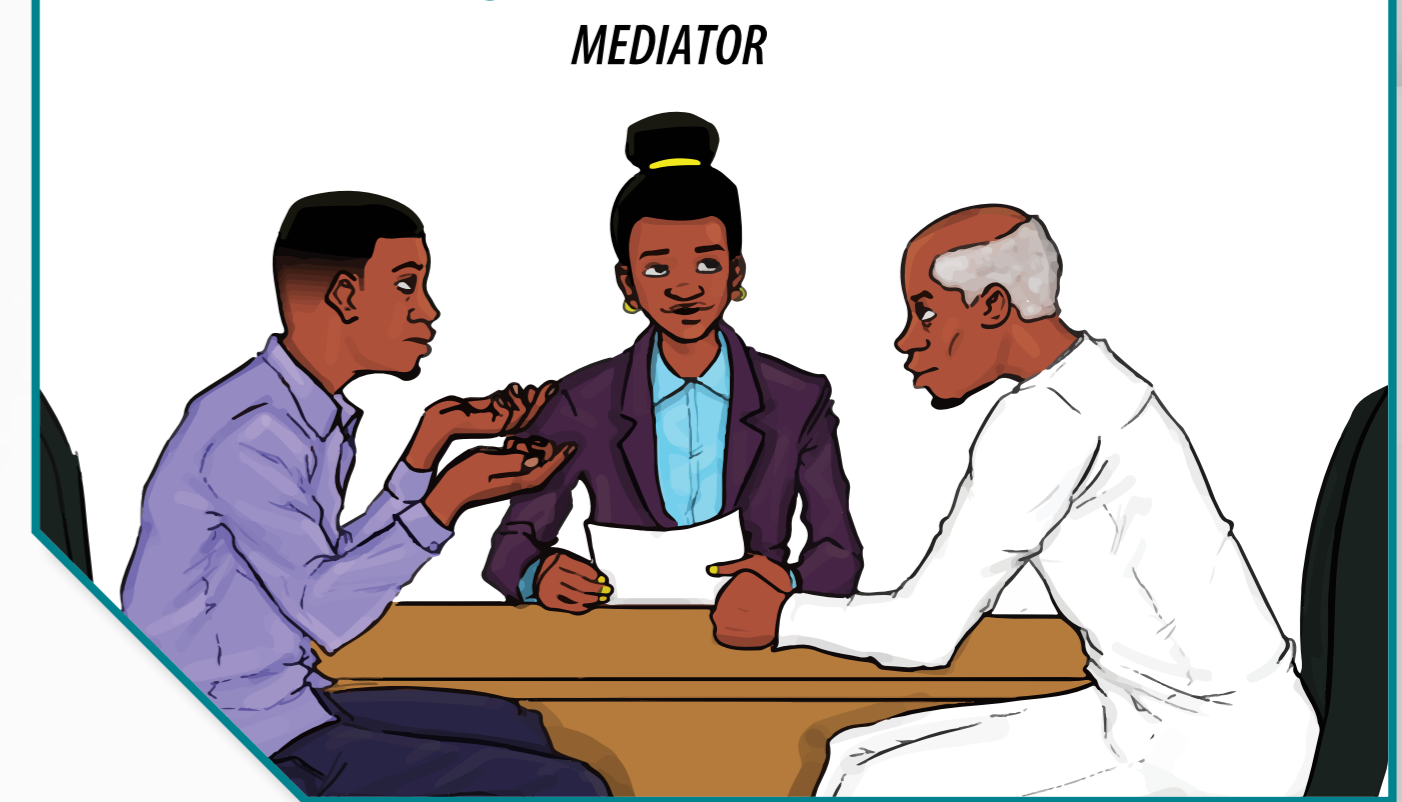
Conciliation

This is a mixture of negotiations and mediation where the conciliator helps the parties to negotiate while – whenever necessary – addressing internalized perceptions, attitudes, intentions and behaviours with the objective of reducing prejudices and hostility.



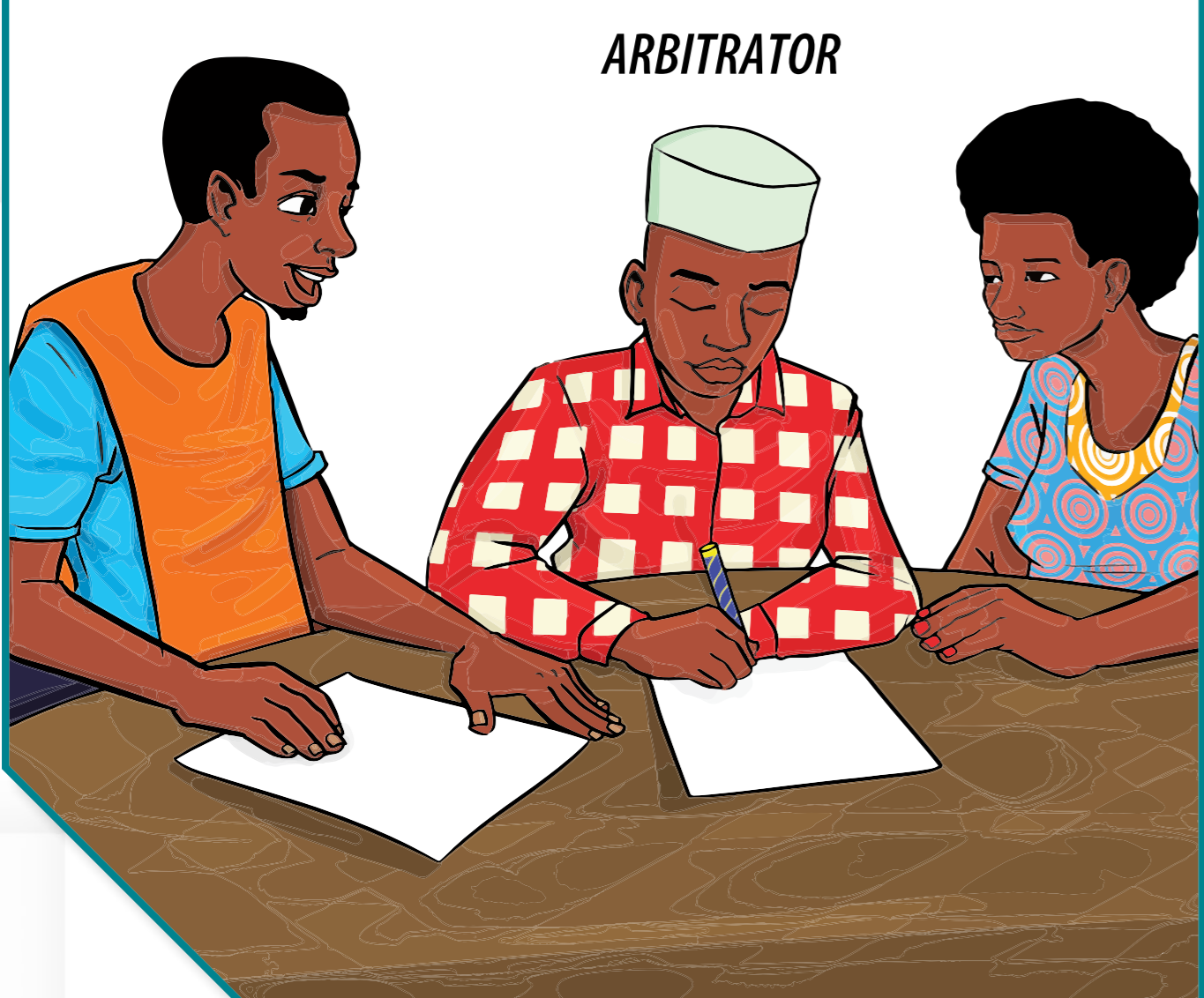
Mediation

This is a voluntary, non-binding and private dispute resolution mechanism in which a neutral third party (the Mediator) helps the parties to reach a negotiated settlement.



Arbitration

This is a private dispute resolution mechanism in which a third-party (the Arbitrator) listens to each of the disputing parties and then makes a decision that is binding on all parties.



Moderated/Facilitated Negotiations

These are negotiations conducted by a person who is trusted by both parties to the conflict. The task of this person is to moderate/facilitate the negotiations.

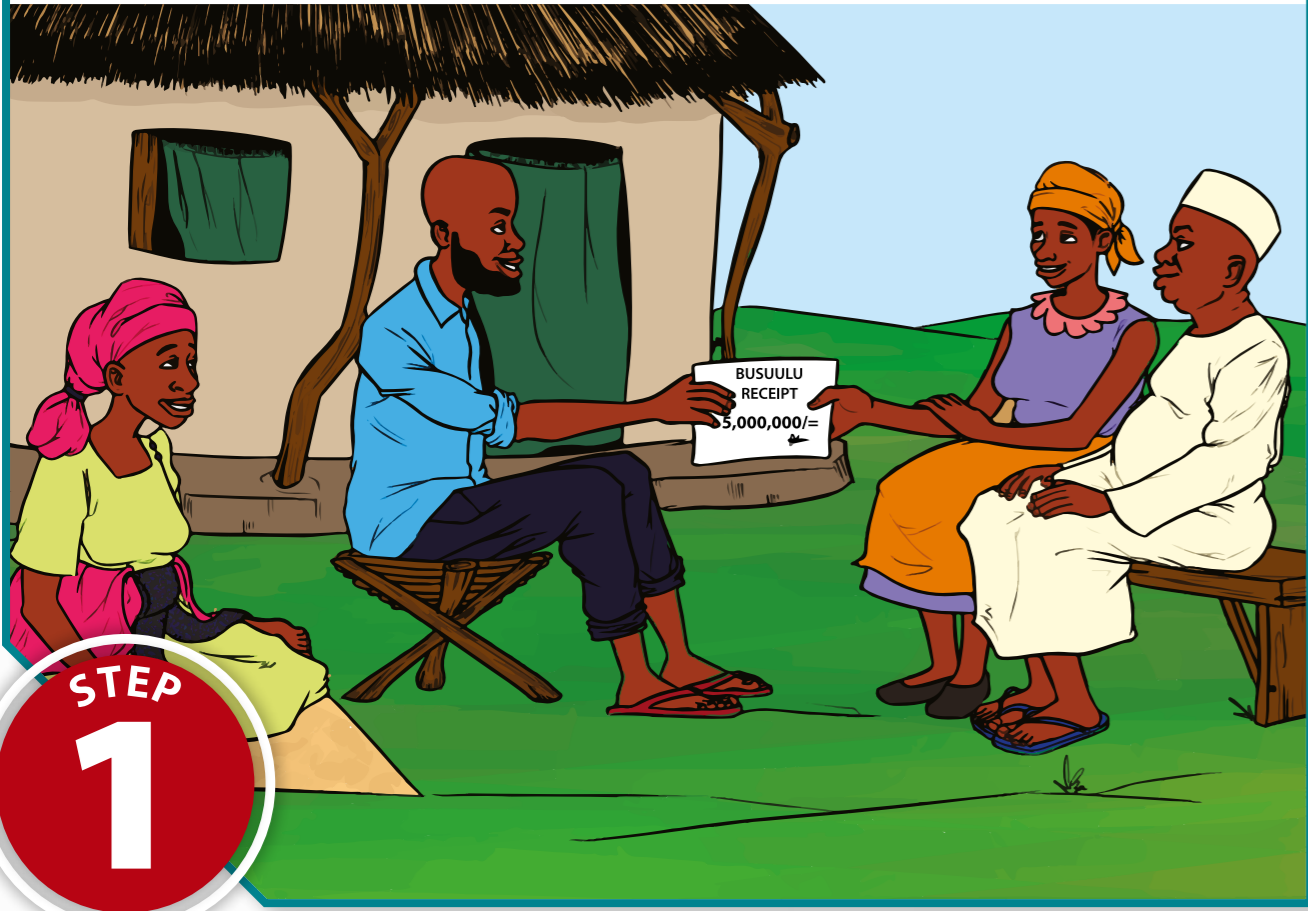


KEY MESSAGES ON ADR MECHANISMS

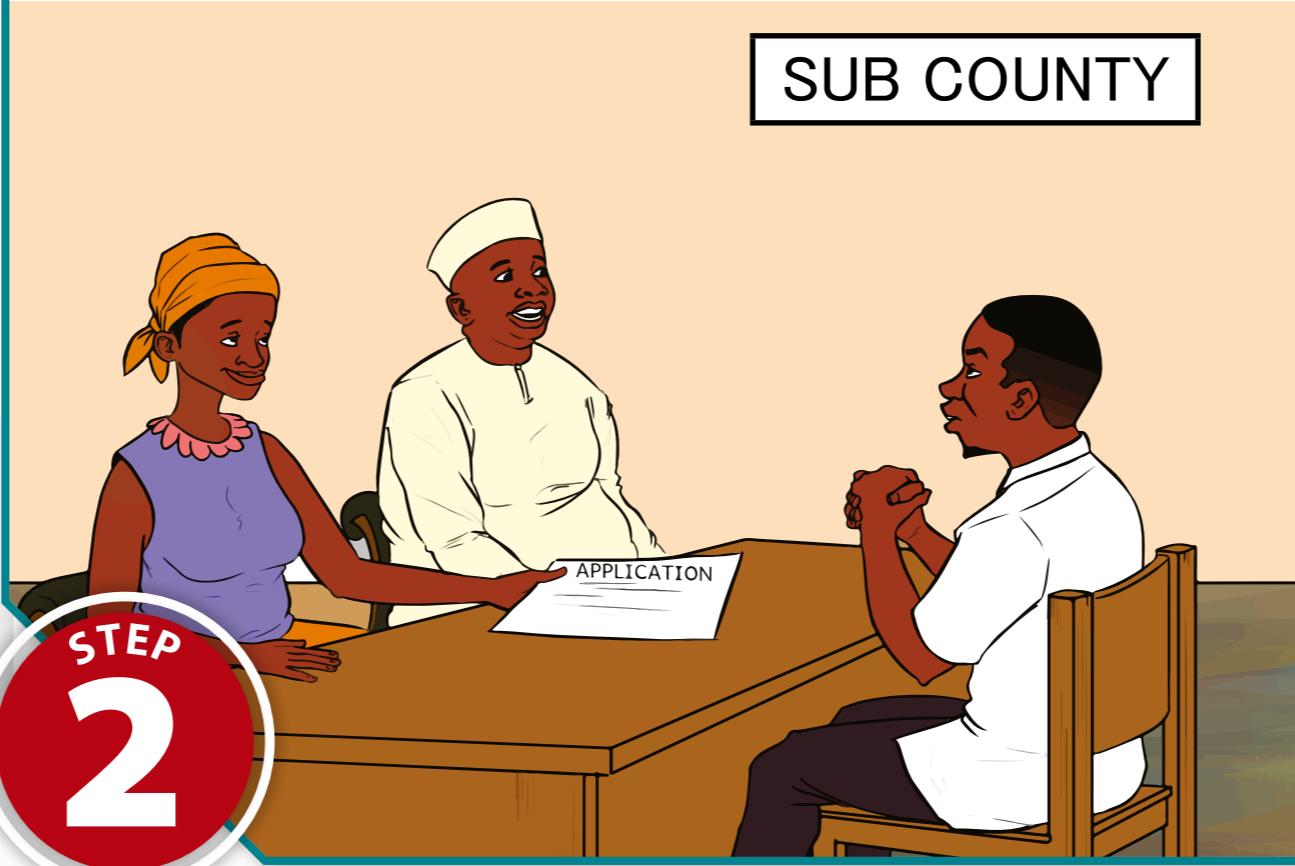
- ADR Mechanisms increase access to justice for social groups that are under-served by the formal litigation system.
- ADR Mechanisms are considered less costly, quicker and most effective in resolving land disputes than judicial processes.
- ADR mechanisms are consensual approaches to dispute resolution in which the parties to a conflict voluntarily agree on a solution
- Government authorities both at the national and local levels should assess the background conditions in communities where the investments happen to ascertain whether ADR is the most feasible means of dispute resolution.
- Integrating gender sensitivity and inclusivity is key in dispute resolution. This means that the women and vulnerable groups have to be promoted actively by giving them an important role in the processes.

HOW TO GET A CERTIFICATE OF OCCUPANCY

Get Busuulu Receipt from landlord: The land occupant (tenant) will pay annual nominal ground rent (Busuulu) to the landlord for security of their Kibanja/Plot. This confirms occupancy of the Kibanja.



The tenant plans to get a Certificate of Occupancy (CoO) and acquires and fills the CoO application form 2 from the Sub County.



Seek consent from the landlord to accept the offer of a CoO to the applicant (tenant). The landlord then notifies the Area Land Committee (ALC) about the application by the tenant on his/her land.



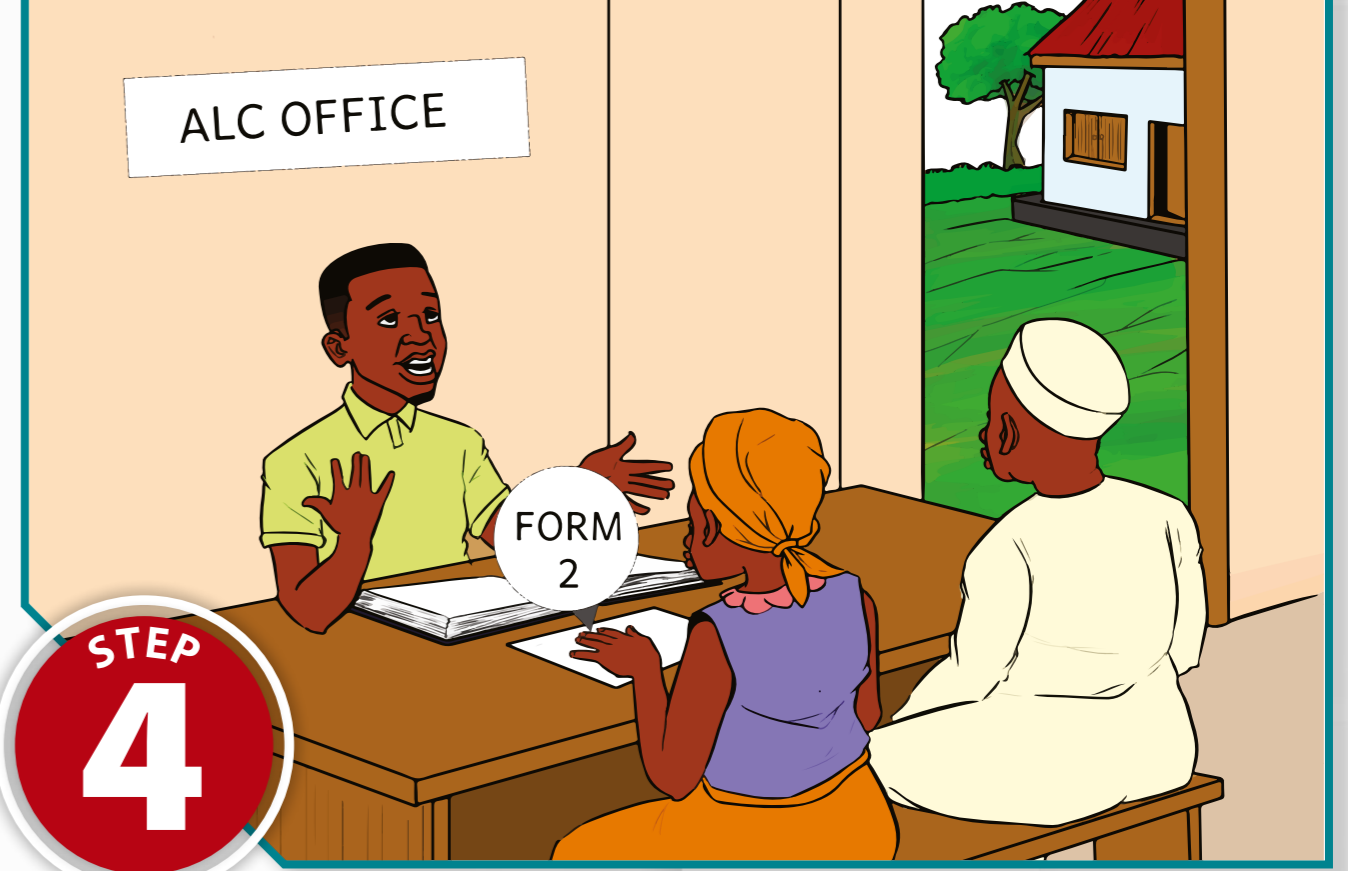
CoO sensitization meeting by the Senior Assistant Secretary (Recorder) to answer queries (if any) raised by the community and the Landlord after the display of the public notice.



The ALC Chairperson issues public notice. Public notice using form 22 is displayed both at the Sub County and Local Council one of office valid for 21 days from the issue date.



Submit the CoO application form 2, with all the required information to the ALC office at the Sub County.



Land inspection: The ALC members, landlord and owners of adjacent Bibanja/plots will mark boundaries and other forms of easements using form 24.



The ALC compiles the inspection report detailing their decision and a sketch map of the area is drawn. Three copies are made.



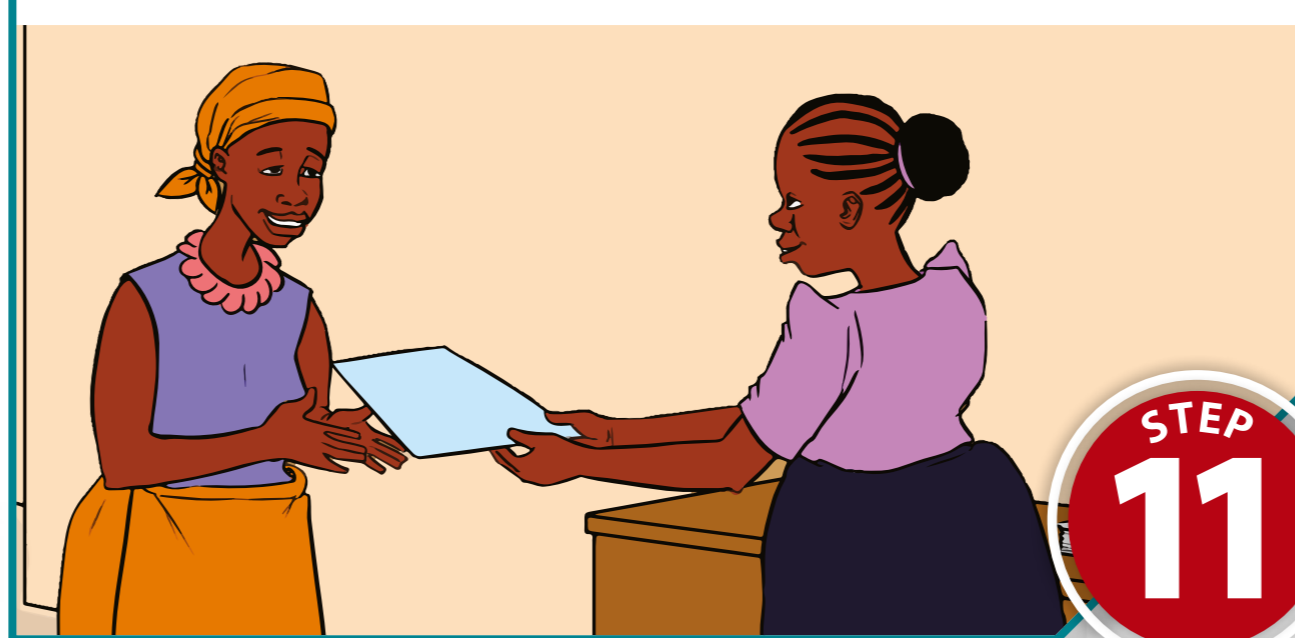
The ALC Chairperson submits the fully filled CoO application that has been verified and signed and where ownership is confirmed for consideration by the District Land Board (DLB)



The DLB will consider the applications from the ALC. The applications are either accepted or rejected giving reasons in case of rejection. The acceptance by the DLB is sent in writing to the Recorder for the issue of CoO.



The Recorder will then issue the CoO to the applicant (tenant).



(CoO)