

THE ROLE OF THE PROPERTY TRANSACTIONS REGISTER IN IMPROVING TRANSPARENCY AND ACCOUNTABILITY IN UGANDA’S LAND AND PROPERTY MARKET.

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Key words: Property, Valuation, Climate, Real estate

ABSTRACT

This paper proposes for the adoption of the property sales register in developing countries like Uganda. Information publicly provided enhances transparent property valuations in the growing real estate industry in Uganda. The lack of availability of reliable valuation data gives way for asymmetry in valuation and increasing inaccuracy of property valuations as discussed by Nwosu (2019). This property transactions register is an output of a change project was developed by Team Uganda after participating in an International Training Program (ITP) on Applied Land Governance in Gävle – Sweden. The training was supported by Swedish International Development Agency (SIDA) through the Swedish Lands Management Authority. The theme of the training was on Land Valuation. The property transaction register piloted in Kasambya aimed to enhance transparency and provide accessible valuation data for all within Kasambya. The project holds a vision to resolve land conflicts that arise from the lack of transparency and easy access to information on land values and land transactions in Uganda, Kasambya being the area of pilot.

The paper highlights the success of the creation of the very first Property Transactions Register in Uganda, the highly valuable register lays the foundation for transparency and accessibility in property valuation information in Uganda. The register serves as a prototype for future endeavors not only in Uganda but can be replicated in other developing countries that are facing similar challenge. The methodology highlights the importance of innovative approaches away from the traditional book. It highlights the importance of cooperation amongst institutions like government, traditional leaders and civil society organization, community engagement, effective resource utilization, real estate development, land management, and adaptability in project implementation. Making valuation data available to the public in Uganda will enhance transparency, an efficient land market and will contribute to resolving valuation related land conflicts. Adopting the property transactions register will also promote the use of digital approaches and recording the environmental detail of land parcels, giving value to trees and highly greened areas, and keeping stock as a means to facilitate climate resilience.

The authors appreciate capacity building received from Lantmateriet in Sweden that enabled then design, innovate and implement the register.

The Role Of The Property Transactions Register In Improving Transparency And Accountability In Uganda’s Land And Property Market. (13103)

Cissy Settumba Namuddu, Dorothy Natukunda, Susan Tushabe and Grace Florence Chandiru (Uganda)

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1. INTRODUCTION

This paper proposes for the adoption of the property sales register in developing countries like Uganda. Information publicly provided enhances transparent property valuations in the growing real estate industry in Uganda. The lack of availability of reliable valuation data gives way for asymmetry in valuation and increasing inaccuracy of property valuations as discussed by Nwosu (2019). In Uganda, a valuation court was launched by the Kampala City council in 2021 to aid those that wish to object to property valuations made by the city authority. All this alluded to the imperfections in the sector despite the professional actors. The creation of the valuation court is not a lasting solution but one that concretizes the perpetuation of the problem at hand. The methodology adopted in the creating innovating and rolling out of the property transaction register involved inter-relational working between the government, civil society organizations and traditional institutions that worked together to highlight challenges faced in the land valuation sector from the vantage point of each institution. While all the institutions work for the good of the public, the approaches differ. The design process also considered the input of leaders and citizens at the grassroots in Kasambya the pilot area. Results of the pilot dissemination of the property transactions register have shown that the information will benefit the people even in elimination of some of the land conflicts that arise from lack of market data as well as the use of rudimentary property valuation methods by the district land boards who sometimes lack the skills to effect professional practice and land management.

The paper highlights the success of the creation of the very first Property Transactions Register in Uganda, the highly valuable register lays the foundation for transparency and accessibility in property valuation information in Uganda. The register serves as a prototype for future endeavors not only in Uganda but can be replicated in other developing countries that are facing similar challenge. The methodology highlights the importance of innovative approaches away from the traditional book. It highlights the importance of cooperation amongst institutions like government, traditional leaders and civil society organization, community engagement, effective resource utilization, real estate development, land management, and adaptability in project implementation. Making valuation data available to the public in Uganda will enhance transparency, an efficient land market and will contribute to resolving valuation related land conflicts. Adopting the property transactions register will also promote the use of digital approaches and recording the environmental detail of land parcels, giving value to trees and highly greened areas, and keeping stock as a means to facilitate climate resilience. The authors appreciate capacity building received from Lantmateriet in Sweden that enabled then design, innovate and implement the register.

2. BACKGROUND

The valuation profession in Uganda is young and is an evolving profession. It includes both private and government valuation professionals. The Chief Government Valuer is at the epitome of valuation professional in Uganda. The first Chief Government Valuer (CGV) was appointed in 1964. To date, Uganda has had 8 CGVs the current being Mr. Gilbert Kermundu who is one of the co-authors of this paper and the steering wheel for the first property transaction register in Uganda.

With the coming of the British in Uganda, the notion of private ownership of land was introduced. Uganda has evidenced a high property market growth since 1900 to date. This is

because some of the land especially in Buganda was legalized and registered with formal titles granted to those who were allotted land under the 1900 Buganda agreement.

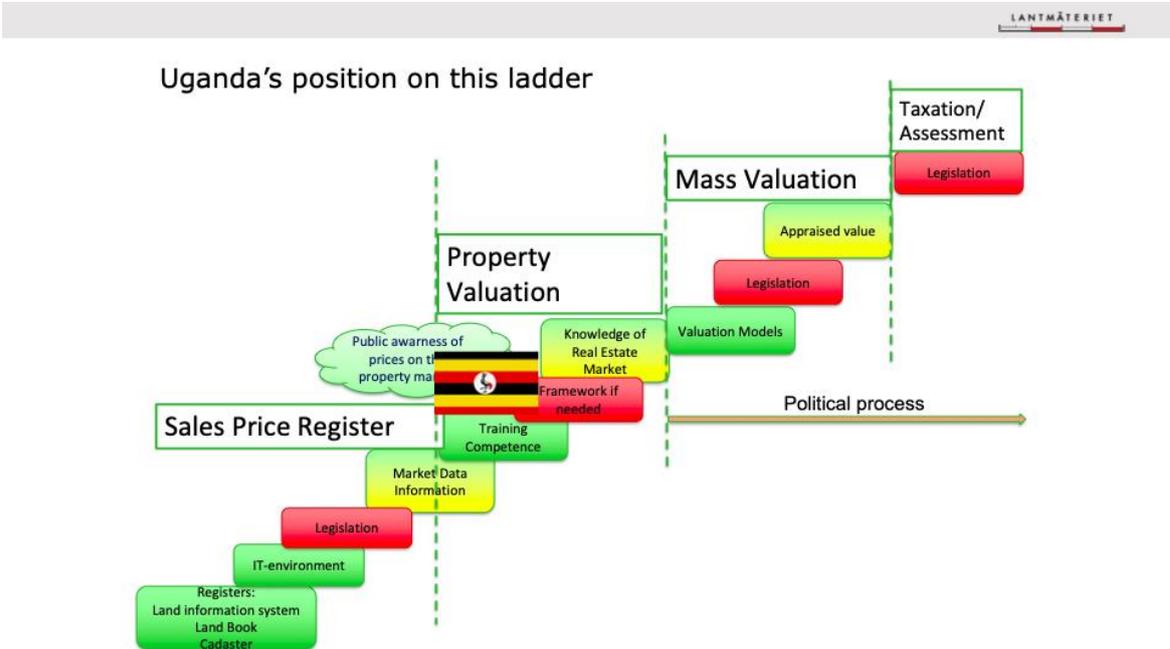
The Chief Government Valuer’s Office plays a critical fiscal responsibility in Uganda in the following ways; Generation of Revenue to finance the National Budget, the office advises Government on awards /expenditure for example in compensation for government Projects, compensation during compulsory land acquisition, compensation of absentee landlords through the Land Fund under the Uganda Land Commission among others. The office works under the legal instruments of; the Constitution of Uganda 1995, the Land Act, 1998, Cap. 227., the Stamps Act, Cap 342 and the Public Finance and Accountability Act, 2003. Every land parcel acquired and or transferred must pay a stamp duty which is 1.5% of the market value of the property as stated by the Chief government valuers. This therefore means that the availability of information on property values is an important tool in ensuring efficiency and transparency for the good of the public.

Team Uganda joined the applied land governance training program and converged from different sectors; government, Buganda Kingdom and Civil society. After going through a series of classes as well as the digital phase the combined team agreed that Uganda was faced with a challenge of lack of a valuation data bank. There has never been a mass valuation project done and therefore valuation for taxation is done on a case by case basis. An intervention needed to be done to put in place a sales price register and up the ladder into mass valuation.

According to professional procedures that lead to fair taxation, Uganda was still on the lower ladder. There was an urgent need to create a sales price register which will then aid on property valuation and also incentivize the mass valuation of properties in Uganda.

The diagram below shows Uganda’s position as discussed and determined by the authors considering the experience and status quo of valuation in the country.

3. THE PROPERTY LADDER IN UGANDA



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During the Swedish phase the team further engaged in the studies and acquired in-depth understanding of property valuation models and mass valuation. For the change project, Uganda had to identify its gaps and use the resources provided by Lantmateriet to create change for the organizations that were represented but also for the community. Kasambya, found in Mubende District was chosen for its numerous conflicts and a starting point for Uganda to have valuation data by having an established price sales register which will feed into the valuation data bank. The team had included the need for systematic land adjudication but given the minimal resources, this could not be done, but luckily engaged with GIZ which had mapped the area and got some data that will be used eventually with the establishment of the web, app and value data bank. Village maps will also later be extracted with values included to further enhance transparency and less fraud during land transactions

Land is at the heart of social, political, and economic life in most African economies, which continue to rely heavily on agriculture and natural resources for a significant share of GDP, national food needs, employment, and export revenue (Commission for Africa, 2005). Yet most land in sub-Saharan Africa has no formal documentation of who owns it or has rights to use it. This does not mean that land markets do not take place. As the country strives to

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The project aimed to enhance transparency and provide accessible valuation data for all within Kasambya. This project holds a vision to resolve land conflicts that arise from the lack of transparency and easy access to information on land values and land transactions in Uganda, Kasambya being the area of pilot. The project envisaged three key outputs: a sales price register, pilot data bank, and a village map. The project within a period of 6 months has been able to design and produce a Property Transactions Register, a pilot data bank in the form of an app/web, and the information registered in both the physical register and the app will later be

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pinned onto a village map eventually. This register was made available in hard copy as a booklet, while the pilot data bank stems from the [Web Page](#) , and the [Mobile App](#) .

The project had diverse activities that included stakeholder engagements, creating, and designing the register and the app, meeting and holding sensitization meetings for the local council leaders and the people. The project garnered considerable interest and support from various stakeholders, and its potential impact on land governance in Uganda is highly promising.

A Property Transactions Register (PTR) is a centralized database or system that records and maintains comprehensive information about property transactions within a specific region. The register contains detailed records of property/land details, owners, location, type, sales, purchases, transfers, leases, mortgages, and other related transactions. Some of the countries that have such registers include; United Kingdom, Ireland, Sweden. In Ireland, the Property Price Register is a database maintained by the Property Services Regulatory Authority (PSRA) in Ireland that contains information on all residential property sales in the country. In Dubai, the revenue is tracked with the presence of the register. In 2021 for example, real estate had over 84,196 transactions worth almost AED 300 billion. It is important to note that each country is unique and has unique aspects that guide its property market. The innovation and designing of a property transaction register is thus unique just as the naming. While some call it a sales price register, Uganda has decided to call it a property transaction register. However, just like in Ireland, the property transaction register also includes the sale price, the address of the property, and the date of the sale. The Property Price Register as it is called in Ireland is a useful resource for anyone looking to buy or sell a property in Ireland, as it allows you to see what similar properties have sold for in the area. It can also be useful for market research and for tracking trends in the housing market. In Uganda, the register will aid the valuation process since mass valuation has never been carried out. Taking records is a journey towards having fully functional property price register. In Ireland, The Property Price Register in Ireland is available to the public and can be accessed online through propertypriceregister.ie or at the offices. It is updated on a weekly basis with new sales information.

Implementing a Property Transactions Register in Uganda comes with numerous benefits for the property market and the overall economy which include but not limited to:- transparency and accountability, investor confidence, efficient decision making, standardized property valuation and reduced disputes, government revenue and fair taxation as well as informed urban planning and sustainable development. During discussions with the Buganda Land Board and the Permanent Secretary Ministry of MLHUD, we were encouraged to include forest valuation within the scope of the change project. Recognizing the importance of sustainable land management and conservation, we wholeheartedly embrace this suggestion. Integrating forest valuation into the project would allow for comprehensive and holistic governance practices, promising environmental stewardship alongside efficient land administration.

4. PROBLEM STATEMENT

Kampala and many urban centers in Uganda are conflict stricken due to land related disputes that often emanate from lack of Transparency in land transactions, and an Opaque property market that is marred multiple interests on same pieces of land.

Women and children have borne the brunt of these conflicts and have been at the center of marginalization since they are mostly left out of many land transactions. Women lose not only their source of economic and social livelihoods, but also lose their source of socio-cultural Identity and belonging due to these non-inclusive and Gender blind land transactions. A combination of Lack of information and transparency in the property market, including absence of a Value data bank and/or system in the area, has resulted into rampant land conflicts. These conflicts most times manifest in form of land evictions, conflicting land interest between and/or among Land owners (Land Lords), tenants and land related investors. There are also land boundary disputes and conflicts due to marginalization of women and Children, Especially widows and Orphans. The people also tend to mistrust the professional because there is no material basis publicly available for reference thus making taxation of properties a task that many times causes friction between the institutions and the citizens.

5. GOAL

The Goal of the project is promoting land dispute resolution through improved transparency and accessible land valuation data, adopting a systematic approach to land administration.

6. Objectives of the property transactions register

To create community awareness on the importance of land valuation

To establish a pilot land value Data bank in Kasambya Town Council by October 2023.

To increase transparency in land transactions through establishing a village-based sales price register.

To reduce land related disputes through systematic land mapping/adjudication, printing and distribution of Village maps for community reference.

7. INTERVENTIONS

The project intends to intervene by carrying out community-based activities that contribute to increased transparency in land transactions in order to reduce on land related disputes that emanate from lack of transparency and gender blind land transactions using a mass valuation and price sales register.

This also requires community awareness creation on the importance of land Valuation, establishing a community-based property sales price register, Piloting a value data bank in the project area, and printing and distribution of village cadaster maps for community reference.

8. RATIONALE

Owing to the rampant conflicts that have marred Kampala and many urban centres in Uganda, the need for land dispute resolution, combined with the recent developments under the ministry of Lands Housing and Urban Development (MLHUD) to establish an argyle land information System, its imperative that this project be implemented

Kampala and many urban centres are not only known for land related conflicts but has many positive attributes making it viable for thee intervention. Kampala is located within the Buganda kingdom, therefore kingdom interest and buy-in makes the project achievable.

9. THEORY OF CHANGE / INTERVENTION LOGIC

Owing to the current problem of lack of information and transparency in the property market and the resultant rampant land related conflicts, this project has been developed to implement different activities of intervention like Awareness creation, stakeholder information sharing,

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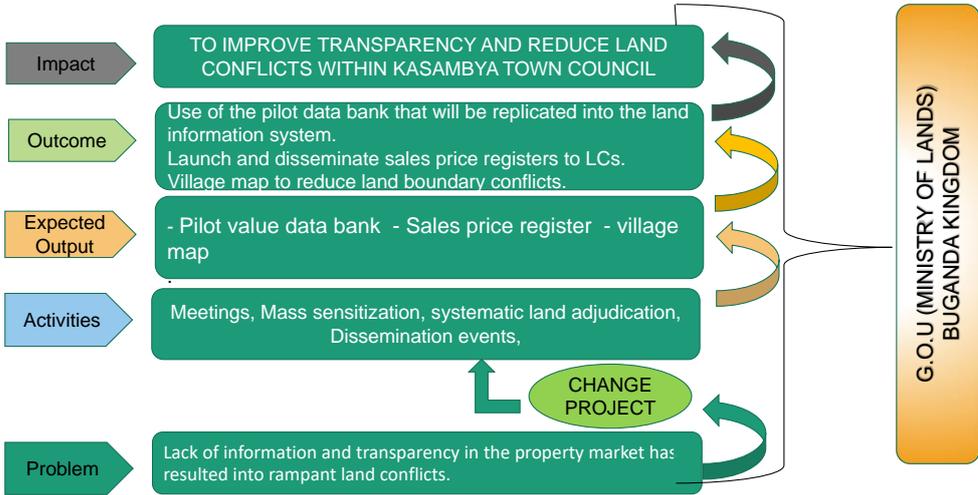
Systematic Land Adjudication, among other interventions. These propel the project to piloting a value data bank in the area, produce a sales price register and a village cadaster map for community reference. This is envisaged to improve transparency in land transactions, clarify land boundaries and reduce land conflicts in the area. The ministry and Buganda Land Board are the biggest stakeholders in this project adopting the model and/or the pilot Value Data Bank and launch and roll out a country wide program on land sales price register provides hop for sustainability.

10. METHODOLOGY

A team of officers from the office of the Chief Government Valuer, Buganda Land Board and Civil Society Organizations represented Uganda in the International Training Program (ITP) Applied Land Governance - Valuation component that is sponsored by Swedish International Development Agency (SIDA). The program aims to strengthen capacity amongst public/private institutions to increase trust for public services and secure land rights, in particular for women and vulnerable people. The team was tasked to come up with a change project that incorporates good land governance, transparency in land administration and improved co-operation amongst land holding institutions. To this effect, the team worked together to innovate, create and design the draft Property Transaction Register. Before embarking on the task, different stakeholders were engaged. The methodological approach included;

Holding Community mobilization and reconnaissance, holding inception and Project information sharing meetings with the local leaders, partners and other stakeholders, Holding awareness raising sessions/meetings in the target communities, Holding Radio Talk shows, TV shows and running some awareness radio spot messages, Carrying out systematic land adjudication, printing and distributing village cadaster maps, Mass valuation of all parcels Design and printing of a sales price register, Inputting information into the land information system, Disseminating the register.

PROJECT PLAN



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10.1 ACTIVITIES DONE

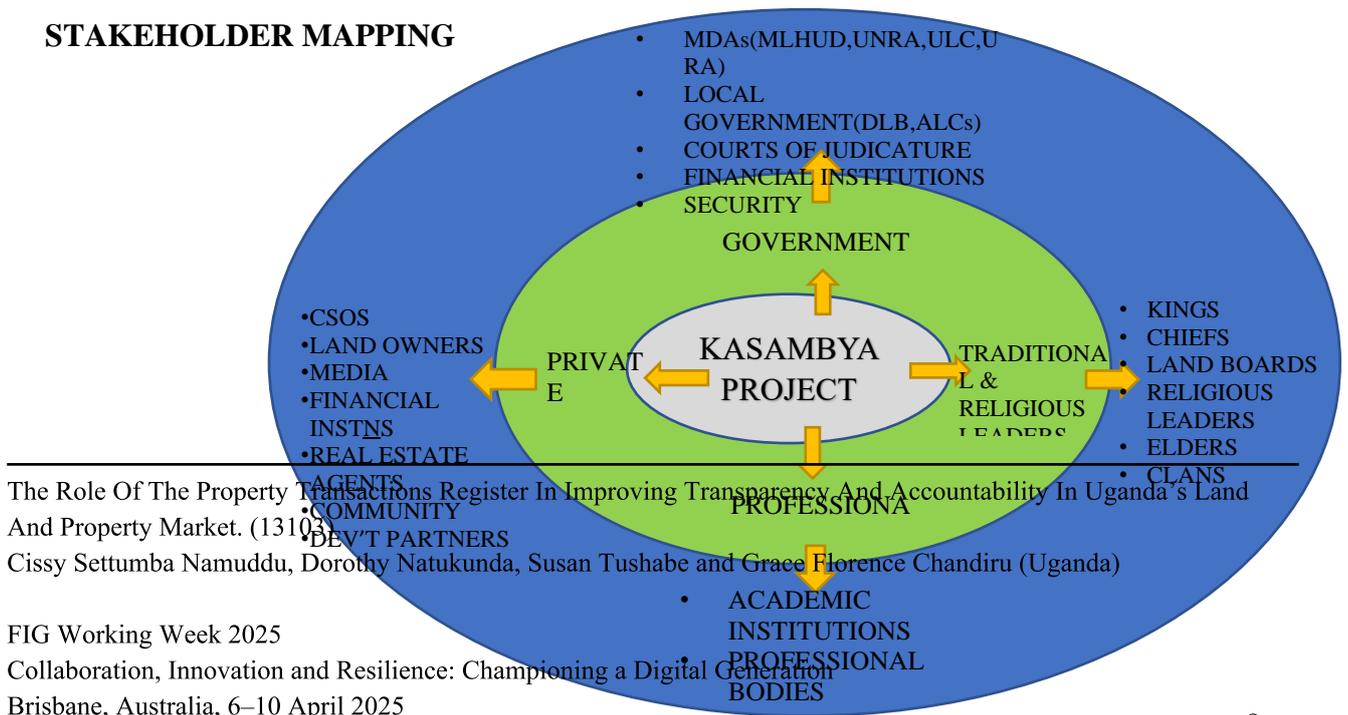
10.1.1 Field Visits for Data Collection: The team conducted a reconnaissance survey to ascertain the scope of work and later embarked on comprehensive field visits to collect detailed data on the property market in Kasambya. This data includes property size, condition, amenities, location, tenure system, land use, and transaction history. Utilizing modern technology such as GPS and digital data entry ensures accuracy and efficiency in data collection.

10.1.2 Community Sensitization: Community sensitization programs were conducted to educate residents especially land owners about the importance of transparent property markets and valuation. Workshops and informational sessions were organized to inform locals about their rights, the benefits of accurate property valuation, and how this initiative can positively impact their community.

10.1.3 Stakeholder Engagement Meetings: Stakeholder engagement meetings were held with various parties, including property owners, local businesses, and government officials. Some meetings were held with the local leaders in Mubende and subsequent meetings in Kampala with the Ministry of Lands, Housing and Urban Development; and Buganda land Board officials. These discussions facilitate understanding and cooperation among stakeholders, ensuring that everyone is on board with the project's objectives. Feedback from these meetings is considered to refine project strategies and address concerns.

10.1.4 Training of Sub-county Chiefs: While the team had initially envisaged that the PTR will be in the custody of local council leaders, it was resolved during the stakeholder engagement meetings that the Sub-County Chiefs be trained as the primary data entrants and custodians of the PTR. Sub-county chiefs and local administrative officers were provided with specialized training on the use of the Property Transactions Register (PTR). They were educated on how to input and retrieve data from the register, enabling them to assist community members effectively. Training sessions emphasize the importance of accurate data entry and the role of PTR in ensuring transparent property transactions.

STAKEHOLDER MAPPING



This initiative involved a series of activities designed to empower both the community and local authorities in the pilot area, Kasambya.

Stakeholders included; Government - The project team engaged the top management of MLHUD like the Permanent Secretary, the Under Secretary, members of top management, the commissioner of parliament, the committee chairperson for finance, Uganda Land Commission and The Local government in Mubende - The RDC, L.C.V, LC3, LC2 and LC, DISO, CAO among others.



Project Team meeting the PS MLHUD Secretary MLHUD



Project team meeting the Under

10.2 VALIDATION

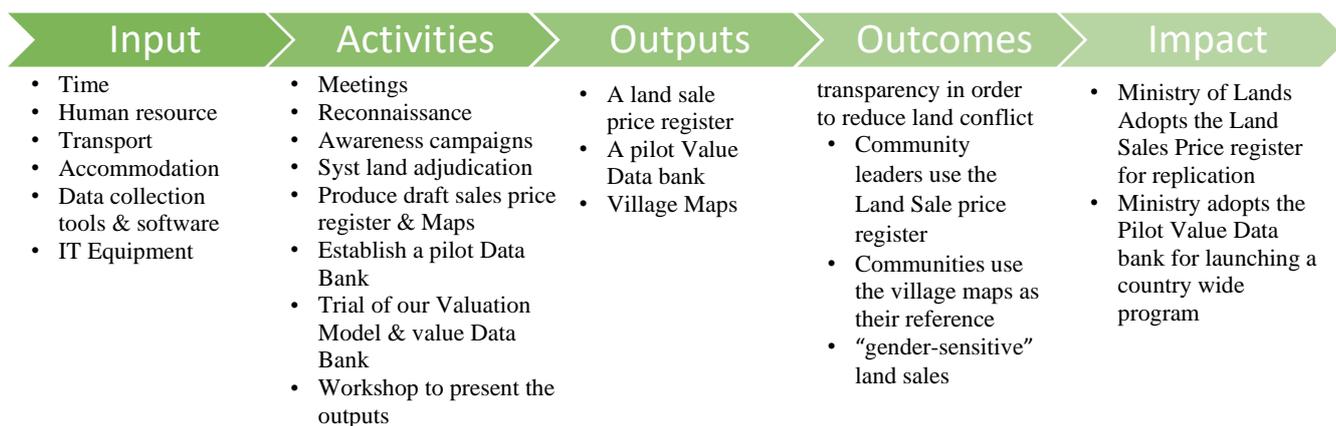
The outputs: The property transaction register, the app and webpage were validated after discussion with a selected team of senior individuals representing various institutions including professional valuers and senior members of the institute of surveyors of Uganda.

The outputs are therefore officially recognized by the three institutions that are represented in the project.

11. RESULTS CHAIN

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11.2.1 RESULTS

The primary output of the project is a Property Transactions Register, which provides a detailed account of property sales and transactions in Kasambya. This register was made available in both hard copy and digital formats, including a dedicated web page and a mobile application. We envisage that the register will be scaled up nationally and will form part of the National value data bank which later links into the NLIS and LAVMIS which is key to transparent property markets and accurate, reliable, and timely property valuation.

11.2.2 PROGRESS MARKERS

- Number of Villages Mapped
- Number of Meetings conducted
- Number of Stakeholders engaged
- Percentage of area covered by mapping
- Number of residents reached with Awareness messages
- Number of village cadaster maps printed.

12. CHALLENGES FACED

Challenge	Description	Solution
Limited Time	The project period was short yet with numerous activities to be executed	Offering extra hours. Re-planning and revisiting of the work-plan. Using virtual meeting
Limited Resources	Financial and human resource constraints necessitated the narrowing down of project outputs. The budgetary constraints for	Our organizations contributed to the project sometimes

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	implementation of some project activities and planned outputs so we had to narrow our scope.	We made use of partnerships that had done some work and we added value to it. E.g. GIZ We narrowed the scope and made some outputs long term rather than short term.
Distance to project areas	One of our team members lived far away from the Project area	We used virtual meetings and also accorded him activities that he could carry out without travelling.
	The project area was far from Kampala much as it was nearer than the past project.	Choose nearer places that are easily accessible by the project team
Data Collection Challenges	Gathering accurate and comprehensive data faced hurdles due to varying record-keeping practices among stakeholders	Our property transactions register is the solution going forward.
Technical Challenges	Developing user-friendly digital platforms required overcoming technical challenges and ensuring compatibility across different platforms and users	Both android and apple users can use the app. The webpage is also designed for easier access.
Asymmetry of information in Uganda's property market.	Accurate land data and information are often lacking, making it hard to plan and manage projects effectively.	The property register is the solution
Land tenure complexities	Unique land tenure featuring multiple interests in the same parcel of land especially on Mailo which is dominant in the project area	We made use of the documentation that had been done by GIZ.
The outputs were not launched officially as planned	This required resources which had been depleted	After the regional phase, the outputs will be launched by the partner organizations and the project will be incorporated into the work plan for budgeting.

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Poor road network	The project area chosen was rural, with poor road network and therefore difficult to access especially during the rainy season.	
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The need for valuation data during compulsory land acquisition

How Valuation is done at the Buganda Land Board during compulsory land acquisition involves balancing between Public Interest and the affected communities as well as individual interest. Having valuation data would be a positive in such circumstances.

It is important to have fair and adequate compensation in circumstances where land is being acquired for development or for government use. The underlying principle in compensation following a compulsory acquisition of land is the principle of equivalence. People should receive compensation that is no more or no less than the loss resulting from the compulsory acquisition of their land. I believe that is fair and adequate compensation. An adequate compensation is given to ensure that the owner is not worse off after the taking. Fair and adequate compensation means that the compensation should restore the affected person to his or her original state before acquisition. The baseline is having prior information and data on the land. This is where the property transactions register will help both the citizens, the government and the valuers and land administrators.

IFC guidance note five stipulates that, the rate of compensation for lost assets should be calculated at full replacement cost, (i.e., the market value of the assets plus transaction costs). For land in urban areas, the market value of land of equivalent area and use, with similar or improved infrastructure and services preferably located in the vicinity of the affected land. Land is valued in an un-improved state, based on comparative available evidence within the locality. Adjustments are made to reflect location, surrounding features, size, etc. "The estimated amount for which the property should exchange on the date of valuation between a willing buyer and a willing seller in an arm's-length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without being under compulsion." Houses and other structures: the cost of purchasing or building a replacement structure, with an area and quality similar to or better than those of the affected structure, or of repairing a partially affected structure, including labor, contractors' fees, and transaction costs such as registration, transfer taxes, and moving costs.

The Land Act, Cap 227 stipulates that, In the case of a customary owner, the value of land shall be the Market Value of the unimproved land. The value of the buildings, shall be taken at Market Value in urban areas and Depreciated Replacement Cost in rural areas.

The land tenure system is an important aspect of the property transactions register. The tenure system shows interests that people have in land, whether they are perpetual, for a limited time or inexistent. Once these are not very clear or are confusing, it creates valuation or compensation issues. Dealing with overlapping interests (especially Mailo) during the valuation and compensation stages should address both de facto and de jure rights in an equitable manner

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following the principle of equivalence. Where occupants have no recognizable legal right or claim to the land occupied, they may be entitled to compensation for assets other than land. Persons eligible for compensation should be those with formal legal rights to land as well as those without formal rights but with legitimate claims to land or assets. Those who have no recognizable rights or claims to land are entitled to compensation for non-land assets. Encroachers are not entitled to compensation. A property transaction register would thus be very helpful in recognizing the claimants of land interests on land over time.

In Uganda, the law recognizes bonafide and lawful occupants. Those who do not fall in this category should show proof how they came to the land. Theirs could be illegal ownership. They are therefore not entitled for compensation for land. They can be compensated for improvements on land. For people to be eligible for compensation, their interests should be known to the landlord. Documentation proving the same should be availed to the valuation team.

13. Factors that affect the value of property that were considered in the Property Transactions Register

i. Location

Is the property located in a city/town/village or within the certain local area? Does the area have transport, communication, proximity to services, unique proximity to shore/ lake view, the history and tradition in peoples mind connected to local areas is also a non-monetary factor that have effect on value.

ii. Demography

Population growth, decline or stability, shifts in population density, changes in family size, geographical distribution of social groups.

iii. Economic Activities and trends

Gross national product, economic trends and activities, employment trends and wage levels, availability of money and loans, demand, state of the market, interest rates level, development of incomes, Taxation (property tax)

iv. Government regulations and activities

Zoning laws, building codes, environmental regulations, planning conditions, permitted use, development rights, time-limit for development

v. Physical or environmental forces

Natural resources, Climate and topography, Type of soil and subsoil, Mineral resources

vi. Development Activities

Development contract, Density of buildings (floor-area ratio), Extra value (gravel, timber), Sewage conditions, Environment conditions, Street construction costs, Easement, servitude, Leases, other juridical conditions.

In addition to the above, there are other factors like; Type of the plot, Type of the building, Age, size, and quality of the building Type of the industry, area, Rents, Type of the contract, Type of the premises, Demand for premises, Demand for dwellings, Vacancies, Competition, Operating costs. Keeping track of all property transactions will ease all processes of valuation while ensuring transparency and reducing possible conflicts that may arise from asymmetry and lack of valuation data.

14. LESSONS LEARNED

- **Community Engagement is Key:** Actively involving the community and local leaders is essential for the success and sustainability of similar projects.
- **Effective Utilization of Resources:** Given limitations, efficient resource allocation and utilization are crucial. Prioritizing outputs is vital to meet project goals effectively. Managing timelines, resources and tasks effectively is something we have learnt during project implementation.
- **Continuous Adaptation:** Flexibility and adaptability in project planning are necessary to address unforeseen challenges and changes in project scope.
- **Stakeholder engagement:** Engaging with various stakeholders, including the local leaders, project beneficiaries and Government has taught us to build relationships and manage expectations.
- **Effective communication within the team and with stakeholders.**
- **We have learnt to work together, leveraging our individual strengths and expertise to achieve project goals.**
- **The team has developed strong problem-solving skills as they identified issues, brainstormed solutions, and made decisions to address the challenges.**
- **Reflecting on project outcomes allowed the team to identify areas of improvement which will be incorporated in future projects.**

15. CONCLUSION

Despite the challenges faced, the paper highlights the success of the creation of the very first Property Transactions Register in Uganda, the highly valuable register lays the foundation for transparency and accessibility in property valuation information in Uganda. The register serves as a prototype for future endeavors not only in Uganda but can be replicated in other developing countries that are facing similar challenge. The methodology highlights the importance of innovative approaches away from the traditional book. It highlights the importance of cooperation amongst institutions like government, traditional leaders and civil society organization, community engagement, effective resource utilization, and adaptability in project implementation. Making valuation data available to the public in Uganda will enhance transparency, an efficient land market and will contribute to resolving valuation related land conflicts.

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