

**PROVING CUSTOMARY TENURE IN UGANDA: A REVIEW OF HON. OCULA MICHAEL & ORS V. AMURU
DISTRICT LAND BOARD & ORS HCT-02-CV -MA- NO. 126 OF 2008**

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ABSTRACT

Customary tenure is prevalent in northern Uganda. This system is mainly characterized by a lack of registration of land that is predominantly held by individuals or communities in accordance with custom. The over two decades armed conflict that ravaged the region and the displacement of people from their land that followed ushered in an era of unique issues in the arena of claims to customary land. Most importantly, the return from displacement brought about increased contestation on land between and among members of communities, yet there was also a high demand for land to be used in post- conflict reconstruction and development by investors and the government. Hon. Ocula's case is illustrative of the above situation. This article offers a review of the facts, evidence and decision in the case. Besides aiming to highlight the precarious situation of claims to customary land within the context of highly imperfect situations characterized by armed conflict and displacement, the article analyses what the case tells us about the general situation and the challenges of proving customary claims to land in Uganda. The analysis shows that currently in Uganda, it is rare that customary claimants will succeed in cases adjudicated in the highly procedural and technical environment of a court of law.