



**BUSITEMA  
UNIVERSITY**  
*Pursuing Excellence*

**LAND USE AND MANAGEMENT POLICY**



**JUNE, 2014**

# LAND USE AND MANAGEMENT POLICY

JUNE, 2014

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## INTRODUCTION

Busitema University is a multi campus model University that was established by Statutory Instrument No. 22 enacted by the Parliament of Uganda on the 10th day of May 2007. As strength the University has vast expanse of land on each of its campuses, which is an asset for socio-economic transformation of the University as a whole. Besides the planned infrastructural expansion, staff, students and the surrounding communities continue to cultivate the University's land. This is an indicator that there is pressure and competition for land resources.

Busitema campus is located on approximately One thousand three hundred and ten (1,309.658) acres of land, Nagongera on approximately five hundred and eighty five (584.775) acres, Arapai on approximately six hundred and eighty (679.54) acres, Namasagali on approximately one hundred and eighty seven (187) acres, Mbale on approximately fifty (50) acres, and Pallisa approximately twenty eight ( 27.804) acres. The total land for the six operating campuses is approximately Two thousand eight hundred and forty one (2,840.777) acres.

Land is one of the most sensitive, critical and very valuable resources in Uganda, Africa and the world over. It is the most basic resource in terms of space it provides, the environmental resources it contains and supports and the capital it represents and generates. The need for a University tailored policy on land use and management cannot be over emphasized.

Busitema University land use and Management policy will take into consideration, National legislation and policies regarding land- The Constitution of the Republic of Uganda, The Land Act and all its amendments. The policy reflects the views of the University, all stake holders without eroding the right of proprietorship which is vested in the University Council.

The policy contains, guiding principles for it's development; the rationale for Busitema University land use policy; the goal and objectives of the

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policy, the Legal frame work, Land rights Administration, Land use and Management, Implementation of the Land Use Policy; conflict resolution and review.

The policy will lead to sustainable use and development of the land and its resources, hence benefiting the University, stake holders, partners and the surrounding communities.

The University's planned activities in respect of its land include;

*The University plans to use the land for the following purposes:*

- i) Office space
- ii) Specialized lecture rooms
- iii) A Science and technology as well as industrial parks
- iv) A tractor yard
- v) A research and demonstration farm also to handle student's pilot projects
- vi) Houses of worship for the different religious denominations.
- vii) Central libraries
- viii) Medical and Health facilities
- ix) Training workshops and laboratories
- x) Water sources
- xi) Guest houses for the University.
- xii) Games and recreational facilities
- xiii) Fish ponds
- xiv) Environmental related facilities
- xv) Students centres
- xvi) Irrigation purposes
- xvii) Hire out to farmers, individuals and staff as source of income to the University.
- xviii) Students projects
- xix) Demonstration farms
- xx) Tree planting
- xxi) Fuel and gas pump

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## PRELIMINARY PROVISIONS

### TITLE, DEFINITIONS, INTERPRETATION

#### 1. TITLE

This Policy shall be known as the **Busitema University Land Use and Management Policy**.

#### 2. DEFINITIONS, INTERPRETATION

In this Policy unless the context otherwise requires-

**Land:** means part of the earth's surface that is not covered by water

**Applicant:** means any person (s) who request to use University land.

**Committee:** means the University Management Land Allocation and Use Committee.

**Council:** means Busitema University Council.

**University:** means Busitema University established under the Universities and Other Tertiary Institutions Act and the respective Statutory Instruments.

**University Land:** means land whose proprietorship is registered in the names of the University Council

**University Secretary:** means the Secretary to the Busitema University Council

**Year:** means twelve calendar months

**Hire:** means to give out for use for specific period on agreed terms without the hirer/owner losing its proprietorship.

**Hiree:** Means one who hires from a hirer

## POLICY COMPONENTS

### 2.1 GUIDING PRINCIPLES FOR THE POLICY DEVELOPMENT

The principles that guide the formation of this Land Use policy include:

- i) Availability of land: Busitema University is endowed with land as a very valuable asset and there is need for the University to hold, own enjoy use and develop as an institution or in

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- association with the community, staff, investors and Government.
- ii) Ownership of land by the University: The land use policy would guarantee the University's right to own land and provide specific guidelines to govern the use and acquisition of University land by staff, the community, investors, and non citizens.
  - iii) Economic Exploitation of Land: Land is a basic resource whose use and development must contribute to poverty alleviation.
  - iv) Sustainable and Equitable Use: Land should be productively used and sustainably managed for increased contribution to economic productivity and commercial competitiveness. Management of land resources should mitigate environmental effects, reverse decline in soil quality and land quality.
  - v) Institutional Development: The land use policy will contribute to institutional growth in terms of infrastructure and internally generated funds.

## 2.2 RATIONALE FOR BUSITEMA UNIVERSITY LAND USE POLICY

The policy is essential for the sustainable management of land resources. It is crucial for managing the University's core activities of teaching, learning, research, community outreach and planned infrastructural development. Land is a factor of production interacting with many processes therefore its management is important for significant and sustainable economic growth and social transformation of the University.

The rationale for the development of Busitema University Land Use Policy among others is to;

- i. Achieve sustainable management of land resources for sustainable economic growth and social transformation.
- ii. Ensure a coherent and pragmatic approach to sustainable and optimal land use management.
- iii. Manage the use of land and its resources.

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## 2.3 POLICY PURPOSE

The purpose of this land use policy is: 'to ensure lawful use of University owned land to achieve optimal, sustainable utilization and management'.

## 2.4 POLICY OBJECTIVES

The objectives of this Land Use Policy are:

- i. To ensure that the University has full control over the use of its land
- ii. To harmonize and streamline the use of University land for security of tenure.
- iii. To ensure sustainable utilization, protection and management of environmental resources on land for socio - economic development.
- iv. To generate income for the University as a means of subsidizing government funding.
- v. To ensure planned, environmentally friendly affordable and orderly development and use of University land for infrastructural development and by other stake holders.
- vi. To promote mutual co-existence between the University and its communities
- vii. To ensure that the University land Use Policy conforms to the provisions of the Constitution of the Republic of Uganda, Municipal land laws and policies.

## 3.0 LEGAL FRAME WORK

Land is at the centre of the Constitutional and legal discourse in Uganda, drawing legitimacy from historical as well as contemporary political exigencies. The University shall comply with all the existing National and International Legislation applicable to land.

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## 4.0 POLICY STATEMENT

Busitema University owns approximately Two thousand, eighty hundred and forty one (2,840.777) acres of land on the six operating campuses. The University is nascent and as such it has a wide potential for development. It requires more capacity to fully develop its land and hence the need for Land Use and Management Policy. The policy will also guide the University on how to relate with other development partners in order to utilize the land without compromising its core functions. The policy will further provide holistic guidelines to ensure that the security and tenure of University land is not compromised.

## 5.0 POLICY APPLICATION

The policy shall guide the University's land allocation and utilization and apply to all persons who will express interest in utilizing University land.

### 5.1 IMPLEMENTATION

- i) The University Council through its relevant Committee shall be responsible for the existence, monitoring and evaluation of the policy.
- ii) Management through the office of the University Secretary shall be responsible for the implementation of the policy in terms of ensuring that the necessary processes, systems and procedures are followed.
- iii) The office of the University Secretary is responsible for the day to day administration, monitoring and implementation and evaluation of the policy.

### 5.2 PROCEDURE FOR APPLYING TO USE UNIVERSITY LAND

- i) Any person(s) may apply in writing to the office of the University Secretary for allocation and utilization of University land.

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- ii) The office of the University Secretary shall in writing advise the applicant to secure Busitema University Land Allocation and Use Application Forms.
- iii) The Busitema University Land Allocation and Use Application Forms shall be issued to an applicant upon payment of a sum of money as approved by the University Council.
- iv) The applicant shall make payment using a banking slip to the University's approved account, upon which basis the Finance department shall issue a receipt.
- v) The office of the University Secretary shall issue to the Applicant the Busitema University Land Allocation and Use Application Forms upon presentation of the original receipt, certified identification documents.
- vi) The Applicant shall return the Land Application Form properly filled out within seven days from the date of receipt.
- vii) The returned Land Application Form shall be forward to the Land Use, Allocation and Management Committee for consideration within 14 days.
- viii) The decision of the Committee shall be communicated in writing to the Applicant by the office of the University Secretary within seven days from the date of the decision.

## 6.0 LAND USE ALLOCATION AND MANAGEMENT COMMITTEE

There shall be a Land Use Allocation and Management Committee consisting of the following members-

- i) The University Secretary who shall be the chairperson of the Committee
- ii) The University Bursar
- iii) The Dean of Students
- iv) Estates Manager
- v) A representative from the campus from which the request for land allocation is coming from.
- vi) Senior Legal Officer – Secretary to the Committee

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6.1 The Committee shall reserve the right to co opt a member who shall be in attendance.

6.2 The quorum of the meeting shall be three provided that one of the three members is a representative from the campus from which the allocation and use matter arises.

6.3 The University Secretary's department shall provide the secretariat to the Committee.

6.4 In absence of the substantive chairperson shall have the right to erect one of the members to chair the meeting.

6.5 Functions of the Land Use Allocation and Management Committee

*The Land Use Allocation and Management Committee shall:-*

- i) Be responsible for the overall allocation of University land and ensuring that the same is done in line with the objectives and core values of the University.
- ii) Have powers to cancel, rescind, withdrawal any allocation made to a person who fails to comply with the provisions of this policy.
- iii) The Committee shall ensure that a land hire agreement is executed with all persons allocated land by the University.
- iv) To perform its functions in line with the terms of reference formulated by the University Management.
- v) Do any other thing and take all necessary decisions conducive to the fulfillment of the University's core values.

6.6 With the exception for leases meant for infrastructural development all land allocation shall not exceed five years.

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## 7.0 RIGHTS AND OBLIGATIONS OF PARTIES UNDER THE POLICY

### 7.1 The University shall-

- i) Ensure that all her land is surveyed, registered or titled in the names of Busitema University Council.
- ii) Define the terms and conditions under which her land may be acquired, or otherwise used.
- iii) Employ Human resource to ensure that the land is utilized for the purpose for which it is allocated.
- iv) Collect and receives all payments arising from its land
- v) Reserve the right to withhold or withdraw usage of its land from the applicant within one months notice for failure to use the land without any justifiable reason and with immediate effect where the hiree is not using it for the specified purpose.
- vi) Have revisionary interest in the land with all developments thereon at the end of the use or leasehold period.
- vii) The applicant to enjoy quiet use of the allocated land.
- viii) To monitor the use of the allocated land.

### 7.2 The Applicant shall-

- i) Pay all the fees before being allocated or using the land.
- ii) Use the land so allocated for the purpose for which the use was approved.
- iii) Not sublease the land allocated without the permission of the University.
- iv) Not continue to use the land allocated after the expiry of the agreed period.
- v) Stop using the land before the agreed use period expires but in any case the University shall not refund money paid to use the land.
- vi) Re-apply to continue using the land upon expiry of the use and allocation period.
- vii) Shall allow the University's authorized urgents, staff to view the land for purposes of compliance during working hours of the day.

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7.3 Access to land for investment shall be in accordance with the established laws and procedures that govern the University.

The University Council shall put in place measures to mitigate the negative impacts of investment so as to deliver equitable and sustainable development. In particular the University Council shall:

- i) Guide the University on the provision of land for investment.
- ii) Regulate the amount of land investors can access taking into account the purpose for which the land will be used.
- iii) Follow processes (evaluation, due diligence of approval of land use).
- iv) Provide reliable information to guide the potential investors
- v) Determine the duration
- vi) Determine the rate to be paid by all applicants for the use of the land.
- vii) The University Council reserves the right to revise the rates whenever deemed necessary.
- viii) Reserve the right to cancel, rescind, withdrawal any approval made to an investor with the policy or object of the University.

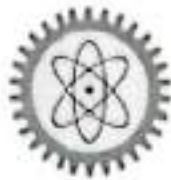
### CONFLICT RESOLUTION

Where legal action is considered appropriate the laws applicable shall be the laws of Uganda but in any case the University reserves the right to the ownership of the land and can sue or seek arbitration to protect its rights and interests.

### 11.0 REVIEW

The Land Use and Management Policy shall be reviewed by the University Council whenever deemed necessary.

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**LAND APPLICATION FORM**  
(To be filled in Triplicate)

Attention of:  
The Chairperson Land Management and  
Allocation Committee

**Section A**

Name of Applicant:.....  
First name Surname

Address:  
Cell:....., Village:.....  
Sub County:....., County:.....  
District:.....

Telephone No. (Mobile):..... E-Mail .....

P.O Box .....

Next of kin: ..... Village:..... Cell:.....  
Sub County:....., County:.....  
District:....., Tel No.:.....  
Relationship:.....

The financial capacity of the applicant regarding the land usage applied  
for

.....  
.....

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The information above has been verified by:

.....

LC 1 Chairperson of the Applicants village (Recommending on the capacity of the applicant)

(This provision is not applicable to staff members)

Category of Applicant (tick appropriately)

Staff	<input type="checkbox"/>
Non Staff	<input type="checkbox"/>

### Section B

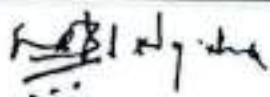
Details of the Land Applied for  
*Campus where the land is situate (tick appropriately)*

Busitema	<input type="checkbox"/>
Nagongera	<input type="checkbox"/>
Namasagali	<input type="checkbox"/>
Arapai	<input type="checkbox"/>
Pallisa	<input type="checkbox"/>
Mbale	<input type="checkbox"/>
Kaliro	<input type="checkbox"/>

Size of land applied for in terms of acres:.....

Purpose for which the land is to be used (specify in detail)

.....  
.....  
.....  
.....  
.....



Duration for which land is intended to be used (Not exceeding one year).....

### UNDERTAKING

I....., shall use Busitema University land abiding by all conditions stipulated by the University and I undertake to cooperate with the University at all material times, I shall not sublet the land allocated to me, nor use the land for any other purpose other than that to which the University shall have approved. I fully agree that the University reserves the right to re-enter the land allocated to me whenever it deems necessary. The University also reserves the right not to approve this application and in the event of not approving no refund of the application fees shall be made to me.

I declare that all that is stated above is true to the best of my knowledge.

SIGNED/ THUMB PRINTED:.....

DECLARANT

DATE .....

### CERTIFICATE

I....., being conversant with..... language have read the contents of this application form in.....to ....., I and S/he have fully understood and signed.

SIGNED:.....

LC 1 Chairperson

**NB:** *(To be filled out where the applicant does not know how to read and write in English)*

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**Section C**  
**(FOR OFFICIAL USE ONLY)**

Remarks:

No. of acres applied for:.....

Amount Paid:.....

Verified by:.....

Approved	
Not Approved	

*(tick appropriately)*

Conditions for Approval:.....  
.....

Reasons for not approving:.....

NAME .....

SIGNATURE AND STAMP:.....

DATE .....

**CHAIRPERSON OF THE LAND MANAGEMENT  
AND ALLOCATION COMMITTEE**

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