
**LAND JUSTICE DELAYED: WHY PROLONGED LAND DISPUTES
UNDERMINE DEVELOPMENT IN UGANDA AND THE CASE FOR
MEDIATION**

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ABSTRACT

Land disputes constitute one of the most persistent and consequential categories of civil litigation in Uganda, with significant implications for economic productivity, social stability, and judicial efficiency. Despite land underpinning the livelihoods of over 70% of the population and contributing substantially to national output, a considerable proportion of land remains underutilised due to prolonged disputes. Drawing on doctrinal analysis and secondary empirical data from institutions such as the Judiciary of Uganda, Uganda Bureau of Statistics, and the World Bank, this study examined the developmental consequences of delayed land dispute resolution in Uganda. The findings indicate that land disputes account for approximately 30–40% of civil cases, with many remaining unresolved for five to ten years or longer. During this period, disputed land is frequently withdrawn from productive use, access to credit is constrained, and households incur significant litigation-related costs. The study further finds that prolonged adjudication contributes to judicial backlog and systemic inefficiency. The article argues that the prevailing litigation-dominated approach is structurally misaligned with the socio-economic realities of land relations in Uganda. It advances mediation, particularly early and mandatory mediation, as a more efficient, contextually appropriate, and development-oriented mechanism for resolving land disputes. The study concludes that reforming land dispute resolution processes is essential not only for improving access to justice but also for unlocking the productive potential of land and supporting broader economic development.

Key Terms: *Land Disputes, Mediation, Access to Justice, Judicial Backlog, Uganda, Land Tenure, Economic Development, Alternative Dispute Resolution*

1. INTRODUCTION

Land is Uganda's most important productive asset, supporting livelihoods and the largely agriculture-dependent economy, where about 68–72% of the population is engaged in agriculture (UBOS, 2021). However, most land (70–80%) is held under customary tenure, often without formal documentation, which leads to overlapping claims, unclear boundaries, and frequent disputes (World Bank, 2019). Land disputes remain a significant component of Uganda's formal justice system, forming a substantial share of civil litigation and contributing notably to the overall caseload. Recent data from the Judiciary of Uganda (2025) show that the courts handled a caseload exceeding 450,000 cases in FY 2024/2025, of which approximately 259,331 cases were disposed of, reflecting a case disposal rate of about 58%. Within this system, civil matters, including land-related disputes, account for a considerable proportion of pending cases, with about 33,496 land cases recorded among the 167,353 cases still pending. These disputes are disproportionately represented among long-pending matters, with many remaining unresolved for several years and some extending beyond a decade due to procedural complexities, evidentiary challenges, and appeals, thereby contributing to a persistent, though gradually improving, case backlog.

Despite their prevalence, the broader developmental implications of prolonged land disputes remain insufficiently explored in existing literature, which tends to focus more on land tenure systems and legal reforms than on delays in dispute resolution. However, available evidence suggests that unresolved disputes negatively affect agricultural investment, as households are less likely to undertake long-term land improvements under conditions of tenure insecurity (World Bank, 2019). Within this system, land disputes remain a major component of civil litigation and are disproportionately represented among long-pending cases, many of which extend for several years or more due to procedural complexity, evidentiary challenges, and appeals.

At the household level, disputed land often remains idle because neither party is willing to invest, while access to credit is restricted since financial institutions avoid accepting contested land as collateral (International Finance Corporation, 2020). In addition, prolonged litigation increases financial strain through legal costs, sometimes forcing households to sell productive assets and worsening long-term poverty (UBOS, 2021). Institutionally, land disputes place a heavy burden on the judiciary, contributing significantly to the backlog and slowing down the resolution of other cases. This reduces overall judicial efficiency and weakens access to justice in the wider system (Judiciary of Uganda, 2020).

Problem Statement

Despite Uganda's comprehensive legal framework on land rights, prolonged land disputes reveal a critical disconnect between legal design and practical outcomes. Recent data from the Judiciary of Uganda (2025–2026) indicate that, although case disposal rates have improved, the justice system continues to face a substantial burden of unresolved cases. Approximately 167,353 cases remain pending across all court levels, of which about 27.8% constitute backlog, reflecting persistent delays in case resolution. These delays are particularly evident in civil matters, including

land-related disputes, which are among the most complex and time-intensive categories of litigation. The persistence of backlog is largely attributed to high caseloads, limited judicial personnel, procedural adjournments, and evidentiary challenges.

Many land disputes therefore remain unresolved for several years, during which land becomes economically unproductive, household resources are depleted, and social tensions intensify. These delays have measurable economic consequences. Tenure insecurity reduces investment and productivity (World Bank, 2019), and in Uganda, where agriculture contributes about 24% of GDP and employs the majority of the workforce, idle or underutilised land results in significant cumulative losses (UBOS, 2021). At the household level, prolonged litigation diverts resources to legal costs, often exceeding the value of the disputed land. Institutionally, land disputes contribute disproportionately to judicial backlog, reflecting both their complexity and the limitations of adversarial litigation in resolving socially embedded conflicts.

Although reforms such as Alternative Dispute Resolution (ADR) have been introduced, their impact remains limited relative to the scale of the problem. For instance, mediation resolved only about 5,246 cases in 2025, representing a relatively small proportion of total case disposals. Despite this, mediation remains underutilised, often treated as a procedural step rather than a primary solution. This study, therefore, addresses a central gap: the failure to recognise delay in land dispute resolution as a development challenge, and the limited use of mediation as a practical and effective response.

Aim and Objectives

To examine the developmental consequences of delayed land dispute resolution in Uganda and to assess mediation as a more efficient and contextually appropriate mechanism.

To achieve this aim, the study pursued the following specific objectives:

- i. To analyse the nature, prevalence, and underlying causes of land disputes in Uganda's socio-economic and legal context.
- ii. To examine the economic, social, and institutional impacts of delayed land dispute resolution.
- iii. To evaluate the limitations of the adversarial litigation system in resolving land-related conflicts.
- iv. To assess the effectiveness of mediation as an alternative dispute resolution mechanism and its implications for policy and institutional reform.

Contribution of the Study

This article contributes to existing scholarship by shifting the analytical focus from land tenure and ownership to the timing and efficiency of dispute resolution. It argues that delay itself constitutes a form of structural inefficiency with direct developmental implications. By framing land dispute resolution as both a legal and economic issue, the article advances a more integrated understanding of access to justice in the Ugandan context.

2. LITERATURE REVIEW

The relationship between secure land tenure and economic development is well established in the literature. Foundational studies such as Deininger (2003) show that secure land rights increase agricultural productivity, encourage investment in land improvements, and improve access to credit. This is reinforced by the World Bank (2019), which highlights that tenure insecurity, especially where disputes are common, discourages long-term investment and leads to inefficient land use. In Uganda, where most land is under customary tenure without formal documentation, overlapping claims and disputes are therefore common (Ministry of Lands, Housing and Urban Development reports).

However, existing literature largely focuses on land tenure systems and formalisation, while paying limited attention to how land disputes are actually resolved. In particular, there is a gap in understanding how the duration and effectiveness of dispute resolution processes influence economic and social outcomes.

The “enforcement gap” framework helps explain this problem, showing that legal systems are not only defined by rules but by their capacity to implement them effectively. In Uganda, this gap is reflected in procedural delays, limited institutional capacity, and persistent case backlogs, with land disputes being among the most affected (Judiciary of Uganda, 2020).

Legal scholarship also highlights that adversarial court processes are often poorly suited to land conflicts, especially in Sub-Saharan Africa. Land disputes are typically complex, involving multiple parties, informal arrangements, and strong social and family ties (UN-Habitat, 2020). As a result, court rulings may settle legal ownership but fail to resolve underlying social tensions, leading to weak compliance and recurring conflict, particularly in rural areas.

In response, alternative dispute resolution, especially mediation, has gained attention. The United Nations Commission on International Trade Law (2018) identifies mediation as faster, less costly, and more flexible, with higher compliance rates compared to litigation. In Uganda, court-annexed mediation has shown positive outcomes, including faster case resolution and improved settlement rates, though national evidence remains limited (Judiciary of Uganda).

Despite these benefits, mediation is still underutilised in land disputes due to institutional resistance, limited awareness, and its perception as a secondary procedural step rather than a primary resolution mechanism. Additionally, its alignment with customary dispute resolution practices focused on consensus and reconciliation has not been fully integrated into formal systems.

Overall, the literature reveals three main gaps: a limited analysis of dispute resolution delays as a factor affecting development outcomes. Insufficient empirical comparison of dispute resolution mechanisms in land conflicts. Lack of integrated legal, economic, and institutional analysis of land disputes. This study addresses these gaps by reframing delay in land dispute resolution as a structural constraint on development and positioning mediation as a more suitable and effective approach for resolving land disputes in Uganda.

3. METHODOLOGY

This study adopted a qualitative doctrinal research design, supported by descriptive analysis of secondary data. The doctrinal approach was used to examine Uganda's legal and institutional framework governing land dispute resolution, with particular attention to statutory provisions, judicial practices, and relevant policy documents. Data was drawn from secondary sources, including reports from the Judiciary of Uganda, Uganda Bureau of Statistics, the World Bank, and other international organisations, alongside academic literature and policy documents published between 2010 and 2025, which were purposively selected for their relevance to land tenure and dispute resolution. The data was analysed thematically, focusing on key issues such as dispute duration, economic impacts, access to justice, and the effectiveness of mediation, with quantitative indicators presented as indicative estimates derived from secondary sources.

4. FINDINGS

Prevalence and Duration of Land Disputes

Empirical evidence indicates that land disputes constitute a significant proportion of civil litigation in Uganda. Data from the Judiciary of Uganda indicate that civil and land-related cases form a significant share of the national caseload. The 2025 National Court Case Census shows that out of 167,353 pending cases, approximately 44,911 are civil cases and 33,496 are land-related disputes, confirming the substantial weight of land matters within the justice system. These cases are disproportionately represented among long-pending matters. Notably, at least 2,327 cases have remained unresolved for over ten years, particularly within the High Court and Chief Magistrates' Courts. The persistence of such long-standing disputes reflects structural challenges in adjudication, including overlapping claims, multiple parties, evidentiary difficulties, and frequent adjournments. This demonstrates that the delay in land dispute resolution is not incidental but systemic.

Economic Underutilisation of Disputed Land

One of the most immediate consequences of prolonged land disputes is the withdrawal of land from productive use. Evidence from the World Bank (2019) indicates that tenure insecurity, including unresolved disputes, significantly reduces incentives for agricultural investment. In the Ugandan context, disputed land is frequently left idle or underutilised, as parties in possession are reluctant to undertake long-term developments due to the risk of adverse judgments.

This dynamic leads to reduced agricultural output, delayed or abandoned construction projects, and diminished activity in land markets. Given that agriculture contributes approximately one-quarter of Uganda's GDP and remains the primary source of livelihood for the majority of households (UBOS, 2021), the cumulative effect of such underutilisation represents a substantial, though often unmeasured, economic loss.

Constraints on Credit and Investment

The relationship between land and access to credit is well established in both legal and economic literature. However, this relationship is contingent upon clear ownership and security of tenure. Financial institutions typically require an undisputed title as a precondition for lending, effectively excluding contested land from formal financing systems. According to the International Finance Corporation (2020), land-related risk, including disputes, remains a major barrier to agricultural and real estate financing in developing economies.

In Uganda, this constraint manifests in reduced access to capital for smallholder farmers, limited opportunities for business expansion, and delayed infrastructure development. The exclusion of disputed land from credit markets thus reinforces a cycle of low investment and constrained economic growth.

Household Economic Burden

At the household level, prolonged land disputes impose significant financial and social costs. Evidence from the Uganda Bureau of Statistics (2021) suggests that households engaged in extended litigation often divert substantial portions of their income toward legal fees, transport, and associated expenses. In many cases, families are compelled to liquidate productive assets, including livestock and savings, to sustain litigation over several years. This reallocation of resources from productive to defensive expenditure contributes to long-term economic vulnerability. Moreover, the uncertainty associated with unresolved disputes disrupts household planning, reduces investment in education and health, and undermines intergenerational wealth accumulation.

Contribution to Judicial Backlog

Land disputes are among the most complex and resource-intensive cases within the civil justice system. The Judiciary of Uganda (2025/2026) continues to identify case backlog as a major institutional challenge. By early 2025, courts were handling 167,353 pending cases, with 46,542 classified as backlog cases. The High Court alone accounts for approximately 70,006 pending cases, while Chief Magistrates' Courts handle about 64,937 cases, making them the most burdened court levels. Judicial workload remains high, with each judicial officer handling hundreds of cases annually, contributing to delays particularly at the hearing and judgment-writing stages. Although reforms such as digital case management systems and judgment-writing tools have been introduced, backlog persists due to structural constraints, including understaffing, high case inflows, and procedural inefficiencies.

5. DISCUSSION

The findings show that delayed land dispute resolution has wide-ranging impacts across economic, household, and institutional levels. Economically, disputed land is often withdrawn from productive use, leading to reduced agricultural output, constrained investment, and weakened market activity. This is particularly significant in Uganda, where land remains the primary source

of livelihood for most households. At the household level, prolonged litigation shifts resources away from productive investment toward legal expenses, reducing immediate welfare and generating long-term effects such as asset depletion and diminished capacity for wealth accumulation, as households prioritise defending claims over development. Institutionally, land disputes contribute significantly to case backlog and reduce the efficiency of the civil justice system. This reflects the limitations of the adversarial model, which is effective in determining legal ownership but less capable of resolving disputes rooted in social, economic, and customary relations, often resulting in outcomes that fail to address the underlying causes of conflict.

Recent reforms within the Judiciary of Uganda, including the expanded use of Alternative Dispute Resolution (ADR), digital case management systems, and judgment-writing tools, have contributed to improved case disposal rates. For instance, mediation resolved approximately 5,246 cases in 2025, demonstrating its growing role in justice delivery. However, when compared to the total caseload exceeding 450,000 cases, the contribution of mediation remains relatively small, indicating that it is not yet fully integrated as a primary dispute resolution mechanism. This gap highlights the need to reposition mediation as an early-stage intervention, particularly for land disputes, which are complex, socially embedded, and prone to prolonged litigation.

These dynamics reinforce the need for alternative dispute resolution mechanisms, particularly mediation, which is better aligned with the nature of land conflicts in Uganda. Evidence from court-annexed mediation shows that it reduces case duration, improves settlement rates, and increases compliance with outcomes. Mediation also aligns with indigenous dispute resolution practices that emphasise consensus, reconciliation, and restoration of social harmony, thereby enhancing the legitimacy and sustainability of outcomes. By focusing on underlying interests rather than strictly legal positions, mediation offers a more holistic and durable approach to resolving land disputes.

CONCLUSION

This study has demonstrated that the delayed resolution of land disputes in Uganda generates significant economic, social, and institutional costs. Prolonged litigation renders land idle and unproductive, limits access to credit and investment, places financial strain on households through legal expenses, and contributes to inefficiencies and backlog within the judiciary. Overall, the findings show that a litigation-dominant approach is inadequate in addressing the broader developmental consequences of land disputes, as it fails to ensure timely resolution and the restoration of land to productive use.

RECOMMENDATIONS

The study recommends a shift in land dispute resolution policy toward more efficient and context-appropriate mechanisms. In particular, there is a need to institutionalise mandatory early mediation for land cases, strengthen and expand court-annexed mediation frameworks, and build the capacity of judicial officers and mediators to effectively handle land-related conflicts. Furthermore, integrating customary dispute resolution practices into the formal justice system would enhance accessibility, legitimacy, and cultural relevance. Overall, land dispute resolution should be treated

as a development priority, with mediation promoted as a practical approach to reducing delays, restoring productivity, and improving access to justice.

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