

DRAFT REPORT

INTERNATIONAL ASSOCIATION OF LAW SCHOOLS

PROPERTY LAW STUDY GROUP – Moderated by Dr. Anthony C.K. Kakooza

1. Knowledge

The core elements that are essential for students in enabling them have a substantive appreciation of the field of Property law are the following:

- a) The origins and evolution of present day tenure systems in different jurisdictions.
- b) An understanding of the legal matters pertaining to property within the context of transactions that people get involved in on a regular basis.
- c) Evaluating issues related to Wills and Intestacy in property ownership.

2. Skills.

At the end of the course, students are expected to have attained the following skills:

- a) An understanding of the concept of Real Property and the various interests that fall therein.
- b) An appreciation of the present day upheavals over Property both within and outside of the judicial system, that is, between different classes of people – be it government versus ethnic sentiments – or different individuals conflicting over property.
- c) The ability to exercise a choice over judicial or statutory vis-à-vis customary approaches to resolving land disputes.
- d) An understanding of finance, insurance and tax issues related to Real Estate Management.
- e) Ultimately, the development of a sound intellectual basis for demonstrating an understanding of property conveyance and how land transactions, interests and disputes can be handled with properties falling in different jurisdictions.
- f) The ability to deal in real property matters ranging from aspects related to the acquisition of land in good faith or otherwise; use of real property as collateral; temporary and permanent transfer of property interests (e.g., leases, licenses, conveyances and tenancies), fraud over property transactions; and, public use of land (e.g., easements).

3. Values

- a) Students should consider incorporating the following values into an overall ethical legal education in Property law:
 - i) An appreciation the existence of different interests in the same piece of property and the need to take such interests into consideration from a historical perspective when involved in the resolution of property disputes.
 - ii) The need to create a balance between traditional means of resolving property disputes through litigation and the relevance of alternative means of dispute resolution, inclusive of customary means of resolving disputes.
 - iii) Exploring the relevance of Cultural leaders or Community elders in the resolution of property disputes.
 - iv) The relevance of openness and transparency in the communication of specific interests in the negotiation of property matters.
 - v) Transparent process in claiming access to the Government Land Fund.
 - vi) Claims for compensation in instances involving Government acquisition of land for developmental purposes.

- b) The Values specific to this field that can be used to illustrate and reinforce an ethical legal education include the following:
 - i) Offering free legal assistance or legal aid to vulnerable persons deprived of their property by selfish individuals or personalities.
 - ii) Advising property holders on effective ways in which they can secure and protect their interests in property against loss or deprivation based on lack of due diligence in their protective measures or innocently engaging in property transactions with fraudulent personalities.
 - iii) Effective measures to consider in the protection of property against environmental degradation, while utilizing it for socio-economic development.
 - iv) Balancing out the needs and interests of different stakeholders in the utilization of property for effective development.