

Deciphering the Nexus between Central-Local Relations and Land Policy Implementation in the South-Western Districts of Kasese, Sheema and Bushenyi in Uganda

David Mugisha Begumya

Department of Public Administration
Kampala International University, Kampala, Uganda

Abstract: This study sought to find out the nexus between central-local relations and land policy implementation in the Districts of Kasese, Sheema and Bushenyi in Uganda since the Uganda National Land Policy (UNLP) 2013. Using mixed methods design data was collected from 436 participants and respondents. It was analysed using SPSS 23 for quantitative analysis and general content analysis for qualitative analysis. The study found out that central-local relations are dissatisfactory and are in need of addressing so they can lead to good land policy implementation. The study also found out that customary institutions and practices are intervening in land policy implementation and should be further addressed for better land policy implementation. The study recommended: harmonizing existing laws and regulations with the UNLP 2013; to further decentralize land rights administration and delivery of secure land rights by engaging and integrating customary land institutions and practices as required by the UNLP 2013 to allow for further local participation; divorce politics from administration; standardize information by developing and disseminating an operational manual; improve communication; develop a code of conduct and professional standards; decentralize and improve training; stakeholder mapping; implement the monitoring and evaluation framework of the UNLP 2013; capacity building; fast forward the creation of an autonomous agency in charge of land and enable it operate using a private sector model that will generate and reinvest funds to provide for the untimely funds, lack of funds and to ease auditing and accountability of the land sector; lastly customary institutions and practices should be studied and all compatible practices with the UNLP 2013 integrated into land policy implementation.

Keywords: Land policy implementation, central-local relations, land rights, decentralisation, land rights administration.

1. BACKGROUND TO THE STUDY

Land policy implementation in Uganda dates back to pre-colonial, colonial and post colonial times. Specifically, since the advent of decentralisation policy in Uganda, a number of political, fiscal and administrative reforms have taken place. Politically, the 1975 the Land Reform Decree vesting land in the state was abolished by the 1995 constitution which vested land in the people. Administratively, the Land Act has decentralized land management and dispute settlement mechanism. Financially the Land Sector Strategic Plan (2001-2011) was designed to provide the framework for land reforms. This was been done within the available and estimated resource envelope. However this financial plan did not capture financing of the land administrative structures leading to problems (Sebina-Zziwa, 2015). Therefore these reforms have not been able to fully address the issues of secure land rights and land rights administration. This has led to land rights insecurity as a result of improper record keeping, inaccuracies in land registry process, fraud and forgeries in the land rights administration system (Obaikol, 2014). The roles of central and local government are not yet streamlined. Lack of funds to establish the different Land Administration Institutions has led to their absence in some districts. In other districts their creation has been slow hampered by finances. The lack of funds has led to the central and local governments competing and conflicting over financial resources (Sebina-Zziwa, 2015).

The Local Government Act has empowered local governments to exercise within their jurisdiction all political and administrative authority and provide services as they think fit. Consequently central-local relations have moved away from controlled and subordinate to a relationship based in consensus building, policy information and negotiation. In practice the combination of lack of managerial resources, inadequate financing, poor revenue generation has left the concept of independence for the local from the centre only unclear. The centre still dictates the agenda and the front line staff continue to be beholden to line ministries (Golola, 2001). The struggle for power and resources characterizes central-local relations. A major justification of the UNLP 2013 is a harmonised framework with the ability to stop conflict concerning administrative decisions, regulations and laws that often overlap, leading to serious administrative conflicts and bureaucratic rivalry for responsibility and resources (Odhiambo, 2015). Land disputes and competition over resources creates challenges that could worsen and ignite conflict if not timely addressed (Byamugisha, 2014).

Odhiambo (2015) argues that, there continues to be a gap between policy development and policy implementation. Successive post independence governments failed to address underlying issues in land governance and efforts in land policy have remained unimplemented to date (MoLHUD, 2015). Political, administrative and financial relations between the central and local governments do not fully support land policy implementation. At this stage in the UNLP 2013 implementation process, it is yet unknown how strong it is to address the loopholes in land matters under current central-local relations. Hence the need to investigate how relationship between the central and local governments affects the way land policy is implemented. Failure to address these loopholes will lead to continued land insecurity, land disputes and land conflict. This study therefore sought to find out central-local relations and land policy implementation in the Districts of Kasese, Sheema and Bushenyi in Uganda since the UNLP 2013. Specifically Chapter 5.2 and 5.3 of the UNLP 2013 which deals with land rights administration and delivery of secure land rights respectively.

2. METHODOLOGY

This study adopted a mixed methods design using a concurrent triangulation strategy. The total target population was 2419. Concurrent sampling which supports mixed methods was used. Stratified sampling, purposive sampling and simple random sampling were used in the study. From population of 2116 a simple random sample of 337 was derived using Slovenes formula. This plus 57 (Local Council 5) chosen by selection gave sample size for quantitative data of 394. The samples derived using purposive sampling were 12 (District Land Office & District Land Board) and 30 (Area Land Committee). The participants selected from the centre were 6 (Ministry of Lands Housing and Urban Development & Uganda Land Commission). Thus the sample size and selected members obtained for qualitative data was 12, 30 and 6 which is 48. Questionnaires, interviews and documentary review were used and data obtained was analysed using SPSS v.23 for quantitative data and general content analysis for qualitative analysis.

3. FINDINGS

3.1 Central-Local Political Relations and Land Policy Implementation:

The first objective of this study was to analyze political relations between central and local governments in the delivery of secure land rights and land rights administration. This has been done by looking at quantitative data and qualitative data alongside. The findings on this objective are hereunder presented in tandem.

3.1.1 Concurrent quantitative and qualitative analysis of central-local governmental political relations and land policy implementation:

Quantitative data was obtained from 394 respondents using SPSS v.23. Using SPSS the researcher analysed the data using descriptive statistics, specifically frequencies. The questionnaire used had a four point scale interval. That is strongly agree, agree, disagree and strongly disagree. The output is hereby presented to address the following statements

1. Delivery of local secure land rights depends on policy guidance by central government.
2. Delivery of local secure land rights suffers from political interference by central government.
3. Central government encourages local participation in delivery of local secure land rights.
4. Local land rights administration follows policy guidelines by central government?
5. Local land rights administration suffers from political interference by central government.
6. Central government has decentralized land rights administration to allow local participation.

3.1.1.1 Concurrent quantitative and qualitative analysis of the statement: delivery of local secure land rights depends on policy guidance by central government.

Table 1 below reveals results of the following statement employed: Delivery of local secure land rights depends on policy guidance by central government.

Table 1: Delivery of local secure land rights depends on policy guidance by central government

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Disagree	27	6.9	6.9	6.9
Disagree	72	18.3	18.3	25.1
Agree	182	46.2	46.2	71.3
Strongly Agree	113	28.7	28.7	100.0
Total	394	100.0	100.0	

Source: Primary Data

According to Table 1 above 182 (46.2%) of the respondents agreed that delivery of local secure land rights depends on policy guidance by central government. Another 113 (28.7%) of the respondents strongly agreed that delivery of local secure land rights depends on policy guidance by central government. Therefore 295 respondents representing 74.9% agreed and strongly agreed that delivery of local secure land rights depends on policy guidance by central government. This was collaborated by participants interviewed in this study, who stated that, Policies so far made include the Uganda National Land Policy; the Land Acquisition Resettlement and Rehabilitation Policy and the National Land Use Policy. The researcher was further informed that the Land Compensation Policy is still pending. Other recent ministerial publications include; the Clients Charter; Communal Land Associations and What the Law says about Land Evictions. Still pending are guidelines on Evictions. In addition the researcher was informed that the legal and policy framework Uganda uses to deliver the land rights includes a constitutional framework in Uganda with Article 237 stating that land in Uganda belongs to the people and shall be held under four tenure systems (the prevalent customary tenure being included). This is consistent with literature reviewed in chapter two of this study. Therefore delivery of local secure land rights depends on policy guidance by central government as specified in Part 1 of the second schedule of the LGA which states that formulation of primary policies and setting standards remained functions of the central government (LGA, 1997: Sec 30).

Furthermore participants revealed that the legal framework prescribing the delivery of land services includes laws such as the Land Act; Registration and Titles Act; and Physical Planning Act. Pending laws include: the Land Information Systems Act; the Land Acquisition and Compensation Act; Surveyors Registration Act; Survey and Mapping Act; and Registration of Titles Act. This shows that the legal framework to enable delivery of secure land rights is still not in yet fully in place. It was revealed by MoLHUD officials that this is because the proper order was not followed in Uganda which entails making policy, followed by law and then regulations. In Uganda it has been law first (the 1998 Land Act), policy second (the 2013 UNLP) then the National Land Policy-Implementation Action Plan in 2015. Therefore in Uganda the National Land Policy-Implementation Action Plan was made first instead of regulations. As for the legal framework, there necessitated an amendment of all Acts to streamline the laws to fit the policy (UNLP, 2013). It is only after the law is in place that delivery mechanisms can follow unencumbered by law. These delivery mechanisms include the: Central Land Office/MoLHUD; District Land Office; District Land Board; and Area Land Committees. It is therefore safe to assume that once the policy, law, regulations and delivery mechanisms are synchronized then there will be greater satisfaction registered with delivery of local secure land rights.

Nevertheless a member of the Sheema District Land Board had this to say, Area Land Committee signatures are checked against specimens. The District Land Board does not contest the work of Area Land Committee. District Land Board also ensures that public access to public resources such as water is ensured or else no titling (Member District Land Board, in Bushenyi, interviewed on 12/07/2017). The above verbatim response demonstrates knowledge and a usage of central policy guidelines in the delivery of secure land rights in Bushenyi District.

In Kasese similar sentiments were reported with regard to central government policy guidance. A member of Muhokya Area Land Committee, referring to the piloting of Certificates of Customary Ownership in Kasese said, people's right to land is more secure with Certificates of Customary Ownership because Certificates of Customary Ownership rescue

people in times of land dispute and land conflict (Member Area Land Committee, Muhokya in Kasese, interviewed on 23/10/2017). He also expressed happiness in the avenues of credit that have opened up allowing for personal development. He along with other participants claimed that credit up to five million shillings and more can be obtained from banks using Certificates of Customary Ownership.

3.1.2 Concurrent quantitative and qualitative analysis of the statement: delivery of local secure land rights suffers from political interference by central government:

Table 2 shows output for the following statement posed: Delivery of local secure land rights suffers from political interference by central government.

Table 2: Delivery of local secure land rights suffers from political interference by central government

	Frequency	Percent	Valid Percent	Cumulative Percent
strongly disagree	37	9.4	9.4	9.4
Disagree	101	25.6	25.6	35.0
Agree	184	46.7	46.7	81.7
strongly agree	72	18.3	18.3	100.0
Total	394	100.0	100.0	

Source: Primary Data

Table 2 reveals that out of 394 respondents 184 (46.7%) agreed and 72 (18.3%) strongly agreed that delivery of local secure land rights suffers from political interference by central government. Together this represents 256 respondents accounting for 65% of total responses. This implies that the majority of respondents agreed and strongly agreed that delivery of local secure land rights suffers from political interference by central government. In Sheema a member of the District Land Board responding to a similar query said verbatim,

“Yes! Sometimes we get people making claim on some land, saying that they are from state house and we can’t do our work.”

(Member District Land Board, in Sheema, interviewed on 12/07/2107). It was further revealed that interference is also experienced from Uganda Land Commission and National Forestry Association. The District land Board may allocate land and later the Uganda Land Commission claims that land is under their jurisdiction. In addition jurisdictional clashes have occurred with the District Land Board facing off with the National Forestry Authority over some forested land in the district. This clearly suggests that local delivery of secure land rights is interfered with by central government individuals and institutions in delivery of secure land rights.

Another concern was raised by a MoLHUD official who observed that central government has allowed people to cross over from other countries to vote during national elections and has gone as far as facilitating them to get National Identity Cards. Accordingly this would mean that foreigners with a lot of money may take advantage of such loopholes to buy off land from poor citizens defrauding them of secure land rights as secured by law. This according to this official constitutes political interference by the centre in delivery of secure land rights and land rights administration.

In Bushenyi a member of the District Land Office interviewed on 10/07/2017 categorically stated that there is political interference from central government. The member cited the Uganda Land Commission conflicts with the District Land Board in giving title as a case in point. He said when one institution refuses to give title the other gives. The member observed that there is over lapping authority over land. When another member of the District Lands Office was asked in an interview on 07/07/2017 if delivery of local secure land rights suffers from political interference by central government, he said,

“No... but corruption from the centre in title or lease processes happens.”

(Member of the District Lands Office interviewed on 07/07/2017). This means that even after all due diligence at the district, the centre, which retained the right to issue titles, may interfere with a locally approved title application.

Participants interviewed in Kasese while referring to Certificates of Customary Ownership claimed central government had made it harder to acquire them. Initially Certificates of Customary Ownership were issued from the District. Then central government came in and said they should be issued from the centre. This has resulted in delays in applications. It

used to take 3 months to get a Certificate of Customary Ownership. Now some people have waited years for certificates since the central government interfered in District issuance in 2014. From Muhokya the pilot area in Kasese for Certificates of Customary Ownership over 1000 applications have been sent so far to the District Land Board and only about 30% have got Certificates of Customary Ownership while 70% are still waiting. However the new Certificates of Customary Ownership are more detailed. For example the new ones have space for successive buyers to sign. When asked if delivery of local secure land rights suffers from political interference by central government, a member of the District Land Office of Kasese, in an interview on 29/08/2017 replied,

“The Resident District Commissioners act as judges and ignore court orders. He will say, I am working for Central Government who are you!”

Therefore actions by powerful centrally appointed Resident District Commissioners are perceived as actions of central government interference in delivery of secure land rights. Recent media reports are awash with stories of Resident District Commissioners taking sides in land conflicts in several districts including Kasese.

3.1.3 Concurrent quantitative and qualitative analysis of the statement: central government encourages local participation in delivery of local secure land rights:

Table 3 shows data output from the statement: Central government encourages local participation in delivery of local secure land rights.

Table 3: Central governments encourages local participation in delivery of local secure land rights

	Frequency	Percent	Valid Percent	Cumulative Percent
strongly disagree	28	7.1	7.1	7.1
Disagree	100	25.4	25.4	32.5
Agree	193	49.0	49.0	81.5
strongly agree	73	18.5	18.5	100.0
Total	394	100.0	100.0	

Source: Primary Data

Table 3 shows that 193 (49%) respondents agreed while 73 (18.5%) strongly agreed that central government encourages local participation in delivery of local secure land rights. The study hence found out that respondents were generally of the view that central government encourages local participation, as attested by 67.5% of respondents, in delivery of local secure land rights. This finding demonstrates that the central government has upheld one of the purposes for decentralisation as stipulated under Article 176 (2) (e) of the Constitution of Uganda. That is, taking appropriate measures to enable local government units to plan, initiate and execute policies in respect of all matters affecting the people within its area of jurisdiction. This is also in agreement with the participatory and consultative implementation strategy to the Land Act and Land Policy that central government adopted (Rugadya, 1999) as earlier mentioned in this study. Participants interviewed revealed that it was agreed for instance that the centre would fund 65% of the cost of acquiring Certificates of Customary Ownership whereas the locals benefitting from this service would meet the remaining 35% of the funding. This has resulted in massive certification of land rights and improved land rights security. In Kasese out of 18, 900 applications by December 2017 as many as 8000 certificates had been processed. A member of Muhokya Area Land Committee revealed that Certificates of Customary Ownership are applied for and given on the basis of clients willingness. Certificates of Customary Ownership officially cost 20,000/= payable at Sub County offices, however the client must meet the cost of facilitating the Area Land Committee. This cost of facilitation is usually 100,000/= Uganda shillings but can go up to 200,000/= for distant places. This money caters for transport and refreshments for the committee members when they visit an area to inspect and assess it for titling. This solicitation of money is unlawful and has resulted from the centre not adequately financing the local delivery systems as will be discussed later on in this study under financial relations.

Furthermore as observed in the background of this study the main challenge with this participatory implementation strategy is to balance the need for strong coordination at the centre with effective mobilization of district based institutions to use powers devolved them by the Land Act. There was a danger that the centre will take on too much, or that local institutions will not be empowered enough to fulfill their roles effectively (Rugadya, 1999; MoLHUD, 2009).

This concern was expressed by a member of the Uganda Land Commission who noted that the Land Fund has not benefitted the landless people of Kasese such as the Basongora and Banyabindi because they have not asked for this intervention from the centre. This he said was because the Lands Fund is demand driven meaning it must be initiated by locals who must therefore be aware and knowledgeable about it. Basongora participants on the other hand claimed the centre had tried to resettle them away from their ancestral grazing lands but this had only complicated relations with existing ethnic groups as shown in an earlier study (AISRGD, 2014). The Basongora elders preferred to be allowed to settle in the presently gazetted Queen Elizabeth National Park where their ancestors coexisted for centuries with the wild animals. They claimed they have for a long time made their desire known in both local and national fora up to the highest office in the land but their concerns have not been addressed.

The Constitution of the Republic of Uganda (1995) Article 242 states that Government may, under laws made by Parliament and policies made from time to time, regulate the use of land. The Land Act (1998) section 44 (6) further states that Parliament or any other authority empowered by Parliament may from time to time review any land held in trust by the Government or a local government whenever the community in the area or district where the reserved land is situated so demands. According to Rugadya's (2009) study, Escalating land conflicts in Uganda: A review of evidence from recent studies and surveys, the residents of Kasese District have been demanding degazetting of their land or compensation from government on the grounds that half of their territory is gazetted as game parks, forest reserves, prisons, or other government institutions. In the study by Renno et al. (2012) of the respondents asked 81% agreed or strongly agreed that National parks should be degazetted in part to allow for more farm and grazing land. This study finding thus resonates with Rugadya and Renno et al findings that even though locals have made demands for degazetting of land for settlement these demands have been lacking in power to effect any desirable change.

In Bushenyi a participant mentioned that the construction of roads under CAIP (Community Agricultural Infrastructural Improvement Program) is done by obtaining consent from the community as that land used for roads is not compensated. This means that individual and communal rights to land are not compromised even for local road construction but due consent is sought when determining the path of a community road. Unlike other government roads, road construction under CAIP does not compensate for land used. This means local participation is crucial for success of these programs and due diligence must be done. However reservations were registered concerning local participation with a member of the District Land Office interviewed on 07/07/2017 citing inadequate consultations by the centre with the District land office in drafting policies such as the UNLP 2013. The member also decried the lack of proper information on land issues to warrant meaningful local participation. The member said even when information reaches the land office there is no sufficient dissemination or sensitization of locals to ensure informed participation in delivery of secure land rights.

3.1.4 Concurrent quantitative and qualitative analysis of the statement: local land rights administration follows policy guidelines by central government:

Table 4 reveals results of the following statement posed: Local land rights administration follows policy guidelines by central government.

Table 4: Local land rights administration follows policy guidelines by central government

	Frequency	Percent	Valid Percent	Cumulative Percent
strongly disagree	35	8.9	8.9	8.9
Disagree	95	24.1	24.1	33.0
Agree	182	46.2	46.2	79.2
strongly agree	82	20.8	20.8	100.0
Total	394	100.0	100.0	

Source: Primary Data

From Table 4 above 182 (46.2%) respondents agreed that local land rights administration follows policy guidelines by central government. Also 82 (20.8%) of the respondents strongly agreed that local land rights administration follows policy guidelines by central government. This implies that majority 264 (67%) of the respondents agreed and strongly agreed that local land rights administration follows policy guidelines by central government. Land rights administration was reported as satisfactorily by some participants as well. Participants reiterated the role of MoLHUD in giving policy guidance to the land institutions. A key policy guideline issued in 2010 was the Physical Planning Act that made the

whole of Uganda a planning area. Also mentioned was the dissemination of policy guidelines through the Information Education Communication (IEC) where MoLHUD translates policy guidelines into vernacular for local dissemination.

However an interviewee from one of the District Land Office firmly deferred. This official was of the view that, policy guidance is not sufficient. It is ambiguous. The mode of availing information is not standard it is mostly verbal and informal. He suggested that some officials at the centre hold information on policy for financial gain. He also said some land titles are given without due process at the centre defying policy guidelines. This finding is not new since research has shown corruption is a common phenomenon at many levels in the land sector, partly because of the salary levels (DAI, 2016). This difference in opinion may represent a minority view (33%) by respondents who either disagreed or strongly disagreed that local land administration follows policy guidelines by central government.

A participant from the Bushenyi District Land Board was of the view that policy guidelines from the centre are satisfactory but they are not followed with necessary funds for implementation. This lamentation was further elaborated by a member of the MoLHUD interviewed. This participant identified the following challenges to policy guidance in land rights administration in addition to inadequate funding: Fraudulent land transactions; Multiple titles on land; Surveyors not doing their work; Titles in eco sensitive areas; Overlapping surveys; Corruption in land institutions; Unethical public that encourages corrupt practices; No comprehensive training; Staffing deficits; Preference of urban life by land professionals; District administration including Chief Administrative Officers and Town Clerks who do not appreciate land issues; and Increased land conflicts.

When asked whether land rights administration follows policy guidance from central government, Member of the District Land Board after some thought said,

“Yes....hmmm... for instance wetlands are not titled”

(Member District Land Board, in Bushenyi, interviewed on 12/07/2017). In Bushenyi as in other parts of the country titles in wetlands acquired unlawfully after 1995 were cancelled as per Cabinet Directive of 16th April 2014. The District Land Board does not consider applications for titles in wetlands as required by law.

In Kasese policy guidance in land administration was collaborated by a District Land Office participant interviewed on 22/08/2017 who claimed the District Land Office was consulted in formulating the UNLP 2013. Draft policies were first sent to the District Land Office and then input was given during a 3 day workshop held at Hotel Africana. In addition to the bottom-up approach in drafting the UNLP 2013, that gave officials a feeling of ownership of policy, the policy of settling of landless people also delivered satisfaction. When asked if central government policy guidance has led to better land rights administration, another District Land Officer concurred that, landless people were allocated land in Butsumbamuro.

3.1.5 Concurrent quantitative and qualitative analysis of the statement: local land rights administration suffers from political interference by central government:

Table 5 below shows responses to the statement posed as follows: local land rights administration suffers from political interference by central government.

Table 5: Local land rights administration suffers from political interference by central government

	Frequency	Percent	Valid Percent	Cumulative Percent
strongly disagree	51	12.9	12.9	12.9
Disagree	99	25.1	25.1	38.1
Valid Agree	173	43.9	43.9	82.0
strongly agree	71	18.0	18.0	100.0
Total	394	100.0	100.0	

Source: Primary Data

More than half the respondents 244 (61.9%) than not 150 (38%) agreed 173 (43.9%) or strongly agreed 71 (18%) that just like delivery of secure land rights, land rights administration suffers from political interference by central government. This was collaborated by some participants as follows, politics continues to resurface in land and land law regimes. Landless people and overlapping rights on the same land are some of the problems that attract political solutions

(MoLHUD official interviewed on 18/07/2017). Again, land is political. Land generates so many funds but they are not ploughed back into the land sector but are diverted to other politically expedient activities (MoLHUD official interviewed on 26/06/2017). These responses from ministry officials show that land is indeed a politically sensitive subject that attracts political interventions. As described by Honorable Daudi Migereko the former Minister of Lands, Housing and Urban Development as arguably the most emotive, culturally sensitive, politically volatile and economically central issue in Uganda (MoLHUD, 2013) prone to political interference.

On the local scene a participant concurred concerning central political interference in local land administration. He viewed the creation of Ministry Zonal Offices (MZOs) as an extension of central politics. He cited transfers of MZO staff as a means of interfering with local land processes since new staff would hamper continuity and necessitate a fresh start to ongoing land administration.

Kasese respondents revealed unease with political interference by central government in land rights administration. This view point was reiterated by a member of the District Land Office. He lamented that,

“The policy says the secretary to the District Land Board must sign the lease and freehold land offers but in practice the Senior District Lands Officer signs as directed by the Permanent Secretary”

(Member, in Kasese, interviewed on 29/08/2017). This shows that even when the policy is clear the central land ministry staff for one reason or another may over bear on the local district land staff to ignore policy in land rights administration. Another district staff, interviewed on 22/08/2017, on the other hand expressed more concern with local political interference. He lamented that, enforcement in land matters is a challenge because of (local) political interference. “There is even fear for life in cases where illegal buildings need to be demolished,” he said.

In Bushenyi like in Kasese it cannot be said that there is non-political interference in land rights administration. A member of the District Land Board of Bushenyi interviewed on 12/07/2017 said,

“In 2013 Bushenyi District Council leased land in Kyamuhunga Forest Reserve without involving the District Land Board. Also the District Council sold land in Kyabugimbi Sub County without involving the District Land Board. This case is currently in Court. Cabinet has since directed that there should be no sale of public land.”

Cabinet involvement in this case is viewed by locals as political interference. Likewise when a former technical member of the District Land Board was approached to shed more light on this he agreed, saying

“When the IGG (Inspector General of Government) queried this lease (in Kyamuhunga Forest Reserve) the members of the District Land Board were approached by members of District Council on several occasions with bribes and eventually the Chairman District Land Board was compromised and wrote to the IGG saying that the District Land Board had consented to the lease disappointing fellow board members”.

It follows from the above responses that the centre under such circumstances cannot but interfere in land administration. This is in keeping with its mandate of inspecting and supervision of land services as mandated by law.

3.1.6 Concurrent quantitative and qualitative analysis of the statement: central government has decentralized land rights administration to allow local participation:

Table 6 reveals responses for the statement: Central government has decentralized land rights administration to allow local participation.

Table 6: Central governments has decentralized land rights administration to allow local participation

	Frequency	Percent	Valid Percent	Cumulative Percent
strongly disagree	54	13.7	13.7	13.7
Disagree	114	28.9	28.9	42.6
Valid Agree	150	38.1	38.1	80.7
strongly agree	76	19.3	19.3	100.0
Total	394	100.0	100.0	

Source: Primary Data

Findings in Table 6 show that out of 394 respondents 114 (28.9%) disagreed and 150 (38.1%) agreed that central government has decentralized land rights administration to allow local participation. When all four responses are considered 168 (42.6%) of the respondents disagreed or strongly disagreed while 226 (57.4%) agreed or strongly agreed that central government has decentralized land rights administration to allow local participation.

In Kasese the decentralization of land administration through issuance of Certificates of Customary Ownership has reduced conflicts over land since it has encouraged local participation. The participants revealed that this is especially because of Form 23 which shows demarcations of land and an inspection report that caters for community concerns such as roads and water sources. Relatedly a member of the District Land Board seemed to concur thus, in 1000 title applications only two to five are lost cases or go bad (Member District Land Board, of Kasese, interviewed on 29/08/2017). This is in stark contrast to the past centralized system where customary certificates were not issuable and only 20% of Ugandans have land titles (Republic of Uganda, n.d).

A participant from Sheema said, Sheema land conflicts have reduced since it became a District bringing land services nearer to the people (Member District Lands Officer, in Sheema District, interviewed on 12/07/2017). This suggests that respondents in Sheema could be experiencing improvement in land services and land administration as a result of increased local participation after acquiring a District status. Nonetheless still in Sheema a participant was of the view that central government decentralisation to allow local participation has done more harm than good. A case in point she said is the slow pace of projects as a result of gaps from the lack of a Compensation Policy. The participant said,

“Land is a fixed resource. This affects government service delivery. The removal of the 1975 Land Decree has brought challenges of compensation when public projects such as water and roads are undertaken. For instance in Sheema the Kyangyenyi water project is being frustrated by individuals who are asking exorbitant compensation for land needed for the water project to pass.”

(Member Sheema District Land Office, Interviewed on 12/07/2017). The stalling of government projects has been a poignant issue in recent times as discussed in the next chapter of this study.

Furthermore a participant from Bushenyi District Land Board was of the view that decentralized land administration has not been followed with necessary funds for implementation. This short circuits the motive intended. This fault in implementation at the local sub-system means the whole system will not function to achieve organizational objectives as intended. It also means that, as mentioned in chapter two of this study, according to the bottom-up approach emphasis on the autonomy of local implementers is not enough since it is possible for central government to influence the goals and strategies of the local actors by determining resources made available to them (Schofield & Sausman, 2004).

3.2 Central-local Governmental Administrative Relations and Land Policy Implementation:

The second objective of this study was to assess administrative relations between central and local governments in the delivery of secure land rights and land rights administration. This has been done by looking at quantitative data and qualitative data together. The findings on this objective are hereunder presented concurrently.

3.2.1 Concurrent quantitative and qualitative analysis of central-local governmental administrative relations and land policy implementation:

Quantitative data was obtained from 394 respondents and using SPSS v.23 the researcher analysed the data using descriptive statistics, specifically frequencies. The questionnaire used had a four point scale interval. That is strongly agree, agree, disagree and strongly disagree. The output is hereby presented to address the following statements:

1. Local administrators have choice in implementing land policy from central government.
2. Local administrators get sufficient information on land policy from central government.
3. Local administrators are loyal to the local government when implementing land policy from central government.
4. Local land administrators get timely communication on land policy from central government.
5. Local land administration institutions are well coordinated with central government.
6. Local land administrations get significant training from central government.
7. Local land administrators get capacity building from central government.

3.2.1.1 Concurrent quantitative and qualitative analysis of the statement: local administrators have choice in implementing land policy from central government:

Table 20 shows SPSS output for the statement: local administrators have choice in implementing land policy from central government.

Table 7: Local administrators have choice in implementing land policy from central government

	Frequency	Percent	Valid Percent	Cumulative Percent
strongly disagree	73	18.5	18.5	18.5
Disagree	106	26.9	26.9	45.4
Agree	150	38.1	38.1	83.5
strongly agree	65	16.5	16.5	100.0
Total	394	100.0	100.0	

Source: Primary Data

Respondents who agreed local land administrators have choice in implementing land policy from central government were 150 (38.1%) and those who strongly agreed were 65 (16.5%). This gives a total of 215 (54.6%) implying that more respondents than not believed that local land implementers exercise discretion in their work. The interpretation is that regarding local land administrators they have administrative discretion while carrying out delivery of secure land rights and land rights administration. They can therefore implement the land policy wholly, partially or choose to ignore it all together.

This view was also held by a member of the District Lands Office, in Sheema, Interviewed on 12/07/2017. This member singled out the Land Use Policy saying that the Land Use Policy is not yet regulated. So without regulations it is hard to implement and is subject to interpretation. This means that in the delivery of secure land rights and land rights administration local land administrators use the general interpretation of the Land Use Policy and cannot apply it to specific situations since the regulations applying to specific situations are not yet in place.

An official at MoLHUD interviewed on 26/06/2017 revealed that central government is trying to circumnavigate the discretion of local land administrators in implementing land policy by increasingly co-opting other implementing partners. He said central government has increasingly sought other partners in land policy implementation. Civil Society Organizations are increasingly involved with a Memorandum of Understanding being signed with Non-Governmental Organizations. The choice in implementing officials strategically shifting from government employees to civil society workers is an admission of a problem of frontline staff in land policy implementation.

A member of Bushenyi District Land Office, interviewed on 10/07/2017 seemed to highlight the problem. He opined that government cannot expect them to follow directives wholly since land implementers are stakeholders in the process. This means that government has turned to civil society probably viewing them more impartial in the land policy implementation process. He said,

“Yes we use discretion because some guidelines are not practical. I interact with the end user. I am the one that endures pressure from people. For instance a notice of hearing should be displayed for two weeks yet someone is a neighbor or is known to me.”

This local bureaucrat was of the opinion that he should not be subject to central policy when his being a frontline staff gives him certain advantages that make central policy unnecessary at times.

3.2.1.2 Concurrent quantitative and qualitative analysis of the statement: local administrators get sufficient information on land policy from central government:

Table 8 shows SPSS output for the statement: local administrators get sufficient information on land policy from central government.

Table 8: Local administrators get sufficient information on land policy from central government

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid strongly disagree	74	18.8	18.8	18.8
Disagree	132	33.5	33.5	52.3

Agree	134	34.0	34.0	86.3
strongly agree	54	13.7	13.7	100.0
Total	394	100.0	100.0	

Source: Primary Data

On the statement seeking opinion from respondents about whether local administrators get sufficient information on land policy from central government, majority 206 (52.3%) strongly disagreed or disagreed. This means majority of respondents believed that central government does not give local land administrators sufficient information on land policy in its implementation. Officials of MoLHUD admitted to gaps in information on land policy. They said, laws of 1965 are still being used. Legal review of land laws has not yet been done. Land Information System law is not yet there. The Survey Act is obsolete (Official from MoLHUD, interviewed on 18/07/2017). And another said, the National Land Policy needs to be translated into vernacular for local implementers to read, disseminate and implement (Official from MoLHUD, interviewed on 26/06/2017). Therefore respondents view of insufficient information in land policy implementation was collaborated by participants from the centre.

Locally this view was collaborated by a participant as follows: information received is insufficient. There are no guidelines given. When guidelines are given the local implementer is not consulted in their making, thus making them less applicable locally. Yet a policy wrongly implemented is blamed on the local implementers (Member of Bushenyi District Land Office, interviewed on 10/07/2017). The same interviewee remarked that: often presidential directives are made yet they are not in line with existing policy and more over these directives are not followed with facilitation (Member of Bushenyi District Land Office, interviewed on 10/07/2017). A participant from Kasese also agreed with the respondents saying, information from the centre is very rare so they use individual means like phone calls or email to obtain information (Secretary District Land Board, of Kasese, interviewed on 29/08/2017).

3.2.1.3 Concurrent quantitative and qualitative analysis of the statement: Local administrators are loyal to the local government when implementing land policy from central government:

Table 9 shows results for quantitative analysis obtained for the statement: Local administrators are loyal to the local government when implementing land policy from central government.

Table 9: Local administrators are loyal to the local government when implementing land policy from central government

	Frequency	Percent	Valid Percent	Cumulative Percent
strongly disagree	57	14.5	14.5	14.5
Disagree	106	26.9	26.9	41.4
Agree	160	40.6	40.6	82.0
strongly agree	71	18.0	18.0	100.0
Total	394	100.0	100.0	

Source: Primary Data

According to these results 160 (40.6%) and 71 (18%) of the respondents agreed and strongly agreed respectively that local administrators are loyal to the local government when implementing land policy from central government. The average local councilor therefore believed loyalty was with local government in land policy implementation. However, most members of the District Land Offices interviewed did not agree. They firmly said they give their loyalty to central government. One of them stated,

“My loyalty is with Central government. Sometimes the LC 5 Chairman may want to interfere with procedure and influence decisions in the land office but this is not respected.”

(Member of Kasese District Land Office, interviewed on 22/08/2017). This position was maintained by a participant in Bushenyi, who stated,

“Technically we report to the Commissioner of Surveys and administratively to the Chief Administrative Officer. Approval is done by the Commissioner and the Chief Administrative Officer comes in after. We do what makes sense professionally. At times the Chief Administrative Officer does not agree with technical advice. When the lands official says no to quick things they say but this is government land do you want to steal it.”

(Member of Bushenyi District interviewed on 10/07/2017). Again in Kasese one District land Officer said, as already mentioned, loyalty is with the central government (Member Kasese District Land Office, interviewed on 29/08/2017). The question of loyalty of local staff impinges greatly in implementation of any centrally generated policy. This is possibly why after adopting the Separate Personnel System where in principle each local government selects and controls its human resource (Maheshwari, 2011 as cited in Nabaho, 2012) central government followed it up with exempting chief executives and their deputies from it.

3.2.1.4 Concurrent quantitative and qualitative analysis of the statement: Local land administrators get timely communication on land policy from central government:

Table 10 shows output of frequencies and percentages generated from data analysis for the statement: Local land administrators get timely communication on land policy from central government.

Table 10: Local land administrators get timely communication on land policy from central government

	Frequency	Percent	Valid Percent	Cumulative Percent
strongly disagree	76	19.3	19.3	19.3
Disagree	133	33.8	33.8	53.0
Agree	130	33.0	33.0	86.0
strongly agree	55	14.0	14.0	100.0
Total	394	100.0	100.0	

Source: Primary Data

Findings from Table 10 show that the simple majority (53%) either strongly disagreed or disagreed with the notion that local land administrators get timely communication on land policy from central government. Therefore timely communication from central government on land policy, like information which was earlier seen, registered a negative response from local respondents.

Participants interviewed also maintained this position. One was of the opinion that, six out of ten times it is more likely for the District Land Office to communicate to the centre than the centre communicating to the District Land Office (Member Kasese District Land Office, interviewed on 29/08/2017). Another participant was of the opinion that communication is open. He claimed initiative can be made by either party through email and letters. This participant however said communication is hampered by protocol since the Chief Administrative Office is the bridge between the District and MoLHUD (Member Sheema District Land Office interviewed on 12/07/2017). Interestingly one member highlighted the importance of communication in land policy implementation by revealing that,

“Recently Sheema District Land Office wrote to MoLHUD through Chief Administrative Office for customary certificates and instead were granted a benefit of freehold titles at no cost. Sheema together with Apac and Jinja became a beneficiary of a World Bank funded project where each village would receive 5 freehold certificates at no cost.”

(Secretary District Land Board, in Sheema, interviewed on 12/07/2017).

In addition one participant from Bushenyi acknowledged that minutes submitted to the centre and Ministry Zonal Office are quickly acknowledged. Yet he complained that the Ministry was quiet about appointment of Bushenyi District Land Board until District Land Office intervened. Also by April/March 2017 property valuation rates had been approved at the District yet after 3 months (as of 07th August 2017) there was no feedback from the Ministry approving them even when the District Land Office followed up with the Government Valuer for months (Member, of Bushenyi District land Office, interviewed on 07/07/2017).

3.2.1.5 Concurrent quantitative and qualitative analysis of the statement: Local land administration institutions are well coordinated with central government:

Table 11 below shows results from analysis of the statement: Local land administration institutions are well coordinated with central government.

Table 11: Local land administration institutions are well coordinated with central government

	Frequency	Percent	Valid Percent	Cumulative Percent
strongly disagree	67	17.0	17.0	17.0

Disagree	150	38.1	38.1	55.1
Agree	121	30.7	30.7	85.8
strongly agree	56	14.2	14.2	100.0
Total	394	100.0	100.0	

Source: Primary Data

Touching on whether local land administration institutions are well coordinated? Those who strongly disagreed 67 (17%) and disagreed 150 (38.1%) totalled 217 (55.1%). This represents a majority of respondents who disagreed and strongly disagreed that local land administration institutions are well coordinated with central government. Respondents were also of the view that local land administration institutions are not well coordinated with central government. This was attested by several participants as follows: coordination is a challenge; There is need for stake holder mapping to address who is where, what they are doing and how they are doing it; There is a monitoring and evaluation framework for the National Land Policy that needs to be followed; Another current challenge in coordination is the current low number of zonal offices; The budget framework in the districts can be used to coordinate land administration however this is slow and has little support from the Chief Administrative Officers and Town Clerks who still do not prioritize land issues. This condition is further illuminated by an official from the Uganda Land Commission. Who said, There is little and insufficient coordination between Uganda Land Commission and local governments in providing secure land rights and land rights administration (Official Uganda Land Commission, in Kampala, interviewed on 26/06/2017).

Participants from the District Land Office of Kasese` opined that there was inadequate coordination especially with the Ministry Zonal Offices. They complained that confusion in the land sector was rife. One participant narrated how a new directive had come without proper coordination. He complained as follows,

“The new directive for titling effective from 15th September 2016 is that physical planning committees based at Ministry Zonal Offices must inspect for land use after clearance from Area Land Committees. In case of Certificates of Customary Ownership the physical planning committee is the Sub-County Council (who are lay people concerning physical planning). Approved applications are then sent to Ministry Zonal Office (freehold titles) or LC 3 Recorder (customary titles) for registration. Directives are made from the ministry without training of all stakeholders and the necessary facilitation. Also interpreting directives from the Uganda Land Commission has brought confusion. For example Mobuku Irrigation Scheme under its jurisdiction has multiple land rights claims by locals. This land has parcels of land sold and bought and resold over years, structures have been constructed and land used for different uses. Coordination is lacking”

(Member of Kasese District Land Office, interviewed on 22/08/2017). The researcher was given a copy of the directive mentioned above (Appendix J) and given permission to photograph it by the District Land Office Kasese. Yet another participant put it more simply saying, there is coordination with MoLHUD but not with Uganda Land Commission (Member Kasese District Land Office, interviewed on 29/08/2017).

3.2.1.6 Concurrent quantitative and qualitative analysis of the statement: Local land administrators get significant training from central government:

Table displays results from analysis of the statement: Local land administrators get sufficient training from central government.

Table 12: Local land administrators get sufficient training from central government

	Frequency	Percent	Valid Percent	Cumulative Percent
strongly disagree	81	20.6	20.6	20.6
Disagree	133	33.8	33.8	54.3
Agree	129	32.7	32.7	87.1
strongly agree	51	12.9	12.9	100.0
Total	394	100.0	100.0	

Source: Primary Data

The respondents that strongly disagreed and disagreed that local land administrations get significant training from central government were 214 (54.3%). This represents a simple majority who were dissatisfied with training of local land

administrators by central government. Participants had convergent reactions towards training. One opined that, local land implementers are given manuals, procedures, land form and refresher courses after five years whose costs are met by District Land Board (Official MoLHUD interviewed on 26/6/2017). Another participant revealed that there is no comprehensive training. He added that training is limited to 5 days per year when inducting a new Area Land Committee. He was of the view that District Land Officers are well trained whereas District Land Boards and Area Land Committees are not well trained (Official of MoLHUD, in Kampala, interviewed on 26/06/2017).

A local participant collaborated some of these views saying that: We rely on academic qualification basically; we gain experience in the field; and there is no refresher training. (Bushenyi District Land Office interviewed on 10/07/2017). Another local participant said, the District Land Board asks for training from the Ministry Zonal Offices at beginning of term and later request is made for training for Area Land Committees (Secretary District Land Board, in Bushenyi, interviewed on 12/07/2017). In Bushenyi also a member of an Area Land Committees suggested that officials from the MoLHUD, Ministerial Zonal Office, District Land Office as well as the Chief Administrative Officer came for the Area Land Committee induction training; Training took place in August or September 2017 for three days. The previous induction training took two days; they were taught how to write notices and they were also left with manuals and forms (Member Area Land Committee, Central Division, in Bushenyi, interviewed on 09/11/2017).

In Kasese a participant revealed that, there is no sufficient training to address new changes in the land system. For instance the Land Information System framework is unknown by local land implementers. Only Ministry Zonal Officers know how to use it yet when the system rejects an application the Ministry Zonal Officers who do not know transactions like sub-divisions on the ground defer the rejected case to the District Land Officers who do not know how to use the Land Information System (Member District Land Office Kasese, interviewed on 29/08/2017).

Therefore findings from both quantitative and qualitative methods showed gaps in training local land administrators. Training is not given to District Land Officers, it is limited to District Land Boards and Area Land Committees at the beginning of their terms of service. On a positive note a look at the, National Land Policy Implementation Actions For The First Three Years (2015/16-2018/19): Progress Report as of December 2017 (Appendix H), with funding from ACODE training programs have been developed for different actors in the Land sector and training provided in the different skills at the appropriate levels, including Land Administrators, physical planners, lawyers, paralegals, judicial actors and the police. Hopefully this training will be extended to local land implementers in Kasese, Sheema and Bushenyi Districts.

3.2.1.7 Concurrent quantitative and qualitative analysis of the statement: Local land administrators get capacity building from central government:

Table 13 showing results of analysis of the statement: local land administrators get capacity building from central government

Table 13: Local land administrators get capacity building from central government

	Frequency	Percent	Valid Percent	Cumulative Percent
strongly disagree	73	18.5	18.5	18.5
Disagree	118	29.9	29.9	48.5
Agree	140	35.5	35.5	84.0
strongly agree	63	16.0	16.0	100.0
Total	394	100.0	100.0	

Source: Primary Data

From the table above some respondents strongly disagreed and disagreed that local land administrators get capacity building from central government 191 (48.5%). However more people agreed and strongly agreed that local land administrators get capacity building from central government 203 (51.5%). A ministry official seemed to agree with the latter. He said, land is not seen as a priority area (Official at MoLHUD in Kampala, interviewed on 26/6/2017). Again capacity building or the lack of it was described by one participant with the following words, Equipment is absent at the District Land Office. Surveyors have a half set which cannot be used. There are no vehicles to go to the field. We end up being desk officers. A lot of money is collected from the lands sector yet the District Land Office is ignored (Member Kasese District Land Office interviewed on 29/08/2017). This lamentation from a local land implementer is alarming

since capacity building is identified as a key component of the UNLP 2013 (Kabanda et al., 2015). Even in other Districts participants offered contradicting views. One of them expressed desire for exposure in foreign countries to learn from their experiences first hand and to acquire best practices in their field. They said this would enhance their capacity to serve in their local communities. A member from Bushenyi District Land Office said, Land officers are lacking in Bushenyi. There is no on job training. The positions of District Valuer and Cartographer have been scrapped from Districts and moved to zonal offices (Member, of Bushenyi, interviewed on 07/07/2017). It therefore seems that government seems to be shooting itself in the foot according to this response and that from a Sheema participant. The participant from Sheema reported that,

“Capacity building is in academic qualifications of us staff recruited. Staffing capacity is not there. There is no safe keeping for records, no cabinets, drawers, no automated records at District Land Office, no infrastructure, no computers, no Scanners or GPS, no cadastral maps/sheets risking overlapping titles and limited office space.”

(Member, Sheema District Land Office, Interviewed on 12/07/2017). Pictorial evidence (Appendix I) obtained by the researcher with permission from the Sheema District Land Office, confirms lack of cabinets or drawers to store land files.

The study found out that the office of the Recorder was for the most part non-operational. The Land Act 1998 required that the Recorder registers and issues Certificates of Customary Ownership. However since the MoLHUD jealously guards the right to issue titles, issuing of Certificates of Customary Ownership was recentralized. This left the Recorder who in practice is the sub-county chief with the limited role of keeping records. This too is undermined by a lack of capacity to safely keep titles at the sub county. This was collaborated by many members of Area Land Committees such as this one who reported that, the Registrars copy of a Certificate of Customary Ownership by law is supposed to be kept with the Recorder at Sub County but because of lack of a safe, copies are sent for safe keeping to the District Land Office (Member Area Land Committee, Nyamwamba in Kasese, interviewed on 22/10/2017).

3.3 Central-Local Governmental Financial and Land Policy Implementation:

The third objective of this study was to examine financial relations between central and local governments in the delivery of secure land rights and land rights administration. This has been done by looking at quantitative data and qualitative data together. The findings on this objective are hereunder presented concurrently.

3.3.1 Concurrent quantitative and qualitative analysis of central-local governmental financial relations and land policy implementation:

Quantitative data was obtained from 394 respondents and using SPSS v.23 frequencies and percentages were computed and responses interpreted. The questionnaire used had a four point scale interval. That is strongly agree, agree, disagree and strongly disagree. The statements analysed were the following:

1. Grants from the central government are received on time
2. Grants from the central government meet local land budgetary requirements
3. Central government audits funds sent to local governments for land policy implementation
4. Local governments are accountable to central government for funds sent for land policy implementation

3.3.1.1 Concurrent quantitative and qualitative analysis of the statement: Grants from the central government are received on time:

Table 14 showing results for the statement: grants from the central government are received on time

Table 14: Grants from the central government are received on time

	Frequency	Percent	Valid Percent	Cumulative Percent
strongly disagree	131	33.2	33.2	33.2
Disagree	120	30.5	30.5	63.7
Valid Agree	104	26.4	26.4	90.1
strongly agree	39	9.9	9.9	100.0
Total	394	100.0	100.0	

Source: Primary Data

Table 14 shows 131 (33.2%) respondents who strongly disagreed and 120 (30.5%) respondents who disagreed that grants from the central government are received on time. This represents a total of 251 (63.7%) which is a majority of respondents. As already noted in this chapter participants suggested that policy guidance is being frustrated by a lack of finances to implement policy guidelines. Timely funds were scored unsatisfactory and this was echoed by participants who said they receive very little money and they can't tell when it will come in. For the case of the District Land Boards the law was amended to address source of funding from grants from the centre to disbursed funds at the local government but this has not resulted in meaningful change. The Land Act Cap 227 section 63 sub section one states that all the expenses of the Board (DLB) shall be charged on the district administration funds. Also for Area Land Committees the Land Act Cap 227 amendments of section 64 sub section six says, the creation of Land Committees (ALC) is dependent on the preparedness of the District Council or Sub County Council to assist in its funding (c) and the state of funds of the District Council. This amendment seems to have been made to ensure local financial commitment for land committees in land management and to divert the blame from central government for an initial blanket law.

This clearly has translated in no improvements in timely and sufficient funding of District Land Board or Area Land Committee but has taken the funding blame from the centre to the local governments. This has encouraged illegal interventions as explained by a member of the District Land Board Bushenyi.

"The District Land Board is facilitated to sit once a quarter (3 months) but not for field work. Yet the law requires for the board to meet at least once in two months. The person requiring Area Land Committee to visit his land pays 20,000/= to the Sub County which gives 50% of to the Area Land Committee (which is 10,000/=) to facilitate its visit. This low amount is supposed to make land services affordable to all but the amount is unrealistic."

(Secretary District Land Board, in Bushenyi, interviewed on 12/07/2017). Inevitably private facilitation of District Land Board and Area Land Committee may compromise the officials. It also means the poor are not able to get land services. It may also deny the poor land rights in case of a rich applicant who uses money to bribe and cheat the poor of his or her land rights.

The timing of funds is therefore not dependent on neither the centre nor the local government for Area Land committees to do their work but on unlawful arrangements. This is captured succinctly below by one of the local land implementers.

"Funding (illegal) is discussed after a receipt from Sub County is presented. The client is usually asked to part with between 100,000 shillings and 200,000 shillings. Yet this money may not be enough to transport six people from Muhokya to Nyamirami to and fro. Since each person may require 20,000 shillings on transport alone minus lunch or a bottle of water."

(Member Area Land Committee, Muhokya in Kasese, interviewed on 23/10/2017). As a result of the nature of illegal funding this has created an environment for more illegalities. A member of the Area Land Committee of Kyeizoba Bushenyi interviewed on 10/10/2107 revealed that sometimes people bring them bribes and this can compromise a weak official. This reveals the Area Land Committees proneness to bribery and manipulation.

3.3.1.2 Concurrent quantitative and qualitative analysis of the statement: grants from the central government meet local land budgetary requirements:

Table 15 showing output from analysis of the statement: Grants from the central government meet local land budgetary requirements.

Table 15: Grants from the central Government meet local land budgetary requirements

	Frequency	Percent	Valid Percent	Cumulative Percent
strongly disagree	118	29.9	29.9	29.9
Disagree	130	33.0	33.0	62.9
Valid Agree	106	26.9	26.9	89.8
strongly agree	40	10.2	10.2	100.0
Total	394	100.0	100.0	

Source: Primary Data

From the Table 15 above it is clear that more respondents (62.9%) strongly disagreed and disagreed that grants from the central government meet local land budgetary requirements. The study findings from interviews revealed that even of the meager funding received by the lands sector only one percent comes from the central government. The overwhelming 99% of funds come from donors. As earlier seen a participant from the MoLHUD noted that land generates a lot of funds but they are not ploughed back into the land sector but are diverted to other politically expedient activities. The lack of funds means that there are no equipment such as surveyors set, geodetic and cartographic sets, Global Positioning System, computers, printers and photocopying machines. Participants also revealed that they lack vehicles, motorcycles or money to transport them to the field. Other materials reported lacking included printing materials for certificates of customary ownership, codes and internet. Other fund related concerns made include lack of land offices or insufficient office space, furniture and toner.

This is what a participant from Bushenyi had to say about this ,there are no sufficient funds. The local governments are involved in budgeting for land rights delivery but as a formality. Indicative figures are made which do not come back in kind. Ideally budgeting is done but nothing materializes (Member, of Bushenyi District Land Office, interviewed on 10/07/2017). Another Bushenyi participant suggested that grants received as well as budgeting for lands in problematic. This problem is affecting land rights and land rights administration especially for ordinary citizens as elucidated as follows, the District Land Office receives in a quarter (3 months) 270,000/= which is enough for only one week funding to meet needs for fieldwork, stationery and inspections. There are no local revenues to fill the deficit because of proliferation of Districts. The District Land Board is given sitting allowances for one sitting per quarter. Yet the law requires a meeting once in two months and with new directives for Physical planning they are required to meet more often with no increased funding. So the rich and knowledgeable are the only ones getting service because the poor cannot facilitate the land officers. For example Area Land Committee, Physical Planner, Valuer therefore to process a title costs up to two million shillings (Member of Bushenyi District Land Office, interviewed on 07/07/2017).

In Kasese this was collaborated by a participant as follows, top down budgeting is done with no input by the District Land Office. Quarterly, less than three million is give, only ten percent of what is required. Ten percent of this goes to District Land Board meetings and only four out of six meeting are facilitated which is contrary to the law. This also means the District Land Office cannot protect government land from encroachers for lack of means. This is because supervision requires physical presence. Without equipment even going to the field would be futile. This has left only 25% of land in Uganda surveyed (Member District Land Office, in Kasese, interviewed on 29/08/2017). In addition his counterpart painted a grim scenario thus,

“Quarterly the District Land Office receives about 500,000/= which barely covers stationary and machines. District Land Office has to monitor for compliance in the whole District which they cannot perform without fuel or transport allowances. Facilitation is lacking. Land budgetary requirements are dependent on local revenue which is not there. Only rich clients are getting services since they can facilitate land officers to offer them services. There is no clarity on funding the physical panning committee. There is no budget or vote for land management at the district.”

(Member District Land Office, of Kasese, interviewed on 22/08/2017).

Recommendations will be made in the next chapter but the participants interviewed were asked for remedies and they suggested that some things that can be done to address budgetary deficiencies include: Conditional grants should be increased to the Land Office; that there should be a Lands Officer that sits at the Budget Desk to represent the needs of the Land Office; And that the District Land Office should also be invited to the Budget Conference to participate in the district budgeting process.

3.3.1.3 Concurrent quantitative and qualitative analysis of the statement: central government audits funds sent to local governments for land policy implementation:

Table 16 below shows output from analysis of the statement: central government audits funds sent to local governments for land policy implementation.

Table 16: Central government audits funds sent to local governments for land policy implementation

	Frequency	Percent	Valid Percent	Cumulative Percent
strongly disagree	68	17.3	17.3	17.3

Disagree	119	30.2	30.2	47.5
Agree	169	42.9	42.9	90.4
strongly agree	38	9.6	9.6	100.0
Total	394	100.0	100.0	

Source: Primary Data

Looking at Table 29 shows that 169 (42.9%) strongly agree and 38 (9.6%) agreed that central government audits funds sent to local governments for land policy implementation. Among the respondents the minority category was strongly agree while the majority category was agree. Together they create a majority who agree and strongly agree giving the impression that more locals think central government audits funds sent to local governments for land policy implementation.

Participants from the District land Boards confirmed that quarterly reports are given to MoLHUD. Yet one members of the District Land Offices were less agreeable. One said, there is no audit of funds at all that is why the Bamugemerire Commission is in place (Member of Bushenyi District Land Office, interviewed on 07/07/2017). The Land Act section 63 sub section three provides that the accounts of the board (District Land Board) shall be audited annually. A participant at the centre revealed that staffing levels at the centre are below average implying lack of auditors to audit local land implementation. He revealed that MoLHUD staffing levels are at 40% (Official of MoLHUD in Kampala, interviewed on 18/07/2017). This means that auditing is not actually done as a local participant noted, auditing is done in the office and not in the field where physical planning is done (Member, of Land Office Kasese District, interviewed on 22/08/2017).

3.3.1.4 Concurrent quantitative and qualitative analysis of the statement: Local governments are accountable to central government for funds sent for land policy implementation:

Table 17 showing output of the SPSS analysis of the statement: Local governments are accountable to central government for funds sent for land policy implementation

Table 17: Local Governments are accountable to central government for funds sent for land policy implementation

	Frequency	Percent	Valid Percent	Cumulative Percent
strongly disagree	78	19.8	19.8	19.8
Disagree	108	27.4	27.4	47.2
Agree	153	38.8	38.8	86.0
strongly agree	55	14.0	14.0	100.0
Total	394	100.0	100.0	

Source: Primary Data

Like auditing accountability had the minority category being strongly agree while the majority category was agree. Again together they create a majority who agree and strongly agree giving the impression that more locals think local governments are accountable to central government for funds sent for land policy implementation. Just like auditing accountability was viewed as a function performed on paper rather than in the field. Ministry officials admitted that local governments provide annual reports, performance targets and annual work plans (Official MoLHUD, in Kampala, interviewed on 26/06/2017). Some participants said that District Land Board minutes are copied to the permanent secretary. However data from the study suggested that the only accountability done by central government in land policy implementation is seemingly to receive reports on paper rather than ministry officers going to local governments to verify land policy implementation. This is illustrated in the following verbatim response from a Bushenyi participant as follows,

“Appraisals are done by filling in appraisal forms, though they are the same year after year. Also we concoct figures for the sake of formality. Whether you concoct or not there is no difference made. It is just a routine action like signing in the attendance book does not translate to real attendance!”

(Member of Bushenyi District and Office interviewed on 10/07/2017).

The researcher provoked by these revelations consulted and a member of a District Finance Office elaborated further. He revealed that central government, district local governments and sub-county local governments use a form of accounting

known as cash accounting. Cash accounting involves accounting for: Value/ Cost; Ownership; Physical existence; Obligations/encumbrances; Presentation and Disclosure in Financial Statements

The emphasis with cash accounting is to reconcile income and expenditure.

The second type of accounting in public service is accrual accounting. This is done by town councils, municipal councils and city councils. It involves the following benchmarks: Economy; Effectiveness; Efficiency; Equity.

This type of accounting emphasises how well money is used to deliver public goods and services. Mucunguzi (2010) elucidates that accountability mechanisms should move beyond financial process controls to include overall policy management, including delivery of services. This type of accountability which follows the private sector model of value for cash is progressively being embraced by the government of Uganda. Presently central government, district local governments and sub-county local governments use the form of accounting known as cash accounting. This means that emphasis is on reconciliation of figures. This has left the land sector as with all other sectors vulnerable to the loopholes identified in this study.

Cash accounting on a positive note allows for the Auditor General to query a questionable entry or submission in reports from the local governments. The law provides for such a query to be forwarded to Parliament for appropriate remedies. In addition due to queries on ownership of government and public lands the Auditor General recommended that all public and government lands should be titled.

3.4 Customary Practices and Institutions and land Policy Implementation:

The findings on customary practices and institutions and land policy implementation are published in Mugisha (2018) and can be accessed on the following link: <http://www.researchpublish.com/journal/IJSSHR/Issue-3-July-2018-September-2018/0>

4. CONCLUSIONS

After discussing and collaborating findings from both primary and secondary data the researcher made conclusions on each construct and finally on each objective. Primary data shows that most central-local relations are not satisfactory and this is negatively influencing land policy implementation. Also affecting land policy implementation are customary institutions and practices. A look at secondary data, including the NLP-IAP progress report one activity may have been accomplished, that is, preparing training programs. Ongoing activities include steps in: capacity building; training; education and discussions on gender; studies and sensitisation on UNLP interventions; and stakeholder engagements. The rest of the activities are pending. This collaborates primary data in concluding that central-local relations and customary land institutions and practices are not satisfactory yet to sufficiently influence land policy implementation. Due to the length of the implementation plan which is 30 years and this study has covered two years of the first phase of implementation which is three years (2015/2016-2018/19), there is room for change.

The Land Policy is in place to guide land policy implementation. Some complementary policies such as the Land Use Policy are in existence but some policies such as the compensation policy are not yet in place. Complementary laws are also not yet in place such as the LIS law and Survey law which is obsolete. Relatedly regulations are not in place. They include the land use regulations and physical planning regulations. This means the policy, law and regulation matrix is incomplete meaning land implementers both at local and central level are working in a maze. This complicates central local political relations.

Political interference is a factor in land policy implementation. Mention was made of gaps in citizen registration, central government agencies and institutions as well as state house officials as culprits.

There is satisfaction with decentralisation of land administration as well as satisfaction with local participation in delivery of land rights. However local participation in framing policy, regulations and guidelines is limited or lacking. There has been extensive devolution of decision making power but this has not been backed with funding which makes it toothless. The Land Policy and its implementation adopted decentralisation as a conceptual framework for addressing central-local relations. Yet this may be political posturing without real commitment in terms of facilitation of local decision making and implementation using a bottom up approach. This has instead institutionalized corruption in the land sector with DLO, DLB and ALC all confessing to be soliciting or accepting money from the public to facilitate them.

Discretion among local land implementers when implementing land policy from the central government was found to pertain. The land administrators admitted to having choice to implement, partially implement, to ignore, or do what they see fit.

Insufficient information was registered as complaint during the study. This insufficient information is leading to error and uncertainty on the part of implementers. While precise directives may not give implementers discretion, flexibility and adaptability to the local situation, both extremes need to be avoided. There is need for clarity of purpose, powers and relationships for good central-local administrative relations to facilitate better implementation of the land policy

Loyalty of councilors in land policy implementation is with the local governments. This is contrasted with loyalty to the centre by district land officers. This is because the DLO report technically to the centre even when their appointment is with the local governments.

There is insufficient communication from the centre to local land policy implementers. Communication is mostly informal and is initiated by local implementers from personal contacts at the MoLHUD. The most common means of communication is by phone with little email and physical visits to the ministry.

Training is unsatisfactory at all levels of land rights administration. The DLO are assumed by the centre because of their entry qualifications. DLBs and ALCs are trained at the beginning of their term and at their request to MoLHUD. Refresher courses are incidental to those members of the DLBs and ALCs who serve more than one term. This is because after 5 years DLB are mandated to be trained when a new regime is being inducted. ALCs are trained and inducted after serving 3 years. On a positive note, MoLHUD affirmed that training programs have been developed for different actors in the land sector at the appropriate levels, including Land Administrators, physical planners, lawyers, paralegals, judicial actors and the police.

Coordination is a challenge in land policy implementation. The institutional framework and structures are in place for coordination but lack sufficient human, material and financial resources.

Capacity building which includes staffing, training, equipment, infrastructure, furniture, cadastral maps, vehicles and safes is for the most part lacking.

Consolidated funds to the district land institutions whether timely or not may not reach the local land institutions in their entirety. The chief executives of local governments such as CAO and Town Clerks do not prioritize land and may divert funds meant for the land sector to areas they consider more expedient.

Consolidated funds earmarked for local land policy implementation are insufficient. The DLOs are not consulted in budgeting and therefore their budgetary requirements are not met. Funds to districts are generally low and the scope of areas local governments can raise revenue is limited. The land sector nationally raises significant funds if when ploughed back may be sufficient to cover gaps in land policy implementation.

Auditing and accountability are more of a formality done periodically for the sake of routine. Some DLO denied any direct involvement in audit and accountability. All DLB admitted to sending reports to the centre. There is no feedback and some DLO see it as a routine exercise without real consequence.

Customary land institutions and practices are confounding UNLP 2013. This means that even if central-local relations are improved, if customary institutions and practices are not addressed then land policy implementation may not be successful.

There is dual legalism in the land sector with both formal and informal institutions mandated to deliver land rights and administer land rights. There is need for a thorough analysis of the existing land rights administration institutions both formal and informal aimed at identifying existing gaps and make necessary recommendations on how to incorporate inclusive land governance in the delivery of land services and further decentralize land rights administration functions to traditional customary land governance levels.

There is protection of women and children rights to ownership and inheritance of land. However more can be done to harmonize formal and informal beliefs and practices.

Gender bias against unmarried men's right to inherit land is still practiced especially in Sheema and Bushenyi. Though this practice may have lost its significance, since many men, married or not are acquiring land by purchasing it. Also probably because of population increase inherited land has been fragmented losing its economic significance.

5. RECOMMENDATIONS

There is need for harmonizing existing laws with the UNLP 2013. This includes the LIS Law and Survey Law. There is also need to put in place accompanying regulations and guidelines which include the Land Use Regulations and Physical Planning Regulations. Concerning the exploitation of low prices of land by foreigners, there is need to verify and rectify NIRA records. Sensitisation of land administrators and local councilors need to be done concerning citizen rights to land and what the law says about land ownership in Uganda. There should be public education and awareness campaigns concerning land rights and land rights administration. There is also need to regulate the land market. An autonomous land agency free from politics needs to be set up to coordinate all land administration. Roles of all land institutions should be streamlined. Interference from state house needs to be investigated and corrective measures taken. This includes putting into action recommendations from the Bamugemerire Commission.

There is need to further decentralize land rights administration and delivery of secure land rights by engaging and integrating customary land institutions and practices as required by the UNLP 2013 to allow for further local participation. Revise the source and amount of funding of DLBs and ALCs to keep them from soliciting funds from the public to facilitate them. This will restore public faith in them and allow the poorer population to access these public services. The inclusion of DLB and ALC on government payroll will remove the illegality of soliciting and expecting non receipted money from the public and allow the poorer population to access, improving land rights delivery and administration. This can be followed by ethical guidelines to land policy implementers. The population can be re-oriented by encouraging patriotism lessons across all ages and caliber of citizens as well as promoting faith based organisations that impart moral values.

In the implementation of the UNLP 2013 there is need to divorce politics from administration. This means freeing local land implementers from undue political pressure from central actors in land policy implementation. The lands ministry can enter into an arrangement with the judicial ministry to create a hotline to report any political interference as well as protect whistleblowers. Strengthen and continue public private partnerships (PPP) in line with the land rights delivery function. This includes surveying, registration and documentation. This will reduce the discretion of careless DLO staff. There is also need to empower and facilitate civil society organisations to continue in complementing government in land rights delivery and administration including educating, sensitisation and awareness campaigns.

During the study it was discovered that discretion at local level is being misused for example a notice of hearing which should be displayed for two weeks as required by policy a local implementer may choose to overlook the period if he is known to the individual or if the client is impatient. This can be overcome by developing software that will allow the client to proceed to the next step after the legal time say two weeks have elapsed. A complete and thorough digitalization and computerization of all land processes is recommended where possible.

Standardization of information can be done by developing and disseminating an operational manual for clarity of powers, relationships and purpose among all land implementing institutions. The operational manual will also provide guidance and uniformity of purpose. This manual should be included in all public and private libraries and integrated into the national educational curriculum. Translation and dissemination of the UNLP 2013 into all local languages should be undertaken to enable correct interpretation and implementation of the policy.

Communication can be improved by creating a comprehensive regularly updated website. A secure staff information system should be instituted with emails of all staff linked on this platform. Similar to what is in the private sector such as commercial banks. Telephone lines should also be provided to all DLOs as is with MoLHUD staff and arrangements made with communication companies to provide corporate simcards/lines that will allow free communication among land administrators and this cost is paid in a subsidized corporate package by government.

A code of conduct, professional standards and an operational manual should be put in place to provide guidance in loyalty in land policy implementation. Local politicians and district executives should be sensitized about land technicalities and procedures to keep them from pressurizing land administrators to against their professional and technical requirements.

Training of local land administrators should be further de-concentrated to MZOs so as to allow faster and more regularly training. The days of training should be increased from three days every three years to two weeks for ALCs every year and from 5 days every five years for DLBs to at least two weeks every year. The traditional institutions require training in the fundamental provisions of the Land Act especially in respect to their land rights, duties as custodians of community land and how these should be protected.

There is need for stakeholder mapping to determine where all land stakeholders are and what they are doing. This will help in coordinating efforts and to ensure everything the UNLP 2013 requires is being done at the right time in the right fashion. There should not be some areas which are over saturated and others that are neglected especially by nongovernmental organisations, civil society organisations and the private sector. Coordination among all land administration institutions should be established by a land agency.

There is need to also implement the monitoring and evaluation framework of the UNLP 2013. This will enable continuous needs assessment and to address any shortcomings as they occur. Capacity building must be carried out in all land institutions at central and local government level. Offices, furniture, field and office equipment, vehicles, maps, remuneration, manuals, stationery, allowances and manpower should be provided.

The government should fast forward the creation of an autonomous agency in charge of land and enable it operate using a private sector model that will generate and reinvest funds to provide for the untimely funds, lack of funds and to ease auditing and accountability of the land sector. The government can bench mark using successful agencies such as National Water and Sewerage Corporation, Kampala City Council Authourity, Uganda Revenue Authourity and Uganda National Roads Authourity.

Customary institutions and practices should be studied and all compatible practices with the UNLP 2013 integrated into land policy implementation.

There is dual legalism in the land sector and there is therefore need for further harmony. There is need for a thorough analysis of the existing land rights administration institutions both formal and informal aimed at identifying existing gaps and incorporate inclusive land governance in the delivery of land services and further decentralize land rights administration functions to traditional customary land governance levels.

Women's access and secure rights to land must be improved. Instead of the one third representations that accrue to most quotas securing gender balance, the percentage representation can be increased to one half. Studies can be undertaken in countries that have made extraordinary progress in women's representation such as Rwanda and India.

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