

Central-Local Governmental Relations and Securing Land Rights in Selected
Districts of Western Uganda

By

Mugisha David Begumya

PhD/36035/113/DU

A Dissertation Submitted to the Directorate of Postgraduate Studies and Research
in Partial Fulfillment of the Requirements for the award of a
Degree of Doctor of Philosophy in Public Management of
Kampala International University

December, 2020

Declaration

I MUGISHA DAVID BEGUMYA declare that this Doctoral Dissertation entitled “Central-Local Governmental Relations and Securing Land Rights in Selected Districts of Western Uganda” is my original work and has never been submitted for any award in any academic institution.



17/12/2020

Signature

Date

Approval of Supervisors

We confirm that this Doctoral Dissertation entitled “Central-Local Governmental Relations and Securing Land Rights in Selected Districts of Western Uganda” has been done by the candidate under our supervision

1) Dr. Mucunguzi Abel



Signature

18/12/2020

Date

2) Dr. Kyohairwe Stella



Signature

18/12/2020

Date

Dedication

This research work is dedicated to my children Eternal, Jareign and Revival. I hope I have inspired you to aim for the highest achievements in life.

Acknowledgements

This study is a result of concerted effort from many people the absence of whom this work would not have been possible. Profound gratitude goes to my supervisors Dr. Mucunguzi Abel and Dr. Kyohairwe Stella who have been extremely instrumental in shaping this work. Thanks go to my lecturers for academic anchoring and my colleagues for the solidarity shown in the struggle. Heartfelt thanks goes to my wife Dr. Mugisha Irene for her constant encouragement and support. Thanks to my parents Prof. Y.R Begumya and Pr. Seddie Begumya for their moral and spiritual guidance. Thanks to my sister Dr. Mary and brother-in-law Mr. Collin Ogara for opening their home to me during my years doing coursework in Kampala. To my sister Martha for the free meals at her campus restaurant and to Magdalene for her computer and information technology support rendered to me during the course of my study. My gratitude goes to my research assistants, Frank, Andrew, Paul, Jane and Sheila. Thanks to my assistant data entrant Mr. Okello Simon Peter and to Mr. Mutebi Joe for his computer and information technology expertise. To the participants who were very gracious and informative in the study, notably Dr. Baguma Isoke of the Uganda Land Commission. The respondents many of whom I have never met but owe in part, the findings of this research. Thanks go to Chairman Board of Trustees for the partial scholarship that covered my tuition requirements. To the staff of the Directorate of Postgraduate Studies and Research at Western Campus for facilitating a conducive environment to pursue research. Special thanks to Dr. Twinamatsiko Medard for mentoring me in research writing and publication. Also, gratitude must go to these individuals that have provided academic, moral and material support along this doctoral pilgrimage. Some of whom have graciously provided peer review and rated my research instruments. Thank you, Prof. Natooloka K., Prof. Karoro E., Dr. Ahimbisibwe F. and Dr. Kimwesi. A. Also, gratitude goes to my doctoral committee. Finally my uttermost gratitude goes to God the Father, the Son and the Holy Spirit for eternal life, eternal liberty and eternal estate. May this work have positive eternal ramifications to Gods glory and the benefit of man. For all the people he led me to and led my way to make this work worthwhile.

Abstract

This study sought to examine central-local governmental relations and securing land rights in selected Districts of Western Uganda since the Uganda National Land Policy (UNLP) 2013. The objectives were: to analyze political relations, to assess administrative relations and to examine financial relations between central and local governments in the delivery of secure land rights; and to establish the relationship between customary practices and delivery of secure land rights. The research upheld the systems theory supported by the bottom-up approach for central-local governmental relations in securing land rights. Political, administrative and financial gaps were identified in the literature reviewed. A mixed methods design was used since both descriptive qualitative techniques and regression quantitative techniques were employed. Data was collected from 436 participants and respondents. It was analysed using SPSS 23 for quantitative analysis and thematic and narrative analysis for qualitative analysis. The study found out that central-local governmental relations are dissatisfactory and are in need of addressing, so they can lead to good secure land rights. The study also found out that customary practices are moderating in securing land rights and should be further addressed for better secure land rights. The study concluded that central local political relations and central local financial relations are statistically significant in predicting secure land rights. The study recommended that: there is need for 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 practices as required by the UNLP 2013 to allow for further local participation; there is need to divorce politics from administration; 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; capacity building must be carried out in all land institutions at central and local government level; 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; lastly customary practices should be studied and all compatible practices with the UNLP 2013 integrated into securing land rights.

Table of Contents

Declaration.....	i
Approval of Supervisors	ii
List of Tables	vi
List of Figures	ix
List of Abbreviations	x
CHAPTER ONE: INTRODUCTION.....	1
1.1 Background to the Study.....	1
1.2 Statement of the Problem.....	14
1.3 General Objective.....	15
1.4 Specific Objectives.....	15
1.5 Research Questions.....	15
1.6 Significance.....	1
1.7 Conceptual framework.....	44
1.8 Scope of the study.....	16
1.9 Operational Definitions of Key Terms.....	18
CHAPTER TWO: LITERATURE REVIEW	19
2.1 Theoretical Review.....	20
2.2 Land Rights Delivery and Administration.....	23
2.3 Central-Local Governmental Relations and Securing Land Rights.....	27
2.4 Securing land rights Plan by Specific Objectives.....	20
CHAPTER THREE: METHODOLOGY.....	48
3.1 Research Philosophy.....	48
3.2 Research Design.....	48

3.3 Research Approaches.....	49
3.4 Target Population.....	50
3.5 Sample Size.....	48
CHAPTER FOUR: PRESENTATION OF FINDINGS.....	65
4.0 Introduction.....	65
4.1 Demographic Characteristics.....	65
4.2 Central-Local Political Relations	75
4.3 Central-local Governmental Administrative Relations	88
4.4 Central-Local Governmental Financial	99
4.5 Securing land rights.....	115
4.6 Customary Practices and Institutions.....	107
4.7 Inferential Statistics.....	118
CHAPTER FIVE: DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS.....	130
5.0 Introduction.....	130
5.1 Discussion.....	130
5.3 Central-local Governmental Administrative Relations	136
5.4 Central-Local Governmental Financial Relations	143
5.5 Customary Practices and Institutions	148
5.6 Conclusions.....	153
5.7 Recommendations.....	157
5.8 Contribution to theory.....	162
5.9 Further Research	163
REFERENCES	164
APPENDICES.....	172

List of Tables

Table 1: Sample size	50
Table 2: Sample by simple random sampling in Districts	53
Table 3: Sample by Expert purposive sampling and selected participants in Districts	53
Table 4: Selection of participants at centre	53
Table 5: Sample by Typical case purposive sampling in Districts	54
Table 6: Number of Questionnaires in Pilot study.....	60
Table 7: Reliability of Questionnaire.....	62
Table 8: Cross Tabulations of District, Local Council and Gender.....	68
Table 9: Cross Tabulations of Districts, Local Councilors and Age	69
Table 10: Cross Tabulation of Districts, Councilors and Highest Level of Education.....	71
Table 11: Demographic Characteristics for Respondents.....	69
Table 12: Demographic Characteristics for Participants	751
Table 13: Staff interviewed at Centre.....	72
Table 14: District Land Staff interviewed.....	73
Table 15: Central-Local Governmental Political Relations.....	76
Table 16: Central-Local Governmental Administrative Relations.....	89
Table 17: Central-Local Governmental Financial Relations.....	100
Table 18: Customary Practices and Institutions.....	106
Table 19: Securing land rights.....	115
Table 20: Model Summary.....	118
Table 21: Regression Coefficients.....	119
Table 22: Revenue from transitions from financial years 2013 to 2016 (estimated for 2016)...	146

List of Figures

Figure 1: Conceptual Framework	16
Figure 2: Scatter Plot showing standardized residuals and outliers.....	120
Figure 3: Histogram Showing Normality.....	121
Figure 4: P-P Plot Showing Linearity.....	122
Figure 5: Transactions registered at MZO.....	140

List of Abbreviations

ACODE	Advocates Coalition for Development and Environment
AISRGD	African Institute for Strategic Research in Governance and Development
ALC	Area Land Committee
CCO	Certificate of Customary Ownership
CLR	Central-Local Governmental Relations
DLB	District Land Board
DLO	District Land Office
LAI	Land Administration Institutions
LC1	Local Council 1
LC2	Local Council 2
LC5	Local Council 5
LGA	Local Government Act
SLR	Securing land rights
F&G	Framework and Guidelines on Land Policies in Africa
MoLG	Ministry of Local Government
MoLHUD	Ministry of Lands Housing and Urban Development
MZO	Ministerial Zonal Office
NDP	National Development Plan
NIRA	National Identification and Registration Authority
NLP-IAP	National Securing land rights Action Plan
PLCC	Pearson Linear Correlation Coefficient
PLE	Primary Leaving Examination
SPSS	Statistical Package for Social Sciences
UACE	Uganda Advanced Certificate of Education
UCE	Uganda Certificate of Education
ULC	Uganda Land Commission
USAID	United States Agency for International Development
UNLP/NLP	Uganda National Land Policy
VGGT	Voluntary Guidelines on the Responsibility Governance of Land, Fisheries and Forest

CHAPTER ONE

INTRODUCTION

1.0 Introduction

Land is progressively acknowledged as a major governance problem the world over (UN-Habitat, 2014). Land problems are now part of the contemporary world as they describe relations between neighboring countries, state and districts, relations amongst and between districts, relations between ethnicities and relations between owners and users of land {Ministry of Lands, Housing and Urban Development (MoLHUD), 2013a}. Securing land rights in Uganda continues to be problematic despite several policy interventions throughout its land governance history. Securing land rights is thus the dependent variable of this study.

Political, administrative and financial relations between the central and local governments do not fully support securing land rights (Obaikol, 2014). The Uganda National Land Policy 2013 (UNLP) seeks to reduce land disputes and conflicts. It deals with three key policy issues: colonial mistakes; current problems emanating from these mistakes; and challenges relating to land (MoLHUD, 2013a).

Central-local governmental relations refer to political, administrative and financial relationships that exist between a central state and its local governments within its territorial boundaries. This study aims at analyzing the issues arising from Central-Local Governmental Relations (CLR) and Securing Land Rights (SLR) in the Selected Districts of Kasese, Sheema and Bushenyi.

1.1 Background to the Study

The background shows the historical, theoretical, conceptual and contextual perspectives. The historical perspective shows globally to locally the emerging narrative of central-local governmental relations and securing land rights. It brings out the relationship between the local and central government in implementation of land policy. The conceptual perspective shows the concepts as perceived by different scholars and the definitions opted for the study. The theoretical perspective shows the theory underpinning the study. The contextual background brings out the situation in Uganda and the districts of Kasese, Sheema and Bushenyi.

1.1.1 Historical Perspective

Historically, securing land rights has been a chronic subject of huge importance in the world. Undoubtedly land reform has been a recurring theme of enormous consequence in world history. In Europe the Sempronian Law proposed by Tiberius Sempronius Gracchus and passed by the Roman Senate (133 BC) led to the social and political wars in its peripheries that ended the Roman Republic (Klazinga, 2015).

O'Grada (2018) additionally notes that in the 19th century, most of the land in Ireland was owned by large English landowners. This led to The Great Irish Famine of 1845 to 1852 and to the Land War of 1870s to 1890s. This land was later transferred to local Irish tenants with funding from United Kingdom this in turn led to improved relations between the centre and local land owners

In the Americas the Lerdo Law of 1856 in Mexico enacted during the Reform War, resulted in church and municipal land seized and distributed to small owners. Later President Lazaro Cardenas of Mexico hoping to win the support of locals helped redistribute 45,000,000 acres of land (Montesinos, 2015). In both cases the central government hoped to improve central local relations through land policy.

Another classic example written by Gozel (2017) was in the Middle East, South East Europe and Western Asia. He posits that the Ottoman Land Code of 1858 under the Ottoman Empire aimed at generating more revenue for the state and for the state to have greater control over individual land. This however resulted in civil unrest. The local population did not take well the move by the centre to control their land.

Also in Asia in 1946 the Communist Party of China under Mao launched a thorough land reform which won the party millions of supporters among the poor and middle peasantry. This in turn became a foundation for local-centre relations in China. Millions of landlords lost their lives in these reforms by mostly public execution to give way to transfer of land to peasants (Grad, 2016). This was radical and extreme central local political relations to win local support for communist securing land rights.

In Africa, the nationalization of agricultural land in Algeria, Morocco and Tunisia led to the departure of majority of Europeans giving greater control of the periphery to central governments (Cagiano De Azevedo, 2014). In East, Central and Southern Africa, securing land rights is prominent in most countries. There is need to correct historical injustices as in the case with Zimbabwe, Eritrea and South Africa; the need to rationalize distortion in land relations as in the case of Kenya, Malawi and Mozambique; and the desire to modernize indigenous tenure as a means of stimulating agrarian development as in Swaziland, Kenya

and South Africa (Peters, 2013). Achieving these land reforms is no easy task as vested interests run deep.

Where the locals have embraced these reforms as in Zimbabwe the land reforms have registered success (Osman, 2014; Scoones, Marongwe, Mavedzenge, Murimbarimba, Mahenehene & Sukume, 2011). Green notes that land tenure reform is certainly one of the most divisive yet important topics today. For countries with high rural populations and high population growth rates (like Uganda), an efficient and fair land tenure system is commonly seen as necessary in order to alleviate poverty and reduce conflict (Green, 2015). Examples of countries where National Land Policies have been adopted and implemented include, Tanzania (1992), Mozambique (1995), Ghana (1999), Zambia (2004) and Uganda (2013) (Odhiambo 2015).

In pre-colonial Uganda indigenous administration recognized both individual and communal rights to land. Individual rights to land included access and use rights and not ownership rights. During this period no indigenous community in Uganda accepted individual ownership of land (Mwesigye, Matsumoto & Otsuka, 2014). Land during this time was under customary practices.

After 1900, the British colonialists added to customary tenure, *mailo* land, freehold and leasehold. *Mailo* land came out of the 1900 Buganda Agreement in which the land of Buganda was given to the Buganda king and his notables. In the same year, 1900, the Toro Agreement established rents in cash and kind to landlords. Similarly, the 1901 Ankole Agreement, but it gave the Ankole king 800 square miles and the rest to his chiefs, strengthening the British central government and weakening the Ankole king's local government (Kafureka, 1992). In the then Ankole (including current, Sheema and Bushenyi) and Toro Kingdoms (including current Kasese) native freehold was negotiated in exchange for British protection under the British Protectorate (Bruce et al., 2010; Mwesigye, Matsumoto & Otsuka, 2014).

It is during the colonial period that central-local governmental relations with regard to land emerged in Uganda (Foley, 2017). The Crown Lands Ordinance of 1903 granted indigenous Ugandans the right to occupy land that had not been granted to anyone else, through freehold or leasehold, or in accordance with their customary law. Villadsen and Lubanga (1996) reveal that in 1919 the colonial government set up local administration, through the African (Native) Authority Ordinance

In 1928 the Busuulu and Envujjo law was enacted that regulated landlords and tenants in Buganda. This was followed by comparable laws in Ankole and Toro by 1938 (MoLHUD,

2013a). The Toro Landlord and Tenant Law of 1937 (which included current Kasese Districts) and the Ankole Landlord and Tenant Law of 1937 (included current Sheema and Bushenyi Districts) (MoLHUD, 2013b).

In 1949 the Local Government Ordinance established the district as a local government unit with fairly autonomous administration (Ojambo, 2012). In 1952 Kazinga National Park was gazetted and later renamed Queen Elizabeth National Park officially displacing the Basongora (Matovu, 2012). In 1955 the publication of the East African Royal Commission Report recommended reform of customary tenure in British colonies. Rejected in other districts, Ankole, Kigezi and later Bugisu embraced the conversion of customary to freehold tenure (Mugambwa, 2007). The significance of this to current Sheema and Bushenyi is discussed in the contextual perspective.

From 1955-1964 local administration was strengthened. Ironically during this time the post-independence Public Lands Act of 1962 confirmed the Crown Lands Ordinance of 1903 that curtailed the rights of customary tenants in case the state chose to sell or lease their land (Foley, 2017). Then 1964-1985 featured recentralization and severe weakening of local administration. For instance in 1964 indigenous pastoral land was turned into state ranches in Ankole (MoLHUD, 2013a). However the Public Lands Act of 1969 gave customary tenants a voice in the sell or lease of land they occupied. The Act also gave them rights to apply for lease over the lands they occupied (Foley, 2017).

This was followed in 1975 by the Land Reform Decree. That made the state trustee of all land in Uganda through the Uganda Land Commission. This decree abolished freehold and mailoland and converted them into leaseholds for either 99 or 999 years (Obaikol, 2014). This also affected customary tenants who lost their limited protections given to them by the Public Lands Act of 1969. The right of Ugandans to occupy public land through customary tenure without central governments express permission became a criminal offence punishable by one year imprisonment.

Customary tenants retained their right to sell or give away their tenure, provided this did not vest any title in the transferee. Any transfer that claimed to give such title became a criminal offence punishable by two years imprisonment. The Uganda Land Commission could lease land occupied by customary tenants without their consent. In practice most of the provisions of the Land Reform Decree of 1975 remained unimplemented until the 1998 Land Act repealed it (Foley, 2017). This however shows how exposed local customary tenants were to the central governments decisions which often included neither their voice nor their interests.

From 1987 to date significant devolution of power and services from the centre to the locals has pertained but with trends to recentralization (Okidi & Guloba, 2006). The radical title to land under the 1975 Decree was abolished under the 1995 constitution which brought about fundamental reforms in ownership, tenure management and control of land in Uganda. Article 237 of the constitution provides that land in Uganda shall belong to the citizens of Uganda. This made Uganda the first State in Sub Saharan Africa to vest its radical title in its citizens (MoLHUD, 2013).

As such, the 1995 Uganda Constitution espoused devolution which considerably shifted securing land rights from the central government to the local government. The two most important issues covered by the Land Act are land rights and land administration (Foley, 2017). This is due to the colonial legacy which gave rise to the phenomenon of multiple and conflicting rights on one and the same piece of land (registered land) which has bedeviled Uganda up to today (Economic Commission for Africa, 2012). Therefore to operationalize the Land Act, the UNLP was made in 2013 to ensure that the management of the land sector contributes to democratic governance. As a consequence it is carrying out land reforms within the government policies of decentralisation and empowerment of the people (Bwogi, 2019). This should lead to more securing land rights and better land rights administration.

1.1.2 Theoretical perspective

The systems theory originated with the biologist Ludwig von Bertalanffy in the 1940s (Laszlo and Krippner, 1997 as cited in Jordan, 2018; Heylighen, 2018). Heylighen defines systems theory as a trans-disciplinary study of abstract organisation of phenomenon independent of their substance, type or spatial or temporal scale of existence. The systems theory as conceptualized by Quade (1985) was adopted for this study.

Quade states that, those studying goals and processes of implementing decentralisation often use a systems approach. Quade also posits that the system theory can be used to analyse organizations and programmes (Quade, 1985). A system is a group of components which are interrelated such that changes in one component can affect some or all of the other components (Quade & Boucher, 1968). The gist of system theory is to stress the fact that the various sub systems must not only be set in the right order, but that they must interact amicably and in a representative relationship to make the whole or the system function adequately (Quade, 1985).

This was supported by Aristotle who argued that knowledge is derived from the understanding of the whole (system) and not that of single parts (Mele C., Pels J., & Polese F., 2017).

Consequently, Quade postulates that a strong organizational or governmental system is one in which the various sub systems relate in harmonious fashion to achieve organizational or governmental objectives. A faulty organization inversely is one in which the sub systems are either not interacting at all or are interacting in a dysfunctional or hostile relationship. Also, if any of the sub system is malfunctional, this has a negative effect on the operation of the whole system (Quade, 1985).

However the systems theory is abstract and deals with complex phenomenon hence it is very general in nature (Anderson, 2016; Heylighen, 2018). There are three assumptions of the systems theory as further illuminated in chapter two under theoretical review. The applicability of the systems theory to this study is also discussed in chapter two. In addition to the systems theory from time to time reference was made of the bottom-up approach to shade light on how the systems theory works in securing land rights.

1.1.3.1 Bottom-up approach.

Hence this study also referred to the bottom-up approach which further illuminated securing land rights under systems theory. Therefore reference was made of the bottom-up approach in this study. Bottom-up approach originated from the work of Michael Lipsky (1980, as cited in Roh, 2012) and his description of how front line staff whom he called ‘street level bureaucrats’ implement policies mandated by politicians.

Lipsky defines ‘street level bureaucrats’ as public service workers who interact directly with the citizens in the course of their jobs, and have substantial discretion in the execution of their work. The bottom-up approach of implementation emphasizes the influence that front line staff have on the delivery of policies focusing on the weak control that politicians and administrative managers have to control front line staff (Winter, 2006). This approach also means that local actors participate in decision making about the strategy and in the selection of the priorities to be pursued in their local areas.

Bottom up theorists begin with the identification of actors involved in concrete policy delivery at the bottom of the politico administrative system. Analysis then moves upwards and sideways in order to identify the networks of implementing actors and their problem solving strategies. They are interested in the whole process of how policies are defined, shaped, implemented and probably redefined (Mohammed, Pisapia & Walker, 2009). They

hold that the implementation process is political and that policies are shaped to a decisive extent at the local level. The focus lies on the decentralized problem solving of local actors rather than on hierarchical guidance.

Elitist conceptions of representative democracy give way to participatory democracy which includes those affected by a particular decision like lower level administrative actors (Gildenhuis, et. al, 2016). Chatiza Kudzai writes that citizens within their local governments wage struggles for space and identity and this struggle shapes central government attitudes to local governments (de Visser, Seytler & Machingauta, 2010). Therefore central-local governmental relations will influence policy implemented or unimplemented.

Uganda adopted a participatory and consultative implementation strategy to the Land Act and Land Policy which operationalizes it (Rugadya, 1999). The main thrust of this strategy is creative bottom-up approach to the implementation by involving a range of stakeholders from the outset and by building capacity at the centre, in local institutions and at grassroot level (Rugadya, 1999; MoLHUD, 2011; 2013). This is not going to be easy given Uganda's tradition of top-down administration.

However Uganda has made several strides in decentralisation. The main challenge 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 is 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).

1.1.3 Conceptual Perspective

This study conceptualizes central-local governmental relations to include political, administrative and financial relations. Central-local governmental political relations include: policy guidelines and standards; non-political interference; and local participation in decision making. Central-local governmental administrative relations include: discretion of local administrators; information sharing; loyalty of local implementers; communication flow; institutional coordination; training; and capacity building. Central-local governmental financial relations include: timely and adequate financing; participatory budgeting; financial auditing; and financial accountability.

Opeskin (2016) put forward that central-local governmental relations deal with how central governments organize public policy implementation and control in the periphery, that is, out of the central departmental structures of the capital city. Also central-local governmental relations may refer to political and administrative relationships that exist between a central state and its local governments within its territorial boundaries. Some

analysts view fiscal relations as the essence of central-local governmental relations (Agranoff, 2004). In several cases inter-governmental relations between authorities within and between levels of government are hinged entirely on financial relations (Gildenhuis & Wissink, 2016). Other analyses of central-local governmental relations consider the institutional relationships and control mechanisms that exist between a state and its local parts (Bevir, 2012). Central-local governmental relations also deals with the extent local citizens through their local authorities are allowed to manage the delivery of public services in their own areas (Agranoff, 2012).

According to Cameron (2018) central-local governmental relations is the geographical division of powers among the various spheres of government in the nation state. The division of powers implies that each structure has a unique and independent role to play in the intergovernmental domain. Wright (2017) defines central-local governmental relations as an interacting network of institutions at national, provincial and local levels, created and refined to enable the various parts of government to cohere in a manner which is appropriate to its institutional arrangements.

Inter-governmental relations are described for the overall efficient performance of the entire system, for the mechanisms of checks and balances and to avoid crisis of confidence in the process of governance. However, the transactional processes among units of government are not always smooth and co-operative. Indeed, an inter-jurisdictional conflict seems to be the rule rather than the exception (Ofoeze, 2002).

On the other hand, securing land rights involves the adaptation of policy into a broad program of land reform. A national land policy describes what a government aims to do in administering the country's land (Adam, 2016). The UNLP 2013 is a 30 year framework for land resources to be used productively and optimally. Kabanda et al. (2015) assert that securing land rights involves systematically identifying and carrying out all steps needed for the realization of the aims and recommendations set out in the UNLP 2013. It is land reform planned to bring a broad variety of services and benefits to the public using land.

These varieties of services and benefits include, but are not restricted to, the relocation of land resources, the provision of securing land rights, the reorganization of land administration structures and services, the development of sustainable methods of land use and provision of the support services infrastructure needed for optimal improvement of the land and related area functions. This study limited itself to land rights administration and the delivery of securing land rights captured in chapter 5.2 and chapter 5.3 respectively of the

UNLP 2013 as these are the two most important issues covered by the Land Act (Foley, 2017).

Land rights mean the right to hold land. It means the right to own, access and use land. Land rights administration entails the process of determining, registering and availing information about ownership, value and use of land. Land rights administration operates within two parallel systems comprising of the customary systems governed by customs and norms of given communities and the centralized statutory system governed by written law.

Nonetheless the two are not in harmony, institutional and systemic conflict resulting from parallel practices lead to confusion as distinct roles of the various institutions under customary and statutory institutions are not spelt out. In addition inconsistencies in the customary system with regard to standards, rules and procedures are common. Land rights administration operations have contributed to land rights insecurity, as a result of lack of proper record keeping, inaccuracies in land registry process, fraud and forgeries in land administration system (MoLHUD, 2013a).

Delivery of securing land rights and land right administration involve registering, certifying, documenting, recording and legislating land. Land rights delivery under customary tenure is based on memory and tradition which, though not less authoritative, lacks an institutional framework. The statutory system though manually organized is being computerized and automated. Neither the statutory nor the traditional serves the land sector well, making registration of interest slow, expensive and sometimes prone to fraud and forgeries. The systems therefore, require urgent modernization and simplification. Land is a national function for which central government is responsible as per the Sixth Schedule of the 1995 Constitution.

However the Local Government Act has decentralized the land administration and management function to local governments which appears to be contrary to the Constitutional mandate given to the central government (MoLHUD, 2013a). This is at the heart of the problem. The local government is expected to administer and manage land but the central government has not fully relinquished the will and means for this to fully happen. The proposed Land Amendment Bill 2017 suggests that the central government desires to recentralize land administration.

Land tenure can be defined as the legal right to hold and use land, rather than the simple fact of holding land (Koroso, 2011). Land tenure system is defined as all the types of tenure recognized by a national and/or local system of law taken together, and the institutions that administer them (Bruce et. al, 2010). The system of land rights in Uganda is complicated

with several different systems working on top of each other. Four different systems of land rights are recognized in Uganda today; freehold, leasehold, customary and mailo (Kamanyire, 2015). Land tenure is therefore both the ownership and use of land.

Mailo is a special system of land rights for Uganda that was introduced during the colonial period. The word mailo came from the indigenization of the word mile since land was divided in units of square miles. To explain this in short terms; mailo is a feudal system where the owner of the land lives with legal tenants on his land (Berns, 2015). The mailo land tenure makes it possible for an owner to separate the ownership of the land from the ownership of the development on mailo land made by a bona fide occupant who is a lawful occupant in an informal relationship to the owner of mailo land (Muinde, 2013).

Freehold and leasehold are the most common kinds of tenure. Freehold is synonymous with private ownership and is land held free of obligations to the state. Leasehold refers to land that is rented from the owner over a period of time, and can also be referred to as private property (Kamanyire, 2015). Customary rights can in general be explained as various kinds of tenure that may apply to different geographical areas of a country or may coexist locally and interact in complex fashions (Berns, 2015). These kinds of tenure might be recognized by the state or not (Bruce et. al, 2010). This type of tenure is managed and controlled by the local community, and in most cases these laws are in oral form, not written (Batungi, 2008).

Land tenure reform is legal measures that can be taken to strengthen the property rights of a holder. One example of this is to recognize customary rights (Berns, 2015). The formalization of tenure security is an aim for the Ugandan Government to unify the tenure system in Uganda into freehold and leasehold (Mugambwa, 2007). This is referring to several legal measures taken to strengthen the property rights of a holder. The term formalization of tenure or land rights is referring to several land tenure reforms over time.

As a concept securing land rights as all other implementation is easier said than done. This can be illustrated by the tale of the cat and mice. The mice held a consultation to address the problem of the cat. After fruitless deliberations one mouse suggested they tie a bell on the cat's neck so that when the cat moves the mice would be alerted. The mice all cheered until one of them asked who among them would tie the bell on the cat and their short lived dream of a happy life without the cat's interference ended there. The anecdote highlights the ease of policy formulation as compared to implementation. Implementation is not merely a management or administration problem, it is a political course of action concerned with who gets what, when, how, where and from whom. By definition

implementation involves many actors conflicting and building consensus. Implementation is the continuation of politics by other means (Cloete F., Wissink H. and de Coning C., 2006).

1.1.4 Contextual perspective

As noted in the historical background securing land rights 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 Land Reform Decree vesting land in the state was abolished by the 1995 constitution which vested land in the people. Article 237 of the constitution provides that land in Uganda belongs to the people of Uganda (MoLHUD, 2013a).

The Land Act recognizes the right of citizens to hold communal land and to acquire certificate of customary ownership. It also recognizes a legitimate or lawful occupant which provides security of tenure for many Ugandans. For instance, the Land Act S.39 requires that for any business to be made on family land, the spouse, dependent adult children should be consulted (The Republic of Uganda, 1998). The Land Act also shifts power from magistrates courts and Local Council (LC) courts to land tribunals at district, sub-county and for each gazetted urban area (The Republic of Uganda, 1998).

Administratively, the Land Act has decentralized land management and dispute settlement mechanism. Seven Land Administration Institutions (LAIs) have been established. They include the Uganda Land Commission (ULC), District Land Tribunals, District Land Office, District Land Board, Office of the Recorder, Area Land Committees and LC Courts (Sebina-Zziwa, 2015). These are meant to transfer emphasis of land administration to the local stage and ensure effective community participation in land administration matters.

Financially the Land Sector Strategic Plan (2001-2011) was designed to provide the framework for land reforms. This has been done within the available and estimated resource envelope. However this financial plan does not capture financing of the land administrative structures leading to problems (Sebina-Zziwa, 2015). Land tribunals were stopped in 2004 because of insufficient financial support to the judiciary since unlike magistrate courts land tribunals were required to visit the land under conflict and hold hearings on the disputed land making it more costly (Kwesiga, 2015). In addition, the subsequent Land Amendment Act of 2004 did away with the consent of children, apparently because Area Land Committees (ALC) to represent children were a costly administrative structure and could not be funded.

Consequently, the absence of the “children’s voice” in land transactions has put their right to land at risk (MoLHUD, 2008).

Therefore all these reforms have not been able to fully address the issues of securing 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). Bushenyi as the case in many other parts of the country has been on record for the highest land related murders whereas Kasese land related violence takes on an ethnic undertone (Levine and Adoko 2006). 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).

Thus to achieve land reform, the standards and guidelines for the UNLP were developed using global, regional and national frameworks through national level processes and local dynamics (Odhiambo, 2015). Globally, Uganda agreed to the Voluntary Guidelines on the Responsibility Governance of Land, Fisheries and Forests (VGGT) adopted in 2012 in Rome by the United Nations Committee on World Food Security (Mugula, 2015). Continentally, Uganda adopted the Framework and Guidelines on Land Policies in Africa (F&G) (African Union Commission, 2010; Odhiambo, 2015). Nationally, the UNLP was approved by Cabinet in February 2013. The UNLP 2013 draws its policy principles and strategies from the 1995 Uganda Constitution, Vision 2040 and the National Development Plan (NDP) 2010-2015 (The Republic of Uganda, 2010; Kabanda et al., 2015).

Locally, government is piloting the issuance of customary land ownership certificates in Kasese. The district was identified due to its many land use and access disputes. Based on the principles of the VGGT, the pilot scheme seeks to give security and access to land for the vulnerable poor and marginalized groups such as women. A key element of the project involves establishing a digitalized records keeping and management system at the district level. This records keeping system will equip the District Land Board (DLB) and sub-county land committee (ALC) officials with skills on proper documentation and tenure security (Mugula, 2015).

Nevertheless this effort will not address the historically unresolved cases of land grabbing that continue to surface in modern day conflicts in Kasese District. This practice in Uganda remains highly invisible and may easily go unnoticed (Muriisa et al., 2014). Among the landless are the Basongora and Banyabindi. During focus group discussions conducted by

African Institute for Strategic Research in Governance and Development (AISRGD), the Basongora gave a detailed account of their former Busongora state with capital city in Bunyampanika, located in Queen Elizabeth National Park. They described how other areas and cities were annexed by the Ankole Kingdom, Toro Kingdom, Congo and Obusinga bwa Rwenzururu dominated by the Bakonjo. Similarly the Banyabindi also claimed that the Bakonzo grabbed their land during the Rwenzururu movement and are requesting that their land be returned to them. The areas they claim were grabbed include Kisinga, Kitojo, Kichwamba, Muhokya, Kilembe, Mahango, Kyarumba and Mukunyu. They said these land grabbing had made them live in displaced peoples camps for the last 50 years (AISRGD, 2014).

Also according to the Physical Planner who doubles as the Senior Lands Officer of Sheema, Sheema together with Apac and Jinja are benefiting from freehold titles at no cost. This followed a request by the Sheema District Land Office through the Chief Administrative Officer for customary certificates, the request was superseded by including Sheema among the three pilot districts for free freehold certificates. This is significant since the two counties chosen for the 1958 freehold titling were Sheema (current Sheema District) and Igara (current Bushenyi District) in Ankole. Sheema district has recently had the highest titling countrywide.

It is observed that with regard to land rights and tenure security, persons with titled and registered land had a fuller set of rights than persons and households without titled land. This includes rights of transfer of land. As Kisamba-Mugerwa observed, they also felt they were more protected in case of land disputes and evictions (Kisamba-Mugerwa, et al., 1989 as cited in Lastarria-Cornhiel, 2003). Notably, Kagango and Shuuku sub-counties in Sheema which were chosen for the 1958 pilot adjudicated land titling stand out in the District socio-economically evidently as a result of securing land rights and tenure security. Whereas Sheema and Igara (now Bushenyi District) stand out from Buhweju, Mitooma and Rubirizi counties (now Districts) where freehold titling was not piloted.

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 governmental relations have moved away from controlled and subordinate to a relationship based on 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 governmental 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, 2014b).

1.2 Statement of the Problem

In 2013 Uganda promulgated the Uganda National Land Policy under a decentralisation framework. The implementation of the UNLP 2013 aims at delivering services and benefits to the public using land that include; registration of land rights under customary tenure; gender equality with regard to land rights and inheritance of land; and rationalizing and streamlining the land disputes resolution structures; as well as the role of customary institutions in making rules governing land, resolving disputes and protecting land rights (Zevenbergen, Hilhorst & Nsamba-Gayiiya, 2012).

However there is a legal dualism in the land system, a multiplicity of tenure regimes, multiple rights and interests overlapping in the same piece of land (MoLHUD, 2011). Land management institutions are generally weak and have not facilitated rapid progress to the goals laid out in legislation and policy (USAID, 2018). Land disputes and conflicts have become part of the definition of contemporary Uganda (MoLHUD, 2013a).

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). As noted in the background of this study political, administrative and financial relations between Central-Local governments do not fully support delivery of securing land rights. At this stage in the UNLP 2013 implementation process, it is yet unknown how strong it is to address the loopholes in land rights matters under current Central-Local Relations. Hence the need to investigate how relations between the central and local government affect the delivery of secure land rights. Failure to address these loopholes will lead to continued land insecurity, land disputes and land conflict

1.3 General Objective

This study sought to examine Central-Local governmental relations and securing land rights in the selected Districts of Kasese, Sheema and Bushenyi in Uganda since the UNLP 2013.

1.4 Specific Objectives

- 1) Analyze political relations between Central-Local governments in securing land rights.
- 2) Assess administrative relations between Central-Local governments in securing land rights.
- 3) Examine financial relations between Central-Local governments in securing land rights.
- 4) To establish the relationship between customary practices and securing land rights?

1.5 Research Questions

- 1) How are the political relations between Central-Local governments in securing land rights?
- 2) How are administrative relations between Central-Local governments in securing land rights?
- 3) How are financial relations between Central-Local governments in securing land rights?
- 4) What is the relationship between customary practices and securing land rights?

1.6 Significance

This study will benefit students and academicians as it has generated information and new knowledge on central-local governmental relations and securing land rights. It will encourage interest in future researchers to embark on empirical studies in other aspects of central-local governmental relations and securing land rights. This is because this study did not discover all the facets of the research topic. Consequently, academicians who will review this study at later stages of the implementation of the UNLP (it has a 30 year span) and after will have a wealthy background upon which to benchmark their respective related studies in the future.

However good the plan of a programme is, a defective implementation of it will negate the whole programme. Unfortunately this is what goes on in most developing countries (Makinde, 2005). This study sought to find the implementation gaps of the UNLP

2013. As a result policy makers can address the gaps of the implementation process. Due to the increase in land conflicts in Uganda a Commission of Land Inquiry was set up in 2017. The mandate of the presidential commission is to probe efficiency of the laws, policies, and processes of land registration, acquisition, administration and management. If this study was not done then the grim picture of land conflicts continuing to bedevil our society would persist. In turn securing land rights in the districts of Kasese, Sheema and Bushenyi would continue to be uncertain.

The systems theory has shed light on Uganda's decentralisation programme, specifically the apparent devolution of power to the locals under the Local Government Act (1997). The bottom-up approach of implementation was tested and the findings will improve on the knowledge on the implementation of public policies in Uganda under the decentralisation programme.

1.7 Scope of the study

The scope of the study shows the geographical scope, content scope and time scope as explained below.

1.7.1 Geographical scope

The study was carried out in the western districts of Kasese, Sheema and Bushenyi in Uganda. Kasese lies between latitudes $0^{\circ} 12'S$ and $0^{\circ} 26'N$; longitudes $29^{\circ} 42'E$ and $30^{\circ} 18'E$. Sheema coordinates are $0^{\circ} 32'S$, $30^{\circ} 24'E$. Bushenyi district lies between $0^{\circ}N$ and $0^{\circ}46'S$ of the equator and $29^{\circ}41'$ East and $30^{\circ}30'$ east of Greenwich.

This study was done in the Districts of Kasese, Sheema and Bushenyi all in Western Uganda which has the highest population density of 282 per km^2 compared to only 12 per km^2 in Northern Uganda (Rugadya, 2009). This means that land policy and its implementation are critical here. Specifically Kasese is population density is 450 per km^2 (Renno et al., 2012), Sheema is 302 per km^2 and Bushenyi is at 266 per km^2 all higher than the national average of 174 per km^2 according to Uganda Bureau of Statistics (2014).

In addition Bushenyi and Sheema Districts greatly benefited from colonial land policy and Kasese greatly suffered from colonial land policy. Bushenyi and Sheema Districts formerly Igara and Sheema Counties respectively were pilot areas for the 1958 freehold titling (Mugambwa, 2007). This has manifested in securing land rights with land conflict only mostly at family level (Kisamba-Mugerwa, et al., 1989 as cited in Lastarria-Cornhiel, 2003). Yet in Bushenyi and Sheema land is blamed for most killings (Ahimbisibwe, 2008) possibly because of the high premium on land and the dense population. On the other hand Kasese

inherited colonial and historical land injustice leaving fractioned people in Kasese with festering discontentment. Kasese land has fermented recent tribal conflicts (AISRGD, 2014). In 2016 land issues have been mentioned in cessation plans to form the Yira Republic (New Vision, March 30th 2016).

The choice of the three districts of Kasese, Sheema and Bushenyi presented the researcher with peculiar areas to interrogate in-depth securing land rights specifically in the delivery of securing land rights and land rights administration. Kasese represents a highly volatile area with strained central-local governmental relations and Sheema and Bushenyi represent stable areas with patronage in central-local relations. The three districts have all suffered from land conflicts with Kasese having ethnic land conflicts and Sheema and Bushenyi suffering from individual and family land disputes and conflicts (Levine and Adoko 2006). Government is piloting the issuance of Customary Certificates (CCOs) in the district of Kasese. Sheema is a beneficiary of a World Bank funded issuance of free freehold titles. Sheema and Bushenyi historically enjoyed the 1958 piloting of freehold titling. Thus these districts were ideal for studying securing land rights and land rights administration because of their peculiar history and contemporary challenges.

1.7.2 Content Scope

The study centered on securing land rights in the delivery of securing land rights and the reorganization of land administration structures and services. As noted in the study background the two most important issues covered by the 1998 Land Act that preceded the 2013 Uganda National Land Policy are land rights and land administration (Foley, 2007). The study also zeroed on central-local governmental relations, that is, political, administrative and financial relations. It also investigated securing land rights and central-local governmental relations as reported by local government councilors and key administrators of the Districts of Kasese, Sheema and Bushenyi in Uganda as well as central government officials responsible for securing land rights.

1.7.3 Time Scope

The research involved the conceptual, analytic and dissemination stages. It focused on the period between 2013 and 2018. This is after the period of the promulgation of the UNLP 2013. This period also represents a time after decentralisation. There is significant devolution of power and services from the central government to the local governments but with trends to recentralization.

1.8 Operational Definitions of Key Terms

This section shows the operational definitions of key terms of the study.

1.8.1 Securing land rights

Securing land rights entails the systematic identification and execution of all steps necessary for the attainment of land rights. It is the translation of policy into a programme of land reform (Kabanda et al., 2015).

1.8.2 Land rights

This means the right to hold land. It may include ownership, use and access rights (MoLHUD, 2013a).

1.8.3 Land rights administration

This entails the process of determining, registering and availing information about ownership, value and use of land (MoLHUD, 2013a).

1.8.4 Central-Local Governmental Relations

This deals with how central governments organize public policy implementation and control in the periphery, that is, out of the central departmental structures of the capital city. Central-local governmental relations also deals with the extent local citizens are allowed to manage the delivery of public services in their own areas.

1.8.5 Central-local governmental political relations

These include: policy guidelines and standards; non-political interference; and local participation in decision making.

1.8.6 Central-local governmental administrative relations

These include: discretion of local administrators; information sharing; loyalty of local implementers; communication flow; institutional coordination; training; and capacity building.

1.8.7 Central-local governmental financial relations

These include: timely and adequate financing; participatory budgeting; financial auditing; and financial accountability.

1.8.8 Customary Practices and Institutions

These include parallel traditional institutions, gender bias, age bias and marital bias.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This chapter discusses the literature related to the variables of the study. A literature review is an important assessment of published research on a specific area (Publication Manual of the American Psychological Association, 2010). It contains the following: definition and illumination of the problem; synopsis of previous investigations to show the state of existing knowledge; and recognition of relations, contradiction, gaps, and inconsistencies in the literature. This chapter was organized for the most part according to the theoretical review, research variables and research objectives. Central-local governmental relations and securing land rights were also looked at broadly, and then the researcher in chapter four and five corroborated with the information gathered on securing land rights and showed gaps and similarities and arrived at recommendations.

2.1 Theoretical Review

As explained in chapter one this study adopted the systems theory by Edward Quade (1985) and underpinned it with the bottom up approach by Michael Lipsky (1980, as cited in Roh, 2012). The system theory stresses that the various sub systems must not only be set in the right order, but that they must interact amicably and in a representative relationship to make the whole or the system function adequately. This is in tandem with Aristotle's Holism (Mele C., Pels J., & Polese F., 2017).

Accordingly a system is a complex of interacting components together with the relationships among them (Laszlo and Krippner, 1997 as cited in Jordan, 2018). There are three assumptions of the systems theory: Each element in a system has an effect on the functioning of the whole; Each element in a system is affected by at least one other element in the system; All possible sub groups of elements in a system also have the first two properties. By substituting 'element' for 'component' it is possible to arrive at a definition that pertains to systems of any kind. Therefore in the most basic definition a system is a group of interacting components that shows some identifiable set of relations with the sum of components (the whole) plus their relations conserving some identifiable set of relations to other entities (including other systems) (Ackoff, 1981 as cited in Jordan, 2018).

The systems theory has the following relevance according to Quade and Boucher (1968): Many aspects of a geographical region can be regarded as a system and system behavior can add to our knowledge of regional processes; The second relevance is the control of regional processes; A planner must not only understand he must also be able to guide a regions development; In order to aid decision making the planner will often marshal his information and understanding in form of a model. Models usually consist of components linked together and are therefore systems themselves. Therefore systems theory helps in modelling regional processes.

The applicability of the systems theory is derived from the above relevance. The word region can be severally interpreted including constituency, district, state or country. For the purpose of this study the word region has been taken to be central and local governments of Uganda, particularly the districts of Sheema, Bushenyi and Kasese. Therefore the applicability of the systems theory is: Taking the aspect of central-local governmental relations as a system then the behavior of central government and local government officials can add to our knowledge of the process of securing land rights; The control of securing land rights can be understood by taking the planner as the policy formulator. Hence the policy formulator must understand and be able to guide central governments and local governments in securing land rights; lastly in order to aid decision making the policy formulator has ordered information and understanding on securing land rights in form of the UNLP 2013. Therefore systems theory helps in understanding the implementation of the UNLP 2013.

Relatedly the understanding of systems can improve policy implementation as the 2017 Report of the European Committee on Local and Regional Democracy informs. The report revealed that the study of main areas of responsibility in governments shows that, in any single responsibility, concurrent functions correspond to different authorities, making necessary interaction between them. Some of those relations, due to their nature or intensity, might provide for a better understanding of the counterparts and facilitate a more effective implementation of policies to the benefit of citizens (Council of Europe, 2017). This implies that in this study for effective securing land rights there must be a better understanding between the local and centre and their relationship in the system of government.

Therefore emphasis in central-local governmental relations is on management of government so that the various parts of government are working in close cooperation and harmony with all sub governments in order to achieve the desired government objective of

securing land rights. The use of the systems theory is however limited by its highly general and abstract nature. It is largely silent on procedures and processes (Anderson, 2016). Also it is hard to study all facets of central-local governmental relations for governments are humongous and government activities complex in a government system. Also systems theory considers the whole and not simply the sum of basic parts (Mele et al., 2017). Reference was made of the bottom-up approach to shade light on how the systems theory works in securing land rights.

2.1.1 Bottom-up Approach Review.

Understanding of how and why public policy is put into effect is implementation theory (Schofield & Sausman, 2014). Researchers do not agree on the outlines of a theory of implementation or even on the variables crucial to implementation success (Cloete et al., 2006). There is lack of a well-developed theory of implementation (O toole, 2015). Cloete et al., (2006) suggest that a universally accepted predictive theory is still considered unattainable. Bottom-up approach is developed from the main criticism of top down approach which ignored the behavioral aspect of implementation and the key role of local implementers (Schofield 2013).

The approach to identify appropriate conditions for use of either of the approaches was based upon the parameters describing the policy context. A top-down or bottom-up approach can be used to prepare the implementation plan as indicated below (Berman 1980 as cited in Cloete, et al, 2006). Securing land rights in Uganda easily fits the description of the bottom-up approach in the scale below.

FACTORS/APPROACH	TOP DOWN	BOTTOM UP
Scope of change	Incremental	Radical, large
Validity of technology	Certain	Uncertain
Goal conflict	Low	High
Institutional setting	Tightly coupled	Loosely coupled
Environment stability	Stable	Unstable , dynamic

Furthermore, O’Riordain (2010) demonstrates that in the case of central-local governmental relations, subordination of central policy is possible. Here central policy direction will be limited as determination on policy direction and implementation comes from a shared policy arena. Also complete subordination of local policy making and implementation is limited albeit that the outcome is more likely to be informed by a negotiated agreement on policy objectives.

Aldrich (2019) observes that local-central government relationship can be categorized into a centrist/vertical administration with a hegemonic central state that allows regional bodies little autonomy. There is little independence in lower level policy making. He contends that the revisionists reject this idea and argue that strong vertical dominance in local-centre relations is largely outmoded. They argue that even in unitary states, as the case with Uganda, local governments achieve relative autonomy and independence from the centre. They have rejected arguments that tie local autonomy directly to fiscal weakness and delegated work from the centre. They point out horizontal linkage models, local referenda, local leaders (local elite) as power brokers and political over-representation as has happened with proliferation of constituencies in Uganda.

Thus policy implementation is assumed to occur at two levels (Matland, 2015); macro implementation where the centrally located actors devise a government program and micro implementation where local level actors react to these plans and develop their own plans and implement them. In this study macro implementers will include MoLHUD officials in charge of securing land rights that is the officials from the Land Sector Reform Coordination Unit and the Securing land rights Unit. The micro implementers will include district officials in charge of securing land rights including officials from the District Land Office (DLO), District Land Board (DLB) and Area Land Committee (ALC) as well as local councilors involved in securing land rights.

Implementation problems arise out of the interaction between macro and micro level institutions. Central actors can only indirectly influence micro level actors; and autonomy at the local level is necessary to allow adaptation of policy to suit contextual factors. Policy effect is a function of its effect on the street level bureaucrats and their ability to implement policy to suit local conditions. The criticism of the bottom-up approach is that it lays too much emphasis on the autonomy of local implementers yet it is possible to influence the goals and strategies of the local actors by determining their institutional structure, resources made available to them and their access to the actual implementation arena (Schofield 2013).

2.2 Land Rights Delivery and Administration

2.2.1 Global Land Rights and Administration

Oxfam claims that land is an indispensable asset for more than 900 million people worldwide. Rising demands for food and fuel, and a wave of foreign investment put land across the developing world under unprecedented pressure. Securing land rights and equitable land governance are vital in achieving poverty eradication, sustainable land use, reduced land

conflict and social stability (Oxfam, 2018). Land rights and land rights administration are thus a pertinent issue in the world today. These land rights which include ownership; use and access rights are both formal and informal. The continuum of land rights which perceives rights to land as lying on a continuum is speedily gaining approval amongst key global actors (Kabanda et al., 2015).

Developed by Global Land Tool Network (GLTN) UN-Habitat and its partners, the concept perceives that at one end are formal land rights, where the owner is an individual, who holds a set of registered rights to a piece of land that are protected by law: the piece is demarcated on a map held in a records office; the owner has the right to occupy the land, build on it (subject to approvals), sell it, rent it out, transfer it to his or her heirs, and prevent other people from coming on to it. At the informal end of the continuum are informal rights: a group of individuals (such as a clan) may have traditional rights to use a piece of land. The boundaries of the land may not be clearly marked on the ground or on a map, and there may be no official paperwork certifying who owns or has what rights to the land.

In between these two extremes are a wide range of rights. Rights on the continuum are multi-layered and complex. In reality, the rights do not lie on a single line, and they may overlap with one another. Tenure can take a variety of forms, and 'registered freehold' (at the formal end of the continuum) should not be seen as a superior form of land rights, but as one of a number of suitable and legitimate forms. The most suitable form depends on the particular situation: customary rights, for example, may be superior to registered freehold in certain situations (UN-Habitat, 2014).

2.2.2 National issues pertaining to Land Rights

Uganda became a British protectorate in 1894, and the land rights were then the responsibility of the different ethnical groups that made up the protectorate. According to Garber, several different systems of land rights existed, and each system had developed by area specific needs and usage, and was therefore deep rooted in tradition. Three different systems could be acknowledged within the borders of the Ugandan protectorate by the time of British rule. The first one was a feudal system that was mainly found in the Buganda Kingdom. The second was a system based upon territorial control which could be found in Karamoja in the north east and along the cattle corridor which stretched up to Ntungamo and Rukungiri districts in the south west of Uganda. The third one was a system based on social relations, and could be found in the western, eastern and northern regions of Uganda (Garber, 2013).

Buganda kingdom got exceptional consideration by the British protectorate administration, partly because this kingdom already had a form of government with a feudal land rights system within the kingdom. The protectorate administration and the king of Buganda and his representatives both took part in negotiations in 1897 about the distribution of land rights between the kingdom and the British administration. Buganda kingdom got 9000 sq. miles, and the British got 8000 sq. miles. The kingdom got all the land they used, and the protectorate administration was free to use the left over areas (Kanyesigye and Abeneimwe, 2008). The land rights system within the Buganda kingdom was then changed to the mailo tenure system.

The rest of the areas in the protectorate were made into crown land (Berns, 2015), which in practical sense means that all the land belonged to the state and the people using the land were tenants of the state (Mabikke, 2011). This was done by the British without consent from the local communities, something that made the relationship between them and the British administration strained. The governor, through the land officer, was mandated to make crown land available to foreigner's through freehold and leasehold, as the colonial administration perceived large scale agriculture was the "right" way to develop the colony, and the small scale farmers counted as not important (Batungi, 2008). This is still a prevailing argument in many governments of developing countries (International Development Association, 2017).

By the time of independence in 1962, the British colonial administration had managed to formalize about five percent of the total landmass into freehold, something that is a quite small amount since they had 68 years of power. Bushenyi and Sheema Districts formerly Igara and Sheema Counties were pilot areas for the 1958 freehold titling (Mugambwa, 2007). This left a big gap for the succeeding governments (Batungi, 2008). The resources of Uganda was not the main reason for the British colonists to get control over what is now known as Uganda, but to get control over the source of the Nile (Gibb, 2013). Therefore possession was the goal for colonization. The amount of British people in the administration and in the colony more in general, were held at a minimum, just enough to maintain control within the borders of the protectorate. This is also a part of the reason why they did not put more resources in formalizing the tenure system in a more extensive manner (Kamanyire, 2015).

According to some (Cornhiel, 2003), there are many reasons why the system of land rights in Uganda should be formalized into freehold and leasehold. One is that a single formal system would be more cost efficient and easier to administer for the government, something that would make land administration more integrative and universal. Secondly, the

multiplicity of different land rights systems is derived from tradition within some groups around Uganda, something that has helped to cement negative tribal sentiments which are a hindrance to nationalism. For instance in Kasese, colonial and historical land injustice have fractioned people in Kasese and has fermented recent tribal conflicts (AISRGD, 2014). In 2016 as earlier noted land issues were mentioned in cessation plans to form the Yira Republic (New Vision, March 30th 2016). Thirdly, the formalization would help spread the land market throughout the country (MoLHUD, 2013).

Nonetheless an attempt at full formalization of tenure systems in developing countries has been previously criticized (Mugambwa, 2007), and it has been argued that more focus should be put on tenure security. The Government of Uganda are aiming at a full blown formalization of tenure into freehold and leasehold (Mwesigye, F., Matsumoto, T. & Otsuka, K., 2014), but the goal of such formalization is to be achieved through several steps of tenure reform including implementing the UNLP 2013.

2.2.3 Land Rights and Land Ownership in Uganda

In 1995, Uganda adopted a new constitution, chapter fifteen of the constitution is regarding land and environment, and the first article of this chapter is article 237 and under clause one it is stated; Land in Uganda belongs to the citizens of Uganda and shall vest in them in accordance with the land tenure systems provided for in this Constitution (The Republic of Uganda, 1995). The tenure systems that are captured under the Constitution are; customary, freehold, mailo and leasehold. The constitution further provides that all Ugandan citizens owning land under customary tenure may acquire certificates of ownership (The Republic of Uganda, 1995). It also states that; land under customary tenure may be converted into freehold land ownership by registration (The Republic of Uganda, 1995).

A Land Act was adopted by the Republic of Uganda in 1998. It underpins the constitution in the recognition of customary tenure systems, and it lays down the ground workings of land management in Uganda. Under article four it is stated, any person, family or community holding land under customary tenure on former public land may acquire a certificate of customary ownership in respect of that land in accordance with this Act (The Republic of Uganda, 1998). The Act further states; any person, family, community or association holding land under customary tenure on former public land may convert the customary tenure into freehold tenure in accordance with this Act (The Republic of Uganda, 1998).

The main goal of the chapter regarding land and environment in the 1995 Constitution together with the 1998 Land Act is to improve land rights security and of tenure security of

the nation as a whole, and start the work towards a formalized system. By recognizing all different systems of land rights in the country, the aim is a calculated effort to implement a formal system of freehold and leasehold in Uganda over time (Batungi, 2008). This is currently being done under the Land Tenure Reform Project (LTRP).

As presented above, land owners under customary tenure can get a certificate for their customary ownership of the land, and later switch into freehold. It then looks like the government's plan is to softly merge the system by recognizing the nation's multiplicity in tenure systems, and over time convert the systems into a formalized system of freehold. However, not much has happened since the 1995 Constitution and the Land Act of 1998, and it has been stated that it is because it is not yet the right time to implement such changes (Mwesigye et al., 2014). The appreciation of customary tenure in the Constitution has however increased tenure security.

2.3 Central-Local Governmental Relations and Securing Land Rights

As captured in the background to this study central-local governmental relations include political, administrative and financial relations. Central-local governmental political relations include: policy guidelines and standards; non-political interference; and local participation in decision making. Central-local governmental administrative relations include: discretion of local administrators; information sharing; loyalty of local implementers; communication flow; institutional coordination; training; and capacity building. Central-local governmental financial relations include: timely and adequate financing; participatory budgeting; financial auditing; and financial accountability. The researcher hereunder looked at these constructs Vis a vis securing land rights.

2.3.1 Central-Local Governmental Political Relations and Securing Land Rights

This study conceptualized central-local governmental political relations as involving policy guidance, non-political interference and citizen participatory decision making. Adde (2013) writes that, Uganda adopted decentralisation as a conceptual framework for addressing central-local governmental relations. Prior to decentralisation the main characteristics in the relationship between local administrators and central government before 1986 show that, the local government had very little power. The Minister of Local Government had power to terminate the mandate of local councilors and to dissolve local government councils; local government councils had little powers over their employees. In 1995 the powers that were transferred to local government's included: recruitment and management of staff; revenue collection, budgeting, accounting and reporting; making bye

laws and ordinances; local administration of justice through local council courts (Nsibambi, 2000).

The new Local Government Statute cut back the “Dictatorial and Centralist” power which the Local Administrations Act of 1967 had conferred on the Minister. For example, the Minister of Local Government no longer approves the District/Urban Authority’s Budget. The Ministry of Local Government and Line Ministries issue regulations and set up an interdisciplinary inspectorate which is supposed to carry out regular inspection of services to ensure that set technical and professional standards are complied with. Regular financial and performance audits are also supposed to be mandatory to ensure efficient and effective performance (Ministry of Local Government, 2014). As such we still see central government’s role in ensuring policy standards and guidelines and regulations in delivery of securing land rights and land rights administration.

Interestingly the conventional concept of decentralisation is the transfer of powers and functions to elected local authorities which exercise a significant measure of autonomy over their own affairs. The arguments for this relate to responsiveness and accountability, that local governments are closer to the citizens and are, thus, better able to make choices that reflect the needs and priorities in their areas of jurisdiction than is a remote central government, and that it is easier to hold local elected representatives accountable for their decisions (Devas, 2016). Specifically this applies to the District front line staff in implementing the UNLP 2013. Also the customary practices are more likely to be known and understood by local government staff as opposed to the central government staff.

However, Byamugisha observes, Uganda’s decentralisation of land administration is basically a deconcentration of present land administration roles to district land offices with minimal attempts to devolve, with regard to land under custom which makes up the majority of land in Uganda. This essentially robs the local communities of participatory decision making power over customary land. This is worsened by failure to build capacity in customary institutions and the vagueness in the relationship between formal and informal land administration and management institutions (Byamugisha, 2014a).

Stoker observed that the implementation of a policy is influenced by the role played by various stake holders. The characteristics of the policy which involve the amount of change being introduced and the number and variety of components in the program influence the degree of complexity and dynamism to be managed in the local context. He suggests that this can be managed by formal organisational mechanisms such as participation (Stoker, 2019). Thus there is need for participatory decision making in securing land rights.

Lambright (2011) on the other hand illuminates on political interference. She compares local government performance of Bushenyi, Lira and Mpigi districts. She concludes that Bushenyi which is the best performer among the three owes this to informal political linkages. According to her informal political linkages have two dimensions: top down political linkages, comprised of central government financial and political support that flows to local areas; and bottom up political linkages comprised of political support provided by an area to the ruling party. This patronage may explain in part the less volatile nature of securing land rights in Bushenyi.

Furthermore, Lewis (2015) posits that decentralisation advocates argue that decentralized governments are more responsive to the needs of the landless than central governments and thus are more likely to conceive and implement land policies for their benefit. Recent evidence from a selected group of sub Saharan African countries is reviewed in a comparative framework that highlights factors associated with success in dealing with landlessness. It argued that the degree of responsiveness to the landless and the extent to which there is an impact on landlessness are determined primarily by the politics of central local relations and the general regime context, particularly the ideological commitment of central political authorities to dealing with landlessness. In most of the cases, 'elite capture' of local power structures has been facilitated by the desire of ruling elites to create and sustain power bases in the countryside. Popular perceptions of the logic of patronage politics, combined with weak accountability mechanisms, have reinforced this outcome.

The suggestion from these African cases is that decentralisation has not empowered the landless due to challenges of local elites who are resistant or indifferent to policies intended to address landlessness such as the UNLP 2013. Thus, decentralisation is unlikely to lead to more equitable outcomes without a serious effort to strengthen and broaden accountability mechanisms at both local and national levels. In most of the African cases, the linkage between the central government's decentralisation scheme and local leaders were strong. Here, central governments were using funding either to create dependent local elite or to consolidate an alliance with local elites based on availability of patronage opportunities (Lewis, 2015).

Despite this, in Uganda government has registered positive milestones in some development programmes giving reason for hope. The central government has established elaborate systems of reporting on use of resources at the local level and monitoring of performance indicators to reduce the high cost of implementation. Expenditure tracking

systems have also been established with success (Reinikka et al., 2002 cited in Devas 2017). The implementation of the UNLP 2013 is hopefully going to follow this trend.

At local government, Project Management Committees are formed at local level to oversee implementation and ensure accountability of those implementing local government development programmes. The quality and effectiveness of services could improve dramatically if Uganda could improve on control of corruption and the rule of law (Government of Uganda, 2008). Therefore notwithstanding the political interference such as patronage and elite capture, there seems to be increased participation of locals in decisions related to public services in their own areas. Again this can be influenced by use of incentives and power (Brinkerhoff, 1999) both of which have remained in the firm grip of central government in Uganda due to failures of local revenue collection (Green, 2019). This fear was expressed by Rugadya (1999) in the implementation of the land policy as earlier observed in the theoretical background of this study.

However in as much as Uganda's decentralisation reforms were designed to give equal amounts of power to the various levels of the Local Council system, with particular emphasis on Local Council three (LC3). Yet the district is overwhelmingly the most powerful actor among the five levels of local government. Due to failures of local revenue collection, the ability to attract central government funds has led to fiscal concentration at LC5 level. This also means that the implementation of the UNLP 2013 is managed locally at the District.

The power at the district is magnified by donors funding Uganda's decentralisation program who bypass central government in order to give money to district governments but not to lower level units. Donors go as far as agreeing to divide their concentration in Uganda according to districts. A case in point is Belgium which chose to work with Kasese District (Green, 2015). The resultant concentration of power at the district has led the National Resistant Movement government to maintain representatives at the district level thereby leading to clashes between national and local governments at the district level (Green, 2018). This concentration of power at the district put emphasis on the district as the unit of addressing intergovernmental relations under decentralisation hence local-centre relations refer chiefly to district and central government.

This position was further entrenched during the presidential campaigns of 2001 when President Museveni announced the abolition of 'graduated tax'. In spite of its name, this tax was in reality a poll tax imposed on all adult males, irrespective of their employment status. It was unpopular not only because it was income averse and also because its collection, especially at the lower levels, involved considerable force, including the employment of

armed guards at times. It also happened to be a significant source of income in the districts, as the funds collected were retained at the district headquarters. In some districts, graduated tax accounted for up to 40 percent of local government revenue. The sudden abolition of the tax, seemingly without prior consultation, led to severe loss of revenue in the districts. The lack of consultations with the local authorities, which are very dependent on it for service delivery, illustrated the fragility of their powers in the face of political competition at the centre (Golola, 2001). Therefore central-local political relations are a function of political interference as well as participation of locals in decision making and policy guidance.

2.3.2 Central-local Governmental Administrative Relations and Securing Land Rights

In this study central-local governmental administrative relations involved local administrative discretion, loyalty, communication, information, coordination, training and capacity building. Central-local governmental relations are a part of intergovernmental relations which is a subject of administrative decentralization. Central-local governmental administrative relations exist between central administrators and local administrators. When implementing land policy, administrative officials have direct power.

Due to the complexities of modern government and administration they are granted the right to exercise discretion in the execution of policy. The exercise of discretion puts them at the heart of the policy process. They can therefore prevent the achievement of policy goals to which they are opposed by avoiding the making of decisions pertaining to securing land rights. They are also in position to delay the implementation of the UNLP, or to only partially implement it, or even to cause disruption by way the UNLP is implemented (Dye, 2002).

Under devolution, administrators are staff of local government but the central government may institute standards and procedures for recruiting and managing staff (World Bank, 2003). With the exception of the top executives and their deputies, in general Uganda applies the Separate Personnel System. In principle, each local government selects and controls its human resource (Maheshwari, 2011 as cited in Nabaho, 2012). Loyalty of the District Land Office is therefore given to the local government which has the power to hire and fire them.

The District Service Commission was established to enhance autonomous decision making and expeditiously recruit, discipline and dismiss local government staff. This was

highly supported by the district administration staff and district politicians who stood to benefit from the new arrangement. Initially central government civil servants did not support this because of loss of power and control over logistics and funds and loss of patronage occasioned by power to post and transfer staff. The district professional staff received the change with mixed responses. They supported decentralization for increased access to resources and relative independence from the centre. They feared for promotional outlets and advancement and feared victimization and whimsical management of the personnel function. They also did not trust local politicians (Nsibambi, 2000). These perceptions have lingered and continue to bedevil centre-local administrative relations and securing land rights.

Additionally, communication and information is an essential ingredient for effective implementation of the UNLP. Political scientists Sabatier and Mazmanian (1983 as cited in Cloete et al., 2006) reiterate that policy must be conceptually clear and simple, theoretically sound, and stated in terms of desired changes achieved among target groups; the land policy should clearly specify who does what and how. There must be clarity of purpose, powers and relationships between all those involved in the implementation of the land policy (Australian Government, 2006).

Insufficient information can lead to error and uncertainty on the part of implementers while precise directives may not give implementers discretion, flexibility and adaptability to the local situation (Makinde, 2005). Staff appointed locally would communicate information faster and would give quicker feedback opportunity and articulation, and nearness would make them more receptive and answerable to their constituents through the elected local leadership (Kakumba, 2008 as cited in Nabaho, 2012). Success of the UNLP 2013 will be facilitated by increased formal and informal communication (Terpstra and Havinga, 2017).

The decentralized structure for land administration needs support and training for its effectual performance in managing conflicts between customary tenure rules and those associated with freehold and *mailo* tenure. Kabanda et al. (2015) contend that, as a country there will be need for government to support the process through human and financial resources. Training of administrators is thus regarded key to securing land rights (Schofield, 2013). Training of local council courts capabilities to arbitrate disputes may also be vital in managing land conflict (USAID, 2018).

Furthermore, as part of the land reforms government computerized the Land Registry. It is now possible to get a computerized land title from six zonal offices. This leaves the rest of the country incapacitated. The proportion of titled land currently is 20%. Approximately

95% of land owners do not have titles. The majority of people cannot access titles because the Land Registry it is not yet fully decentralized (The Republic of Uganda, 2017; Kabanda et al., 2015). The registration of communal and customary lands and the consequent role of customary institutions in this process are also key (DAI, 2016). There is therefore need for increase in administrative capacity in securing land rights.

It is recognized that implementing land policies involves a much larger number of agencies and actors, many of which would be outside the formal hierarchical control of the lead implementing unit and thus inter organisational coordination is a distinguishing feature of securing land rights (Brinkerhoff 1999). Edward, (1980 as cited in Makinde, 2005) observes that where there is organisational fragmentation it may hinder coordination and the successful implementation of a complex policy especially one that requires the cooperation of many people. Coordination of a new initiative or agency with ongoing operations attracts cross purposes, competition and jealousies, and cooperation (Cloete et al., 2006). Thus increased coordination and cooperation both within organisation and across independent units involved in the implementation process have been recognized as essential (Butler, 2009; Fenger & Klok, 2011 and Vangen and Huxam, 2013)

2.3.3 Central-Local Governmental Financial Relations and Securing Land Rights

Central-local governmental financial relations were perceived to entail timely funding, sufficient funding, auditing and accountability. Some analysts have viewed fiscal relations as the essence of central-local governmental relations (Agranoff, 2004). In several cases inter-governmental relations between levels of government are hinged entirely on financial relations (Gildenhuys et. al, 2016).

One of the most significant means of the central government to create sustained governmental relations is tied to the subject of budgetary and fiscal responsibilities. The constricted fiscal relations between the levels of government in Uganda illustrate complicated central-local governmental relations (Okidi & Guloba, 2006). Prof. Wayne Hayes warns that the technical and budgetary means should be provided for the period of time needed to carry out the land policy and achieve the goals. In particular, the financing of the UNLP 2013 must be secured for an adequate planning time horizon (Cloete et al., 2006).

The Economist Intelligence Unit (2010) carried out an online survey which indicated that 49% of public sector organisations surveyed devote insufficient money or time to policy implementation. Resource issues often arise not because policy implementation is expensive

but because existing issues within the organisation impede it. The survey suggested that obtaining sufficient resources comes from understanding what is at stake, for instance the high cost of poor implementation of the UNLP 2013.

Makinde (2005) writes that without adequate funds, laws will not be enforced, services will not be provided and practical policy will not be developed. He suggests that overstretching of available resources for maximum visibility and impact may end in nothing concrete being achieved. This is what happened with land tribunals formed at both the district and sub-county level. Due to problems of implementation arising out of the lack of timely funding and a long backlog of cases, all land tribunals were suspended (Kabanda et al., 2015).

In July 1998, a new land act came into force. It vested the powers to handle land disputes with sub county and district land tribunals. At the time in the country as a whole there was to be 45 district land tribunals and over 700 sub county tribunals. The system of specialized land tribunals was introduced when land disputes threatened to swamp lower courts and local councils in long drawn out disputes, which hampered work in other areas of the local economy.

However, the government did not have sufficient funds to put the tribunals into operation. The high court then became the only instance, which could handle land disputes in the country. This effectively grounded all land cases. In light of this, the judicial service commission recommended that, at least for the time being, the old order, whereby local councils and lower courts adjudicated land cases, should be restored (Golola, 2001). This is a classic example of overstretching of available resources for maximum visibility and impact ending in nothing concrete being achieved.

The commissioner (former) for land management in the lands ministry Sarah Kulata, during a National Stakeholders Workshop on the Implementation of the UNLP, revealed that reviving land tribunals is on top of the ministry agenda. She said that the ministry intends to train traditional leaders and LC II officials to handle small land cases leaving tribunals to handle bigger cases. She asked development partners to finance the resumption of the tribunals and training of traditional leaders and LC II officials to handle land matters to improve access to justice and promote good governance (Kwesiga, 2015).

Yet the Constitutional Court in *Petition No. 21 of 2006* declared LC1 and LC2 as null and void. These courts are illegal since they have not held elections since 2001 due to insufficient funds and so their mandate ended in 2006. Since these are the officials that sign land documents these documents are rendered illegal. This means the decentralized courts of

first resort are illegal in delivery of securing land rights and land rights administration. This illegality has not stopped LC 1 and LC 2 Councils that, although not recognized in the Land Act, from being involved in mediating land conflicts, endorsing land sales agreements and in some areas witnessing land demarcations and adjudications by Area Land Committees (DAI, 2016).

In addition regular financial and performance audits were supposed to become mandatory to ensure efficient and effective performance of local governments (Ministry of Local Government, 2014). The constitution of Uganda Article 163 (3) and the National Audit Act 2008 mandate the Auditor General to carry out audits in the public sector. An Auditor General's report revealed that the land administration system was inadequately resourced and performing poorly below expected standards (The Republic of Uganda, 2013). The same report revealed the absence of District land policies to inform local land implementation in line with the UNLP 2013. Literature accessed and reviewed by the researcher does not show any significant effort to adhere to the recommendations of this report. Therefore apathy is more likely to be read into instead of efficient effective performance of local governments in delivery of land rights and land rights administration.

Accountability was presumed initially to be enhanced by decentralized governmental functions including political, administrative and financial (Kyohairwe, 2009). This has not been the case. According to Landnet (2017) accountability in the land sector is shaped by local politics, power, and incentives. This is at the heart of central-local relations as already seen. Landnet posits that transforming land governance requires strong national level policy influence. Therefore under current bottom-up approach, land accountability and governance must include: awareness of all stakeholders; registration of all lands; local capacity building; community training and full and effective implementation of customary land rights (IDRC, 2017).

2.3.4 Customary Practices and Securing Land Rights

This study considered customary practices and institutions as the possible moderating variable. Therefore they were addressed such as to be seen as not confounding central-local governmental relations but rather facilitating it. Customary practices and institutions embraced parallel institutions, gender bias, age bias and marital bias. Anderson postulated that community institutions can be employed in the administration of government programmes at the central and/or local levels and could affect policy implementation (Anderson, 2016). Since different land institutions are involved in policy implementation, they contribute to different approaches in policy implementation.

Land rights administration in Uganda function within a dual system involving; the traditional customary systems administered by customs and norms of given communities and; the formal state system administered by written law. The two are not in harmony. Institutional and systemic conflict resulting from parallel practices leads to confusion as distinct roles of the various institutions under customary and statutory institutions are not clear. In addition, inconsistencies in customary system with regard to standards, rules and procedures are common (MoLHUD, 2013).

Since central-local governmental relations also deal with the extent local citizens through their local authorities are allowed to manage the delivery of public services in their own areas (Agranoff, 2012) customary practices and institutions can either promote or hinder securing land rights. The Economic Commission for Africa (2012) suggested that a key ingredient to preventing policy problems is community participation both in the formulation of the various land management frameworks and in managing land resources.

Relatedly, the gender construction of land rights differs across the country, but it is highly unequal in general. While Uganda is praised for having some of the best policy and constitutional framework relating to gender, and particularly to women's land rights, there is a large gap between what is on paper and practice. For instance, women toil on land more than any group of people in society, but they endure bias in all issues involving land ownership. Their rights tend to be limited to access, while men are more disposed to benefit from ownership rights (MoLHUD, 2008). In Western Uganda, during the drafting of the UNLP, it was resolved that family land should be kept in trust of the family though there is need to clarify in whose names it should be registered. It was recommended that rights of vulnerable groups need to be protected under each tenure system through sensitization, facilitation with registration and ensuring that family land is held in trust (MoLHUD, 2009).

Rights to land take different forms, from individual ownership to user rights to communal property, and are associated with varying degrees of freedom to lease out, mortgage, bequeath or sell. These rights may be acquired through various means, such as inheritance, membership in a community, heredity or kin group, through gift, pledge, from transfers by the state, or from market purchase. Rights may exist for different time periods, such as over a person's lifetime or for a given period. Rights also vary with age and or marital status.

Specifically, in South Western Uganda, for example, men cannot claim patrilineal land until they marry, and once married they get land from their father's side, but then it is

passed on to their wives to manage and to farm. Changes in marital status, such as divorce or death of a husband can also change a woman's rights to land. In much of patrilineal Africa, property (including land) acquired during a marriage, becomes the husband's property, whether acquired by him or his wife. A divorced woman may also have no rights to her husband's land, including the trees she herself planted and tended. This property can also be sold without her permission (Rao, 2006).

Consequently the UNLP makes a policy statement on land rights of women and children. Government shall by legislation, protect the right to inheritance and ownership of land for women and children. Government shall ensure that both men and women enjoy equal rights to land before marriage, in marriage and after marriage and at succession without discrimination. Women's access and securing rights to land must therefore be the cornerstone of national securing land rights and of the related economic objectives of Vision 2040 and the NDP (Kabanda et al., 2015; The Republic of Uganda, 2010). The gender bias against women in land rights can be righted as Ethiopia and Rwanda have proven in their recent land legal reform and land certification programs (Byamugisha, 2014a). The entire course of the UNLP implementation will require a special emphasis on women's access and securing rights to land (MoLHUD, 2015).

2.4 Securing land rights Plan by Specific Objectives

The researcher attempted to review the National Land Policy-Implementation Action Plan and to decipher central-local governmental relations by looking at the planned activities. These are presented according to the specific objectives of the study.

2.4.1 Central-Local Governmental Political Relations and Securing Land Rights

Concerning central-local governmental political relations and securing land rights the government has committed to be responsible for land rights delivery in accordance with the constitution (MoLHUD, 2015). This will be achieved by a number of key activities including:

- Establish and operationalize a customary land rights registry for registration and certification of land rights. This would provide policy guidance and encourage participatory decision making to local land administrators. As a result registration, recording and certification of local land rights will be delivered.
- Review and set national standards for land services delivery. Policy guidance would be provided and this in turn would reduce political interference. Consequently securing land rights would be positively affected.

- Develop and implement a code of conduct and guidelines for land administrators. Policy guidance would thus be provided and this in turn would guide in Securing land rights. As a result delivery of securing rights through registration, documentation, certification and recording would improve.
- Establish and enforce national professional standards for land administrators. Policy guidance would thus be provided and this in turn would reduce indiscretion. As a result delivery of securing rights through registration, documentation, certification and recording would improve.
- Identify, review and amend all standard land transaction documents for smooth operation of land registry. This would enhance policy guidance and would positively impact on registration of land rights.
- Amend the relevant regulations under the different land laws to effectuate the reviews of all standard land documents. This would provide policy guidance manifesting as subsidiary legislation and documentation in delivery of securing land rights. The process of land law reform is ongoing.

According to the National Securing land rights Progress Report as of December 2017 political relations between central and local governments in delivery of securing land rights have not yet been addressed to positively affect land rights administration. This implies that central-local governmental political relations remain problematic in delivery of securing land rights.

Concerning central-local political relations and securing land rights in land rights administration the MoLHUD (2015) has planned to restructure land rights administration system. This is supposed to be achieved by a number of key activities including:

- Separating land rights administration system and political administration to reduce or eliminate political interference using subsidiary legislation.
- Review current laws and policies to improve policy guidance through subsidiary legislation. This process of land law reform is ongoing. The process of amending the Land Act commenced with Uganda Land Reform Commission spearheading the process of legal reform.
- The government also determined to develop, adopt and disseminate procedures for the administration of land rights to provide policy guidance (MoLHUD, 2015). These are expected to improve registration, certification, documentation and recording of land rights. Currently operating procedures

vary from office to office. As training has been provided by different organisations, the instructions provided are also different. It has not been possible to find a set of standard operating procedures. The lack of standard operating procedures makes it difficult for both staff and management to know whether the correct procedures are being followed, especially when new problems are encountered (DAI, 2016).

- In addition government has determined to undertake studies on how to further decentralize land rights administration functions to traditional land governance levels (MoLHUD, 2015). This would enhance participatory decision making which would hopefully impact positively; registration, certification, documentation and recording. Providing decentralized services is critical. In order to provide services to all citizens at an affordable cost no matter where they live or their financial resources is a tremendous challenge. It is fundamental to meeting the objectives of the NLP, but highly unlikely that government will have the funds to deliver services effectively and transparently at the local level and it is considered of fundamental importance that private sector capacity and services are available at all levels of society (DAI, 2016).

According to the National Securing land rights Actions Progress Report as of December 2017 (Appendix H) political relations between central and local governments in land rights administration have not yet been addressed to positively affect land rights administration. This shows that central-local governmental relations remain wanting in land rights administration.

2.4.2 Central-Local Governmental Administrative Relations and Securing Land Rights

Concerning Central Local Administrative Relations and Securing land rights in land rights administration, the MoLHUD (2015) has decided to recognize and harmonize the traditional customary system with the formal statutory system in land rights administration. This will be achieved by a number of key activities including:

- Re-design hierarchy of land rights administration to enable customary institutions to operate as the tiers of first instance for land held under customary tenure. This will impact on discretion of local land administrators allowing choice to administer land according to local customs. This is very

significant because the local land implementers such as LC 1 and LC 2 as well Area Land Committee are usually locals who embrace the customs of their people. Hanekom observes that public policy becomes significant only when implemented, usually by the appointed public official, his actions or inactions can seriously impede the success of a particular policy (Hanekom, 1991). Successful implementation of policy depends on the insight of the official and whether he identifies himself with the policy aims of the legislator (Vedung, 2000). He has to endeavor to make the aims of the policy his own and work towards achieving these aims. The official's decisions pertaining to policy implementation are limited to decisions that correspond to the political policy of the government of the day. The decisions of officials should, if possible, be those decisions which the political office bearer would have taken if he was personally implementing the policy. When implementing policies, public officials have direct power. Due to the complexities of modern government and administration they are granted the right to exercise discretion in the execution of policy (Dye, 2002). The exercise of discretion puts them in the centre of the policy process. They can therefore prevent the achievement of policy goals to which they are opposed by avoiding the making of decisions pertaining to policy implementation. They are also in position to delay the implementation of policies, or to only partially implement them, or even to cause disruption by way the policy is implemented. In addition communication and information can be relayed much faster at the local level. Also loyalty of local administrators is less likely to be divided since customary institutions are an integral part of the local governance. Coordination may also improve with the establishment of a functional hierarchy. This will enhance registration, certification, documentation and recording.

- Develop, adopt and disseminate procedures for the administration of land rights. This will ensure information and communication are improved. As a result registration, certification, documentation and recording are will be better implemented.

Concerning central-local governmental administrative relations and securing land rights in land rights delivery, the MoLHUD (2015) shall ensure that at all levels land administration structures and processes are transparent, accountable, efficient, cost effective and accessible to the public. This will be achieved by a number of key activities including:

- Continued training programme for land services providers. This entails training and capacity building which impacts land rights delivery. A look at the, National Securing land rights Actions 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.
- Establish and operationalise a national land information system that will provide information for digitalized records. This is ongoing. Principles for the Land Information System law are due for submission to Cabinet for consideration and approval as captured in chapter four of this study.
- Develop and implement a code of conduct and guidelines for land administrators. This will streamline issues of discretion in central-local governmental relations, resulting in improved conduct of land administrators in registration, certification, documentation and recording. In practice the Districts often do not allocate sufficient funds to pay the District Land Boards enough to meet at least once every two months, as required by the Land Act, nor do the Districts have the funds to pay for the expenses of the Area Land Committees. The Chief Administrative Officer's rarely give priority to the District Land Office and do not honour commitments to the District Land Board or Area Land Committees, often not even knowing why these organizations are important. In an attempt to fulfill their role under the Lands Act the Area Land Committees have requested that applicants "facilitate" them by paying for transport and incidental expenses. The rates for "facilitation" varying from Area Land Committee to Area Land Committee, but rates may be up to UGX100, 000 per application.
- Establish and enforce national professional standards for land administrators which also will streamline behavior of administrators with regard to discretion and loyalty. Resulting in professional; registration, certification, documentation and recording. It is often unclear to people what the steps are that will be involved in the process of registering their rights and transactions, and above all how many times they will have to visit officials, pay fees (official and unofficial) and how long the whole process should take.

- Undertake a functional analysis on the institutions responsible for the delivery of land services. This aims at assessing capacity and coordination of these institutions for better delivery of securing land rights. There is rarely coordination or discussion with MoLHUD staff or MZO management staff to provide the sort of joint approach and advice required at the district level (DAI, 2016). In addition, many of the staff in the MZOs are employed by the Districts, but work in the MZOs under the technical guidance of the MoLHUD. However MZO is a deconcentration of MoLHUD bringing central officials nearer to the people as opposed to devolution of delivery of land services. Government should also clarify the relationship between the District Lands Office, the MoLHUD MZOs and the District Chief Administrative Officer (CAO) (DAI, 2016).

2.4.3 Central-Local Governmental Financial Relations and Securing Land Rights

Concerning Central-Local Financial Relations and Securing land rights in land rights administration, the MoLHUD (2015) shall restructure institutional framework for land administration to restore efficiency, cost effectiveness and equity in the delivery of land services. This will be achieved by a number of key activities including:

- Consolidate and rationalize land administration structures in terms of cost, efficiency, accessibility and affordability. This will rationalize financing and budgeting thereby improving auditing and accountability. Consequently there will be improved registration, certification, documentation and digitalized records. Currently the DLO staff is paid by the District, administered by the Chief Administrative Officer. The District Land Boards should also be remunerated by the Districts and the Area Land Committees have their costs reimbursed by the Districts (DAI, 2016).
- Review land regulations and land transaction forms to incorporate women or gender concerns. The central government will be able to audit local land rights administration using these land transaction forms thus enabling them determine impact on women and gender concerns. Consequently gender sensitive documentation will be achieved. In addition review of land regulations may result in necessary subsidiary regulation. The MoLHUD should review its procedures, forms and certificates and develop an Operations Manual. This should provide instruction on the correct way to deal with all operations undertaken by the MoLHUD and any group or person who forms

part of the land administration process, including applicants, ALC, DLBs, MZO's as well as units within the MoLHUD itself.

Concerning central-local governmental financial relations and securing land rights in land rights delivery, the MoLHUD (2015) shall restructure institutional framework for land administration to restore efficiency, cost effectiveness and equity in the delivery of land services. This will be achieved by a number of key activities including:

- Amend the Land Regulations to include regulation of fees and charges by local governments imposed on transactions. This will streamline finance, inform budgeting and eventually improve auditing and accountability of local land rights delivery by central government. Amending land regulations will bring about appropriate guiding subsidiary legislation. This activity is ongoing.
- Undertake a functional analysis on the institutions responsible for the delivery of land services, this enables auditing and accountability of land institutions at the local level by the centre. This ultimately fosters improvement in land rights delivery. These institutions would be coordinated by a new agency or assigning authority to an existing agency (Cloete et al., 2006).
- Design revenue collection processes for gradual implementation. This will ensure improved financial relations in financing and budgeting. In turn this will present as subsidiary legislation and documentation of land rights delivery. The need to rationalize revenue collection in the land sector will be further elucidated in chapter four of this study.

2.4.4 Customary practices and Securing Land Rights

Concerning customary practices and institutions and securing land rights in land rights administration, the MoLHUD (2015) shall recognize and harmonize the traditional customary system with the formal statutory system in land rights administration. This will be achieved by a number of key activities including:

- Study how to further decentralize land rights administration functions to traditional land governance levels. The organization, whether public or private, that is responsible for implementation is probably far away and the actual implementation is done at the local level. This poses a serious dilemma of social distance: those making policy are not those implementing programs. This should not be true for devolved government (Cloete et al., 2006). Thus

customary institutions will be empowered for land rights administration. This will ease registration, certification, documentation and recording.

- Re-design hierarchy of land rights administration to enable customary institutions to operate as the tiers of first instance for land held under customary tenure. Enabled customary institutions imply that supporting subsidiary legislation will apply.
- Review land regulations and land transaction forms to incorporate women or gender concerns. This addresses gender bias and leads to gender sensitive legislation and documentation.
- Educate and sensitize land owners and users especially women to participate in all land rights administration functions. This will ensure gender bias in land rights administration is alleviated by women participation. As a result land owners and users will be sensitized about their land rights and land rights administration.

Concerning customary practices and institutions and securing land rights in land rights administration, the MoLHUD (2015) shall recognize and harmonize the traditional customary system with the formal statutory system in land rights delivery. This will be achieved by a number of key activities including:

- Establish and operationalise a customary land rights registry for recording and certification of land rights. This will create a customary land registry which will register, certify and record rights.
- Undertake a functional analysis on the institutions responsible for the delivery of land services. This will help determine and streamline customary institutions responsible for the delivery of land rights delivery. This will in turn assist the community in registering, documenting, certifying and recording land rights.
- Determine best practices for recording and certification of customary land rights. This will address gender, age and marital bias and hopefully certification and recording of land rights will improve.

2.5 Conceptual framework

The components of this hypothesized model of securing land rights are developed from literature reviewed. According to literature reviewed central-local relations involved political, administrative and financial relations. Political relations were conceptualized to

involve policy guidance, participatory decision making and non-political interference. Administrative relations were conceptualized to involve discretion (choice), information, loyalty, communication, coordination, training and capacity building. Financial relations were conceptualized to involve timely financing, sufficient financing (budgeting), auditing and accountability.

Central-local governmental relations, which was the independent variable of the study, included political, administrative and financial relations with regard to land and takes place in Kasese, Sheema and Bushenyi Districts leading to successful securing land rights, which was the dependent variable. Specifically only securing land rights in land rights delivery and land rights administration was studied. The success includes land registration, certification, documentation, digital records, subsidiary legislation and sensitization. Success may however be impeded by customary practices and institutions such as parallel institutions, gender bias, age bias and marital bias.

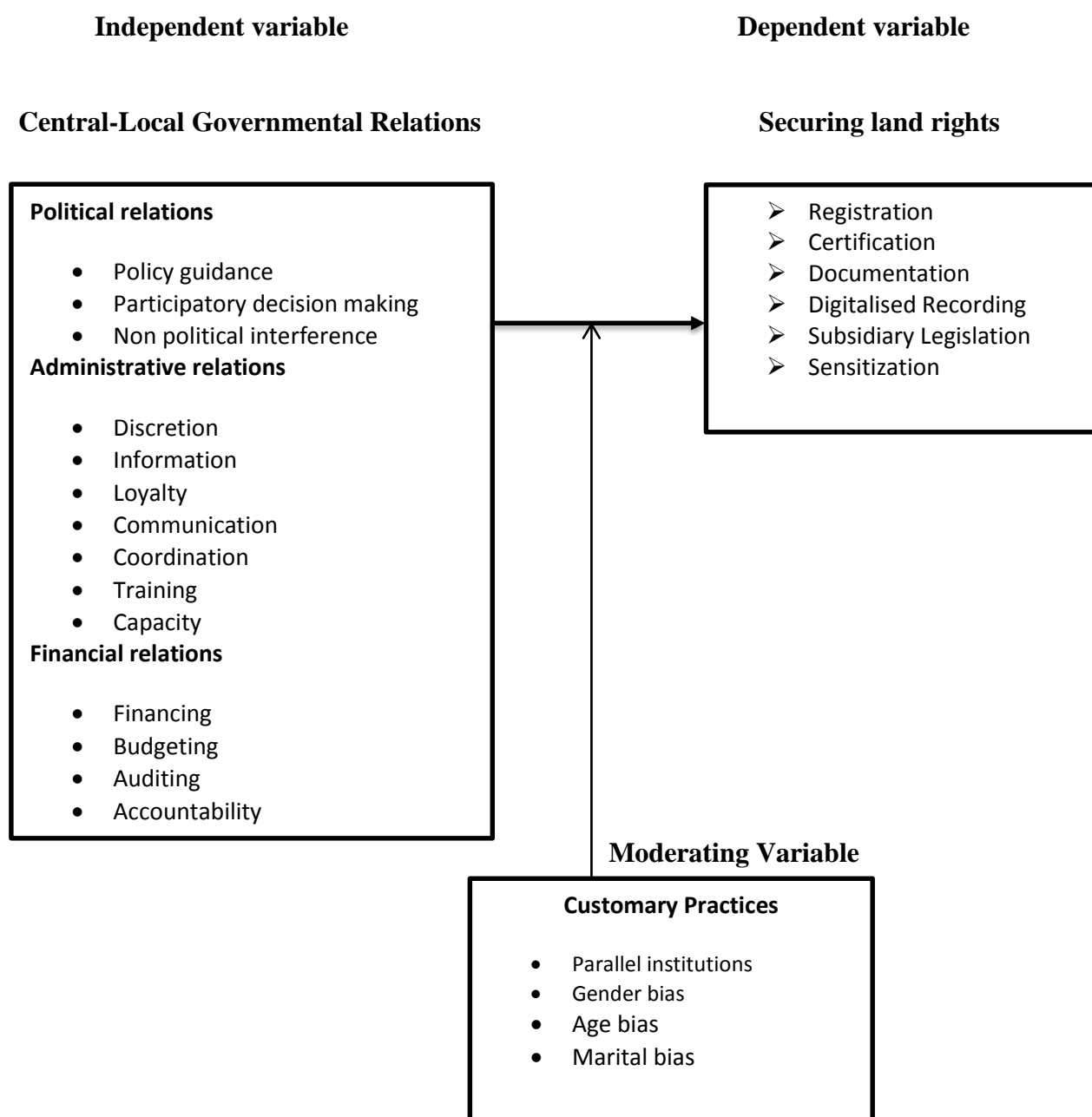


Figure 1: Conceptual Framework Showing Relationship between CLR and SLR: Source (Self, 2016 as adopted from Mohammed et.al (2009).

2.6 Gaps in Literature

Literature showed that land is a political matter at the centre of political debate and the cost in political terms of inaction is a great challenge in Uganda. The UNLP 2013 aims at democratic land use and distribution yet implementation remains problematic. Theoretical

review shows that for any system to be healthy all sub systems should function in a proper, coherent and complementary fashion. This is not the case with Uganda National Land Implementation. Devolved land services have been short circuited by a lack of the necessary resources for micro implementers who are the front line staff or street level bureaucrats. This study sought to investigate this gap.

Sebina-Zziwa suggests that research and proposals from different interest groups preceding the UNLP 2013 were ignored in its formulation in contradiction to Kabanda et al., (2016) and MoLHUD (2013) that claims thorough extensive nationwide consultations were conducted. There was need to assess whether political relations encapsulating policy guidelines, local participation and non-political interference are being addressed for better securing land rights.

Also administratively, literature showed that decentralisation had been followed by recentralization in appointment of senior local government staff creating challenges in loyalty, communication and information. It was revealed that the decentralized structure for land rights administration needed support in capacity and training. Therefore the study sought to discover how the implementation of the UNLP 2013 is addressing these constructs.

Financially tight fiscal relations between the local and central government in Uganda complicate central-local governmental relations. The centre which appears to have devolved power over land to the local seems to have retained control over it through budgetary and financial responsibilities. Literature shows a need for proper local participation in accountability of the land sector. Otherwise this may result in ineffective and inefficient delivery of land rights and land rights administration. The study sought to address this gap.

Lastly the multiple rights on land and the dual nature of land administration still pose a challenge as revealed in the literature studied. Traditions and customs that are biased against some people may interfere in the effort to deliver securing land rights and land rights administration despite good political, administrative and financial relations between the central government and local governments. This gap was also identified with the aim of filling it in. For successful securing land rights this study therefore purposed to fill in all the above mentioned theoretical and conceptual gaps identified.

CHAPTER THREE

METHODOLOGY

3.0 Introduction

This chapter discusses the methodology of the study. The methodological approach represents the tools chosen to collect data. These tools will affect the outcome of the research and the quality of the data collected. In this chapter the methodological choices made in this study were presented and evaluated. It presents the principals of qualitative and quantitative methodology, interview, questionnaire and document review. It includes the research philosophy, research design, research approaches, sampling strategies, data collection methods and data analysis.

3.1 Research Philosophy

Research philosophy is a set of underlying assumptions that explain what constitutes a valid research about a phenomenon (Ssemaluulu, 2012). Research philosophy guides us on which methods are appropriate such that the whole process of research is understood. Each research philosophy/ paradigm has its own distinct way of explaining the epistemology (beliefs about how knowledge can be acquired), ontology (nature of reality) and axiology (values) (Ssemaluulu, 2012). There are two major philosophies, that is, interpretivism and positivism (Remenyi et. al, 2002). Interpretive philosophy involves the exploration of a research topic and focuses on the meaning in context; it does not predefine the dependent and independent variables (Myers, 2008). Interpretivism is suited for purely qualitative studies. On the other hand positivist research philosophy assumes that an objective physical and social world exists independently of humans, and whose nature can be relatively unproblematic, apprehended, characterized, and measured (Shemi, 2012). It is suited for quantitative research. The researcher engaged a pragmatic philosophical worldview which allowed the researcher to draw liberally from both approaches since it is not committed to any one system of philosophy and reality (Creswell, 2009). The research however leaned slightly towards the positivist philosophy.

3.2 Research Design

A mixed methods design (Creswell, 2009) was used since both descriptive qualitative techniques and regression quantitative techniques were employed. According to Creswell, J.W., Plano Clark, V.L., Gutmann, M., & Hanson, W. (2003) mixed methods consists of the

collection or analysis of both quantitative and qualitative data in a single study in which the data are collected concurrently or sequentially, are given a priority, and involve the integration of data at one or more stages in the process of research. This study adopted a mixed methods strategy (Kyohairwe, 2009) precisely a concurrent triangulation strategy (Creswell, 2009). This strategy employs both qualitative and quantitative approaches which allows for the best understanding of the research problem. Nuwatuhaire (2017) observes that mixed methods improves rigor. Johnson and Onwuegbuzie (2004) observe that “if one prefers to think definitely mixed methods research sits in a new third chair, with qualitative research sitting on the left side and quantitative research sitting on the right side. In their view mixed methods is a research paradigm whose time has come.

In a nutshell this research acknowledged the advantages of using mixed methods. The research obtained quantitatively the levels of significance of the relationship between central-local governmental relations and securing land rights in the selected districts of Kasese, Sheema and Bushenyi. The research also obtained qualitatively in-depth descriptions of the phenomenon of securing land rights. This methodological combination allowed for the concurrent harnessing of potentials from both methods. That is the potential of quantitative methods in quantifying the identified meanings and the potential of qualitative methods in obtaining in-depths meaning of phenomenon.

3.3 Research Approaches

Qualitative research was one based on the spoken and written word, reporting detailed views of participants. In this approach the unit of analysis was participants. Qualitative approach explores meaning, emotions, intentions and values, intending to build a holistic picture of the phenomenon under study (Clifford, Franch & Valentine, 2010). This approach utilised open ended interview questions to prod the central government and local government administrators’ feelings and thoughts on central-local governmental relations and securing land rights in the selected Kasese, Sheema and Bushenyi districts.

As there are many ways to see the subject, this approach was aiming at understanding how the subject is understood by them (Clifford et al., 2010) and in this case how the participants viewed the subject. The main goal was to obtain understanding of their viewpoint (Kitchin & Tate 2000). Documentary review was also used for obtaining relevant documentary evidence to support and validate facts stated in research. This secondary data was used to better understand and explain primary data from the research.

Quantitative research on the other hand, was research based on variables measured with numbers, and analyzed in statistical procedures (Amin, 2005 cited in Bakkabulindi F.E.K, 2010). The unit of analysis in this approach was respondents. This approach was used to complement the qualitative method. This approach utilised closed ended questions in the questionnaires to capture intentions, attitudes and the position of local government councilors on central-local governmental relations and securing land rights. This method was adopted because of the relatively large number of councilors.

Concurrent triangulation strategy means that the timing of the approaches was concurrent that is they were used at the same time. Also concurrent mixed methods strategy allowed for results from both approaches to reinforce each other for example quotes reinforced figures (Creswell & Clark, 2007 in Creswell, 2009). The data bases from both approaches were compared to see if there was convergence, differences or some combination. The strengths of both approaches were utilised while the weaknesses of each approach was offset by the strength of the other. For example numbers carried no feelings which quotes conveyed. The weight of these approaches was equal that is both approaches carried equal importance.

Mixing was done at the discussion of results stage where the results from the two data bases were compared side by side. This strategy has the advantage of providing well validated and substantiated findings in addition to taking a shorter time than sequential strategies since the data is collected at the same time as opposed to collecting one data source and then embarking on another as required in sequential strategies. The disadvantage is that it requires expertise in both approaches (Creswell, 2009). However the researcher under authoritative guidance of his supervisors had the requisite expertise.

3.4 Target Population

The target population comprised of LC1 councilors, LC2 councilors, Area Land Committee members, District Land Board members, District Land Officers and LC5 councilors at the local level. At the central level the target population included officials from the Ministry of Lands, Housing and Urban Development as well as officials from Uganda Land Commission.

LC 1 and LC 2 Councils although not recognized in the Land Act are involved in mediating land conflicts, endorsing land sales agreements and in some areas witnessing land demarcations and adjudications by Area Land Committees (DAI, 2016). Using statistics from Human Rights Focus the targeted respondents were as follows: LC1, (675 in Kasese, 612 in

Sheema and 549 in Bushenyi); LC2 (130 in Kasese, 74 in Sheema and 76 in Bushenyi) (Human Rights Focus, 2017). Their total number was 2116. District councilors (LC5) were selected for their views on central-local governmental relations and securing land rights. The Local Government Act section 10 sub section one (b) provides for there to be a councilor at the district representing each lower local government. The number of local governments (sub-counties, town councils and division councils) was obtained from the planning offices of the respective districts under study. Therefore the target group comprised of councilors from the districts (LC5) representing the different sub-counties as follows: Kasese, 28; Sheema, 15; and Bushenyi, 14. Their total number was 57. Collectively councilors made up part of the target population who were sampled for questionnaire administration thus became respondents providing quantitative data.

Securing land rights officials were identified, some from respective District Land Administration Institutions and some from the central government. District lands officers targeted include the senior staff including the senior lands officer, surveyor and physical planner. District land board members included the chairperson, one member representing municipal counties, one member representing urban councils and one member from each county in the district (Land Act CAP 227 section 57 sub section 4). Kasese has four counties a municipality and five urban councils. Sheema has two counties a municipality and nine urban councils. Bushenyi has two counties, a municipality and four urban councils (Uganda Bureau of Statistics, 2017).

Therefore the aforementioned were targeted as follows: District Land Officers (3) and District Land Board members (7) in Kasese; District Land Officers (3) and District Land Board members (5) in Sheema; District Land Officers (3) and District Land Board (5) in Bushenyi District. Members of each Sub-county and Division Area Land Committees were found to be five {Land Act CAP 227 (with Amendment Acts 2004 & 2010)}. Therefore targeted group was as follows: Kasese, 140; Sheema, 75 and Bushenyi, 70.

Lastly the available central government officials targeted and selected included very senior officials from Uganda Land Commission (2) and MoLHUD (4). They include the chairman Uganda Land Commission who has also served as a minister in the lands ministry as well as a long serving technocrat in the department of Lands Management at the Uganda Land Commission. The technocrats in the MoLHUD include: the Head National Land Policy Secretariat (NLPS), also Head National Land Policy Unit (NLPIU) and Assistant Commissioner Land Inspectorate MoLHUD); the Assistant Commissioner Land Management also Head Land Information System (LIS), member Securing land rights Unit and member

Land Sector Reform Coordination Unit (LSRCU); the Principal Policy Analyst MoLHUD and member Securing land rights Unit; the Principal Information Scientist (also Public Relationship Officer/Ministry Spokesperson and Head Kasese Certificate of Customary Ownership Pilot Project). The partial target population sampled and selected for interview administration thus becoming participants providing qualitative data was 317. Therefore target population is the sum of 2116 (LC1 & LC2), 57 (LC5) and 317 (DLO, DLB, ALC, ULC & MoLHUD) which is 2490.

3.5 Sample Size

A sample size of 442 was derived using both quantitative (394) and qualitative (48) data. A simple random sample was calculated using Slovenes formula at a 0.05 margin of error (Appendix A). From a population of 2116 (LC1 & LC2) a sample of 337 was derived. This plus 57 (LC5) chosen by selection gave sample for quantitative data of 394. The samples derived using purposive sampling were 12 (DLO & DLB) and 30 (ALC). The participants selected from the centre were 6 (MoLHUD & ULC). Thus the sample and selected members obtained for qualitative data was 6, 6, 4, 2 and 30 which is 48. Below is a summary table showing sample size, target population and sampling strategies/selection.

Table 1: Sample size

Target group	Target Population	Sample	Sampling Strategy/Selection
LC1 & LC2	2116	337	Simple random
LC5	57	57	Selection
DLO	9	6	Expert purposive
DLB	17	6	Expert purposive
MoLHUD	4	4	Selection
ULC	2	2	Selection
ALC	285	30	Typical case purposive
TOTAL	2490	442	

Source: Primary Data, 2016

The following tables below illustrate the sample size determination using different sampling strategies.

3.5.1 Sample by simple random sampling in Districts

Table 2 shows sample by simple random sampling in the three districts studied. The sample is derived from the target population of Local Council one and Local Council two from each district. This was arrived at using Slovenes formula.

Table 2: Sample by simple random sampling in Districts

	Target population		Sample	
	LC1	LC2	LC1	LC2
Kasese	675	130	108	20
Sheema	612	74	98	11
Bushenyi	549	76	88	12
Total	2116		337	

Source: Primary data, 2016

3.5.2 Sample by purposive sampling and selection in Districts

Table 3 shows sample by purposive sampling and selected participants in the three districts studied. The selected participants and sample is derived from the target population of LC 5, District Land Officers, and District Land Boards from each district.

Table 3: Sample by Expert purposive sampling and selected participants in Districts

District	Target population			Selected participants	Sample		
	LC5	DLO	DLB		DLO	DLB	
Kasese	28	3	7	28	2	2	
Sheema	15	3	5	15	2	2	
Bushenyi	14	3	5	14	2	2	
Sub Total	57	9	17	57	6	6	
Total	83			69			

Source: Primary Data, 2016

3.5.3 Selected participants at the centre

Table 4 shows selected participants at the centre. The selection is derived from the target population that included the Uganda Land Commission and Ministry of Lands Housing and Urban Development.

Table 4: Selection of participants at centre

	Target population	Selected participants
Uganda Land Commission	2	2
MoLHUD	4	4
Total	6	6

Source: Primary Data, 2016

3.5.4 Sample by purposive sampling in Districts

Table 5 shows sample by purposive sampling in the districts studied. The sample is derived from the target population that included the Area Land Committees in the districts studied.

Table 5: Sample by Typical case purposive sampling in Districts

District	Target population ALC	Sample ALC
Kasese	140	10
Sheema	75	10
Bushenyi	70	10
Total	285	30

Source: Primary Data, 2016

3.6 Sampling Strategies

In Uganda land disputes are widespread throughout Uganda and are the most significant form of conflict with many conflicts escalating into violence (Musumba, 2014). Stephanie (2018) states that, samples should be a minimum of 10% of the population. This 10% condition was used to choose one of the four regions in Uganda (Uganda Bureau of Statistics, 2014). The researcher employed the rotary method where papers with the different regions written on each were placed in a box and one picked randomly. The paper picked was one written on western region. The researcher also wrote the 26 districts (Uganda Bureau of Statistics, 2014) in western region on papers and these were placed in a box and three picked randomly. This was to satisfy the 10% condition which required 2.6 districts which were rounded off to three. The three districts chosen were Kasese, Sheema and Bushenyi.

Concurrent sampling which supports mixed methods was then used. Here quantitative probability sampling and qualitative purposeful sampling are combined as

independent sampling procedures (Creswell, 2009). Stratified sampling, purposive sampling and simple random sampling were used in the study.

Stratified sampling is whereby the researcher divides the entire population into different subgroups or strata, and then randomly and or purposefully selects the final respondents and or participants proportionally from the different strata. This was used to ensure objectivity in selecting respondents and participants from the local governments under study. Kasese, Sheema and Bushenyi each formed a stratum from which samples were taken.

Central government officials with experience and knowledge in securing land rights were identified and selected. These consisted of two people qualified and experienced in matters relating to land at the Uganda Land Commission {Land Act CAP 227 section 47(3)}. These were identified from the commission as follows: The chairman who had also served as a minister in the lands ministry as well as a long serving technocrat in the department of Lands Management at the Uganda Land Commission. At the ministry four senior land technocrats comprising the National land Policy Unit in the MoLHUD were identified: the Assistant Commissioner Land Inspectorate (MoLHUD), also Head National Land Policy Unit (NLPIU) and Head National Land Policy Secretariat (NLPS); the Assistant Commissioner Land Management also Head Land Information System (LIS), member Land Policy Implementation Unit and member Land Sector Reform Coordination Unit (LSRCU); the Principal Policy Analyst MoLHUD and member Land Policy Implementation Unit; the Principal Information Scientist (also Public Relationship Officer/Ministry Spokesperson and Head Kasese Certificate of Customary Ownership Pilot Project). The inclusive criteria for selecting respondents from central government were relevance and seniority of the officers.

District councilors (LC5) were selected for their views on central-local governmental relations and securing land rights. The Local Government Act section 10 sub section one (b) provides for there to be a councilor at the district representing each lower local government. At the district therefore the target population comprised of councilors from the district (LC5) representing the different local governments. These were utilised to capture central-local governmental relations and securing land rights.

The District Land Officers were chosen using purposive sampling. Purposive sampling is where a researcher selects a sample based on their knowledge about the study. District lands officers sampled include the senior staff including the senior lands officer, surveyor and physical planner. Any two of these three officers was chosen based on availability. Also one member of the District Land Board with qualifications and experience

in matters relating to land (Land Act CAP 227 section 57 sub section 4) was chosen, together with a senior member such as chairman using purposive sampling.

LC1 and LC2 were chosen using simple random sampling. Simple random sampling is where each member of a statistical population has an equal probability of being chosen. This was used to sample LC1 and LC2 from each of the three districts under study since they are many in number. Lists of all respondents were acquired and the ratio of the simple random sample to the population obtained, that is $337/2116=0.16$, meaning out of every 100 respondents the first 16 were selected. This was done for all lists from the districts ensuring every stratum was represented.

Typical case (purposive) sampling was used to identify two ALCs per district. Typical case (purposive) sampling is useful when a researcher wants to study what he considers typical or representative members of his target population. One ALC in the urban area and one ALC in the rural area, these were considered typical of ALCs in the three Districts. The researcher obtained a copy of the Land Act CAP 227 (with Amendment Acts 2004 & 2010) which says the District Council, on advice of the Sub-County or Division Council, may, in accordance with this section, appoint a Land Committee at Sub-County or Division level which shall exercise the functions conferred on a Committee by this Act or any other law. Since each ALC by law must have five members, then ten members five for each urban and rural area respectively per district were interrogated. Thus out of 228 members of ALC in the chosen Districts 30 participants were interviewed. The DLOs were approached for contacts of members of ALCs and in all cases members that have served longer and were part of active ALCs were identified and their contacts given to the researcher.

3.7 Data Collection Instruments

Triangulation was employed to investigate central-local governmental relations and securing land rights. Documentary review was used in the course of the study. Interview method was used for administrators at the centre (Appendix D and Appendix E) and at the district (Appendix B, Appendix F and Appendix G). Questionnaires were used for councilors in the Districts of Kasere, Sheema and Bushenyi (Appendix C). They included aspects of political relations (6 items), administrative relations (7 items), financial relations (4 items) and delivery of securing land rights and land rights administration (6 items). The instrument also included aspects of customary practices and institutions (8 items) which addressed the moderating variable. Questionnaires were employed because they can reach many respondents easily and quickly. The researcher also employed researcher designed

questionnaires. The responses for the questionnaire are scoring (4, 3, 2, 1), response mode (strongly agree, agree, disagree and strongly disagree), and interpretation (very satisfactory, satisfactory, unsatisfactory, very unsatisfactory). A four point scale interval was adopted because the respondents were all deemed to be officials in securing land rights and so none of them was expected to be indifferent about securing land rights.

3.7.1 Interviews

This addressed mainly the qualitative aspects of the research. In practical sense the interview is a conversation between the researcher and the participant. The researcher controls the conversation by asking questions that benefit the study, and the participant gives the researcher data by answering the questions. This research adopted the semi structured interview. This was used to interview administrative officials from the local and centre. It also provided primary information. In order for the researcher to ask the relevant questions the researcher constructed an interview guide with a few questions relevant to the research. This way the researcher knew what questions to ask, and at the same time the structure opened up for new information depending on responses of participants and relevance to study. An interview guide is a list of topics or questions that the researcher wants answered during the interviews (Crang & Cook 2007). Interview questions and their management were determined from the research objectives. This was used to address the research questions of this study. The unit of analysis here was the interview participants.

3.7.2 Document Review

Document review is a social research method and an invaluable part of most schemes of triangulation. Documentary work involves reading lots of written material relating to an aspect of the social world. It is an important research tool for obtaining relevant documentary evidence to support and validate facts stated in research, especially during literature review. The exercise involves analytic reading and review of lots of written material. Analytic reading seeks to evaluate the authenticity and credibility of the documents reviewed. The researcher by wide reading and discourse with specialists finds out the genuineness, completeness, reliability and unquestionable authorship of the documents for authenticity. The researcher by the same technique also finds out if the document is free from error or distortion for credibility. This was valuable to help the researcher to extract the relevant portions which were deemed as statements of facts to validate all the research objectives. Some documents analyzed for this research include the: The Constitution of The Republic of Uganda; Land Act Cap 227 (With Amendment Act 2004 & 2010); Land Regulations 2004; Physical Planning Act 2010; The Local Government Act Cap 243; Decentralisation and Local

Government in Uganda, July 2014; The UNLP (February 2013) and its Draft Policies; MoLHUD Ministerial Policy Statements; The Uganda National Securing land rights Action Plan 2015/16-2018/19 ; MoLHUD Project Completion Report on National Securing land rights April 2015-Nov 2016; MoLHUD What the Law Says on Land Evictions June 2013; National Securing land rights Actions For The First Three Years (2015/16-2018/19): Progress Report as of December 2017; Bushenyi, Sheema and Kasese District Council Resolutions and Bushenyi, Sheema and Kasese District Land Board Minutes. The unit of observation here was securing land rights.

3.7.3 Questionnaires

Questionnaires can be structured or unstructured. Unstructured questionnaires are sometimes known as interview schedules and are associated with qualitative research as already noted. Structured questionnaires are typically linked with quantitative research. That is research based on numbers (how many? how often? how satisfied?). Within this context questionnaires can be used in survey situations. Due to the large number of expected local respondents the study will adopt structured questionnaires. Questionnaires have the advantages of: they can contact a large number of people in a shorter time; they make it easier to reach people who extend over a broad geographical area; respondents are able to complete in their own time. They have the disadvantages of: response rates can be low and refusal rates high; and there is little control over who really answers the questionnaire where respondents are allowed to answer in their own time. The unit of analysis therefore was the respondents to the questionnaire.

3.8 Data Collection Procedures

An introduction letter was obtained from the Directorate of Post Graduate Studies and Research for the researcher to solicit approval from relevant offices to conduct the study. After approval, the researcher used a list of the qualified respondents and their contact information. These were selected according to the sampling strategies. The researcher also conducted the interviews himself. Copies of chapter five of the UNLP 2013 on delivery of land rights and land rights administration were availed where necessary to the interviewees for clarity during the interviews.

The researcher selected research assistants fluent in English and respective vernacular to cater for councilors who are not fluent in English. These were given lists of sampled LC1 and LC2 with their phone numbers as well as names of villages and parishes. These assisted in the data collection. He also briefed and oriented them in order to be competent in

administering the questionnaire. In case the respondent chose to answer the questionnaire in their own time the researcher and his assistants emphasized retrieval of the questionnaires within seven days from the date of distribution. The respondents were requested and encouraged to answer completely and not to leave any part of the questionnaire unanswered. Many of the respondents signed and stamped the questionnaires. Some chose to append their phone numbers.

The questionnaires were retrieved and checked to ensure that they all were answered. Only questionnaires that were answered fully were used. The researcher gave out more questionnaires to the target population than the quantitative sample to cater for unanswered questionnaires and those that could not be retrieved in the specified time. The researcher utilized the Statistical Package for Social Sciences (SPSS) 23 to prepare the raw data. An electronic data base was created from the raw data sources. This was done by encoding the raw data and entering it into a computer. The data was edited to see whether it is suitable for analysis. It was also checked for, errors, omissions and wrong answers. It also involved data transformation to modify data so as to make it suitable for analysis. A final data base was created from which data files were generated by statistical analysis. The data files were presented in summary form using tables.

3.9 Validity of instruments

According to Tavakol and Dennick (2011) an instrument cannot be valid unless it is reliable. Therefore reliability was first measured using Cronbach alpha and found sufficient as discussed in this section. Pallant (2011) suggest that when items in a scale are more than 10 as with the questionnaire in this study then there is no need for inter item analysis. Content validity for the instrument was thus carried out to determine validity.

However, Fisher et. al (1998) have the view that if a measurement is valid it is also reliable and reliability measurement may or may not be valid. This is in contrast to Tavakol and Dennick (2011) as seen above. Yet they acknowledge that reliability is closely associated with validity (Tavakol & Dennick, 2011). Measuring both validity and reliability gave the researcher scholarly confidence in his instruments.

3.9.1 Validity of questionnaire

Validity is defined as the extent to which the instrument measures what it purports to measure. The researcher employed content validity. Content validity is the extent to which the instrument fully measures the construct under study. The development of a content valid instrument is typically achieved by a rational analysis of the instrument by raters (ideally

three to five) familiar with the construct under study. Experts in social sciences considered authorities in securing land rights and central-local governmental relations were sought for their opinion to evaluate and judge the relevance of each item in the instrument to the objectives and overall purpose of the study. Specifically, three raters reviewed all of the items for legibility, precision and fullness and helped arrive at a level of agreement as to the items that were included in the final instrument. Content validity was thus ensured by subjecting the researcher devised questionnaire to judgment by three content experts (raters) who estimated the validity on the basis of their experience. Content validity index (CVI) was then calculated.

$$\text{CVI} = \frac{\text{Number of questions rated valid}}{\text{Total number of items}}$$

$$\text{First rater} = \frac{18}{25} = 0.72$$

$$\text{Second rater} = \frac{20}{25} = 0.8$$

$$\text{Third rater} = \frac{25}{25} = 1.0$$

For an instrument to be declared valid it must have a CVI of 0.7 or more. All raters declared the instrument to have CVI of over 0.7, therefore the instrument was deemed valid.

1.9.2 Validity of Interview Guide

Two types of validity are discussed in qualitative research: internal and external (Berg, 2007, as cited in Alshenqeeti, 2014). Internal validity refers to the extent an investigation is actually measuring what it is supposed to measure. This type of validity answers the question: Are the differences found relating to the measurement? External validity on the other hand answers the question: Can the findings be generalized? Cohen et. al, (2000 as cited in Alshenqeeti, 2014) proposed the following five factors which may lead to higher validity if they are minimized:

- i. *The attitudes, views and prospects of the interviewer.* The researcher kept a keen yet open mind during the research.

- ii. *A tendency for the interviewer to see the interviewee on his/her own merits.* The researcher focused on the information exchanged and not on the person being interviewed
- iii. *A tendency for the researcher to seek answers to support their preconceived notions.* The researcher was careful to remain objective in asking questions.
- iv. *Misperceptions on the part of the interviewer with regard to what the interviewee was saying.* Clarity was sought when in doubt and the interviewee was given enough time to amply express themselves.
- v. *Misunderstanding on the part of the interviewee with regard to what is being asked.* The researcher kept the questions short, simple and clear. When necessary, say when the interviewee through verbal or non-verbal communication expressed uncertainty, the researcher repeated himself often paraphrasing to make questions clearer.

In addition the researcher explained the purpose of the research to the participants. Participants were assured of confidentiality. They were assured that names were not going to be included in the research. The participants were assured that answers were going to be presented in a generalized manner. They were further assured that findings would be disseminated to improve on securing land rights. These assurances therefore ensured that the possibility of giving wrong answers was minimized.

1.10 Reliability of instruments

3.10.1 Reliability of Questionnaire

Reliability is the degree to which a measurement procedure produces similar results on repetitive trials. The researcher conducted a pilot study using 20 respondents who were not included in the actual study. Cronbach Alpha to test internal consistency was derived using the Statistical Package for Social Sciences (SPSS) v.23 and it was found to be 0.728 which is more than 0.7 which is the least recommended in survey studies (Amin, 2004) meaning the questionnaire was deemed reliable. Table 6 shows the number of questionnaires piloted and processed by SPSS to determine the valid questionnaires to compute reliability. All questionnaires were processed as valid and therefore able to be used for reliability test.

Table 6: Number of Questionnaires in Pilot study

Case Processing Summary			
		N	%
Cases	Valid	20	100.0
	Excluded	0	.0
	Total	20	100.0

Source: Data from pilot study, 2016

Table 7 shows the actual reliability statistic computed and its Cronbach Alpha result.

Table 7: Reliability of Questionnaire

Reliability Statistics	
Cronbach's Alpha	Number of Items
.728	25

Source: Data from Primary data, 2016

3.10.2 Reliability of Interview Guide

Brewerton and Millward (2001, as cited in Alshenqeeti, 2014) argue that interviews have poor reliability. Creswell (2009) also suggests that interviewing reliability is elusive. However the researcher used, Alshenqeeti (2014) suggested techniques that would help maintain reliability of interviews:

- i. The researcher avoided asking leading questions
- ii. The researcher took notes as opposed to relying on tape recorders
- iii. The researcher gave chance to the interviewee to clarify their points

In addition the quality criteria formulated by Lincoln and Guba (1985) was applied. These criteria included credibility, transferability, dependability and conformability. Therefore the researcher:-

- a) *Credibility*. The researcher demonstrated that research findings have been achieved through an appropriate research process. In this Chapter the research methods used have been described and justified. The research participants were found in their offices providing a natural setting thus the findings are based on real contexts rather than an artificial research environment. The participants studied were treated as such as opposed to research subjects. Request for consent to participate was sought as well as confidentiality assured. For example names of participants have not been published or written in the findings of the study.

- b) *Transferability*. Transferability shows the extent the results of this study can be generalized to a wider context. Extensive literature was reviewed in Chapter Two of this study. Over 125 works are referenced in this dissertation. Some findings confirmed the literature whereas some findings added new insights to the problem of securing land rights.
- c) *Dependability*. This explains the extent to which results of this study can be relied on or trusted. Bias from participants was minimized by using multiple sources of evidence. Interview answers were cross checked with questionnaire responses and secondary data. Evidence triangulation (Remenyi et. Al, 2002) was furthered by use of multiple sources that included MoLHUD officials, officials from Uganda Land Commission, District Land officers, District Land Board, Area Land Committees, Local Council 1, Local Council 2 and Local council 5 all involved in securing land rights.
- d) *Conformability*. This deals with the extent to which the results in this study can be obtained by a different researcher given the same research questions and research contexts. The research questions of this study were clearly stated. The data collection sources have been explicitly disclosed. Data analysis followed a well-documented procedure. It is therefore probable that given a similar situation and similar conditions the research results of this study could be obtained by a different researcher. Though in the social sciences and humanities finding similar conditions is very improbable.

1.11 Data Analysis

3.11.1 Quantitative Data Analysis

Data from the questionnaire was analysed using quantitative techniques. The researcher utilized the software IBM Statistics SPSS v.23. Frequency and percentage distribution were used to analyse the profile of respondents, that is, age, gender, level of education and political affiliation of local government councilors in Kasese, Sheema and Bushenyi Districts. A four point scale interval was adopted because the respondents were all deemed to be officials in securing land rights and so none of them was expected to be indifferent about securing land rights. Since the questionnaires used had a four point scale interval the data obtained was ordinal meaning appropriate analysis was by frequencies and percentages. These helped arrive at conclusions based on percentage scores and interpretation for specific objectives of the study. Means were also captured to give comprehensive interpretations. Finally standard

multiple regression was employed to make inferences for each research question and to answer the general objective. Pallant (2011) suggests that multiple regression can be used to address research questions.

3.11.2 Qualitative Data Analysis

Data from the interview guides was analysed using qualitative techniques. It was categorised, summarised and condensed using descriptive codes. A code is a brief description of what is being said in an interview. This helped the researcher to analyze the data. As Richards & Morse (2007) posit, coding guides you from the data to the idea and from the idea to all the data relating to that idea. Also categorising is how we proceed from the variety of data to the shapes of the data and to the themes emerging. Concepts are how we get up to more general higher level, and more theoretical constructs. Our ability to show how these themes and concepts systematically interrelate leads towards development of theory (Corbin & Strauss, 2008). Data was therefore analyzed using thematic analysis. Following the objectives of the study thematic analysis was used. Also narrative analysis was utilised to capture verbatim quotes to back up quantitative data.

Thematic analysis describes an iterative process as to how to go from messy data to a map of the most important themes in the data. A top-down or theoretical thematic analysis (Braun & Clarke, 2006) that is driven by research questions was used. The goal of thematic analysis is to identify themes and use them to address the research (Maguire & Delahunt, 2017). The researcher adopted Braun and Clarke (2006) six-phase guide to thematic analysis, which is arguably the most important framework in the social sciences (Maguire & Delahunt, 2017), as follows:

- i. *Becoming familiar with the data.* Since the researcher carried out the interviews himself becoming familiar with the data corpus was easy. The researcher ensured the interview transcript retained the verbal account of interviewees in a way true to its original nature.
- ii. *Generating initial codes.* Theoretical thematic analysis meant that the researcher coded each segment of data that was relevant to or said something interesting about the research questions. The deductive approach was followed in coding. This used literature reviewed to create a codebook prior to start of coding. By taking notes all sections of the transcripts that fit into each code were gathered and placed in order.

- iii. *Searching for themes.* Codes and data were actively interpreted to generate themes. Themes captured anything that was interesting or significant in the data.
- iv. *Reviewing themes.* The themes were reviewed and refined. Here the researcher ensured that there was meaningful coherence in themes while distinctions between themes were maintained.
- v. *Writing the report.* Description of points of interest in the themes and why they were interesting was done. The stories the themes told were identified and how these stories related to other themes as well as the research objectives. These were illustrated further with verbatim quotes and used to collaborate the findings from quantitative methods

Therefore qualitative and quantitative techniques were used to analyze specific objectives of the study. Findings from these techniques were used to complement each other in order to collectively inform on the general research objective.

3.12 Ethical Considerations

The highest research ethics were observed. The respondents were informed as to the purpose of the study and confidentiality was assured and observed. The principles of respect for human dignity, beneficence and justice were thoroughly kept. The research was approved and permission was obtained to conduct research from the Post Graduate Studies and Research Directorate and a copy presented to the different offices. The respondents were coded instead of indicating their names in the study. Permission to conduct research through a written request was sought through the Responsible officers and Council Chairmen. The authors quoted in this study were acknowledged through citations and referencing. The research report was forwarded to Post Graduate Studies and Research Directorate for subjection to anti-plagiarism software and result was 99% original thus excellent (Urkund Analysis Result: PHD RESEARCH MAY 2018.docx (D38224107)). Findings were presented in a generalized manner.

3.13 Gender Considerations

The study attempted to capture responses from male and female councilors and local government officials and deduce perceptions of each category towards securing land rights.

3.14 Limitations

The researcher used self-designed questionnaires. Land is a sensitive subject and could attract suspicion or and hostility among the respondents especially in Kasese. Also

officials in favour or against decentralization could give biased responses. This suspicion and bias was limited by explaining that the research was not political but purely scholarly and would help improve the understanding of central-local governmental relations and securing land rights.

Limitations in sampling were overcome by ensuring all participants and respondents met the requirements. Non sampling errors such as errors in data acquisition were reduced by briefing research assistants the morning of giving questionnaires to limit variations in giving questionnaires and as well as reiterating confidentiality for participants. The councilors who were not able to read and write in English were assisted by the research assistants who were fluent in the local language and English. Mortality rate which is the loss of the intended subject through non response, low retrieval rate and invalid questionnaires were minimized by giving out more questionnaires than the quantitative sample.

CHAPTER FOUR

PRESENTATION OF FINDINGS

4.0 Introduction

This chapter begins with presentation of demographic characteristics followed by specific primary data gathered from respondents and participants. Descriptive statistics were presented by objectives of the study and finally inferential statistics considered to answer the specific and general objectives. The data was obtained, analysed and presented quantitatively and qualitatively. Quantification has been associated with scientific research and prominent scientists have stated that if something cannot be measured and expressed in numbers, then knowledge of it is meager, unsatisfactory and non-scientific (McGranahan et al., 1985). Yet an over emphasis on quantification in a desire to be scientific, unfortunately seems to lead to the temptation to use quantitative data and to apply sophisticated methods of quantitative analysis however irrelevant (McGranahan et al., 1985). Therefore the researcher limited the analysis and presentation of findings to what was deemed relevant to achieving objectives of study. Since the researcher distributed more questionnaires than the quantitative sample and retrieved 394 fully and correctly filled questionnaires, his response rate was 100% for quantitative data. In addition due to the rational selection of participants in the interviews the expected 48 participants was achieved also registering full participation.

4.1 Demographic Characteristics

In keeping with concurrent triangulation strategy demographic characteristics were presented and data bases from both approaches were compared to see if there was convergence, differences or some combination. These helped in discussions, drawing conclusions and making recommendations in Chapter five. The researcher presented the demographic characteristics from respondents that were obtained quantitatively and then demographic characteristics from participants that were obtained qualitatively. This is because the demographic characteristics of respondents who numbered 394 were subjected to further data analysis using cross tabulations to capture peculiarities in each district under study. This was not possible for data from qualitative participants since they formed a different data base which included central government participants and thus could not be subjected to SPSS analysis.

4.1.1 Demographic Characteristics for Respondents

The demographics captured include district, local council, gender, age and educational level. Cross tabulations were made to capture peculiarities for each district and

finally general frequencies and percentages were presented, compared and meaning and interpretation made

4.1.1.1 Cross Tabulations of District, Local Council and Gender

Cross tabulations of district, local council and gender were made to make sense of demographic characteristics of gender in local councils for each district. This helped the researcher to identify demographic peculiarities and their meaning to the study. This in turn would help draw conclusions on central-local governmental relations and securing land rights. Below is Table 8 that shows cross tabulation of local council level, gender of the respondents and name of the district.

Table 8: Cross Tabulations of District, Local Council and Gender

Local Councilors Level * Gender of the Respondents * Name of the District Cross tabulation

Count

Name of the District				Gender of the Respondents		Total
				MALE	FEMALE	
SHEEMA	Local Councilors Level	LC1		71	27	98
		LC2		10	1	11
		LC5		7	8	15
	Total			88	36	124
BUSHENYI	Local Councilors Level	LC1		70	18	88
		LC2		6	6	12
		LC5		6	8	14
	Total			82	32	114
KASESE	Local Councilors Level	LC1		80	28	108
		LC2		16	4	20
		LC5		15	13	28
	Total			111	45	156
Total	Local Councilors Level	LC1		221	73	294
		LC2		32	11	43
		LC5		28	29	57
	Total			281	113	394

Source: Primary Data, 2017

Table 8 cross tabulations show that there were more LC5 female respondents both in Sheema and Bushenyi. The total tabulation shows that there were more LC5 female respondents (29) than males (28). This shows that at higher levels of political decision making women were well represented. This is important since women are often the users of

land as opposed to men who are usually owners of land leaving women vulnerable to unsecured land rights. They also often live with and take care of children. This means the women voice is present at district council deliberations to speak for the interests of women and children.

The table also shows that in Bushenyi District the female and male LC2 respondents were equal. This may mean that in Bushenyi women at parish level are as active as men in political participation and decision making. This too is important in fronting the women voices at parish level.

4.1.1.2 Cross tabulations of Districts, Local Councilors and Age

Cross tabulations of districts, local councilors and age of respondents was done to decipher ages of local councilors per district studied. This in turn would help draw conclusions on central-local governmental relations and securing land rights. Table 9 shows cross tabulations of local councilor's level, age of respondents and name of the district.

Table 9: Cross Tabulations of Districts, Local Councilors and Age

Local Councilors Level * Age of the Respondents * Name of the District Cross tabulation

Name of the District				Age of the Respondents			Total
				18-35	36-64	65 AND ABOVE	
SHEEMA	Local Councilors Level	LC1		9	77	12	98
		LC2		1	10	0	11
		LC5		4	11	0	15
		Total		14	98	12	124
BUSHENYI	Local Councilors Level	LC1		24	59	5	88
		LC2		5	7	0	12
		LC5		1	11	2	14
		Total		30	77	7	114
KASESE	Local Councilors Level	LC1		21	81	6	108
		LC2		4	12	4	20
		LC5		7	19	2	28
		Total		32	112	12	156
Total	Local Councilors Level	LC1		54	217	23	294
		LC2		10	29	4	43
		LC5		12	41	4	57
		Total		76	287	31	394

Source: Primary Data, 2017

Table 9 cross tabulations show that there was low participation of senior citizens in securing land rights. Sheema registered no participation of senior citizens in both LC2 and LC5. Where as in Bushenyi there was no senior citizen among the LC2 respondents. This may be further explained by considering that at LC1 the senior citizen though senile, retired and or tired may find it easier to offer his services at this level since LC1 is at village level and may not involve much travel, exertion and responsibilities. However this is a disadvantageous to the district since it loses out on experienced and often informed persons at higher tiers of decision making in the local government and decision making.

4.1.1.3 Cross Tabulations of District, Councilors and Highest Level of Education

Cross tabulations were done of districts, councilors and highest level of education. This was done to find out peculiarities in districts pertaining to education level and local council positions. This in turn would help draw conclusions on central-local governmental relations and securing land rights. Table 10 shows cross tabulations of local councilor level, highest education level and name of district.

Table 10: Cross Tabulation of Districts, Councilors and Highest Level of Education**Local Councilors Level * Highest Educational Level * Name of the District Cross tabulation**

Count

			Highest Educational Level								Total
			NONE	PLE	UCE	UACE	COLLEGE CERTIFICATE	DIPLOMA	DEGREE	MASTERS	
SHEEMA	Local	LC1	15	56	23	3	1	0	0	0	98
	Councilors	LC2	2	3	5	1	0	0	0	0	11
	Level	LC5	0	2	6	4	0	1	2	0	15
	Total		17	61	34	8	1	1	2	0	124
BUSHENYI	Local	LC1	3	35	31	6	6	0	7	0	88
	Councilors	LC2	0	1	9	0	1	0	1	0	12
	Level	LC5	0	2	3	3	4	1	1	0	14
	Total		3	38	43	9	11	1	9	0	114
KASESE	Local	LC1	17	62	18	5	2	3	1	0	108
	Councilors	LC2	3	8	5	0	2	2	0	0	20
	Level	LC5	0	1	5	2	3	9	5	3	28
	Total		20	71	28	7	7	14	6	3	156
Total	Local	LC1	35	153	72	14	9	3	8	0	294
	Councilors	LC2	5	12	19	1	3	2	1	0	43
	Level	LC5	0	5	14	9	7	11	8	3	57
	Total		40	170	105	24	19	16	17	3	394

Source: Primary Data, 2017

Table 10 cross tabulations reveal that among the 40 respondents who had no education at all, none was a LC5 level. This shows that at district level voters are choosing educated councilors. In addition the cross tabulations also show that the three respondents with Masters Degree are in Kasese and they are all at LC5 level.

The table also shows that Bushenyi had the least respondents who registered no education at all. Among the LC2 and LC5 there was none and only three at LC1 level. Bushenyi also had the most respondents with college certificates (6) and degrees (7) at LC1 level. This is significant since Bushenyi had the least number of respondents at LC1 level and least total respondents.

Sheema registered no respondent with post-secondary education at LC2 level. This may be due to the limited avenues of raising money at this level therefore tertiary education graduates may opt for higher yielding levels.

4.1.1.4 Summary of Demographic Characteristics for Respondents

Below is the summary of demographic characteristics from quantitative data.

Table 11: Summary of Demographic Characteristics for Respondents

Main Category	Sub category	Frequency	Percentage (%)
Name of District	Sheema	124	31.5
	Bushenyi	114	28.9
	Kasese	156	39.6
	Total	394	100
Local Council	LC1	294	74.6
	LC2	43	10.9
	LC5	57	14.5
	Total	394	100
Gender	Male	281	71.3
	Female	113	28.7
	Total	394	100
Age	18-35	76	19.3
	36-64	287	72.8
	65 and above	31	7.9
	Total	394	100
Education	None	40	10.2
	PLE	170	43.1
	UCE	105	26.6
	UACE	24	6.1
	College Certificate	19	4.8
	Diploma	16	4.1
	Degree	17	4.3
	Masters	3	0.8
	PhD	0	0
	Total	394	100

Source: Primary Data, 2017

The demographic profile of respondents reveals that Kasese had the most respondents (39.6%) followed by Sheema (31.5%) and Bushenyi (28.9%). This distribution is consistent with the population numbers, Kasese having the largest population and Bushenyi the least. Majority of these respondents were LC1 (74.6%) followed by LC5 (14.5%) and minority were LC2 (10.9%). This is absolutely expected given the population pyramid with many LC1 representing villages and fewer LC5 representing the district. With respect to gender males dominated the study (71.3%) this shows that despite the affirmative action (The 1995 Constitution Article 180 2 (b); LGA: Section 10 sub section 1 (e); Section 47 sub section 3) to increase female representation males still outnumber females in decision making roles.

The study revealed that less than one fifth of the respondents (19.3%) were youth between the age of 18 and 35. Less than eight percent (7.9%) were adults above 65 years of age. This means the most active group are those between 36- 64 years which is because these are the most active decision making demographic. The youth are mostly in school and those not in schools are mostly unemployed or dependents and may not have the confidence to contest for leadership positions and the public may view them as immature or lacking in responsibilities to be representative enough. Those above 64 may be senile, retired or tired and few may offer themselves for leadership positions.

The study revealed that more respondents (43.1%) had PLE as their highest level of education than any other level. Less than one percent (0.8%) were specialists or experts in any field and none (0%) had PhD education. This is also consistent with the pyramid of education with more people exposed to primary level education and less to specialist or expert training. It is worth noting that among the respondents over 10% had no education at all. This is allowed by the Local Government Act which is silent on education of councilors. This is depressing since these may not have read the UNLP 2013 and the Local Government Act and therefore may have had no dexterity in the variables of the study.

4.1.2 Demographic Characteristics of Participants

Demographic characteristic obtained from qualitative data is presented below and this included office, gender, age and education level. Offices captured include the Ministry of Lands, Housing and Urban Development, the Uganda Land Commission, the District Land Offices, the District Land Boards, and Area Land Committees.

Table 12: Demographic Characteristics for Participants

		MoLHUD	ULC	DLO	DLB	ALC	TOTAL	PERCENT
GENDER	Male	3	1	5	4	19	32	66.7%
	Female	1	1	1	2	11	16	33.3%
AGE	18-35		1				1	2.0%
	36-64	4		6	3	26	39	81.3%
	65 and above		1		3	4	8	16.7%
EDUCATION	None							0%
	PLE					9	9	18.8%
	UCE					7	7	14.6%
	UACE					3	3	6.3%
	College Certificate					2	2	4.1%
	Diploma				2	5	7	14.6%
	Bachelors		1	4	3	4	12	25%
	Masters	4		2	1		7	14.6%
	PhD		1				1	2.0%
TOTAL		4	2	6	6	30		
PERCENT		8.3%	4.1%	12.5%	12.5%	62.5%		

Source: Primary Data, 2017

Table 12 shows the demographic profile of participants interviewed for the study. This table represents the officers interviewed some of whom held more than one office, especially at district level, hence figures do not show the sum total of individuals interviewed but the sum total of offices interviewed. Every participant in this study had formal education, the highest being a PhD held by the Chairman of the Uganda Land Commission.

One third of all offices were held by women. Majority of all officers were in the age bracket 36-64 which is the most productive and economically active bracket. Only one youth working with Uganda Land Commission was interviewed in this study. The largest numbers of participants were Area Land Committee members but many of the answers they gave were similar and so the researcher only captured those views in the research report that were well articulated, precise and considered most collaborative to the data obtained quantitatively.

4.1.2.1 Seniority of Staff Interviewed at the centre and Relevance to study

The staffs interviewed at the centre were selected by seniority and relevance of study. Table 13 below shows the officials that were interviewed at the centre. They were all senior in land matters and they all had additional responsibilities. This could be from the low staff capacity (this study found this to be at 40%). All these are familiar with the UNLP 2013 and are actively involved in its implementation.

Table 13: Staff Interviewed at Centre

Organisation	Office	Title	Other
MoLHUD	Inspectorate	Assistant Commissioner	Head- National Land Policy Secretariat Head- Land Sector Reform Coordination Unit Head- National Securing land rights Unit
MoLHUD	Land Management	Assistant Commissioner	Head- Land Information System Member- National Securing land rights Unit
MoLHUD	Human Resources Development Division	Principal Information Scientist Ministry Spokesperson Public Relations Officer	Head- Kasese Certificate of Customary Ownership Pilot Project
MoLHUD	Policy Analysis Unit	Principal Policy Analyst	Member- National Securing land rights Unit
ULC	Chair	Chairman	Former Minister of Lands
ULC	Land Management	Lands Officer	

Source: Primary Data, 2017

4.1.2.2 Seniority of Staff interviewed in districts and Relevance to Study

Districts Staff interviewed in districts were chosen on the basis of seniority and relevance to study. Table 13 shows the district lands officers interviewed. They were all key informants and were actively involved in securing land rights in their areas. Many of these were also holding additional responsibilities due to poor staffing capacity at the district.

Table 14: District Land Staff interviewed

District	Title	Other
Sheema DLO	Physical Planner	Acting Lands Officer, Acting Secretary DLB
Sheema DLO	Surveyor	
Sheema DLB	Chairman	
Bushenyi DLO	Physical Planner	Acting Lands Officer
Bushenyi DLO	Surveyor	
Bushenyi DLB	Chairman	
Bushenyi DLB	Clerk to Council	Acting Secretary DLB
Kasese DLO	Physical Planner	
Kasese DLO	Surveyor	Acting Secretary DLB
Kasese DLB	Chairman	

Source: Primary Data, 2017

Notably missing in the two districts of Sheema and Bushenyi is the District Lands Officer/Senior Lands Officer. These positions have remained unfilled almost perpetually. It is only Kasese which got a Senior Lands Officer relieving the Physical Planner who had acted in this position for a long period. This position was initially a preserve of lawyers but with disparity in remuneration between public and private sectors the positions have remained unfilled. Most district land officers interviewed maintained that the Senior District Lands Officer must be a lawyer by training but when the researcher put this question to the Head of the Land Policy Secretariat (Assistant Commissioner: Inspectorate MoLHUD in Kampala, Head of Land Policy Secretariat, Head of Securing land rights Unit interviewed on 18/07/2017) she said it was no longer the case. It was mentioned to the researcher by one lands officer (District Surveyor, of Kasese, interviewed on 29/08/2017) that the lawyers who do fill these positions are mostly those that have failed to get a post graduate diploma allowing them to practice law in the courts.

4.1.3 Convergence, Differences or some Combination in Demographic Characteristics among and between Respondents and Participants

Demographic characteristics revealed that for both central and local lands officers there is a staffing deficit. However this is a phenomenon that is not unique to the lands portfolio but is common in many public offices. On 18th January 2019, NTV reported on the

nine o'clock bulletin that the President during a ceremony passing out Prison wardens, when informed on the staffing deficit in the Uganda prisons, said government had put emphasis on infrastructure development as a priority above recruitment of human resources. This means that it is a policy of government to defer addressing staffing deficits in the short term. The staffing deficit among participants was not observed among the respondents. This is probably because respondents who were local councilors don't require specialized education and are more readily available. The majority of respondents (43.1%) had Primary Leaving Education level, whereas the majority of participants (25%) had a Bachelor Degree.

Gender representation among the respondents and participants had convergence. Male respondents were 71.3% and participants were 66.7%. Women respondents were 28.7% whereas women participants were 33.3%. This means women representation in civil service and local governments is approximately one third. This is good since women are more involved in public life and are influencing central-local governmental relations. Even though women are 51% of the population of Uganda this is a step in the right direction. There is more that can be done to settle the gender balance so that women who are significant land users will become more involved in securing land rights.

There was combination of convergence and differences among the ages of respondents and participants. Convergence is in the age bracket (36-64 years) which is observed in the majority of respondents (72.8%) and majority of participants (81.3%). This is in agreement with the productive ages beyond schooling stages and out of dependent stages. Differences were observed in the age brackets 18-35 years and 65 years and above. Among the respondents those in the 18-35 years were 19.3% whereas participants were 2.0%. This means there was greater proportion of youth among respondents than participants. This could be because of the Area Land Committees who amounted to 62.5% of participants. These are required to be knowledgeable in matters of Land and are appointed by the District Councils on recommendation of LC 3 or Division Councils. Thus it is likely that these knowledgeable people in land matters would be more elderly than youthful. There was no youth interviewed in this category of Area Land Committees.

4.2 Central-Local Political Relations and Delivery of Securing Land Rights

The first objective of this study was to analyze political relations between central and local governments in the delivery of securing 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.

4.2.1 Concurrent Quantitative and Qualitative Analysis of Central-Local Governmental Political Relations and Delivery of Secure Land Rights

Quantitative data was obtained from 394 respondents using SPSS v.23. Using SPSS the researcher analysed the data using descriptive statistics, specifically frequencies, percentages and means. The questionnaire used had a four point scale interval. That is strongly agree, agree, disagree and strongly disagree. Therefore interval is calculated as follows:-

$$\frac{4-1}{4-1} = \frac{3}{3} = 1.00$$

4 4

3.26-4.00 - very satisfactory

2.51-3.25 - satisfactory

1.76-2.50 - unsatisfactory

1.00-1.75 - very unsatisfactory

Mean range	Response mode	Interpretation
3.26- 4.00	Strongly Agree	Very satisfactory
2.51- 3.25	Agree	Satisfactory
1.76- 2.50	Disagree	unsatisfactory
1.00- 1.75	Strongly Disagree	Very unsatisfactory

When option is negative we reverse the score

3.26-4.00 - very unsatisfactory

2.51-3.25 - unsatisfactory

1.76-2.50 - satisfactory

1.00-1.75 - very satisfactory

Mean range	Response mode	Interpretation
3.26- 4.00	Strongly Agree	Very unsatisfactory
2.51- 3.25	Agree	Unsatisfactory
1.76- 2.50	Disagree	satisfactory
1.00- 1.75	Strongly Disagree	Very satisfactory

The output is hereby presented to address the following statements

1. Delivery of local securing land rights depends on policy guidance by central government.
2. Delivery of local securing land rights suffers from political interference by central government.
3. Central government encourages local participation in delivery of local securing 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.

Table 15: Central-Local Governmental Political Relations and Delivery of Secure Land Rights

Item	Strongly Disagree	Disagree	Agree	Strongly Agree	Mean (Av. Mean 2.77)
delivery of local securing land rights depends on policy guidance by central government	27 (6.9%)	72 (18.3%)	182 (46.2%)	113 (28.7%)	2.97
delivery of local securing land rights suffers from political interference by central government	37 (9.4%)	101 25.6%	184 46.7%	72 (18.3%)	2.74
central government encourages local participation in delivery of local securing land rights	28 (7.1%)	100 25.4%	193 (49%)	73 (18.5%)	2.79
local land rights administration follows policy guidelines by central government	35 (8.9%)	95 (24.1%)	182 (46.2%)	82 (20.8%)	2.79
local land rights administration suffers from political interference by central government	51 (12.9%)	99 (25.1%)	173 (43.9%)	71 (18%)	2.67
central government has decentralized land rights administration to allow local participation	54 (13.7%)	114 (28.9%)	150 (38.1%)	76 (19.3%)	2.63

Source: Primary Data, 2017

The average mean was 2.77 showing satisfaction averagely. A preliminary look at the means reveals that respondents were generally satisfied with policy guidance and local participation in the delivery of securing land rights and land rights administration. The means also reveal a general dissatisfaction in political interference in the delivery of securing land rights and land rights administration.

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

According to Table 15 above 182 (46.2%) of the respondents agreed that delivery of local securing land rights depends on policy guidance by central government. Another 113 (28.7%) of the respondents strongly agreed that delivery of local securing land rights depends on policy guidance by central government. Therefore 295 respondents representing 74.9% agreed and strongly agreed that delivery of local securing land rights depends on policy guidance by central government. The mean score of 2.97 also shows that the average respondent agreed that delivery of local securing land rights depends on policy guidance by central government. The interpretation of this on the scale reveals satisfaction of respondents in this item of securing land rights. 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 securing 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 securing 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 securing land rights.

Nevertheless a member of the Sheema District Land Board had this to say, Area Land Committee signatures are checked against specimens. In Bushenyi it was said, 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 securing 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 securing 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. It is therefore clear from this study that more people than not were satisfied with central-local policy guidance in delivery of securing land rights and land rights administration.

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

Table 15 also reveals that out of 394 respondents 184 (46.7%) agreed and 72 (18.3%) strongly agreed that delivery of local securing land rights suffers from political interference by central government. Together this represents 256 respondents accounting for 65% of total responses. The mean score for this item was 2.74 which shows the average respondent agreed that delivery of local securing land rights suffers from political interference by central government. In the same vein the interpretation of this mean score meant that the respondents found this item, which was a negative option and thus negatively scored, unsatisfactory. This implies that the majority of respondents agreed and strongly agreed that delivery of local securing 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 securing land rights is interfered with by central government, individuals and institutions.

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 securing land rights as secured by law. This according to this official constitutes political interference by the centre in delivery of securing 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 securing 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 a 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 securing 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 securing land rights. Recent media reports are awash with stories of Resident District Commissioners taking sides in land conflicts in several districts including Kasese.

4.3.1.3 Concurrent quantitative and qualitative analysis of the statement: central government encourages local participation in delivery of local securing land rights.

From Table 15, out of the respondents 193 (49%) respondents agreed while 73 (18.5%) strongly agreed that central government encourages local participation in delivery of local securing 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 securing land rights. The mean score for this item was 2.79 which meant that the average respondent was satisfied that central government encourages local participation in

delivery of local securing 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 resonate 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 securing land rights.

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

From Table 15 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 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. From the mean score of 2.79 the researcher deduced that the average respondent was satisfied that central government encourages local participation in delivery of local securing land rights. 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
- 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.

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

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 securing land rights, land rights administration suffers from political interference by central government. The mean score of 2.67 showed that the average respondent agreed with this statement. Thus looking at the scale of this negative option reverse scored it implies it was rated unsatisfactory by the average respondent. 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 then Minister of Lands, Housing and Urban Development as arguably the most emotive, culturally sensitive, politically volatile and economically central issue in Uganda (MoLHUD, 2013) hence 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.

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

Findings in Table 15 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 categories of 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. Therefore a score above average of 50% was obtained. The mean score of 2.63 concurs with this percentage score as it shows the average respondent agreed with this item and hence was satisfied with it. This further agrees with literature review which showed government efforts to decentralize land rights administration to allow local participation (Byamugisha, 2014a).

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 had land titles (The 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 2001).

4.3 Central-local Governmental Administrative Relations and Delivery of Secure Land Rights

The second objective of this study was to assess administrative relations between central and local governments in the delivery of securing 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.

4.3.1 Concurrent Quantitative and Qualitative Analysis of Central-Local Governmental Administrative Relations and Delivery of Secure Land Rights

Quantitative data was obtained from 394 respondents and using SPSS v.23 the researcher analysed the data using descriptive statistics, specifically frequencies, percentages and means. The questionnaire used had a four point scale interval. That is strongly agree, agree, disagree and strongly disagree. Therefore interval is calculated as follows:-

$$\frac{4-1}{4-1} = \frac{3}{3} = 1.00$$

4 4

3.26-4.00 - very satisfactory

2.51-3.25 - satisfactory

1.76-2.50 - unsatisfactory

1.00-1.75 - very unsatisfactory

Mean range	Response mode	Interpretation
3.26- 4.00	Strongly Agree	Very satisfactory
2.51- 3.25	Agree	Satisfactory
1.76- 2.50	Disagree	unsatisfactory
1.00- 1.75	Strongly Disagree	Very unsatisfactory

When option is negative we reverse the score

3.26-4.00 - very unsatisfactory

2.51-3.25 - unsatisfactory

1.76-2.50 - satisfactory

1.00-1.75 - very satisfactory

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.

Table 16: Central-local Governmental Administrative Relations and Delivery of Secure Land rights

Item	Strongly Disagree	Disagree	Agree	Strongly Agree	Mean (Av. Mean 2.47)
Local administrators have choice in implementing land policy from central government	73 (18.5%)	106 (26.9%)	150 (38.1%)	65 (16.5%)	2.53
Local administrators get sufficient information on land policy from central government	74 (18.8%)	132 (33.5%)	134 (34%)	54 (13.7%)	2.43
Local administrators are loyal to the local government when implementing land policy from central government	57 (14.5%)	106 (26.9%)	160 (40.6%)	71 (18%)	2.62
Local land administrators get timely communication on land policy from central government	76 (19.3%)	133 (33.8%)	130 (33%)	55 (14%)	2.42
Local land administration institutions are well coordinated with central government	67 (17%)	150 (38.1%)	121 (30.7%)	56 (14.2%)	2.42
Local land administrators get sufficient training from central government	81 (20.6%)	133 (38.8%)	129 (32.7%)	51 (12.9%)	2.38
Local land administrators get capacity building from central government	73 (18.5%)	118 (29.9%)	140 (35.5%)	63 (16%)	2.49

Source: Primary Data, 2017

The average mean of 2.47 was established showing average dissatisfaction. A quick look at the means shows that respondents were dissatisfied with all the constructs analysed except discretion and loyalty. The constructs that were scored unsatisfactory by respondents include information, communication, coordination, training and capacity building.

4.3.1.1 Concurrent quantitative and qualitative analysis of the statement: Local administrators have choice in implementing land policy from central government.

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. A look at the mean of 2.53 collaborates this finding since it shows the average respondent agreed that local land implementers exercise discretion in their work. Hence they were satisfied with discretion of local land policy implementers when doing their work. The interpretation is that regarding local land administrators they have administrative discretion while carrying out delivery of securing 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 securing 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 securing land rights. 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 securing land rights.

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 securing land rights 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.

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

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. The mean score of this item of 2.43 further proves presence of dissatisfaction in this item. Officials of MoLHUD admitted to gaps in information on land policy. One 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 securing land rights 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).

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

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 mean score of 2.62 also discloses that the average local councilor therefore believed loyalty was with local government in securing land rights. This view was maintained by most members of the District Land Boards. 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.

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

Findings from Table 16 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. The mean score of 2.42 tells the same narrative, that the average respondent thought communication was unsatisfactory. 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 securing land rights 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).

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

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. Furthermore means encapsulated this notion indicating general dissatisfaction in coordination. Participants 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 securing 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).

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

The respondents that strongly disagreed and disagreed that local land administrations get significant training from central government were 214 (54.3%). This represents a majority who were dissatisfied with training of local land administrators by central government. A mean score of 2.38 represented an average number of respondents dissatisfied with training. Participants had convergent reactions towards training. One opined that, local land implementers are given manuals, procedures, land forms 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 Securing land rights 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.

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

From the Table 16 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%). The mean score of 2.49 however reveals the average leaning among the respondents was that capacity building is unsatisfactory. This average score can be collaborated with interview participant's views. A ministry official seemed to agree with the former. 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 land experiences first hand and to acquire best practices in the field. She 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).

4.4 Central-Local Governmental Financial and Delivery of Secure Land rights

The third objective of this study was to examine financial relations between central and local governments in the delivery of securing 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.

4.4.1 Concurrent Quantitative and Qualitative Analysis of Central-Local Governmental Financial Relations and Delivery of Secure Land Rights

Quantitative data was obtained from 394 respondents and using SPSS v.23 frequencies, percentages and means were computed and responses interpreted. The questionnaire used had a four point scale interval. That is strongly agree, agree, disagree and strongly disagree. Therefore interval is calculated as follows:-

$$\frac{4-1}{4-1} = \frac{3}{3} = 1.00$$

4 4

3.26-4.00 - very satisfactory

2.51-3.25 - satisfactory

1.76-2.50 - unsatisfactory

1.00-1.75 - very unsatisfactory

Mean range	Response mode	Interpretation
3.26- 4.00	Strongly Agree	Very satisfactory
2.51- 3.25	Agree	Satisfactory
1.76- 2.50	Disagree	unsatisfactory
1.00- 1.75	Strongly Disagree	Very unsatisfactory

When option is negative we reverse the score

3.26-4.00 - very unsatisfactory

2.51-3.25 - unsatisfactory

1.76-2.50 - satisfactory

1.00-1.75 - very satisfactory

Mean range	Response mode	Interpretation
3.26- 4.00	Strongly Agree	Very unsatisfactory
2.51- 3.25	Agree	Unsatisfactory
1.76- 2.50	Disagree	satisfactory
1.00- 1.75	Strongly Disagree	Very satisfactory

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 securing land rights
4. Local governments are accountable to central government for funds sent for securing land rights

Table 17: Central-Local Governmental Financial and Delivery of Secure Land rights

Item	Strongly Disagree	Disagree	Agree	Strongly Agree	Mean (Av. Mean 2.30)
Grants from the central government are received on time	131 (33.2%)	120 (30.5%)	104 (26.4%)	39 (9.9%)	2.13
Grants from the central Government meet local land budgetary requirements	118 (29.9%)	130 (33%)	106 (26.9%)	40 (10.2%)	2.17
Central government audits funds sent to local governments for securing land rights	68 (17.3%)	119 (30.2%)	169 (42.9%)	38 (9.6%)	2.45
Local Governments are accountable to central government for funds sent for securing land rights	78 (19.8%)	108 (27.4%)	153 (55%)	55 (14%)	2.47

Source: Primary Data, 2017

The average mean is 2.30 showing average dissatisfaction. A quick glance at the means reveals general dissatisfaction in all constructs studied under central-local

governmental financial relations. They included timing of finances, sufficiency of the budget, auditing and accountability.

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

Table 17 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. This greater consensus is disagreeing that grants come on time is collaborated by the mean score of 2.13 which shows dissatisfaction in timing of finances. An Auditor General's report revealed that the land administration system was inadequately resourced and as a result was performing poorly below expected standards (The Republic of Uganda, 2013). 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 it 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.

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

From Table 17 above it is clear that more respondents (62.9%) strongly disagreed and disagreed that grants from the central government meet local land budgetary requirements. A mean of 2.17 reinforces the position that land budgetary requirements are insufficient. The study findings from an interview revealed that even of the meager funding received by the lands sector only one percent comes from the central government (Official from MoLHUD, interviewed on 18/07/2017). 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 implies 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 is 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 like Area Land Committee, Physical Planner, and Valuer. Therefore to process a title costs up to two million shillings this can be afforded by only a few (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 given, 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 (toner). District Land Office has to

monitor for compliance in the whole District yet we 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.

4.4.1.3 Concurrent quantitative and qualitative analysis of the statement: central government audits funds sent to local governments for securing land rights

Looking at Table 17 shows that 169 (42.9%) strongly agreed and 38 (9.6%) agreed that central government audits funds sent to local governments for securing land rights. Among the respondents the minority category was strongly agree while the majority category was agree. Together they create a majority who agreed and strongly agreed giving the impression that more locals think central government audits funds sent to local governments for securing land rights. The percentage of 52.5 is a slight majority. When means are considered (2.45) the average respondent disagreed that central government audits funds sent to local governments for securing land rights.

Participants from the District land Boards confirmed that quarterly reports are given to MoLHUD. Yet some 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).

4.5.1.4 Concurrent quantitative and qualitative analysis of the statement: Local governments are accountable to central government for funds sent for securing land rights

Table 17 shows output of the SPSS analysis of the statement: Local governments are accountable to central government for funds sent for securing land rights

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 securing land rights. The mean score of 2.47 shows that the average respondent disagreed that accountability for funds is satisfactory. Just like auditing accountability was viewed as a function performed on paper rather than in the field by participants. 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 securing land rights is seemingly to receive reports on paper rather than ministry officers going to local governments to verify securing land rights. 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.

4.5 Customary Practices and Institutions and Delivery of Securing Land Rights

The fourth objective of this study was to establish the effect of customary practices and customary institutions on central and local governments in the delivery of securing land rights and land rights administration. This has been done by looking at quantitative data and qualitative data concurrently. The findings on this objective are hereunder presented in tandem.

4.5.1 Concurrent Quantitative and Qualitative Analysis of Customary Practices and Delivery of Secure Land Rights

Quantitative data was obtained from 394 respondents and using SPSS v.23 frequencies, percentages and means were computed and responses interpreted. The questionnaire used had a four point scale interval. That is strongly agree, agree, disagree and strongly disagree. Therefore interval is calculated as follows:-

$$\frac{4-1}{4} = \frac{3}{4} = 0.75$$

4 4

3.26-4.00 - very satisfactory

2.51-3.25 - satisfactory

1.76-2.50 - unsatisfactory

1.00-1.75 - very unsatisfactory

Mean range	Response mode	Interpretation
3.26- 4.00	Strongly Agree	Very satisfactory
2.51- 3.25	Agree	Satisfactory
1.76- 2.50	Disagree	unsatisfactory
1.00- 1.75	Strongly Disagree	Very unsatisfactory

When option is negative we reverse the score

3.26-4.00 - very unsatisfactory

2.51-3.25 - unsatisfactory

1.76-2.50 - satisfactory

1.00-1.75 - very satisfactory

Mean range	Response mode	Interpretation
3.26- 4.00	Strongly Agree	Very unsatisfactory

2.51- 3.25	Agree	Unsatisfactory
1.76- 2.50	Disagree	satisfactory
1.00- 1.75	Strongly Disagree	Very satisfactory

The statements analysed were the following:

1. Customary land practices are contrary to the Uganda National Land Policy 2013
2. Customary land institutions are contrary to the Uganda National Land Policy 2013
3. There is conflict resulting from similar land responsibilities between customary and government land institutions
4. Local customary practices protect the right to ownership of land by women
5. Local customary practices protect the right to inheritance of land by women
6. Local customary practices protect the right to ownership of land by children
7. Local customary practices protect the right to inheritance of land by children
8. Customary right to land among men is influenced by marital status

Table 18: Customary Practices and Institutions and Delivery of Securing Land Rights

Item	Strongly Disagree	Disagree	Agree	Strongly Agree	Mean (Av. Mean 2.57)
Customary land practices are contrary to the Uganda National Policy 2013	62 (15.7%)	101 (25.6%)	174 (44.2%)	57 (14.5%)	2.57
Customary land institutions are contrary to the Uganda National Policy 2013	54 (13.7%)	119 (30.2%)	172 (43.7%)	48 (12.2%)	2.55
There is conflict resulting from similar land responsibilities between customary and government land institutions	65 (16.5%)	89 (22.6%)	182 (46.2%)	58 (14.7%)	2.59
Local customary practices protect the rights to ownership of land by women	53 (13.5%)	111 (28.2%)	171 (43.4%)	59 (15%)	2.60
Local customary practices protect the rights to inheritance of land by women	57 (14.5%)	142 (36%)	131 (33.2%)	64 (16.2%)	2.51
Local customary practices protect the right to ownership of land by children	58 (14.7%)	127 (32.2%)	140 (35.5%)	69 (17.5%)	2.56
Local customary practices protect the rights to inheritance of land by children	86 (21.8%)	69 (17.5%)	127 (32.2%)	112 (28.4%)	2.67
Customary right to land among men is influenced by marital status	78 (19.8%)	100 (25.4%)	162 (41.1%)	54 (13.7%)	2.49

Source: Primary Data, 2017

The average mean was found to be 2.57 which averagely showed satisfaction. Generally the means reveal that the first three options which are negative options were all scored unsatisfactory when reverse scored. The next three options were scored satisfactory whereas the last option was scored unsatisfactorily.

4.5.1.1 Concurrent quantitative and qualitative analysis of the statement: customary land practices are contrary to the Uganda National Land Policy 2013

Results in Table 18 show that 174 (44.2%) respondents agreed whereas 57 (14.5%) strongly agreed that customary land practices are contrary to the Uganda National Land Policy 2013. The mean score of 2.57 confirms that the average respondent agreed that customary land practices are contrary to the Uganda National Land Policy 2013. An official of the lands ministry however felt that it was too early to determine the impact of customary land practices on the UNLP 2013. He said, it is a 30 years policy and results are not yet seen (Official MoLHUD in Kampala, interviewed on 26/6/2017). This response may be collaborated by the words of the Chairman Uganda Land Commission, in Kampala, interviewed on 27/06/2017 who traces a pilot colonial freehold policy which over 50 years has impacted today's Sheema and Bushenyi Districts but was not piloted in Kasese District. He said, the British turned every native hold to freehold in North Kigezi and West Ankole (Sheema & Igara) This transformed their socio economic life. This provided securing land holding reducing land disputes to mostly family disputes. Those in these counties (now districts) were able to use their freehold titles to access bank credit. This also encouraged inflow of resources. Local people were empowered. Locals were enabled to send their children to good schools and to university. Locals also bequeathed land to their children more securely. It created a liberated local population that created independent thinkers. Freehold titling also led to planned development due to survey and titling. Kasese on the other hand has had an ethnic dimension to land. He said, it can be traced to the early 1960s maybe 61, 62 when Tooro governors were evicted in Kasese and Bwamba.

Kisamba-Mugerwa and others observed that with regard to land rights and tenure security, persons with titled and registered land had a fuller set of rights than persons and households without titled land. This includes rights of transfer of land. They also felt they were more protected in case of land disputes and evictions (Kisamba-Mugerwa, et al., 1989 as cited in Lastarria-Cornhiel, 2003). This means that we can expect a positive impact of the UNLP 2013 on the socio-economic life of citizens but this may be seen after many years.

Today it would suffice to focus on removing confounding factors such as customary land practices.

4.5.1.2 Concurrent quantitative and qualitative analysis of the statement: customary land institutions are contrary to the Uganda National Land Policy 2013

The above Table 18 also shows results where 172 (43.7%) of the respondents agreed that customary land institutions are contrary to the Uganda National Land Policy 2013. This together with the respondents who strongly agreed represents a majority 220 (55.9%). Yet those who disagreed were 119 (30.2%) and strongly disagreed 54 (13.7%) meaning these respondents did not think customary land institutions are contrary to the Uganda National Land Policy 2013. The mean score of 2.55 shows that, the average respondent agreed that customary land institutions are contrary to the Uganda National Land Policy 2013. Even though it may be too early to assess the UNLP 2013, the policy maker which is central government has a track record to refer to. Customary institutions and central government have been seen to have conflicting positions on the same land. An example from Kasese's Kahendero was described as follows,

“There is an ongoing case in Kahendero where community land was encroached on by central government surveyors and this led the community to ask Parliament to intervene. The case is still in Parliament. Uganda Wildlife Authority also encroached on peoples land and these cases are also in Parliament. There is no compensation when animals come into people's field.

I have just spent the night in my maize garden keeping away wild animals. The parish receives only five million shillings (per quarter), about 20% of what is sent to it through the District, as revenue sharing with Uganda Wildlife Authority which cannot cover individual losses which collectively are in hundreds of millions per year. The Parish receives 15-18 million shillings per annum as revenue sharing for proceeds from the park as communities neighboring park but the District remits only 5 million and retains the rest. The community is using the money received to build a trench at the boundaries of the park to keep animals (mostly elephants) out. The trench will cost up to 200 million shillings.”

(Member Area Land Committee, Muhokya in Kasese, interviewed on 23/10/2017). Customary land institutions seem to have been ignored entirely in this case. This preceding

narrative shows the level of desperation of the community to undertake a very costly project with very limited funds. Their proximity to the park may explain the reason why Muhokya Sub County which is the genesis of urbanization and civilization in Kasese now is one of the poorest in Kasese (Renno et al., 2012)

4.5.1.3 Concurrent quantitative and qualitative analysis of the statement: there is conflict resulting from similar land responsibilities between customary and government land institutions

The findings from Table 18 show that on this aspect of the research, those who agreed that there is conflict resulting from similar land responsibilities between customary and government land institutions were 182 (46.2%) and 58 (14.7%) strongly agreed. This means that 240 (60.9%) agreed and strongly agreed that there is conflict resulting from similar land responsibilities between customary and government land institutions. The score of 2.59 reveals a mean that shows the average respondent agreeing that there is conflict resulting from similar land responsibilities between customary and government land institutions. It is also worth noting here that customary tenure is very important in the most populous District that was studied, that is Kasese. It was earlier noted that Kasese was selected for piloting the issuing of Certificates of Customary Ownership (Mugula, 2015) since the onus on government to intervene is evident. This conflict is clearly elucidated in the preceding immediate narrative of this study captured in Kasese.

We must remember that Bushenyi and Sheema were beneficiaries of the 1958 issuance of freehold titles as well as current patronage or top-down political linkages therefore are less disposed to land conflict with the centre. When a participant from Bushenyi was asked the above question he responded in the context of the existing robust common freehold tenure system where conflict of customary institutions and formal land institutions is minimal. He explained that,

“The aunts, uncles and bataka (local inhabitants) work together with LC 1 and the Sub County Chief. A copy of all documents must go to LC 2 or LC 3. They come together for boundary marking and to hear land complaints. They even challenge biased wills in case a man is married to two wives and makes a will biased to one family.”

(Member Area Land Committee Central Division, in Bushenyi-Ishaka Municipality, interviewed on 09/11/2017). It is therefore probable that for the time being customary institutions are in conflict with government institutions in Kasese where there are more existing land issues between formal and informal institutions. In Bushenyi where locals and government do not have pronounced existing land problems with the centre, there is less conflict between formal and informal institutions.

4.5.1.4 Concurrent quantitative and qualitative analysis of the statement: local customary practices protect the right to ownership of land by women

Most (58.4%) respondents believed that local customary practices protect the right to ownership of land by women. The mean of 2.60 suggested the average respondent agreed with the statement. This may mean that traditional attitudes biased against women ownership of land are changing for better. Participants interviewed revealed a tolerance towards women owning land as opposed to inheriting it. This is a possible explanation for the relatively positive disposition respondents showed to the statement put to them. Literature reviewed revealed that women toil on land more than any group of people in society, but they endure bias in all issues involving land ownership. Their rights tend to be limited to access, while men are more disposed to benefit from ownership rights (MoLHUD, 2008). In Western Uganda, during the drafting of the UNLP, it was resolved that family land should be kept in trust of the family though there is need to clarify in whose names it should be registered. It was recommended that rights of vulnerable groups need to be protected under each tenure system through sensitization, facilitation with registration and ensuring that family land is held in trust (MoLHUD, 2009).

4.6.1.5 Concurrent quantitative and qualitative analysis of the statement: Local customary practices protect the right to inheritance of land by women.

Table 18 showed that those that strongly disagreed and disagreed (collectively 50.5%) almost equalled those that agreed and strongly agreed (collectively 49.5%) that local customary practices protect the right to inheritance of land by women. Yet a marginal mean score of 2.51 shows the average respondent agreed. As mentioned previously more respondents who all hailed from Western Uganda seemed to embrace the idea of women owning land but not very disposed to women inheriting land. This is because when a woman gets married she takes on the name of her husband and land in her names is automatically lost to the husband's family name. Some participants interviewed were of the opinion that land must be divided among the boys as custom requires and maybe also girls who do not get

married. Yet some were quick to add that their houses are left for the wives and daughters to inherit and not the sons. Sons are expected to build their own houses where they have been apportioned land. One participant observed that the daughters are the ones who take care of men in their old age nowadays and so deserve to be rewarded with rights to the family house. The boys on the other hand have proved to be selfish and choose to drive good cars and cannot remember to bring even a kilo of meat he lamented (Chairman ALC Central Division, Interviewed in Bushenyi, on 09/11/2017).

4.5.1.6 Concurrent quantitative and qualitative analysis of the statement: local customary practices protect the right to ownership of land by children

It is noteworthy that a simple majority 209 (53%) respondents agreed 140 (35.5%) and strongly agreed 69 (17.5%) that local customary practices protect the right to ownership of land by children. The average respondent agreed that local customary practices protect the right to ownership of land by children. The Land Policy in chapter four stresses the right of ownership of land by children. Yet in an interview with the Member Area Land Committee Kyeizoba, in Bushenyi, on 10/10/2017 he said,

“Land is not owned by children. They can sale it and waste the money.”

(Member Area Land Committee Kyeizoba, in, interviewed on 10/10/2017). Traditionally land was held in trust for the children therefore the notion of children owning land may still be foreign among some people in Western Uganda. Therefore the view of participants such as the one captured above represents the 47% who disagreed and strongly disagreed. It is also possible that people do not fully understand land rights. This notion is upheld by a land ministry participant who said, people do not know their rights (Member MoLHUD in Kampala interviewed on 26/6/2017). There is need therefore for sensitisation of people on land rights.

4.5.1.7 Concurrent quantitative and qualitative analysis of the statement: local customary practices protect the right to inheritance of land by children

Concerning whether local customary practices protect the right to inheritance of land by children it is evident from the cumulative percent (39.3%) that less people strongly disagreed and disagreed. This is in tandem with the mean score which showed that the average respondent agreed that local customary practices protect the right to inheritance of land by children. Therefore like children's right to ownership of land, children's right to inheritance of land by children had a majority agreeing and strongly agreeing that local customary practices protect the right of inheritance of land by children. It is worth noting

though that respondents were more positive to children's right to inheritance (60.6%) than to children's right to ownership of land (53%). It is therefore fair to conclude that customary practices protect the right to children inheriting land than owning it. Participants who were interviewed generally upheld this view.

4.5.1.8 Concurrent quantitative and qualitative analysis of the statement: customary right to land among men is influenced by marital status

From Table 18 results from quantitative analysis show that 54.8% of the respondents agreed and strongly agreed that customary right to land among men is influenced by marital status. The mean score of 2.49 shows the average respondent disagreed. This deviation in results is discussed in the next chapter. It was noted in chapter two of this study that Rao (2006) observes that in South Western Uganda men cannot claim patrilineal land until they marry, and once married they get land from their father's side. The findings from the above table indicate convergence with Rao's observation. In Sheema marital bias was expressed by a participant as follows,

“If the man does not get married ekyo nekifire (that is a hopeless case) he cannot get his father's land for he will sale it and drink the money (spend it all on alcohol).”

(Member Area Land Committee, in Kagango Sub-County, interviewed on 9/11/2017). Customs among the Banyankole of Sheema and Bushenyi as in many parts of Uganda often coupled bequeathal of land to marriage. This ensured continuity so men would bestow land to their sons who were ready to marry to build a marital home and continue the family legacy on that land.

4.6 Securing land rights in the Delivery of Secure Land Rights

The result from the dependent variable that is, securing land rights is hereunder presented. These in turn later helped address the general objective of the study using multiple standard regressions.

4.6.1 Concurrent quantitative and qualitative analysis of Securing land rights in the Delivery of Secure Land Rights

Quantitative data was obtained from 394 respondents and using SPSS v.23 frequencies, percentages and means were computed and responses interpreted. The questionnaire used had a four point scale interval. That is strongly agree, agree, disagree and strongly disagree. Therefore interval is calculated as follows:-

$$\frac{4-1}{4} = \frac{3}{4} = 0.75$$

4 4

3.26-4.00 - very satisfactory

2.51-3.25 - satisfactory

1.76-2.50 - unsatisfactory

1.00-1.75 - very unsatisfactory

Mean range	Response mode	Interpretation
3.26- 4.00	Strongly Agree	Very satisfactory
2.51- 3.25	Agree	Satisfactory
1.76- 2.50	Disagree	unsatisfactory
1.00- 1.75	Strongly Disagree	Very unsatisfactory

When option is negative we reverse the score

3.26-4.00 - very unsatisfactory

2.51-3.25 - unsatisfactory

1.76-2.50 - satisfactory

1.00-1.75 - very satisfactory

Mean range	Response mode	Interpretation
3.26- 4.00	Strongly Agree	Very unsatisfactory
2.51- 3.25	Agree	Unsatisfactory
1.76- 2.50	Disagree	satisfactory
1.00- 1.75	Strongly Disagree	Very satisfactory

The statements analysed were the following:

1. Registration of land has secured people's right to land
2. Certification of land has secured people's right to land
3. Documentation of land has secured people's right to land
4. Digitalized recording of land has secured people's right to land
5. Subsidiary legislation of land has secured people's right to land
6. Sensitization of land has secured people's right to land

Table 19: Securing land rights in the Delivery of Secure Land

Item	Strongly Disagree	Disagree	Agree	Strongly Agree	Mean
Registration of land has secured people's right to land	3 (0.8%)	6 (1.5%)	146 (37.1%)	239 (60.7%)	3.5761
Certification of land has secured people's right to land	8 (2%)	39 (9.9%)	140 (35.5%)	207 (52.5%)	3.3858
Documentation of land has secured people's right to land	20 (5.1%)	26 (6.6%)	147 (37.3%)	201 (51%)	3.3426
Digitalised recording of land has secured people's right to land	52 (13.2%)	74 (18.8%)	126 (32%)	142 (36%)	2.9084
Subsidiary legislation of land has secured people's right to land	40 (10.2)	45 (11.4%)	112 (28.45)	197 (50%)	3.1827
Sensitization of land has secured people's right to land	35 (8.9%)	37 (9.4%)	116 (29.4%)	206 (52.3)	3.2513

Source: Primary Data, 2017

According to Table 19 all items were scored satisfactory or strongly satisfactory. A look at the means reveals that registration, certification and documentation all have scores above 3.26 showing that respondents strongly agreed that these items are very satisfactory. Participants all acknowledged the importance these play in securing land rights. The other items all were scored above 2.51 implying that the respondents agreed that digitalized recording, subsidiary legislation and sensitisation were satisfactory.

Digitalized recording is the only item that was scored with a mean less than three because this is still a new policy measure and has only been introduced in some parts of the districts studied. A participant from the ministry of lands admitted to the introduction of digital recording during the Kasese pilot project where Certificates of Customary Ownership are being given. He said the Global Positioning System (GPS) is used to capture coordinates of land that are later fed into the Land Information System (LIS). This information is then available across the regional offices that have the LIS available. This he said is more securing than the former system of manual storage.

Subsidiary legislation was scored satisfactory but was not very satisfactory. Some participants interviewed were of the view that the compulsory acquisition of land government seeks to introduce would be a bad law. This bill seeks to give central government power to appropriate land for development purposes by depositing in court the value of the land, as determined by the Government Valuer, if the owner of the land rejects such value in compensation for the appropriated land. The relatively lower mean score was presumably an association with this bill. According to participants at the ministry interviewed, subsidiary

legislation of land commenced with the revision of statutory instruments in 2014 as part of the major Law Revision project under the Uganda Law Reform Commission.

Sensitisation of land was scored satisfactory but not very satisfactory probably because the government relies on media for public sensitisation. As seen in the demographic characteristics 40 (10.2%) of the respondents had no education at all. Therefore these are unlikely to read print media. The other common media is radios. According to Uganda Bureau of Statistics (2016) only 59.6% of Ugandans owned radios leaving 40.4% without this means of information. It is no wonder some participants interviewed passionately appealed to the researcher to inform government to go to their villages at the grassroots and sensitize them on land rights.

4.7 Inferential Statistics

In this section inferential statistics are considered. Unlike the preceding descriptive statistics which described the sample, inferential statistics aimed at deducing from the sample statistics that helped make conclusions on the population of the study thus answering the general objective. It is this ability to infer from the sample conclusions on the population that made these statistics of unique importance. The researcher began with checking the assumptions of the different regression paths to determine the specific regression technique to use.

It is worth noting here that the researcher did not consider correlation since after running Pearson's Linear Correlation Coefficient (PLCC) the R value obtained ($r = 0.186$) showed a small/weak relationship between the independent and dependent variable. Cohen (1988 as cited in Pallant, 2011) writes that $r = 0.1 - 0.2$ is small and shows a weak relationship. The coefficient of determination was also calculated to discover the amount of variance the two variables shared. That is r squared times one hundred which was approximately 4 percent. This meant that the two variables had little overlap (Pallant, 2011). Therefore central-local governmental relations explain only approximately 4% of the variance in respondent's scores on securing land rights. Since the sample used was large ($N =$ or > 100) then there was no need to examine adjusted r squared or standard error of the estimate. Thus even though the sample for this research was large the correlation was of no statistical significance since it is below $r = 0.2$ (Pallant, 2011).

Table 20: Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
	.186 ^a	.035	.025	.66695

Source: Primary Data, 2017

Consequently this research looked at the contribution of each of the independent sub variables to the dependent variable to make inferences. This was done using regression as explained in the next sub-heading. The findings showed that two sub variables were statistically significant allowing for deductions and conclusions to be made from them.

4.7.1 Regression

The researcher used multiple regression which is based on correlations but allows a more sophisticated exploration of the interrelationship among a set of variables. This makes it ideal to test real life as opposed to laboratory based research questions (Pallant, 2011). Multiple regression tells you how well a set of variables is able to predict a particular outcome. That is how well a set of independent variables can predict a dependent variable. In the case of this research three independent sub variables that is; political relations, administrative relations and financial relations were investigated against delivery of securing land rights.

Specifically standard multiple regression was used in this study. In standard multiple regression all the independent variables can be entered into the SPSS equation simultaneously. Unlike in partial correlation where the confounding variable is isolated, in regression the moderating variable is treated as an independent variable when tested during computation since the Beta value used gives the contribution of each independent variable on the dependent variable (Pallant, 2011).

The SPSS equation of this study was: $IV = (TCLP + TCLA + TCLF + TCMPLP)$

Where,

IV = Independent Variable

TCLP = Total Central-Local Political Relations

TCLA = Total Central-Local Administrative Relations

TCLF = Total Central-Local Financial Relations

TCMPLP = Total Customary Practices and Institutions

Assumptions of Standard Multiple Regression (Tabachnick & Fidell, 2007 as cited in Pallant, 2011):

- a) *Sample size*. The sample must be large enough for generalizability. That is with small samples you may not obtain results that can be generalized to other samples. They have no scientific value since they cannot be repeated with other samples. A formula for sample size requirements to perform standard multiple regression is $N > 50 + 8m$ (where m is the number of independent variables). This study met this requirement since $394 > 50 + 8(4) = 82$.
- b) *Multicollinearity and singularity*. Standard Multiple Regression does not like them both. Multicollinearity exists when the independent variables are highly correlated ($r = 0.9$ and above). The r value gives the total contribution of all independent variables on the dependent variable. In this study r was computed at 0.186. This meant there was no multicollinearity. Singularity on the other hand occurs when one independent variable is a combination of other independent variables. This studies independent variables did not have singularity. With regard to the moderating variable, only land rights delivery was treated ignoring land rights administration as shown below. Therefore singularity was avoided in this study.
- c) *Outliers*. Multiple regression is sensitive to outliers, that is extreme scores. The study ensured during data cleaning that all score were in the scale used and any error causing outliers were cleaned out with the actual values.

Tabachnick and Fidell (2007 as cited in Pallant, 2011) define outliers as cases that have a standardized residual of more than 3.3 or less than -3.3. From the scatter plot below (Figure 2) the standardized residuals all lie in this margin except one.

Pallant (2011) also suggests that with large samples ($n =$ or >100) it is not uncommon to find a number of outlying residuals. She says if you find only a few it may not be necessary to take action. The sample used for respondents was 394 which is greater than 100 thus the researcher did not take action because of the presence of only one outlying residual.

Pallant (2011) further suggest that a scatter plot of standardized residuals should show residuals roughly rectangularly distributed with most of the scores concentrated in the centre (along the 0 point). This is perfectly demonstrated by the scatter plot below (Figure 2). This is good for standard multiple regression.

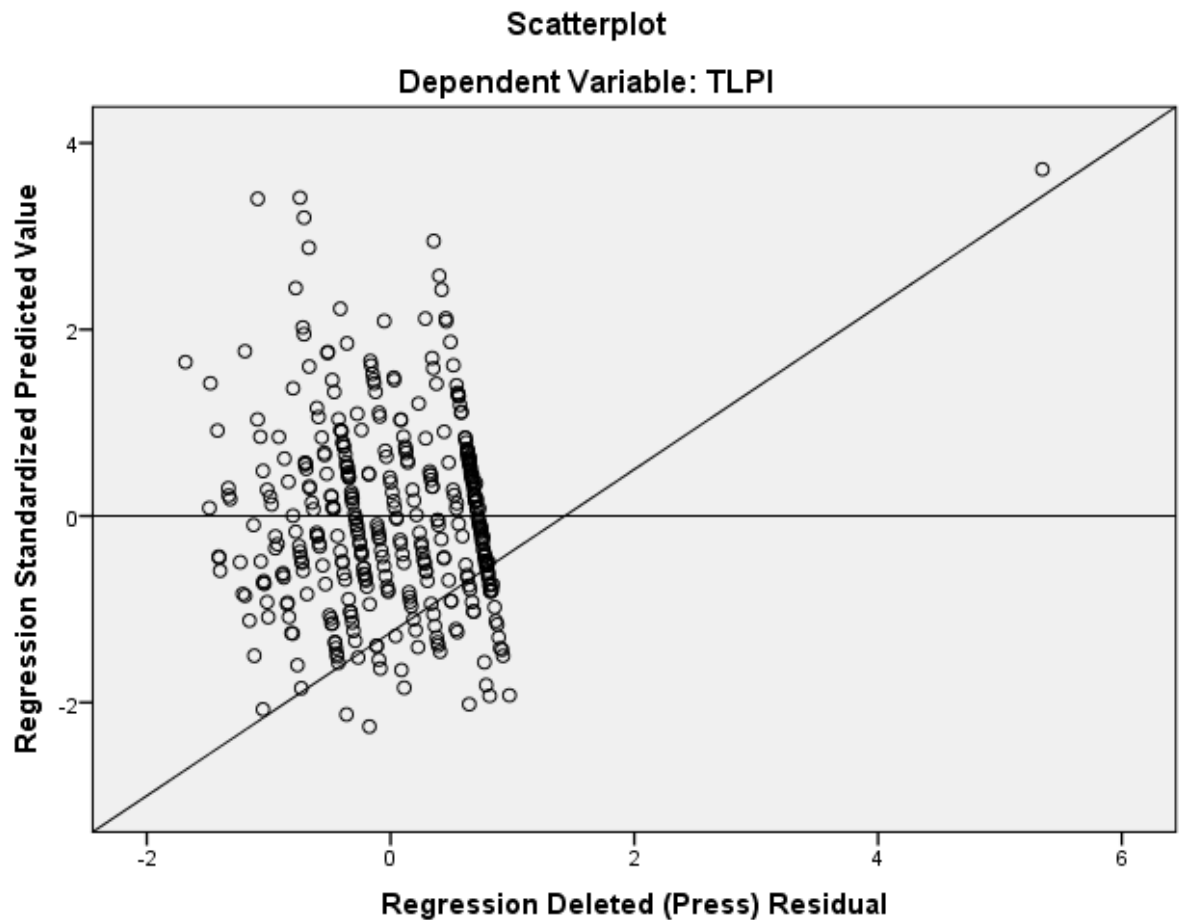


Figure 2: Scatter plot showing standardised residual and outlier: Source: Primary Data, 2017

- d) *Homoscedasticity*: Pallant (2011) also suggests that the variance of residuals about predicted dependent variable scores should be the same for all predicted scores. This would appear linear and evenly shaped with no funneling (funnel shape of residuals). Funneling is not seen in the scatter plot (Figure 2) and therefore the data did not violate the assumption of homoscedasticity.
- e) *Normality and linearity*. These refer to various aspects of the distribution of scores and the nature of the underlying relationship between variables. For normality the histogram generated using SPSS when computing multiple regression should reveal normal distribution of scores. Below is the histogram generated in this study using primary data showing normality.

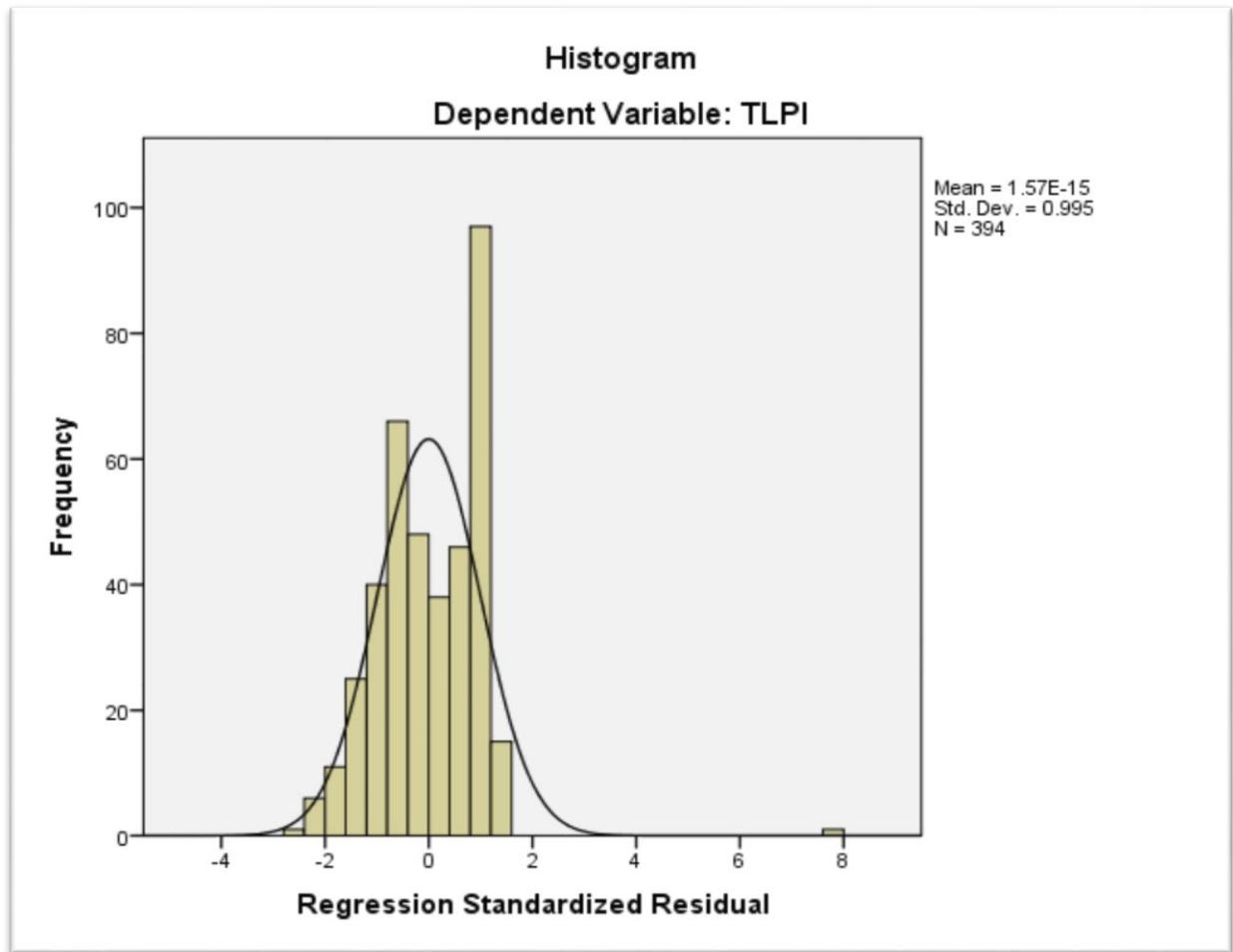


Figure 3: Histogram Showing Normality: Source: Primary Data, 2017

Linearity on the other hand stresses that the relationship between the two variables should be linear. This means when you see a P-P Plot generated by SPSS you should see roughly a straight line not a curve. Below is a P-P Plot generated using primary data revealing linearity.

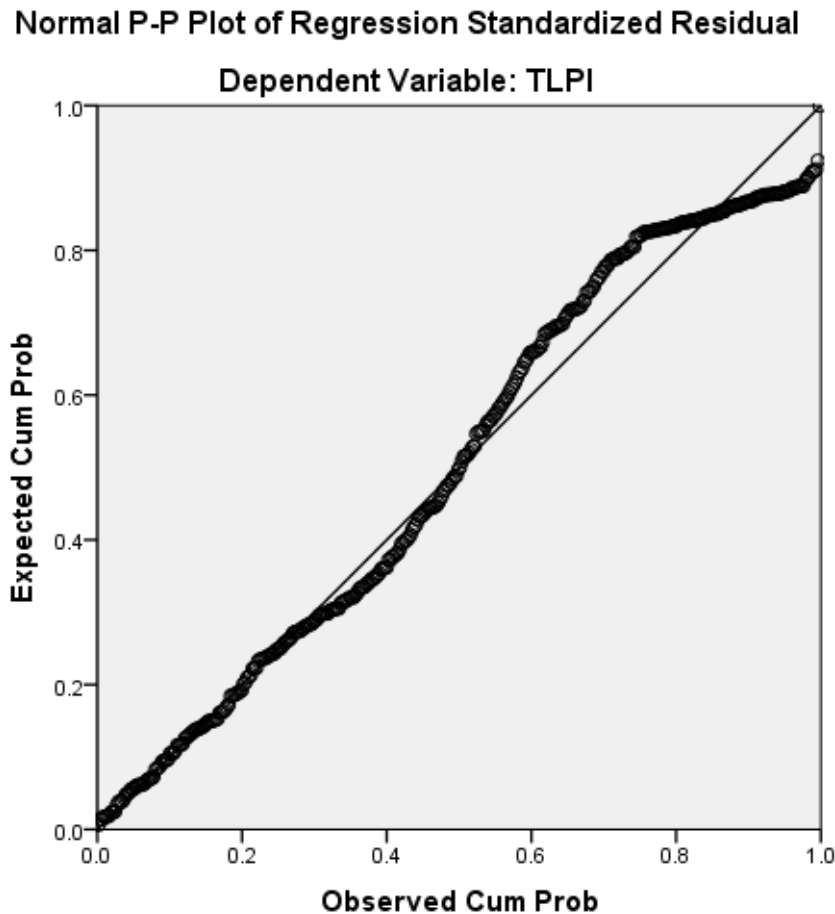


Figure 4: P-P Plot Showing Linearity: Source: Primary Data, 2018

Therefore from the above discussion it was concluded that standard multiple regression was ideal for this study. The purpose of regression in this study was to find out the contribution of each independent variable to the dependent variable. This helped the researcher answer the research questions of the study namely:

- 1) How are the political relations between central and local governments in the delivery of securing land rights?
- 2) How are administrative relations between central and local governments in the delivery of securing land rights?
- 3) How are financial relations between central and local governments in the delivery of securing land rights?
- 4) What is the effect of customary practices and institutions in the delivery of land rights?

The Beta value under standardized coefficients was looked at because these values of each variable have been converted to the same scale allowing them to be compared (Pallant, 2011). Standardized Beta variables are ideal for theoretical research which aims at explaining a problem as opposed to the use of unstandardized variables that are ideal for applied research that aims at solving problems (Pallant, 2011). The largest Beta value (ignoring any negative signs) means that this variable makes the strongest unique contribution to explaining the dependent variable. Table 21 below shows Beta values computed using SPSS.

Table 21: Regression Coefficients

	Unstandardized Coefficients		Standardized Coefficients	Sig.
	B	Std. Error	Beta	
TCLP	.155	.075	.111	.038
TCLA	-.112	.072	-.082	.121
TCLF	-.111	.053	-.108	.037
TCMPLP	-.081	.081	-.055	.316

a. Dependent Variable: TSLR

Source: Primary Data, 2017

From the table above, the variables that made the strongest unique contribution to explaining the dependent variable, in descending order were:

- 1) Central-Local Political Relations with Beta value of 0.111
- 2) Central-Local Financial Relations with Beta value of 0.108
- 3) Central-Local Administrative Relations with Beta vale of 0.082
- 4) Customary Practices and Institutions with Beat value of 0.055

Furthermore if the sig. value of a variable is less than 0.05 then the variable is making a statistically significant contribution to the prediction of the dependent variable. A look at the sig. values revealed that the two variables making statistically

significant unique contributions to the prediction of the dependent variable, in descending order were:

- 1) Central-Local Financial Relations with sig. value of 0.037
- 2) Central-Local Political Relations with sig. vale of 0.038

The sig. values revealed that Central-Local Administrative Relations did not make a statistically significant contribution to the prediction of the dependent variable. The sig. values showed that Customary Practices and Institutions did not make a statistically significant unique contribution to the prediction of the dependent variable.

Unlike descriptive statistics which describe the sample, inferential statistics can be used to make inferences/extrapolations on the population the sample represented. This helped determine the nexus/connection between central-local governmental relations and securing land rights. Therefore using the findings above the following inferences can be made on the research questions:

- 1) How are the political relations between central and local governments in the delivery of secure land rights?*

Political relations between central and local governments made the strongest unique contribution to explaining the delivery of securing land rights. This is in tandem with findings by Lambright (2011) which attributed local government performance to political relations between the central government and local governments in Uganda. Political relations include policy guidance, non-political interference and local participation. Hence in Uganda current securing land rights in the delivery of securing land rights can be explained majorly by central-local political relations. This finding is reinforced by Lewis (2015) who says, ‘elite capture’ of local power structures has been facilitated by the desire of ruling elites to create and sustain power bases in the countryside. Popular perceptions of the logic of patronage politics, combined with weak accountability mechanisms, have reinforced this outcome.

Also political relations between central and local governments make a statistically significant unique contribution in predicting the delivery of securing land rights. Lewis (2015) noted that decentralisation advocates argue that decentralized governments are more responsive to the needs of the deprived than central governments and thus are more likely to conceive and implement policies for their benefit. Thus policy makers should rely on political relations between central and local governments in making predictions in the delivery of securing land rights.

Since the relationship between political relations and delivery of securing land rights is a positive one according to the positive r value +0.186 (Table 20) and the Scatter Plot (Figure 2) then an improvement in policy guidance (The Economic Commission for Africa, 2012), non-political interference (Lewis, 2015) and local participation in decision making (Stoker, 1989; Anderson, 1991) would lead to an improvement in delivery of securing land rights.

The policy makers should also note that a reduction/negation of the said constructs would reduce/negate delivery of land rights.

2) How are administrative relations between central and local governments in the delivery of secure land rights?

Administrative relations between central and local governments are third in making a strong unique contribution in explaining the delivery of securing land rights. This implies that central-local administrative relations are lesser in strength in explaining current delivery of securing land rights than political and financial relations.

Also administrative relations between central and local governments do not make a statistically unique contribution in predicting delivery of securing land rights. Therefore policy makers should not attempt to address administrative relations apart from other aspects of central-local governmental relations because this may not change delivery of securing land rights. Edward, (1980 as cited in Makinde, 2005) observes that where there is organisational fragmentation it may hinder coordination and the successful implementation of a complex policy especially one that requires the cooperation of many people. This seems to agree with the systems theory.

Also if policy makers want to predict delivery of securing land rights they should not rely singularly on administrative relations between central and local governments to achieve this. One of the priority actions in the NLP-IAP is to build capacity at all levels of government (MoLHUD, 2015). Consultants contracted by the government of Uganda to study how to improve securing land rights suggested restructuring. The restructuring would necessitate carrying out an assessment of the existing land governance structures both at the centre and in local government's levels, including Ministry of Lands, Housing and Urban Development, Ministry Zonal Offices (MZOs), District Land Offices (DLOs), District Land Boards (DLBs), Area Land Committees (ALCs), Recorders, as well as selected non-state institutions working with the land sector aimed at identifying gaps and required actions for building the said capacity (DAI, 2016). This fits in well with the findings of this study above

that suggest an across the board approach if administrative relations are to affect securing land rights.

3) *How are financial relations between central and local governments in the delivery of secure land rights?*

Financial relations have been mentioned in the literature review of this study as the essence of central-local governmental relations (Agranoff, 2004). This is precisely reflected in the above study inferential statistics.

Financial relations made the next strongest unique contribution after political relations in explaining land rights delivery. This means that the current state of securing land rights can be explained by firstly political relations and then financial relations between central and local governments. This also means that financial relations when addressed positively will affect positively, delivery of securing land rights.

In addition financial relations between central and local governments made the most statistically unique significant prediction in the delivery of securing land rights. As some have noted, inter-governmental relations between levels of government are hinged entirely on financial relations (Gildenhuis & Wissink, 1991).

Therefore policy makers can pay singular attention to financial relations between central and local governments and this alone would predict or influence delivery of securing land rights. Constricted fiscal relations between the levels of government in Uganda have been observed (Okidi & Guloba, 2006). The policy implication of this finding is that with government currently funding only one percent of the lands sector there is bound to be little or no change in securing land rights. Makinde (2005) writes that without adequate funds, laws will not be enforced, services will not be provided and practical policy will not be developed. These findings should compel government to improve central-local financial relations which have a strong predictive capacity in determining the delivery of land rights.

4) *What is the effect of customary practices in the delivery of land rights?*

Customary practices and institutions make the least statistically unique contribution in explaining delivery of securing land rights. This means that customary practices and institutions contribution is inferior to central-local governmental relations variables. Anderson (1991) noted that community institutions can be employed in the administration of government programmes at the central and/or local levels and could affect policy implementation. Hence government should address customary practices and institutions after or alongside central-local relations since they all contribute in explaining delivery of securing land rights. Researchers found out that with regard to land rights, persons with titled and

registered land had a fuller set of rights than persons and households without title. They also felt they were more protected in case of land disputes and evictions (Kisamba-Mugerwa, et al., 1989 as cited in Lastarria-Cornhiel, 2003). This means that registration and certification of customary land rights will improve land rights security in Uganda. Even the Economic Commission for Africa (2012) noted that, triggers of land conflicts include a vague understanding or definition in existing laws of customary rights of access to land.

Customary practices and institutions also do not make a statistically unique contribution in predicting delivery of securing land rights. Hence if policymakers want to predict delivery of securing land rights they should not rely on customary practices and institutions alone to achieve this. Instead these should be addressed together with central-local political and financial relations in order to be statistically sure of predicting the delivery of securing land rights. United States Agency for International Development seem to concur that there is a need to strengthen the capacity of Uganda's public institutions to manage and resolve conflict over land and natural resources and, at the same time, to enhance the capacities of Uganda's private citizens to understand, assert and defend their rights (USAID, n.d)

CHAPTER FIVE

DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS

5.0 Introduction

In this chapter the findings of the research undertaking are discussed, conclusions made and policy recommendations made. The chapter also addresses specific findings according to each objective. Therefore the policy recommendations arrived at will be disseminated to stakeholders in the MoLHUD, Uganda Land Commission, District Councils, District Land Offices, District Land Boards and other stake holders for better understanding of the Central Local Relations and Securing land rights to enable empirical decision making in these areas. The theory underpinning the study were interrogated and audited. Mindful of the scope of study and its limitations the researcher attempted to make suggestions for further research in the field of securing land rights.

5.1 Discussion

This study focused on portraying; central-local governmental political relations; central-local governmental administrative relations; central-local governmental financial relations and customary practices and institutions; and securing land rights in the districts of Kasese, Sheema and Bushenyi. The analysis of these objectives was made independently and thus the discussions will also be made objective by objective.

5.2 Central-Local Governmental Political Relations and Delivery of Securing Land Rights

The study looked at three constructs under central-local governmental political relations. These were policy guidance, local participation and non-political interference. The findings on these constructs were captured in chapter four and hereunder these findings are discussed.

According to research findings, delivery of local securing land rights depends on policy guidance by central government. It is no wonder that Ugandan policy makers have continued juggling with trying to perfect land policy. The correct order would be to make a policy that sets out what a government aims to do in administering the countries land, followed by a law governing the administration of the land and finally regulations explicitly guiding the administration of land.

However in Uganda the correct order has not been followed due to remedial interventions on policy gone wrong. Framers of the 1995 Constitution wanted to quickly

change the land law to give radical title of land to people so as to fit in with the new prescriptions of the constitution and thus replace the 1975 Land Decree that vested radical title of land in the state. As a result the UNLP, pilot work for the various issue papers on the laws were prepared during the project named the Second Private Sector Competitiveness Project (PSCPII) (DAI, 2016). The danger here is duplication (wastage) of resources in the event laws need to be rewritten (The essence of the system theory adopted to underpin this study stresses the fact that the various sub systems in a system must be set in the right order therefore Uganda is fumbling with trying to put policy guidance in the right order.

The findings revealed that central government encourages local participation in delivery of local securing land rights to some extent. The majority funding of Certificates of Customary Ownership in Kasese by central government attests to government's strategy to encourage local participation in delivery of land rights and land rights administration. Furthermore the UNLP was made in 2013 to ensure that the management of the land sector contributes to democratic governance. As a consequence it is carrying out land reforms within the government policies of decentralisation and empowerment of the people (Bwogi, n.d) albeit, the Auditor General decried the lack of District land policies to enable local land implementation of the UNLP (The Republic of Uganda, 2013).

In the same vein of democracy it was found out that the Uganda Land Commission claims it cannot assist people with the Land Fund unless the communities ask for the intervention. This may seem to uphold the principle of self-determination as one of the cornerstones of democracy, especially where the government has been accused of wanting to take peoples land. (www.statehouse.go.ug/media/.../president-dismisses-lies-regarding-land-amendment-bill). The problem with this position is that where the government fails to adequately educate and sensitize the population about land services; interventions such as the Land Fund will remain ineffective. The researcher talked to an elder among the Basongora, Mr. Isimbwa Acaali who said that he and others have been engaging government on a lasting solution to right the historical land injustices suffered by the Basongora and that they were now in the Constitutional Court. He denied being sensitized about the possibility of engaging the Land Fund. The land officer at the ULC nonetheless stated categorically that Uganda Land Commission has limited fund for the Land Fund.

Poor land governance systems are identified as triggers of land conflicts (Economic Commission for Africa, 2012). According to the systems theory a strong governmental system is one in which the various sub systems relate in harmonious fashion to achieve governmental objectives. This does not seem to be the case as people empowerment to make

decisions is still wanting and even then the funding of institutions and agencies are inadequate. The MoLHUD (2015) disclosed that central government plans:

- ✓ To establish and operationalise a customary land rights registry for recording and certification of land rights
- ✓ Develop and implement a code of conduct and guidelines for land administrators
- ✓ Establish and enforce national professional standards for land administrators
- ✓ Identify, review and amend all standard land transaction documents for smooth operation of land registry
- ✓ Amend the relevant regulations under the different land laws to effectuate the reviews of all standard land documents.

These would provide policy guidance and encourage participatory decision making in the delivery of securing land rights. As a result registration, recording and certification of local land rights would be delivered. These all have not been done yet nonetheless the process of land law reform is on-going.

The findings showed that respondents were dissatisfied with central government non-political interference in delivery of local securing land rights. One of the issues was the states encouragement of cross boarder voting that has compromised NIRA (National Identification and Registration Authority). This has defeated the guarantee of local securing land rights for locals since a copy of the national identity must be presented on all land transactions yet foreigners have acquired land illegally and are protected by loopholes in NIRA. The official revealed that there are plans for mass registration of land rights and issuing Certificates of Customary Ownership. This will definitely lead to foreigners from countries like Rwanda, Kenya and Democratic Republic of Congo getting certification yet this is against the constitution which does not allow foreigners to own land in Uganda under customary, freehold or mailo. Foreigners are limited to leasehold ownership usually 49 years and 99 years. Therefore central government actions and inactions have left citizens vulnerable to being defrauded of their land by rich foreign individuals.

Other issues included: interference from state house individuals in district land services; overlapping jurisdiction with Uganda Land Commission; conflicting jurisdiction with National Forestry Association; and interference and corruption from the centre in title or lease processes. An Auditor General's report revealed that the land administration system is inadequately resourced and performing poorly below expected standards with tendencies to fraud and corruption (The Republic of Uganda, 2013). In the case of the lamentation in

Kasese over delays in issuance of CCOs as a result of centralizing the process it can be argued that central government was exercising its mandate to ensure quality and provide security features for titles.

In the findings some respondents expressed satisfaction in political relations with regard to local land rights administration agreeing that it follows policy guidelines by central government. Some of these policy guidelines identified by the Principal Policy Analyst at the MoLHUD include: Standards; Legal and technical backstopping; Land regulations 2000; Survey and mapping guidelines; and a training manual (Member MoLHUD, in Kampala, interviewed on 26/06/2017). However an official from Bushenyi deploring the insufficient policy guidance. He said policy was ambiguous and he criticized the lack of guidelines and stressed the lack of consultation in making these guidelines since he is the street level bureaucrat interfacing with the public. His position is supported by Lipsky (1980, as cited in Roh, 2012) who defined ‘street level bureaucrats’ as public service workers who interact directly with the citizens in the course of their jobs, and have substantial discretion in the execution of their work. He further decried presidential directives in land matters since they are not in consonance with existing policy and are not followed with necessary facilitation to carry them out. This is not helpful according to the systems theory since if any of the sub systems is malfunctional; this has a negative effect on the operation of the whole system.

Documentary review revealed that there are plans to review current land laws and policies to improve policy guidance. The process is already underway with Uganda Law Reform Commission spearheading this effort. There are also plans to develop, adopt and disseminate procedures for administration of land rights to provide policy guidance (MoLHUD, 2015). Currently operating procedures vary from office to office. As training has been provided by different organisations, the instructions provided are also different. It has not been possible to find a set of standard operating procedures. The lack of standard operating procedures makes it difficult for both staff and management to know whether the correct procedures are being followed, especially when new problems are encountered (DAI, 2016).

Another finding in Table 15 suggested that there is political interference in land rights administration. An Official from MoLHUD interviewed stated unequivocally that land is political. His colleague also observed that politics continues to resurface in land law regimes. She observed that landless people and overlapping rights on the same land are some of the

problems that attract political solutions. The study captured some examples from Bushenyi and Kasese. In Bushenyi the involvement of cabinet and the office of the Inspector General of Government were cited as cases of political interference in land management albeit for the good. In Kasese the Permanent Secretary in the Ministry of lands was accused of disregarding the official policy and encouraging the District Land Officer to sign the lease and freehold land offers instead of the Secretary District Land Board as policy requires.

In her study, *Decentralisation in Uganda: Explaining Successes and Failures in Local Governance*, Lambright compares local government performance of Bushenyi, Lira and Mpigi districts and concludes that Bushenyi which is the best performer among the three owes this to informal political linkages. Informal political linkages have two dimensions: top down political linkages, comprised of central government financial and political support that flows to local areas; and bottom up political linkages comprised of political support provided by an area to the ruling party. Thus despite the formal political interference in land matters the informal political interference in form of patronage offsets the would be negative attitude, explaining in part the less volatile nature of securing land rights in Bushenyi.

This patronage cannot be said of Kasese where political interference is viewed in a sinister spectrum. As Kasese land problems are hinged on historical and unjust political maneuvers. A case in point is the Central government land distribution and settlement where, the Banyabindi complained of selective government distribution of land resources. The government was said to have distributed land to the Basongora and Bakonjo leaving out the Banyabindi who had been landless for the last 50 years. They appeal to Article 32 (1) of the 1995 Constitution that requires the State to take affirmative action in favour of groups marginalized by reason created by history for the purpose of redressing imbalances which exist against them (AISRGD, 2014). This scenario emanated from an attempt to resettle the Basongora in 2007 which prompted the Bakonzo to claim some share which resulted in the division of land in such a proportion that for every 3 acres to Basongora 1 acre went to the Bakonzo. The Bakonzo interpreted this ratio as favoring the pastoralist Basongora whom government was resettling and needed more land to graze their cattle.

Also the researcher encountered complaints among the people of Kasese, who claim central government has meted out double standards by degazetting parts of Lake Mburo National Park (The New Vision, March, 08, 2013) and failing to do the same with Queen Elizabeth National Park. A visit to Sanga town situated in Lake Mburo National Park and

people interviewed revealed that the government had degazetted 5km on both sides of the highway for the pastoralists there. Demarcation and reservation of land for national parks, game reserves and conservation is one of the triggers of land conflict (Economic Commission of Africa, 2012). The systems theory believes a faulty organization or programme is one in which the sub systems are interacting in hostile relationship. This seems to be the case in Kasese. Documentary review revealed that the NLP-IAP proposes to separate land rights administration system and political administration to reduce or eliminate political interference (MoLHUD, 2015).

Table 15 findings show that some respondents affirmed central government decentralization of land rights administration to allow local participation. The Land Act decentralized land management and dispute settlement mechanism. Several institutions were instituted to transfer emphasis of land administration to the local stage and ensure effective community participation in land administration matters (Sebina-Zziwa, 2015). This was clearly heralded by a local who said Certificates of Customary Ownership have reduced conflicts over land and secured people's right to land in Muhokya, Kasese. 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. Interestingly a Member District Lands Officer of Sheema revealed that because land is a fixed resource it affects government service delivery. She suggested that the removal of the 1975 Land Decree brought challenges of compensation when public projects such as water and roads are undertaken. For instance in Sheema the Kyangyenye Water Project is being frustrated by individuals who are asking exorbitant compensation for land needed for the water project to pass.

This seems to be retrogressive thinking by the Officer, given that Uganda's 1995 Constitution is celebrated for having precisely abolished the 1975 Land Decree. Her position is poignantly that of her boss the CEO of Uganda. The President was reported by State House Uganda, Media Centre refuting claims government wants to grab land using the proposed Land Amendment Bill. He said in other countries land belongs to the state. In Uganda land belongs to the people because the government of NRM gave it to them. He said the government cannot turn around and take land it gave (www.statehouse.go.ug/media/.../president-dismisses-lies-regarding-land-amendment-bill).

The Land Amendment Bill seeks to give central government power to appropriate land for development purposes by depositing in court the value of the land, as determined by the Government Valuer, if the owner of the land rejects such value in compensation for the

appropriated land. This is contrary to the position in documentary evidence that shows government seeks to study how to further decentralize land rights administration functions to local and traditional land governance levels.

Other challenges in local land administration cited by officials of the lands ministry included: fraudulent land transactions; multiple titles on land; surveyors not doing their work; issuing titles in eco sensitive areas; and overlapping surveys. These they said were as a result of: corruption in land institutions; unethical public that encourages corrupt practices; inadequate funding; no comprehensive training; staffing deficits; preference of urban life by land professionals; district administration including CAO and Town Clerks not appreciating land issues; and increased land conflicts. The systems theory contends that if any of the sub-system is malfunctional, this has a negative effect on the operation of the whole system. Malfunction in land rights administration is thus problematic to securing land rights. This malfunction needs to be addressed through effective decentralisation of land rights administration. Effective decentralisation involves greater devolution of decision making power to locals other than the current deconcentration of central power. Byamugisha observes that, Uganda's decentralisation of land administration is basically a deconcentration of present land administration roles to district land offices with minimal attempts to devolve, with regard to land under custom which makes up the majority of land in Uganda. This essentially robs the local communities of decision making power over customary land. This is worsened by failure to build capacity in customary institutions and the vagueness in the relationship between formal and informal land administration and management institutions (Byamugisha, 2014a).

5.3 Central-Local Governmental Administrative Relations and Securing Land Rights

The study looked at a number of constructs under central-local governmental administrative relations which the researcher by reviewing literature on the research variables deemed important. They included discretion of local implementers; loyalty of local implementers; communication; information; training; coordination; and capacity building. The findings of these constructs are discussed hereunder.

From the study findings many affirmed that local land implementers have choice when implementing land policy from the central government. This was attributed to the lack of regulations which break down into courses of action the Land Act that is generally written. Dye posited that local implementers prevent the achievement of policy goals to which they

are opposed by avoiding the making of decisions pertaining to policy implementation. They are also in position to delay the implementation of policies, or to only partially implement them, or even to cause disruption by way the policy is implemented (Dye, 2002). It can be remembered that one of the major justification of the UNLP 2013 was 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). Locally a Member of the District Lands Office of Sheema pointed out the absence of a Land Use Policy leaving implementers in a maze of possible choices. A participant, from Bushenyi District Land Office confessed to exercising discretion in cases where the policy was rigid and he as one who interacts with the end user saw prudent. Schofield (2001) seems to support him, he writes, policy effect is a function of its effect on the street level bureaucrats and their ability to implement policy to suit local conditions.

The systems theory stipulates that a faulty organization or programme is one in which the sub systems are interacting in dysfunctional relationship demonstrated here by a policy implementer deviating from what the policy maker intended. Schofield however thinks it is possible to influence the goals and strategies of the local actors by determining their institutional structure, resources made available to them and their access to the actual implementation arena (Schofield 2001). As such MoLHUD has sought other partners in securing land rights. The Principal Policy Analyst at the MoLHUD revealed that the Ministry has chosen to engage Civil Society Organisations (CSO) and has already signed a memorandum of understanding (MOU) with Non-Governmental Organisations. DAI (2006) confirms that some local and international civil society organisations working in the land sector some of which have signed MOU with government include: locally, Uganda Land Alliance (ULA), Land and Equity Movement in Uganda (LEMU), Uganda Women Lawyers Federation (FIDA), Advocates Coalition for Development and Environment (ACODE), LANDnet Uganda; international NGOs include GIZ, the USAID SAFE project, UN Habitat, Trocaire, Concern Worldwide, Oxfam and CARITAS.

The findings also showed that local administrators do not get sufficient information on land policy from central government. A member of the Securing land rights Unit observed that, laws of 1965 are still being used yet a lot has changed since. She noted that legal review of land laws has not yet been fully done, the Land Information System law is not yet there

and the Survey Act is obsolete. Another intervention relating to information is to empower local implementers to make correct decisions from a knowledgeable standpoint. The Principal Policy Analyst at the MoLHUD noted that there is need to translate the UNLP 2013 into vernacular for local implementers to read, disseminate and implement. In the findings it was mentioned that a Member of Bushenyi District Land Office decried the insufficiency of information. He said there were no standard procedures for availing information. He added that officials at the centre preferred using verbal and informal modes of relaying information. He suggested that this was intentional for purpose of benefitting some at the centre financially. Research has shown corruption is a common phenomenon at many levels in the land sector, partly because of the salary levels (DAI, 2016). This seeming frustration on the part of this local implementer is echoed by Makinde (2005) who writes, insufficient information can lead to error and uncertainty on the part of implementers. This leaves the local implementer impotent and beholden to the centre. There is need for clarity of purpose, powers and relationships between all those involved in the implementation of a policy (Australian Government, 2006). The gist of system theory is to stress the fact that the various sub systems must not only be set in the right order, but that they must interact agreeably and in a representative relationship to make the whole or the system function adequately. Documentary review showed that the central government planned to develop, adopt and disseminate procedures for the administration of land rights (MoLHUD, 2015). This would ensure information is clear and available. This has not been done as of December 2017 (MoLHUD, 2017).

The findings also show that the respondents found communication unsatisfactory. This is reiterated by participants in the study one of whom said communication from the centre is very rare so they use individual means like phone calls or email to communicate. The absence of evidence of communication materials mobilizing local stakeholders from the centre in policy formulation was noted by the Auditor General (The Republic of Uganda, 2013). A member of the District Land Board said that communication between the Board and MoLHUD is hampered by protocol citing the Chief Administrative Officer as a bridge. This predicament is echoed by another officer from Bushenyi who said feedback from the Lands Ministry can take months. Vedung (2000) suggest that effectiveness in communication is crucial in policy implementation. The impact of how a program is intending to achieve its policy objectives depends upon the receptivity of the local environment to its means and its mix of incentives and constraints. The implementation of a policy through a series of programs is influenced by the role played by various stake holders and interest groups and

therefore management of these groups is one of the factors key to successful implementation. Apart from the interest groups, the characteristics of the program/ policy which involve the amount of change being introduced and the number and variety of components in the program influence the degree of complexity and dynamism to be managed in the local context. This can be managed by formal organisational mechanisms such as participation (Stoker, 1989), managing the role of local implementers (discretion); use of learning (training) (Schofield, 2004) resulting in policy content being adapted to initiatives more suited to local context; increased coordination and cooperation both within organisation and across independent units involved in the implementation process (Butler, 2003; Fenger & Klok, 2001; Vangen and Huxam, 2003;) facilitated by increased formal and informal communication (Terpstra and Havinga, 2001). This is in tandem with Aristotle's Holism that claims that knowledge is derived from the understanding of the whole and not that of single parts (Mele C., Pels J., & Polese F., 2010) upholding the systems theory.

The findings in Table 16 show that the average perception of the respondents was that local administrators are loyal to the local government when implementing land policy from central government. The average local councilor therefore agreed or strongly agreed that loyalty is with local government in securing land rights. The assumption is that since each local government selects and controls its human resource (Maheshwari, 2011 as cited in Nabaho, 2012) loyalty is given to the local government which has the power to hire and fire them. To the contrary most members of the District Land Office did not agree with this assumption. They seem to firmly give their loyalty to central government. One participant succinctly described his loyalty to central government saying sometimes the LC 5 Chairman tries to interfere or influence decision making in the lands office but this is not respected. A more laden account was given by another participant saying surveyors technically report to the Commissioner of Surveys at the ministry but the CAO at times does not agree with technical advice and attempts to influence against advice. This is interesting, given the CAO is appointed by the centre, and yet the District Surveyor is appointed by the Local Government.

Under devolution, service providers are employees of local government but the central government may establish standards and procedures for hiring and managing staff (World Bank, 2003). With the exception of the top executives (CAOs and Town Clerks) and their deputies, in general Uganda applies the Separate Personnel System. In principle, each local government appoints and administers personnel who are not automatically transferable to another jurisdiction (Maheshwari, 2011 as cited in Nabaho, 2012). Loyalty is therefore

expected by the local government which has the power to hire and fire them. This is in tandem with the bottom-up approach. The bottom-up approach of implementation emphasizes the influence that front line staff have on the delivery of policies focusing on the weak control that politicians and administrative managers have to control front line staff (Winter, 2006). This approach also means that local actors participate in decision making about the strategy and in the selection of the priorities to be pursued in their local areas.

Findings in Table 16 revealed that respondents were of the view that local land administration institutions are not well coordinated with central government. Brinkerhoff suggests that inter organisational coordination is a distinctive feature of policy implementation (Brinkerhoff 1999). An official at the MoLHUD expressed awareness of this challenge and suggested solutions to it. He admitted that coordination is a challenge. Saying there is need for stake holder mapping to address who is where, what they are doing and how they are doing it. There is also 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 CAOs and Town Clerks who still do not prioritize land issues. DAI (2016) report reiterated that, CAO's rarely give priority to the Land Office and commitments to the DLB or ALCs, often not even knowing why these organizations are important. In practice there is rarely coordination or discussion with MoLHUD staff or MZO management staff to provide the sort of joint approach and advice required at the district level. Edward, (1980 as cited in Makinde, 2005) observes that where there is organisational fragmentation it may hinder coordination and the successful implementation of a complex policy especially one that requires the cooperation of many people.

Coordination can be improved since Ministry Zonal Offices (MZO) are being established to allow services that were originally only provided at the MoLHUDs offices in Kampala (Titles) or Entebbe (Surveys and Deed Plans) to be provided in regional offices. Hence they are a vital part of decentralization. The former approach to land administration was that all titles and title plans were processed and held in the Ministry HQ or Survey Office in Kampala or Entebbe respectively. Transferring these functions to MZOs, brings them closer to the District Land Offices and hence to the DLB, ALCs and the applicants. Documentary review showed commitment by the centre to re-design hierarchy of land rights administration to enable customary institutions to operate as the tiers of first instance for land held under customary tenure (MoLHUD, 2015). Coordination would improve with the

establishment of a functional hierarchy. This would enhance registration, certification, documentation and recording. Unfortunately this has not been done yet (MoLHUD, 2017).

The MoLHUD should review its procedures, forms and certificates and develop an Operations Manual. This should provide instruction on the correct way to deal with all operations undertaken by the MoLHUD and any group or person who forms part of the land administration process, including applicants, ALC, DLBs, MZO's as well as units within the MoLHUD itself. It should also clarify the relationship between the District Lands Office, the MoLHUD, MZOs and the District Chief Administrative Officer (CAO) (DAI, 2016).

Findings in Table 16 also showed that local land administrators do not get sufficient training from central government. The study found out from the Land Ministry that local implementers are given manuals, procedures, land forms and refresher courses after five years which costs are met by the DLB. This is definitely less than desirable. MoLHUD officials admitted that there is no comprehensive training. Also training is limited to 5 days per year when inducting ALCs. According to them DLOs are well trained but DLBs and ALCs are not. This view was partially refuted by a member of Bushenyi District Land Office. He denied any refresher courses but pointed to academic qualification and experience in the field. A member of Kasese District land Office spoke of local incompetence in LIS yet as local implementers when the system rejects an application at the MZO, since MZOs are not aware of transactions like sub-divisions on the ground, it bounces back to them.

In a study on capacity assessment of the land sector to support implementation of the National Land Policy, DAI (2016) revealed that all DLO staff they had visited had basic formal education qualifications for their posts, but had no job specific training other than induction courses conducted by the Ministry for a day or two. The lack of funding seems to be at the bottom of the inadequate training. The commissioner (former) for land management in the lands ministry Sarah Kulata, during a National Stakeholders Workshop on the Implementation of the UNLP, revealed that reviving land tribunals is on top of the ministry agenda. She said that the ministry intends to train traditional leaders and LC 2 officials to handle small land cases leaving tribunals to handle bigger cases. She asked development partners to finance the resumption of the tribunals and training of traditional leaders and LC2 officials to handle land matters to improve access to justice and promote good governance (Kwesiga, 2015). The decentralized structure for land administration needs support and training for its effectual performance in managing conflicts between customary tenure rules. Kabanda et al. (2015) contend that, as a country there is need for government to support the process through human and financial resources.

Table 16 analysis revealed that local land administrators do not get all necessary capacity building from central government. General content analysis captured an official at the MoLHUD who stated that land is not seen as a priority area. Another stated that in spite of the large revenue land generates these are not ploughed back into the sector. Matters raised include staffing, training, equipment, infrastructure, furniture, cadastral maps, vehicles and safes. One of the priority actions in the NLP-IAP is to build capacity (MoLHUD, 2015). Consultants contracted by the government of Uganda to study how to improve securing land rights suggest restructuring. The restructuring will necessitate carrying out an assessment of the existing land governance structures both at the Centre and in local government's levels, including Ministry of Lands, Housing and Urban Development, Ministry Zonal Offices (MZOs), District Land Offices (DLOs), District Land Boards (DLBs), Area Land Committees (ALCs), Recorders, as well as selected non-state institutions working with the land sector aimed at identifying gaps and required actions for building the said capacity (DAI, 2016).

Administrative gaps identified by the consultancy concur with findings of this research and include: Some DLOs have almost no office space, facilities and while others have recently refurbished offices with no facilities and equipment. There are also those that are accommodated in seriously dilapidated offices with no facilities or equipment. In some other Districts their offices have been taken over by the MZOs. DLOs generally have no vehicles, IT equipment and are short of the basic tools to support their proper functioning. Their staff especially the senior land officers, physical planners and surveyors frequently go to the field to visit sites but either use their own vehicles and fuel them at their own cost or, more often, are facilitated by applicants. They have no communication allowances and use their own cell phones. They all do not have standard manuals to guide their work, whether it is in filling, processing applications or verifying accuracy and correctness of field surveys. This complicates their capacity to support the lower ALCs especially in training them to raise their capacities. All DLBs other than that of KCCA lack office space and equipment. DLOs provide technical and legal advice to the DLBs to fulfill their mandates but are constrained by lack of financial resources and transport. This has adversely affected the board's mandate of compiling, maintaining and annually reviewing lists of rates for compensation.

As already mentioned in this study Uganda adopted a participatory and consultative implementation strategy to the Land Act and Land Policy which operationalises it (Rugadya, 1999). The main thrust of this strategy is creative bottom up approach to the implementation by involving a range of stakeholders from the outset and by building capacity at the centre, in

local institutions and at grass root level (Rugadya, 1999; MoLHUD, 2011; 2013). Uganda's land management institutions, including the Land Commission, Land Registry and District Land Boards, are generally weak and have not facilitated rapid progress to the goals laid out in legislation and policy. There is a need to strengthen the capacity of Uganda's public institutions to manage and resolve conflict over land and natural resources and, at the same time, to enhance the capacities of Uganda's private citizens to understand, assert and defend their rights (USAID, n.d). Kabanda et al. (2015) also contend that capacity building at all levels is necessary as well as the need to track progress. Documentary review showed that government plans to build capacity of local traditional institutions in order to comply with all legislation.

5.4 Central-Local Governmental Financial Relations and Delivery of Secure Land

Rights

The study considered four constructs under central local financial relations. These were timely funding, sufficiency of funds to meet budgetary requirements, auditing and accountability of funds. The findings of these constructs are discussed hereunder.

Respondents were of the view that funds from central government did not come in time. This was reiterated by some of the participants. This is alarming since some analysts view fiscal relations as the essence of central-local relations (Agranoff, 2004) which the study conceptualizes as influencing securing land rights. In fact, some other scholars blame the constricted fiscal relations between the levels of government in Uganda for difficulties in central-local governmental relations (Okidi & Guloba, 2006). A member of Kasese District Land Office in an interview on 22/08/2017 said they receive very little money, they can't tell when it will come and even when funds do come the land sector is not seen as a priority area. Also there is little coordination between MoLHUD staff and the District Chief Administrative Officer, leaving them without guidance and without understanding of the land program in their own districts or why they should devote funds to the aforementioned officials when there are so many other demands upon their time and finances.

Therefore DLBs are seriously constrained by lack of funds from both the consolidated fund and Districts to be able to conduct their businesses at the intervals set in the Land Act to process first registration of sporadic applications and participate in systematic registration exercises. Few meet every two months as required under the law. There are major financing constraints, especially at the district level where District Land Offices, District Land Boards and Area Land Committees lack office space, filing cabinets, transport and funds for the

expenses to do their work. The central government decided to design revenue collection processes for gradual implementation. This is supposed to ensure improved financial relations in timely financing and budgeting. In turn this would manifest as subsidiary legislation and documentation of land rights delivery.

The findings in Table 17 also revealed insufficiency of funds to meet budgetary requirements. A member of the District Lands Officer of Sheema District when asked about funding said conditional grants should be increased to Land Office. The member also noted that there is no Lands Officer that sits at the Budget Desk and that the District Land Officers are not invited to the Budget Conference. The Land Act Cap 227 section 63 sub section one, states that, all the expenses of the board shall be charged on the district administration funds. Also in the Land Act Cap 227 amendments of section 64 sub section six the creation of Land Committees 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 financial commitment on the part of land committees in land management and to divert the blame from central government for a blanket law. This clearly has translated in no improvements in timely and sufficient funding of DLB or ALC but has taken the funding blame from the centre to the local governments.

An official from MoLHUD exclaimed that 99% of all the funding they receive is from donors. Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), the European Union (EU) and United States Agency for International Development (USAID) are funding various activities in the sector, with most concentrating on issues of food security and supporting areas, primarily in the North and East, where customary tenure still prevails and the residents need greater security to their land rights. Food Agricultural Organisation (FAO) and UN-Habitat have provided specific support in critical studies and pilot work, Department For International Development (DFID), Norwegian Agency for Development (NORAD) and some others provide support to general funds (such as the Ford Foundation) and support to Civil Society Organisations (CSOs) working in the field. This means the central government only funds one percent of the land sector. It is no wonder that a member of the lands ministry said land generates a lot of funds but they are not ploughed back into the sector.

The DAI (2016) consultancy showed that finances generated at MZOs linked to the LIS has already, over the last three years, resulted in significant increases in registration activity as can be seen in figure 5.

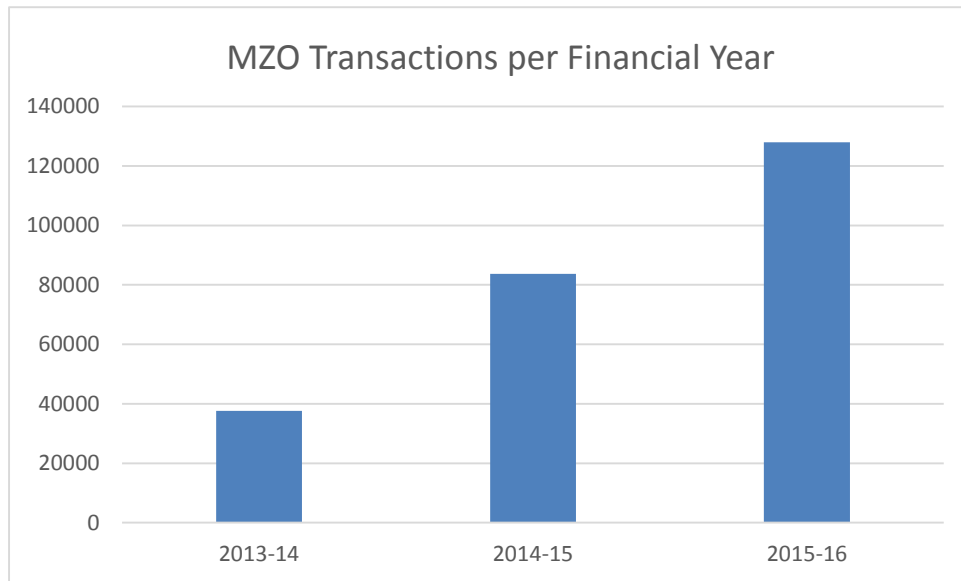


Figure 5: Transactions registered at MZOs for the financial years 2013-14, 2014-15 and 2015-16 (estimate of full year): Source (DAI, 2016)

The increase in transactions has naturally resulted in an increase in revenue (Table 22) which can be multiplied if more MZOs are made functional. They further argued that the total revenue for 2015-16 is greater than the MoLHUD's estimate (UGX1.7 billion) for the extra staff needed for the 13 MZOs already established and constructed (excluding the Ministry HQ). This is despite only having an estimated 500,000 parcel titled. The figures that would accrue if all parcels in Uganda were registered (maybe 20-30 million parcels) and the registration systems were to function adequately across the whole country for all levels of society are very many times higher. To date six MZOs have been established at: Mbarara (which serves Kasese, Sheema and Bushenyi), Masaka, Kampala, Mukono, Wakiso, Jinja and Head Quarters, with MZO offices already constructed in, amongst others, Arua, Fort Portal (which will then serve Kasese), Gulu, Lira, Kibaale and Masindi. More are planned in Kabale, Luwero, Mitayana, Mpigi, Moroto, Rukungiri, Soroti, Mukono, and Tororo. The report also mentioned stamp duties across the country have also gone up 10 times.

Table 22: Revenue from transitions from financial years 2013 to 2016 (estimated for 2016)

Transaction	2013-14	2014-15	2015-16
Transfer Mailo	UGX 95,830,000	UGX 242,250,000	UGX 384,780,000
Transfer Leasehold	UGX 9,960,000	UGX 18,270,000	UGX 22,320,000
Transfer Freehold	UGX 4,920,000	UGX 11,340,000	UGX 20,220,000
Search	UGX 134,560,000	UGX 274,000,000	UGX 582,760,000
Grant Freehold	UGX 15,040,000	UGX 19,560,000	UGX 26,920,000
Conversions	UGX 67,700,000	UGX 143,920,000	UGX 205,200,000
Mortgage Charge	UGX 69,740,000	UGX 121,550,000	UGX 152,420,000
Mortgage Release	UGX 32,760,000	UGX 61,980,000	UGX 74,220,000
Subdivisions	UGX 36,040,000	UGX 110,220,000	UGX 152,400,000
Lease documents	UGX 8,150,000	UGX 22,290,000	UGX 23,900,000
Other titles	UGX 8,060,000	UGX 36,520,000	UGX 51,960,000
Caveat Registered	UGX 25,060,000	UGX 50,300,000	UGX 63,640,000
Caveats withdrawn	UGX 8,910,000	UGX 18,870,000	UGX 23,970,000
Other transaction	UGX 32,960,000	UGX 100,780,000	UGX 138,560,000
Total	UGX 549,690,000	UGX 1,231,850,000	UGX 1,923,270,000

Source: DAI (2016)

A look at the staffing levels will reveal that the MoLHUD is understaffed and may not be in position to provide the oversight role which includes monitoring and evaluation to be able to make meaningful response. The Assistant Commissioner at the Inspectorate of MoLHUD revealed that staffing levels at the Ministry are 40%. Also a look at Table 14 it will be noted that in all three Districts studied all Secretaries to the DLB were in acting capacity. The position of the Senior District Lands Officer was filled only in Kasese District. This shows a critical shortage of staff at both the centre and at local levels. Since states may retain control and influence in the periphery by retaining control of finances and administrative personnel then it may be assumed this is what Uganda has done. Hague and Harrop (1987) affirm that in unitary states sub national governments, whether regional or local, may make policy as well as administer it, but they do so at the pleasure of the national government. This is the criticism of the bottom-up approach which lays too much emphasis on the autonomy of local implementers yet it is possible to influence the goals and strategies of the local actors by determining their institutional structure, resources made available to them (Schofield 2001). The NLP-IAP reveals plans by central government to consolidate and rationalize land administration structures in terms of cost, efficiency, accessibility and affordability. This

would rationalize financing and budgeting. Consequently maybe there will be improved registration, certification, documentation and digitalized recording. However this is still ongoing.

The findings further showed that auditing was deemed to exist by most respondents. Participants who were key informants in the study admitted to a semblance of auditing. One participant from Kasese mentioned that auditing is done in the office and not in the field where actual physical planning is done. Another confirmed this when he assured the researcher that only quarterly reports supplied by the survey office are given to the centre. Still one retorted out that, there is no audit of funds at all, citing the commissioning of the Bamugemerire Land Commission/ The Land Inquiry 2017 to audit the lands sector. Auditing to some participants seemed just a routine action like signing in the attendance does not translate to attendance. The systems theory maintains that if any of the sub system of a system is malfunctional, this has a negative effect on the operation of the whole system. Auditing seems to be malfunctioning as a sub system in central-local governmental relations.

Table 17 shows more respondents that agreed and strongly agreed that there is accountability of the local land implementation by the central government. Nonetheless, as with auditing, the participants suggested that accountability is more of an exercise done in office as a routine formality with no real efficacy. One put it rather alarmingly, when he said appraisals are done by filling in appraisal forms, though they are the same year after year. We concoct figures for the sake of formality. Whether you concoct or not there is no difference made. Another responded more modestly saying, funds are accounted to local government only. Nevertheless quarterly reports to the District are copied to the RDC, MoLHUD and Auditor General's office. The impression therefore is that auditing and accountability are a routine formality with no follow up and without consequence. This situation may reinforce the apathy in the land sector as DAI (2016) noted, most DLO staff appear to be rarely in the office and seem to be off doing other jobs or their personal businesses in order to offset their low pay. The researcher discovered this to be true after having to make an appointment for a study interview in another district where this DLO has private business.

The current Local Government Statute requires the Ministry of Local Government and Line Ministries (Lands) carry out regular financial and performance audits to ensure efficient and effective performance (MoLG, 2014). It is therefore another case of good policy and poor implementation. The online survey by the Economist Intelligence Unit (2010) suggested that obtaining sufficient resources comes from understanding what is at stake, for instance the high cost of poor implementation. Uganda government needs to realize the high cost of poor

securing land rights. The central government established elaborate systems of reporting on use of resources at the local level and monitoring of performance indicators to reduce the high cost of implementation. Expenditure tracking systems were also established with success (Reinikka et al., 2002 cited in Devas 2005). What is remaining is for central government to walk the talk!

At local government, Project Management Committees were formed at local level to oversee implementation and ensure accountability of those implementing local government development programmes. Lewis says decentralisation is unlikely to lead to more equitable outcomes without a serious effort to strengthen and broaden accountability mechanisms at both local and national levels. In most of the African cases he studied, the linkage between the central government's decentralisation scheme and local leaders were strong. Here, central governments were using funding either to create dependent local elite or to consolidate an alliance with local elites based on availability of patronage opportunities (Lewis, 2015). This is worsened by the spoils system of public administration where public servants are appointed based on their political support rather than competence (Mucunguzi, 2010). It is yet to be seen if the current NRM government is committed to further decentralize securing land rights or is the UNLP 2013 only political posturing and rhetoric meant to entrench its power and interests. That is putting the money in the hands of political elites or where it is needed in securing land rights among the land implementers.

5.5 Customary Practices and Delivery of Securing Land Rights

Customary practices and institutions were conceptualized as a moderating variable with gender bias, age bias, marital bias as constructs under this variable. The findings of these constructs are discussed hereunder.

Table 18 showed that more respondents agreed and strongly agreed that customary land practices and institutions are contrary to the Uganda National Land Policy showing dissatisfaction with customary land practices and institutions. Therefore customary practices are indeed moderating in central-local governmental relations and securing land rights. The systems theory considers the whole and not simply the sum of basic parts (Mele et al., 2010) so if one component of the governmental system or its relations to other entities are not functioning properly then the whole system would be affected unfavourably (Ackoff, 1981 as cited in Jordan, 1998). This would mean that central-local governmental relations even when properly managed may not result in good securing land rights if customary practices are not well addressed. An official however felt that it was too early to determine the impact of

customary land practices of the UNLP 2013. He said the results on the implementation of the policy are not yet fully seen. It is a 30 year policy and results are not yet seen. This response was collaborated by the words of the Chairman ULC who described a pilot colonial freehold policy which over 50 years has impacted Sheema and Bushenyi Districts but was not piloted in Kasese District where similar results are not seen. This view is further reinforced by researchers who found out that with regard to land rights and tenure security, persons with titled and registered land had a fuller set of rights than persons and households without titled land including rights of transfer of land. They also felt they were more protected in case of land disputes and evictions (Kisamba-Mugerwa, et al., 1989 as cited in Lastarria-Cornhiel, 2003).

The finding in Table 18 showed greater agreement that there is conflict resulting from similar land responsibilities between customary and government land institutions revealing dissatisfaction with parallel responsibilities. This shows customary institutions are moderating or confounding securing land rights. Again this would mean that central-local governmental relations even when properly managed may not result in good securing land rights if these parallel responsibilities are not well addressed. As the Economic Commission for Africa (2012) noted, triggers of land conflicts include a vague understanding or definition in existing laws of traditional rights of access to land. 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.

Anderson postulated that community institutions can be employed in the administration of government programmes at the central and/or local levels and could affect policy implementation (Anderson, 1991). 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. It is very important that they clearly understand their rights where compulsory acquisition of land by the state takes place and how to negotiate with potential investors with all possible options explained together, and the advantages accruing from each option. The training program proposed should include the sensitization of ALCs and others involved in mediation or dispute resolution on the importance of equal rights for women and vulnerable groups. The

institutions lack standard guidelines detailing: the administration procedures over customary land; and all possible sources of land conflict and how to address them in the event they occur. The guidelines should clarify the nature of disputes that the traditional institutions can mediate and those that need to be referred to formal courts of law. Though translating legislative intent into operating rules and guidelines is very tricky and ambiguity can be disastrous. Ultimately, the judiciary may become involved and the legislators may need to later clarify their ends and means (Cloete et al., 2006).

Since the law recognizes the traditional institutions their resolutions should be documented for reference to formal courts in the event one of the aggrieved parties appeals to them (DAI, 2016). The NLP-IAP revealed central government proposed a study on how to further decentralize land rights administration functions to traditional land governance levels. This would enhance participatory decision making which would hopefully affect positively; registration, certification, documentation and recording (MoLHUD, 2015). This study is still pending (MoLHUD, 2013).

Table 18 reveals that more respondents believed local customary practices protect the rights to ownership of land by women. This implies that these customary practices would not interfere in securing land rights. This would mean that central-local governmental relations when properly managed will result in good securing land rights. This also means that in Uganda a lot has been achieved in terms of recognizing and promoting women's rights. The idea by Rao (2006), that Uganda is praised for having some of the best policy and constitutional framework relating to gender, is not farfetched. The UNLP makes a policy statement on land rights of women and children. Government shall by legislation, protect the right to inheritance and ownership of land for women and children. Government shall ensure that both men and women enjoy equal rights to land before marriage, in marriage and after marriage and at succession without discrimination. Women's access and securing rights to land must therefore be the cornerstone of national securing land rights and of the related economic objectives of Vision 2040 and the NDP (Kabanda et al., 2015; The Republic of Uganda, 2010).

Another competing argument would be that since the majority of respondents and participants were men, then women did not have a representative voice to register the true situation on the ground regarding their right to own land. If this is the case then it would necessitate more effort on policy makers and government to encourage and ensure women are better represented in the land administration institutions (LAIs) and the local councils.

Instead of the one third representations that accrue to most quotas securing gender balance, the percentage representation can be increased to one half. It has been done in India local village level (panchayat) governments have increased representation to 50% . In addition the Tamil Nadu Assembly in 2016 increased percentage of reservation for women (www.thehindu.com>article8263116) joining Bihar, Uttarakhand, Himachal Pradesh and Madhya Pradesh (www.m.timesofindia.com>india>articleshow). A study can be done in Rwanda to find out how they increased the women representation to 64% even when the legal quota is 30% in Parliament exceeding anywhere else in the world (<https://www.inclusivesecurity.org>how-...>). The gender bias against women in land rights can be righted as Ethiopia and Rwanda have proven in their recent land legal reform and land certification programs (Byamugisha, 2014a).

Pertaining to right of inheritance Berns (2009) argued that land tenure reform is legal measures that can be taken to strengthen the property rights of a holder. One example of this is to recognize progressive customary rights and also educate rural women on formal rights (Berns, 2009). Otherwise, how can the current reforms under the UNLP 2013 strengthen women's rights when they do not know them? Therefore there is need to educate and sensitize land owners and users especially women to participate in all land rights administration functions (MoLHUD, 2015). This will ensure gender bias and age bias in land rights administration is alleviated by women participation. As a result land owners and users will be sensitized about their land rights and land rights administration. In addition 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. The training program proposed should include the sensitization of ALCs and others involved in mediation or dispute resolution on the importance of equal rights for women and vulnerable groups (DAI, 2016).

Table 18 revealed that more respondents agreed and strongly agreed that local customary practices protect the right to ownership of land by children and local customary practices protect the rights to inheritance of land by children. This would also mean that central-local governmental relations when properly managed will result in good securing land rights. They cannot be impeded by such customs that are in agreement with the UNLP 2013. The Land Policy in chapter four stresses the right of ownership of land by children.

However in an interview with the Chairman ALC Central Division, in Bushenyi, on 09/11/2017 he said,

“Land is not owned by children. They can sell it and waste the money.”

(Chairman Area Land Committee Central Division, in Bushenyi-Ishaka Municipality, interviewed on 09/11/2017). This means ownership of land by children is deferred in this community until the child reaches adulthood when he can make wise choices. In the meantime the land is under a caretaker (s). In an African rural community setting members of the community are known to be socially very close, visiting each other at their relevant homes, attending celebrations hosted by a village family whether the celebration is that of joy or sorrow. It is also common knowledge that in such communities people tend to know each other in great detail, including the history of each family or individual land ownership. There is great tendency to respect and trust elders in the village society if you reside there. Urban and city settings tend to have different customs where most people do not even know their immediate neighbors or, if they know them, still remain indifferent about their history and property ownership (DAI, 2016). However in the urban centre of Bushenyi which remains relatively undeveloped the traditional norm seems to still have the significance in land rights administration. The Chairman ALC of Central Division said, the aunts, uncles, bataka (local inhabitants) work together with LC1 and Sub County Chief. A copy of all documents must go to LC2 or LC3. They come together for boundary marking and to hear land complaints. They even challenge biased wills in case a man is married to two wives and makes a will biased to one family. The central government proposed to establish and operationalize a customary land rights registry for recording and certification of land rights (MoLHUD, 2015). This would further protect and promote children's land rights by providing clear policy guidance and encourage participatory decision making to local land administrators. As a result registration, recording and certification of children's land rights will be delivered.

Table 18 revealed that more respondents agreed and strongly agreed that customary right to land among men is influenced by marital status. Affirmatively a member ALC said when a man gets married, automatically the father gives land. It cannot happen that a father fails to give a married son land. If it happens the son can get a panga and kill him because he knows the father got his land also from his father. It was noted in chapter two of this study that Rao (2006) observes that in South Western Uganda men cannot claim patrilineal land until they marry, and once married they get land from their father's side. This appears to be biased against bachelors but this custom served its purpose in generations past to ensure stability and continuity in society. Today the custom is losing significance economically and remains only socially significant.

However today other dynamics are at play, men can work outside the family economy and lease or buy land within their community or outside their community. People today are

driven by capitalistic instincts and majority of the households no longer live a subsistence lifestyle but strive to attain a higher standard of living (AISRGD, 2014). Land ownership is no longer tied to traditions but capital accumulation. In fact today family or clan lands have become fragmented because of high population rates rendering them economically insignificant. As noted in the scope of this study Western Uganda population density is 282 per km². Specifically Kasese is population density is 450 per km². Sheema is 302 per km² and Bushenyi is at 266 per km² all higher than the national average of 174 per km² (Renno et al., 2012; Uganda Bureau of Statistics, 2014). It is thus safe to say this custom may not impinge significantly on the implementation of the UNLP 2013.

5.6 Conclusions

Primary data shows that most central-local governmental relations are not fully satisfactory and this is negatively influencing securing land rights. Also affecting securing land rights are customary 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 sensitization on UNLP interventions; and stakeholder engagements. The rest of the activities are pending. This collaborates primary data in concluding that central-local governmental relations and customary land practices are not satisfactory as yet to sufficiently influence securing land rights. Due to the length of the implementation plan which is 30 years and this study has covered the first phase of implementation which is three years there is room for change. After discussing and collaborating findings from both primary and secondary data the researcher made conclusions on each research question.

5.6.1 How are the political relations between central and local governments in the delivery of secure land rights?

Political relations between central and local governments are not entirely satisfactory in the delivery of securing land rights and land rights administration. The Land Policy is in place to guide securing land rights. 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 Land Records Archiving and Destruction Regulations and very important for local land implementers the District Land Policies. 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 securing land rights. Mention was made of gaps in citizen registration, central government agencies and institutions as well as state house officials as culprits. There is need to ensure non-political interference in securing land rights as government committed in the NLP-IAP.

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 was 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 governmental 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.

Inferential statistics showed that political relations between central and local governments make the strongest unique contribution to explaining the delivery of securing land rights. Also political relations between central and local governments make a statistically significant unique contribution in predicting delivery of securing land rights. Thus policy makers should treat political relations between central and local governments as imperative in making predictions in the delivery of securing land rights. This includes policy guidance, non-political interference and local participation in decision making.

5.6.2 How are administrative relations between central and local governments in the delivery of secure land rights?

Administrative relations are not entirely satisfactory. 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 a 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 governmental administrative relations to facilitate better implementation of the land policy

Loyalty of councilors in securing land rights is mostly with the local governments. This is contrasted with loyalty to the centre by district land officers. This is probably because the DLO report technically to the centre even when their appointment is with the local governments. They would therefore easily subordinate local policy to central policy as required by the centre.

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. Physical visits to the ministry also take place for face to face communication.

Training is unsatisfactory at all levels of land rights administration. The DLOs are wrongly assumed to be trained 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 some 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 big challenge in securing land rights. 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.

Inferential statistics indicated that administrative relations between central and local governments make the third strongest unique contribution in explaining the delivery of securing land rights. Also administrative relations between central and local governments do not make a statistically unique contribution in predicting delivery of securing land rights. Hence if policy makers want to predict delivery of securing land rights they should not rely singularly on administrative relations between central and local governments to achieve this.

5.6.3 How are financial relations between central and local governments in the delivery of secure land rights?

Financial relations are for a great part not satisfactory between central and local governments in the delivery of securing land rights and land rights. 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 Chief Administrative Officer and Town Clerks do not prioritize land and often divert funds meant for the land sector to areas they consider more expedient.

Consolidated funds earmarked for local securing land rights 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 securing land rights.

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 District Land Officer sees it as a routine exercise without real consequence.

The computed inferential statistics showed that financial relations made the next strongest unique contribution after political relations in explaining land rights delivery. In addition financial relations between central and local governments made the most statistically unique significant prediction in the delivery of securing land rights. Therefore policy makers can pay singular attention to financial relations between central and local governments and this alone would predict or influence delivery of securing land rights.

5.6.4 What is the effect of customary practices in the delivery of land rights?

Customary land practices can confound delivery of land rights and land rights administration. This means that even if central-local governmental relations are improved, if customary practices are not addressed then securing land rights 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. For instance community sensitisation of the land rights of women and children.

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.

According to inferential statistics, customary practices and institutions make the least statistically unique contribution in explaining delivery of securing land rights and land rights administration. Customary practices and institutions also do not make a statistically unique contribution in predicting delivery of securing land rights. Hence if policy makers want to predict delivery of securing land rights they should not rely on customary practices and institutions alone to achieve this.

5.7 Recommendations

The researcher needs to acknowledge what is already being done to cover gaps in securing land rights. These include: research and studies commissioned such as the DAI (2016) consultancy that came out with several recommendations; the instituting of the Bamugemerire Commission which is expected to make recommendations but appears to be addressing issues already taken care of in the Land Policy of 2013 (www.monitor.co.ug/.../News/National). Justice Bamugemerire speaking on NTV 9:00pm news said, "Our mandate is to address historical injustices (in land), find out where we are now (in land) and suggest solutions". This probe committee is unearthing a lot of rot in the land sector which hopefully after being exposed can be remedied. The researcher adds to these voices and others for corrective actions to be taken. This is done by considering each objective studied.

5.7.1 Central-Local Governmental Political Relations and Delivery of Secure Land rights

From the study political relations are very important because they make the strongest unique contribution in explaining land rights delivery. There is need to listen to the people of Kasese and Rwenzori at large. Article 32 (1) of the 1995 Constitution that requires the State to take affirmative action in favour of groups marginalized by reason created by history for the purpose of redressing imbalances which exist against them. The people need degazetting part or all of the Queen Elizabeth National Park. The Basongora request for full degazetting because they claim they can co-exist with the wild animals as their ancestors did for

generations. The Bakonzo on the other hand want partial degazetting such as was done in Lyantonde in Lake Mburo National Park. This will de-escalate the historical simmering land conflicts in the Ruwenzori's. To ignore the needs of these peoples would risk plunging the nation into civil war as some threatened to create a Yira Republic. Tensions are not getting any lighter with the population density already much higher than all other Districts in Uganda.

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 Land Records Archiving and Destruction Laws and Regulations. Concerning the exploitation of low prices of land by foreigners, there is need to verify and rectify NIRA records. Sensitization of land administrators and local councilors needs to be done addressing 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.

There is need to further decentralize land rights administration and delivery of securing land rights by engaging and integrating customary land 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 DLB and ALC can be included on government payroll to remove the illegality of soliciting and expecting non receipted money from the public and allow the poorer population to access land services, 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 to address corrupt tendencies among the population.

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 securing land rights. 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. There is need to 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.

5.7.2 Central-Local Governmental Administrative Relations and Delivery of Secure Land Rights

Administrative relations need to be addressed together with other aspects of central-local governmental relations to make a difference. During the study it was discovered that discretion at local level is being misused for example regarding 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 in the land process 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 securing 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 securing land rights. Local politicians and district

executives should be sensitized about land technicalities and procedures to keep them from pressurizing land administrators to go 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 regular 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. This will enable comprehensive feedback from local land implementers. 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 non-governmental 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.

5.7.3 Central-Local Governmental Financial Relations and Delivery of Secure Land rights

Addressing financial relations alone can make a singular prediction on improving delivery of securing land rights. Thus 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 facilitate auditing and accountability of the land sector. Establishing and staffing a new agency or assigning authority to an existing agency and personnel delegates the responsibility of implementation to a specific grouping. Often, the agency is given a program specified in the policy (Cloete et al., 2006). 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.

Government must prioritize and increase funding to the land sector. Dependence on donors for securing land rights is neither sustainable nor desirable as many of these donors choose the areas and programs to invest in leaving other areas and programs unfunded. It has been noted that the land sector generates a lot of funds and can generate more funds if attention is paid to it as a priority sector. These funds can be harnessed and ploughed back to solve the funding gap in securing land rights.

There is need to recruit more staff to address the deficit in staffing levels especially among auditors at the centre. This must be done hand in hand with offering incomes that match those in the private sector. This will ensure proper audits are done in the implementation of the land policy.

Also government can move away from cash accounting to accrual accounting for all government sectors. This would allow for emphasis to be put on efficiency, economy, effectiveness and equity as opposed to the current cash accounting that only seeks to reconcile and explain funds received and work done! The elements of accountability according to Premchand (1999 as cited in Mucunguzi, 2010) include general accountability, fiscal accountability and managerial accountability which espouses observance of economy and efficiency. Mucunguzi (2010) therefore suggests that accountability under a good governance model must involve orientation to results that are beneficial to the public at large. As noted in this study successive post-independence governments failed to address underlying issues in land governance and therefore efforts in land policy remained unimplemented (MoLHUD, 2015). The issue of accountability when adequately addressed should go as far as naming and shaming of individuals, organisations and institutions whose actions have not met policy expectations. Penalties would then need to be administered (Mucunguzi, 2010).

5.7.4 Customary Practices and Delivery of Secure Land Rights

Customary practices should be addressed together with other aspects of central-local governmental relations as conceived in this study. They should be studied in depth and all compatible practices with the UNLP 2013 integrated into securing land rights. 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 securing 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.

Lastly government should harmonize formal and informal beliefs and practices. This harmonization should be well documented and translated in all local vernaculars and education, sensitizations and trainings undertaken to appreciate and understand this harmonization at all levels.

5.8 Contribution to theory

This research concurs with the systems theory. The idea of system theory is to stress the fact that the various sub systems must be set in the right order, and must interact agreeably and in a representative relationship to make the system function adequately. This study found out that the sequence for policy guidance is flawed, also the dysfunctional and sometimes hostile relationship between the central and local land policy implementers, the unsatisfactory financial relations lead to inadequacy in securing land rights. Again, a strong governmental system is one in which the various sub systems relate in harmonious fashion to achieve governmental objectives. Therefore without harmony in central-local governmental relations the government objective of securing land rights will not be achieved. The researcher must admit that it is hard to exhaust all facets of central-local governmental relations for governments are big and government activities complex in a system. Therefore the central-local governmental system has been studied in a conceptualized form and ideas presented in a generalized fashion.

This study also agrees with the bottom-up approach which further illuminates securing land rights under systems theory. Bottom up theorists are interested in the whole process of how policies are defined, shaped, implemented and probably redefined. The focus lies on the decentralized problem solving of local actors rather than on hierarchical guidance. The study proved that decentralisation has been done in theory but practically without the funds to back up local decisions this effort has not borne the desired fruits. This brings to focus the criticism of the bottom-up approach which is that it lays too much emphasis on the autonomy of local implementers yet it is possible to influence the goals and strategies of the local actors by determining their institutional structure, resources made available to them and

their access to the actual implementation arena. Therefore top-down approach has persisted alongside bottom-up rhetoric.

5.9 Further Research

The UNLP 2013 is a 30 year policy whose implementation has only begun. The researcher therefore encourages other researchers to investigate central-local governmental relations and securing land rights in the middle and later years of the implementation span to compare results at the different phases of its implementation.

In addition the land policy covers a plethora of issues and activities. This research concentrated on chapter 5.2 and 5.3 which cover land rights administration and land rights delivery respectively. Future research could be undertaken to capture and interrogate other aspects of the UNLP 2013.

This study focused on three districts namely Kasese, Sheema and Bushenyi in Uganda. Future research can be done in other districts to capture central-local governmental relations and securing land rights in other districts such as: in the Northern part of Uganda where there is less dense population; in Central region where there is mailo tenure; or and Bunyoro where oil was discovered and concerns on land are evolving.

Finally the researcher recommends future research in other independent variables other than central-local relations such as motivation or corruption, which kept surfacing in these study findings, vis a vis securing land rights.

REFERENCES

- Adde, F. (2013). A critical review of central-local governmental relations in Uganda. *Horn View* Retrieved from <http://hornview.com/2013/02/15/a-critical-review-of-central-local-governmental-relations-in-uganda/>
- African Institute for Strategic Research Governance and Development (2014). *Kasese conflict analysis progress report*. (AISRGD Research Series 0011) Retrieved from <http://www.africaninstitute.ug>.
- African Union Commission (2010). *Framework and guidelines on land policy in Africa: A framework to strengthen land rights, enhance productivity and securing livelihoods*. Addis Ababa: AU
- Agranoff, R. (2004). *Autonomy, devolution and central-local governmental relations*. Retrieved from [http://193.146.160.29/gtb/sod/usu/\\$UBUG/repositorio/10302226_Agranoff.pdf](http://193.146.160.29/gtb/sod/usu/$UBUG/repositorio/10302226_Agranoff.pdf)
- Agranoff, R. (2012). *Comparative international relations*. Retrieved from <http://classwebs.spea.Indiana.edu/bakerr/v575/chapter%2012.doc>
- Ahimbisibwe, C. (2008). Kayihura intervenes in Bushenyi murders. *New Vision*. Retrieved from: <http://www.newvision.co.ug/PA/8/18/630213>
- Aldrich, D.P. (1999). Localities that can say no? Autonomy and dependence in the Japanese local government. *Asian Journal of Political Science*, 7 (1)
- Alshenqeeti, H. (2014). Interviewing as a data collection method: A critical review. *English Linguistics Research*. doi:10.5430/elr.v3nlp39
- Anderson, J.E. (1990). *Public policy making: An introduction*. Boston: Houghton Mifflin Company.
- Australian Government (2006) *Implementation of programme and policy initiatives: Making implementation matter*. Retrieved from <http://www.anao.gov.au>

- Bakkabulindi, F. E. (2010). Quantitative data analysis, *Paper used to facilitate a one day workshop for doctoral supervisors and supervisees*. Entebbe, Uganda: Nkumba University.
- Batungi, N. (2008). *Land reform in Uganda: Towards a harmonised tenure system*. Kampala: Fountain Publications.
- Berns, B.T. (2009). *The Uganda land issue: A comprehensive assessment of the current situation and the influence of long term trends on the future*. (Unpublished Masters Thesis) Public Administration, Nijmegen School of Management, University of Radboud, Nijmegen.
- Bevir, M. (2012). *Key concepts in governance*. doi:10.4135/9781446214817
- Braun, V. and Clarke, V. (2006). Using thematic analysis. *Qualitative Research in Psychology*,3.
- Brinkerhoff, D.W. (1999). *Improving development program performance: Guidelines for managers*. London: Lynne Rienner.
- Bruce, J. W., Wendland, K. J. and Naughton–Treves, L. (2010). *Whom to pay? Key concepts and terms regarding tenure and property rights in payment based forest ecosystem conservation*. Land Tenure Center, Nelson Institute of Environmental Studies, USA.
- Bwogi, J.L. (n.d). *Development of Uganda National Land Policy in Uganda*. Retrieved from http://mak.ac.ug/document/makfiles/ppp/ppp_Bwogi_JL_Uganda_DevOfNatLandPolInUganda.ppt.
- Byamugisha, F.F.K. (Ed.). (2014a). *Agricultural land redistribution and land administration in sub-Saharan Africa: Case studies of recent reforms*. Washington D.C: The World Bank. doi.org/10.1596/978-1-4648-0188-4
- Byamugisha, F.F.K. (2014b). Land reform and investments in agriculture for socio-economic transformation of Uganda. *Paper Prepared for Presentation at the National*

- Development Policy Forum*. Kampala, Uganda: National Planning Authority
- Cagiano De Azevedo, R. (1994). *Migration and Development Cooperation*. Council of Europe
- Cameron, K.S. (1994). Strategies for successful organizational downsizing, *Human Resource Management: Summer*
- Clifford, N., French, S. and Valentine, G. (2010). *Key Methods in Geography*. London: Sage Publications Ltd.
- Cloete, F., Wissink, H. and de Coning, C. (2006). (Eds.). *Improving land policy: From theory to practice*. Pretoria: Van Shaik Publishers.
- Corbin, J., & Strauss, A. (2008). *Basics of qualitative research: Techniques to developing grounded theory (3rd Ed.)*. Los Angeles, CA: Sage.
- Crang, M. and Cook, I. (2007). *Doing ethnographies*. London: Sage Publications Ltd.
- Creswell, J.W.(2009). *Research design: qualitative, quantitative and mixed methods approaches*. (3rd Ed.). Los Angeles, CA:Sage.
- Crook, R. C. (2003) Decentralisation and poverty reduction in Africa: the politics of local–central relations .Retrieved from *Wiley InterScience*: doi: 10.1002/pad.261
- DAI (2016). *Study on capacity assessment of the land sector to support implementation of the National Land Policy*. Herts, UK: DAI Europe.
- Devas, N. (1997). Indonesia: What do we mean by decentralisation? *Land Administration and Development*, 17, 3.
- Devas, N. (2005). *The challenges of decentralisation*. Global Forum on Fighting Corruption: Brasilia June, 2005. Retrieved from <http://www.cgu.br/ivforumglobal/pdf/nickdevas2.pdf>
- Dye, T.R. (2002). *Understanding public policy*. New Jersey: Prentice Hall.
- Economic Commission for Africa (2012) *Natural resources and conflict management: The*

- case of land*. Kigali, Rwanda: United Nations Office for East Africa.
- Economist Intelligence Unit (2010). *Enabling efficient policy implementation*. Economist Intelligence Unit Limited.
- Fisher, A. A, Laing, J.E, Stoeckel J.E and Townsend, J.W (1998). *Handbook for family planning operations handbook research design, Second edition*. USA, New York.
- Retrieved from: <http://popcouncil.org/uploads/pdfs/HbkFPOR.pdf>
- Foley, C. (2007). *A guide to property law in Uganda*. Nairobi UN-Habitat.
- Gärber, B. (2013). Women's Land Rights and Tenure Security in Uganda. Experiences from Mbale, Apac and Ntungamo. *Stichproben. Wiener Zeitschrift für kritische Afrikastudien*, 24, 132.
- Gildenhuys, H., Fox, W. and Wissink, H. (1991). *Land macro organisations*, Juta & Company.
- Golola, M. (2001). *Decentralization, local bureaucracies and service delivery in Uganda*. WIDER Discussion Paper No. 2001/115. Helsinki: World Institute for Development Economics Research.
- Government of Uganda (2008). *National strategy to fight corruption and rebuild ethics and integrity in Uganda 2008-2013*. Directorate for Ethics and Integrity, Office of the President: Author.
- Gozel, O. (2007). *The implementation of the Ottoman land code of 1858 in Eastern Anatolia*. (Masters thesis, Middle East Technical University). Retrieved from: <https://etd.lib.metu.edu.tr/upload/12608323/index.pdf>
- Grad, E. (2001). The urban response to the rural land reform during the Chinese civil war: 1945-1949. *Honours Projects*, 15. Retrieved from http://digitalcommons.iwu.edu/cgi/viewcontent.cgi?article=1006&context=history_honproj

- Green, E. D. (2005). *Ethnicity and the politics of land tenure reform in central Uganda*. London: Development Studies Institute.
- Green, E. D. (2008). *Decentralisation and conflict in Uganda: Conflict, security and development* 8 (4). DOI: 10.1080/1467880082539317
- Green, E. (2010). Patronage, district creation and reform in Uganda. *Studies in Comparative International Development*.
- Heylighen, F., Joslyn, C. and Turchin, V. (Eds.) (2000). *Principia Cybernetica Web*. Brussels: Principia Cybernetica. Retrieved from: <http://cleamc11.vub.ac.be/REFERCP.html>.
- IDRC (2017). *Bottom-up Accountability and Securing Communal Land Rights in Cross River State: A Policy Brief by Environmental Rights Action/ Friends of the Earth Nigeria*. International Development Research Centre. Retrieved from https://www.tni.org/files/publication-downloads/web_nigeria_policy_brief.pdf
- International Development Association (2011). *Land policy: Securing rights to reduce poverty and promote growth*. World Bank.
- Johnson, R.B and Onwuegbuzie, A.J (2004). Mixed methods research: A research paradigm whose time has come. *Educational Research* (33) 7.
- Jordan, J.S. (Ed.). (1998). Systems theories and a priori aspects of perception. *Elsevier Science*, 3, 47-74.
- Kabanda, N., Augustinus, C., Antonio, D., Mabikke, S., Burke C. and Rosales-Kawasaki, L. (2015). Enabling reforms and measures for implementation of Uganda's national policy. *2015 World Bank Conference on Land and Poverty*, Washington D.C
Retrieved from <https://www.google.com/search?q=encl+land+conference+kabanda+world+bank+&ie=utf-8&oe=utf-8>

- Kabanda, N., Irumba, H., Mabikke, S., Antonio, D. and Rosales-Kawasaki, L. (2016). Land Rights from a Gender Perspective: Multi-stakeholder Actions to enhance Gender and Women's Land Rights in Land Policy Formulation and Implementation in Uganda. 2016 World Bank Conference on Land And Poverty, Washington Dc.
- Kafureka, B.M., (1992). *The Dynamics of the Land Question and its Impact on Agricultural Productivity in Mbarara District*. Centre for Basic Research, Working Paper No. 25
- Kamanyire, M. (2000). *Sustainable indicators for natural resource management and policy*. Kampala. Economic Policy Research Centre.
- Kanyesigye, S. and Abeneimwe, P. (2008). *Effects of land wrangles and decentralisation: A case of Kibaale district, South Western Uganda* (Unpublished Bachelors dissertation), Makerere University Kampala.
- Kitchin, R. and Tate, N. J. (2000). *Conducting research in human geography – theory, methodology and practice*. Harlow: Pearson Education Limited.
- Klazinga, J. (2015). *Lex Sempronia Agraria: The Land Reforms of Tiberius Gracchus*. Austrian Student Scholars Conference. Retrieved from <http://www2.gcc.edu/dept/econ/ASSC/Papers%202015/ASSC%202015%20-%20Klazinga,%20Justin.docx>.
- Koroso, N.H. (2011). *Assessment of urban land market from good governance perspective* (Masters thesis, University of Twente, Netherlands). Retrieved from: http://www.itc.nl/library/papers_2011/msc/la/koroso.pdf
- Kothari, C.R (2004). *Research methodology: Methods and techniques*. New Delhi: New Age International (P) Limited Publishers.
- Kyohairwe. S. B (2009). *Gendering Political Institutions: Delineation of the Legislative Recruitment Processes and the Significance of Female Councilors in Uganda*. Norway: University of Bergen.

- Lambright, M.S.G. (2011). *Decentralisation in Uganda: Explaining Successes and Failures in Local Governance*, Colorado: First Forum Press.
- Landnet (2017). *Democratic Governance and Accountability: Landnet's intervention Programme on Good Land Governance*. Retrieved from: <http://landnet.ug/democratic-governance-accountability>
- Lastarria-Cornhiel, S. (2003). *Uganda country Brief: Property Rights and land Markets*. Land Tenure Center, University of Madison.
- Levine, S. and Adoko, J. (2006). *Land rights and displacement in northern Uganda*. Humanitarian Exchange Magazine, 34. Overseas Development Institute, Humanitarian Practice Network. <http://www.odihpn.org/report.asp?id=2813>.
- Lewis, J.I (2015). *Local governance and the recentralization of political power in African states*. Weatherhead Centre for International Affairs, Harvard University. Retrieved from http://wcfia.harvard.edu/publications/centerpiece/spring2013/feature_lewis
- Lincoln, Y.S and Guba, E.G. (1985). *Naturalistic inquiry*. Beverly Hills, CA: Sage.
- Local Government Act CAP243, 1997. Uganda.
- Mabikke, S. B. (2011). *Escalating land grabbing in post conflict regions of northern Uganda: A need for strengthening good land governance in Acholi region*. Center of Land, Water and Environmental Risk Management, München.
- Maguire, M. and Delahunt, B. (2017). Doing a thematic analysis: A practical step by step for guide for learning and teaching scholars. *All Ireland Journal of Teaching and Learning in Higher Education*, Volume 8, Number 3.
- Makinde, T. (2005). Problems of policy implementation in developing nations: The Nigerian Experience. *Journal of social Science*, II (I) 63-69
- Matland, R.E (1995). Synthesizing the implementation literature. The ambiguity conflict model of policy implementation. *Journal of Public Administration Research and*

Matovu, M. (2012). *Uganda: Land injustice for the Basongora*. Minority voices newsroom.

State of the world's minorities and indigenous peoples. Retrieved from

[http://www.minorityvoices.org/news.php/en/1140/uganda land injustice for the Basongora](http://www.minorityvoices.org/news.php/en/1140/uganda%20land%20injustice%20for%20the%20Basongora)

McGanahan, D., Pizarro, E. and Richard, C. (1985). *Measurement and Analysis of Socio-Economic Development*. Geneva. United Nations Research Institute for Social Development.

Mele, C., Pels J. and Polese J. (2010) A brief review of systems theories and their managerial applications. *Service science*, 2(12):126-135.doi.org/10.1287/serv.2.1_2.126

Mohammed, S., Pisapia J. and Walker D. A (2009). *Optimizing state policy implementation: The case of the scientific based research*. Retrieved from.

<http://cie.ed.asu.edu/volumeII/number8/>

MoLG (2014). *Decentralisation and local government in Uganda*. The Independent Publications Ltd, Kampala.

MoLHUD (2008). *Mainstreaming gender and HIV/AIDS issues into the draft national land policy: Draft issues paper*. Kampala.

MoLHUD (2009). *The UNLP: Issues and recommendations report from stakeholders consultations*. Kampala.

MoLHUD (2011). *The UNLP (Final Draft)*. Kampala: Author.

MoLHUD (2013a). *The Uganda National Land Policy*. Kampala: Author.

MoLHUD (2013b). *What the Law Says on Land Evictions*. Kampala: Author.

MoLHUD (2015). *The Uganda National Securing land rights Action Plan 2015/16-2018/2019*. Kampala: Author.

- MoLHUD (2017) *National Land Policy (NLP) Implementation Actions For The First Three Years (2015/16-2018/19) Progress Report As Of December 2017*. Kampala, Author.
- Mondaytimes, (January,2014) *Rwenzururu Assets* Mondaytimes, 23rd January ,2014
<http://www.mondaytimes.co.ug>
- Montesinos, F. P (2015). *Poised to break: Liberalism, land reform, and communities in Purepecha highland of Michocan, Mexico 1800-1915* (Doctoral thesis, Georgetown University, Washington D.C). Retrieved from https://repository.library.georgetown.edu/bitstream/handle/10822/760871/PerezMontesinos_georgetown_0076D_13014.pdf?sequence=1
- Mucunguzi, A. (2010). *Poverty eradication policies, governance and poverty eradication outcomes in Uganda*. Antwerp: University of Antwerp.
- Mugambwa, J. (2007). A comparative Analysis of Land Tenure Law Reforming Uganda and Papua New Guinea. *Journal of South Pacific Law*11 (1)
- Mugula, M. (2015, February 01). Uganda to apply global rules on land access. *The Observer*. Retrieved from <http://www.observer.ug/news-headlines/36211--uganda-to-apply-global-rules-on-land-access>
- Muinde, D.K. (2013). *Assessing the effects of land tenure on urban development in Kampala* (Masters thesis, University of Twente, Enschede, Netherlands). Retrieved from http://www.itc.nl/library/papers_2013/msc/upm/muinde
- Muriisa, K. R., Twinamatsiko M., Mbabazi, P. (2014). *Land deals in Uganda: An invisible hand in land grabbing and rural development*. OSSREA
- Mwesigye, F., Matsumoto, T. and Otsuka, K. (2014). *Population pressure, rural to rural migration and evolution of land tenure institutions: The case of Uganda*. Tokyo: National Institute for Policy studies

- Myers, M.D. (2009). *Qualitative research in business and management*. London: Sage Publications Ltd.
- Nabaho, L. (2012). Driving up standards: civil service management and decentralisation: A case study of Uganda. *Commonwealth Journal of Local Governance*, 11. Retrieved from <http://epress.lib.uts.edu.au/ojs/index.php/cjig>
- Nakumara, R.T. and Smallwood, F. (1980). *The politics of policy implementation*. New York: St. Martin's Press
- Nsibambi, A. (Ed.) (2000). *Decentralisation and civil society in Uganda: Quest for good governance*. Kampala: Fountain Publishers.
- Nuwatuhaire, B. (2017). *Population and Food Security in Rural Uganda*. (Unpublished PhD dissertation), Kampala International University, Kampala.
- Nvivo (2014). *Nvivo10 for windows*. Retrieved from <http://www.qsrinternational.com>
- Obaikol, E. (2014). *Draft final report of the implementation of the land governance assessment framework in Uganda*, Uganda Land Alliance
- Obeng-Odoom, F. (2012). Land reforms in Africa: Theory, practice and outcome. *Habitat International* 36, 161-171
- Odhiambo, M.O. (2015). Land policies and their implications for smallholder agriculture in Africa: A review of policies in six countries. AGRA retrieved from <https://www.google.com/search?q=agra+odhiambo+land+policies+2015&ie=utf-8&oe=utf-8>
- O' Grada, C. (2004). *Ireland great famine: An overview*. Dublin, Ireland: University College of Dublin. Retrieved from <https://www.ucd.ie/economics/research/papers/2004/WP04.25.pdf>
- Ojambo, H. (2012). *Decentralisation in Africa: A critical review of Uganda's experience*, vol.15 n.2 Potchefstroom

- Okidi, J.A and Guloba, M. (2006). *Decentralisation and development: Emerging issues from Uganda's experience*, Occasional Paper No.31. Kampala: Economic Policy Research Central.
- Opeskin, B.R. (2001). Mechanism for central-local governmental relations in federations, *International Social Sciences Journal*, Volume 53 Issue 167.
- Osman, J. (2014, December 06). *Land reform brings prosperity to Black Zimbabweans*. Retrieved from <http://www.channel4.com/news/landreformbringsprosperitytoblackZimbabweans>
- Oxfam (2018). *Policy & Practice: Our Work: Land Rights*. Retrieved from: file:///C:/Users/HP/Documents/LAND%20RIGHTS/Land%20rights%20_%20Oxfam%20Policy%20&%20Practice.html
- Pallant, J. (2011). *SPSS survival menu: A step by step guide to data analysis using SPSS*, NSW: Australia: Allen & Unwin.
- Peters, P.E. (2013). Land appropriation, surplus people and a battle over agrarian futures in Africa. *The Journal of Peasant Studies*, 40(3)537-562. Retrieved from doi: 10.1080/03066150/2013.803070
- Publication Manual of the American Psychological Association (2010, 6th Ed.). Washington, D.C.: American Psychological Association. Retrieved from <http://www.apastyle.org/>
- Quade, E.S. (1985). *Predicting the consequences: Models and modeling: Handbook of system analysis*, Toronto: Bantam Books.
- Quade, E.S and Boucher, W.I (1968). *Systems analysis and policy planning applications in defense*, New York: American Elsevier Co. Inc.
- Rao, N. (2006). Land rights, gender equality and household food security: Exploring the conceptual links in the case of India. *Food Policy* 31, 180–193 Elsevier. Available at www.sciencedirect.com
- Remenyi, D.; Williams, B.; Money, A. and Swartz, E. (2002). *Doing research in business*

- and management: An introduction to process and methods.* London: Sage.
- Renno, D. C., Twinamatsiko, J. and Mugisa, C.P (2012). *Kasese district poverty profiling and mapping*. Retrieved from <http://www.btcctb.org/files/web/Landation>
- Roh, K.A. (2012). *Challenges to policy implementation: an examination of and integrated health care delivery system demonstration project*. Honors projects. Paper 38. Retrieved from http://digitalcommons.macalester.edu/poli_honors/38
- Richards, L. & Morse, J.M. (2007). *Readme first for a user's guide to qualitative methods* (2nd Ed.). Thousand Oaks, CA: Sage.
- Rugadya, M.A. (1999). *Land Reform: the Uganda Experience*. Land Use and Villagisation Workshop. Hotel De Mille Collines, Kigali 20th-21st September 1999.
- Rugadya, M.A. (2009). *Escalating land conflicts in Uganda: A review of evidence from recent studies and surveys*. Retrieved from [http://www.aresearchug.org/reports/commissioned_research/Escalating land Conflicts in Uganda Cause and Implications, 2009.pdf](http://www.aresearchug.org/reports/commissioned_research/Escalating_land_Conflicts_in_Uganda_Cause_and_Implications,_2009.pdf)
- Schofield, J. and Sausman, C (2004). *Symposium on implementing land policy: learning from theory and practice*, Oxford: Blackwell Publishing Ltd.
- Scoones, I., Mahongwe, N., Mavedzenge, B., Murimbarimba F., Mahenehene, J. and Sukume, C. (2011). *Zimbabwe land reform: A summary of findings*. IDS: Brighton. Retrieved from <http://www.zimbabweland.net/zimbabwe's%20land%20Reform%20Booklet%20Web.pdf>
- Scott, Z. (2009). *Decentralisation, local development and social cohesion: An analytic review*. Governance and Social Development Resource Centre: University of Birmingham

Sebina-Zziwa, A. (2010). *Land reform monitoring and evaluation: The case of Uganda*.

MISR

Shemi, P. A. (2012). Factors Affecting E-commerce Adoption in Small and Medium Enterprises: An Interpretive Study of Botswana. Submitted in Partial Fulfilment of the Requirements of the Degree of Doctor of Philosophy. *University of Salford Salford Business School*, Salford, UK.

Ssemaluulu, P. (2012). *An Instrument to Assess Information Systems Success in Developing Countries*. Publisher: University of Groningen Groningen, Netherlands.

Stephanie (2018). *Statistics: How to*. Retrieved from: <http://www.statisticshowto.com/10-condition/>

Tavakol, M. and Dennick, R. (2011). Making sense of Cronbach alpha. *International Journal of Medical Education*, (2). DOI: 10.5116/ijme.4dfb.8dfd

The Republic of Uganda (n.d). Uganda Vision 2040. Kampala: National Planning Authority.

The Republic of Uganda (1998). *The Land Act*. Kampala: Author.

The Republic of Uganda (1995). *Constitution of the Republic of Uganda*. As at 15th February 2006

The Republic of Uganda (2010). *National Development Plan 2010/2011-2014/2015*. Kampala: National Planning Authority.

The Republic of Uganda (2013). A Report by the Auditor General: Value for Money Audit on the Management of the Land Tenure Project by the Ministry of Lands Housing and Urban Development. Kampala: Auditor Generals Office

Uganda Bureau of Statistics (2014). *National Housing and Population Census 2014: Provisional results*. <http://www.ubos.org/onlinefiles/uploads/ubos/NPHC/NPHC%202014%20PROVISIONAL%20RESULTS%20REPORT.pdf>

Uganda Bureau of Statistics (2016). *The National Population and Housing Census 2014:*

- Main Report*. Kampala Uganda.
- Uganda Bureau of Statistics (2017). *The National Population and Housing Census 2014: Area Specific profile Series*, Kampala, Uganda.
- UN-Habitat (2014). *Uganda land stakeholder's workshop: Executive summary*. Kampala, Uganda.
- USAID (n.d). *USAID country profile: Property rights and resource governance*. Retrieved from http://usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Uganda_Profile.pdf
- Vedung, E. (2000). *Public policy and program evaluation*. New Jersey: Transaction Publishers.
- Villadsen, S. and Lubanga, F. (1996). *Democratic decentralisation in Uganda: A new approach to local governance*. Kampala: Fountain Publishers.
- Wikipedia (2017). *The Free Encyclopedia*. <https://en.wikipedia.org/wiki/Ishaka>
- Winter, S. (2006). Implementation: In Guy Peters and Jon Pierre (Eds.) *Handbook of land policy*. Thousand Oaks, CA: Sage Landations.
- World Bank (2003). *Cambodia: Enhancing service delivery through improved resource allocation and institutional reform*. Integrated Fiduciary Assessment and Expenditure Review. Washington DC: World Bank
- Zevenbergen, J., Hilhorst, T. and Nsamba-Gayiiya, E. (2012). Increasing tenure security in Uganda: How to use external support for strengthening bottom up approaches. *Annual Conference on Land and Poverty*. Washington DC: The World Bank. Retrieved from http://www.landandpoverty.com/agenda/pdfs/paper/hilhorst_full_paper.pdf

APPENDIX A: SIMPLE RANDOM SAMPLE CALCULATION

Slovene's formula:

$$n = \frac{N}{1+N(e)^2}$$

Where N= study population

n = sample

e = level of significance

$$\begin{aligned} n &= \frac{2116}{1+2116(0.05)^2} \\ n &= 336.4069952305 \\ n &= 337 \end{aligned}$$

APPENDIX B: INTERVIEW GUIDE FOR DISTRICT LAND OFFICERS

This interview is conducted for academic purpose and will hopefully lead to the award of a doctoral degree. The research topic involves central-local governmental relations (political, administrative and financial) and securing land rights. This information is being collected from a wide cross section of stakeholders' at local and central government levels. The information will be analysed and used to design recommendations on the topic for dissemination to all stakeholders. Please feel free to express your ideas and opinions on this subject. All the information collected from you will be strictly kept confidential.

A. Organisational and Demographic Information

A1. Designation _____

A2. Gender _____

A3. Name of District _____

1. Does central government give sufficient policy guidance in land rights delivery?
2. Does central government interfere politically in delivery of securing land rights?
3. Does the central government engage locals in decisions regarding delivery of secure land rights?
4. Do local administrators enjoy discretion in land rights delivery?
5. Is there sufficient flow of information with the central governments for land rights delivery?
6. Are local administrators loyal to their local governments in following of central government standards in land rights delivery?
7. Is there sufficient communication with central government in land rights delivery?
8. Is there coordination among all land administration institutions in land rights delivery?
9. Are local land administrators trained substantially by central government to be effective in the delivery of securing land rights?
10. Do local land institutions have capacity to carry out their functions in land rights delivery?
11. Do local land institutions receive sufficient funds for land rights delivery?
12. Does central government engage local governments in budgeting for land rights delivery?
13. Does central government audit delivery of securing land rights?
14. Does local government account to central government in land rights delivery?

APPENDIX C: QUESTIONNAIRE FOR COUNCILORS

This study is conducted for academic purpose and will hopefully lead to the award of a doctoral degree. The research topic involves central-local governmental relations (political, administrative and financial) and securing land rights. Uganda in 2013 adopted a new land policy under a decentralized framework. The central and local governments both have a role to play. We hope to analyse the relationship between the central and local governments in the implementation of the land policy, specifically, in the delivery of securing land rights and in land rights administration. By securing land rights we mean the right to hold land. It includes right to own, use and access land. By land rights administration we mean the process of determining, registering and availing information on ownership, value and use of land. By central-local governmental relations we mean the extent local citizens are allowed to manage the delivery of public services in their own areas (Agranoff, 2012).

This information is being collected from a wide cross section of stakeholder's at all local government levels. The information will be analysed and used to design recommendations on the topic for dissemination to all stakeholders. Please feel free to express your ideas and opinions on this subject. All the information collected from you will be strictly kept confidential.

A. Organisational and Demographic Information

A1. Name of District_____

A2. LC1/ LC2/LC5 _____

1. Your gender: a. Male b. Female
2. Your age is between: a. 18-35 b. 36-64 c. 65 and above
3. Your highest education level: a. None b. P.L.E c. U.C.E d. U.A.C.E e. College Certificate f. Diploma g. Degree h. Masters i. PhD

Rating system

Score	Response Mode	Description	Interpretation
4	Strongly Agree	You agree with no doubt	Very Satisfactory
3	Agree	You agree with some doubt	Satisfactory
2	Disagree	You disagree with some doubt	Unsatisfactory
1	Strongly Disagree	You disagree with no doubt	Very Unsatisfactory

Direction: Kindly use the space provided before each option to indicate your best choice by using the rating system above.

Central-local governmental Political Relations and Securing land rights

- ☐ delivery of local securing land rights depends on policy guidance by central government
- ☐ delivery of local securing land rights suffers from political interference by central government
- ☐ central government encourages local participation in delivery of local securing land rights
- ☐ local land rights administration follows policy guidelines by central government
- ☐ local land rights administration suffers from political interference by central government
- ☐ central government has decentralized land rights administration to allow local participation

Central-local Governmental Administrative Relations and Securing land rights

- ☐ local administrators have choice in implementing land policy from central government
- ☐ local administrators get sufficient information on land policy from central government
- ☐ local administrators are loyal to the local government when implementing land policy from central government
- ☐ local land administrators get timely communication on land policy from central government
- ☐ local land administration institutions are well coordinated with central government
- ☐ local land administrations get significant training from central government
- ☐ local land administrators get capacity building from central government

Central-local governmental Financial Relations and Securing land rights

- ☐ grants from the central government are received on time
- ☐ grants from the central government meet local land budgetary requirements
- ☐ central government audits funds sent to local governments for securing land rights
- ☐ Local governments are accountable to central government for funds sent for securing land rights

Customary practices and institutions and securing land rights

- ☐ Customary land practices are contrary to the Uganda National Land Policy 2013
- ☐ Customary land institutions are contrary to the Uganda National Land Policy 2013
- ☐ there is conflict resulting from similar land responsibilities between customary and government land institutions
- ☐ local customary practices protect the right to ownership of land by women
- ☐ local customary practices protect the right to inheritance of land by women
- ☐ local customary practices protect the right to ownership of land by children
- ☐ local customary practices protect the right to inheritance of land by children
- ☐ customary right to land among men is influenced by marital status

Delivery of securing land rights

- ___Registration of land has secured people's right to land
- ___Certification of land has secured people's right to land
- ___Documentation of land has secured people's right to land
- ___Digitalised recording of land has secured people's right to land
- ___Subsidiary legislation of land has secured people's right to land
- ___Sensitization of land has secured people's right to land

APPENDIX D: INTERVIEW GUIDE FOR MoLHUD LAND ADMINISTRATORS

This interview is conducted for academic purpose and will hopefully lead to the award of a doctoral degree. The research topic involves central-local governmental relations (political, administrative and financial) and securing land rights. This information is being collected from a wide cross section of stakeholders' at local and central government levels. The information will be analysed and used to design recommendations on the topic for dissemination to all stakeholders. Please feel free to express your ideas and opinions on this subject. All the information collected from you will be strictly kept confidential.

A. Organisational and Demographic Information

A1. Designation _____

A2. Gender _____.

A3. Name of Department/Unit _____

1. In 2013 the UNLP was introduced. In tandem with the constitution it agrees that land is a national function for which central government is responsible. Chapter five of the UNLP 2013 captures land rights delivery and land rights administration.
 - a) What is the function of central government in land rights delivery?
 - b) Has the central government carried out its mandate with regard to securing land rights?
 - c) What have been the successes achieved with regard to securing land rights?
 - d) What have been the challenges faced with regard to securing land rights?
2. Under decentralisation some of the national land functions have been delegated to the local government. Therefore overall success of the policy depends on local governments playing their role.
 - a) What are the functions that have been delegated to local government in land rights delivery?
 - b) How does MoLHUD work with the local governments in land rights delivery?
 - c) Do you see any obstacles in MoLHUD working with the local governments in land rights delivery?
 - d) If yes. What is government doing to address these obstacles?
3. How do you know you are succeeding in providing secure land rights?
4. Is there coordination between the central and local governments in providing secure land rights?
5. How can the land policy be improved with regard to securing land rights?

6. Have the local governments been trained well by central government to be effective as land policy implementers with regard to delivery of secure land rights?
7. What facilitation do local governments get for securing land rights?
8. How does government deal with discretion of the local implementers in case they decide to ignore, partially implement or selectively implement the Land Policy? Explain.
9. How would you categorize the relationship of central government with local governments? Good? Fair? Bad? Give reasons.
10. Have targets not achieved so far in delivery of securing land rights and land rights administration been hindered by central-local governmental relations? If so. How?

APPENDIX E: INTERVIEW GUIDE FOR UGANDA LAND COMMISSION (ULC)

This interview is conducted for academic purpose and will hopefully lead to the award of a doctoral degree. The research topic involves central-local governmental relations (political, administrative and financial) and securing land rights. This information is being collected from a wide cross section of stakeholders' at local and central government levels. The information will be analysed and used to design recommendations on the topic for dissemination to all stakeholders. Please feel free to express your ideas and opinions on this subject. All the information collected from you will be strictly kept confidential.

A. Organisational and Demographic Information

A1. Designation _____

A2. Gender _____.

A3. Name of Department/Unit _____

1. In 2013 the UNLP was introduced. It states that land is a national function for which central government is responsible. Chapter five of the UNLP 2013 captures land rights delivery and land rights administration. The ULC holds and administers land owned and vested in government.
 - a) Does the ULC have any role in implementing the 2013 UNLP?
 - b) If yes. What is the function of the ULC in land rights delivery?
 - c) What have been the successes achieved by ULC with regard to delivery of secure land rights?
 - d) What have been the challenges faced by ULC with regard to delivery of secure land rights?
- 2) Some of the national land functions have been delegated to the local government. Therefore overall success of the policy depends on local governments playing their role.
 - a) How does ULC work with the local governments in land rights delivery?
 - b) Do you see any obstacles in ULC working with the local governments in land rights delivery?
 - c) If yes. What is government doing to address these obstacles?
- 3) How do you know you are succeeding in providing secure land rights?
- 4) Is there coordination between ULC and local governments in providing secure land rights?

- 5) How in your view can the land policy be improved with regard to delivery secure land rights?
- 6) Have the local governments been trained well by central government to be effective as land policy implementers with regard to delivery of secure land rights?
- 7) What facilitation do local governments get for delivery securing land rights?
- 8) How does government deal with discretion of the local implementers in case they decide to ignore, partially implement or selectively implement the Land Policy? Explain
- 9) How would you categorize the relationship of ULC with local governments? Good? Fair? Bad? Give reasons.
- 10) Have targets not achieved so far in delivery of secure land rights and land rights administration been hindered by central-local governmental relations? If so. How?

APPENDIX F: INTERVIEW GUIDE FOR DISTRICT LAND BOARDS

This interview is conducted for academic purpose and will hopefully lead to the award of a doctoral degree. The research topic involves central-local governmental relations and securing land rights. This information is being collected from a wide cross section of stakeholders' at all local government levels. The information will be analysed and used to design recommendations on the topic for dissemination to all stakeholders. Please feel free to express your ideas and opinions on this subject. All the information collected from you will be strictly kept confidential.

A. Organisational and Demographic Information

A1. Designation _____

A2. Gender _____.

A3. Name of District _____

Land rights administration

1. Does the district land board hold land that is not owned by anybody or authority?
2. Has the district land board allocated land that is not owned by anybody or authority?
3. Does the district land board facilitate the registration of interests in land?
4. Does the district land board facilitate the transfer of interests in land?
5. Does the district land board cause surveys, plans, maps, drawings and estimates to be made by or through its offices or agents?
6. Has the district land board compensated people or institutions with respect to crops, buildings

Delivery of secure land rights

7. Have district land boards ensured people own land securely?
8. Have district land boards ensured people access land securely?
9. Have district land boards ensured people use land securely?
10. Do district land boards take advice from area land committees in establishing claims over land?
11. Do district land boards receive sufficient facilitation to carry out their work?

APPENDIX G: INTERVIEW GUIDE FOR AREA LAND COMMITTEES

This interview is conducted for academic purpose and will hopefully lead to the award of a doctoral degree. The research topic involves central-local governmental relations and securing land rights. This information is being collected from a wide cross section of stakeholders' at all local government levels. The information will be analysed and used to design recommendations on the topic for dissemination to all stakeholders. Please feel free to express your ideas and opinions on this subject. All the information collected from you will be strictly kept confidential.

A. Organisational and Demographic Information

A1. Designation _____

A2. Gender_____._____

A3. Name of District_____

Delivery of secure land rights

1. Have land committees enabled people to own land securely?
2. Have land committees enabled people to access land securely?
3. Have land committees enabled people to use land securely?
4. Do district land boards take into consideration advice of area land committees in establishing land claims?
5. Do area land committees receive sufficient facilitation to carry out their work?

Land rights administration

6. Do land owners participate effectively in determining value and use of land in your area?
7. Do land users especially women participate effectively in determining value and use of land in your area?
8. Do land owners participate effectively in registering value and use of land in your area?
9. Do land users especially women participate effectively in registering value and use of land in your area?
10. Do land owners participate effectively in availing information about value and use of land in your area?
11. Do land users especially women participate effectively in availing information about value and use of land in your area?
12. Have customary land administration institutions been recognized legally in your area?

13. Have land rights administration institutions been provided with resources at all levels of operation in your area?

APPENDIX H
NATIONAL LAND POLICY (NLP) IMPLEMENTATION ACTIONS PROGRESS
REPORT AS OF DECEMBER 2017

N O.	PRIORITY AREA	ACTIONS/ACTIVITIES TO BE UNDER TAKEN	REMARKS				
			DONE	ONGOING	PENDING	FUNDING SOURCES	Remarks
1.	Capacity Building and Training Programme for Government, Private Sector, Civil Society, and Other Key Actors linking them to implementation of the NLP.	Create public private partnerships (PPP) in line with the land rights delivery function.		✓		G.O.U	
		Develop paths for integrating the land sector with other productive sectors.		✓			
		Create an active and well-regulated network of public, private sector, and CSO land actors		✓		G.O.U	
		Develop training programs for different actors in the Land sector and provide training in the different skills at the appropriate levels, including Land Administrators, physical planners, lawyers, paralegals, judicial actors and the police.	✓			ACODE	
		Build up the capacity of the land actors to implement land laws, collect land-related fees, operate transparently, be accountable, and fight corruption			✓	EU	
		Develop and implement a code of conduct of practice and guidelines for surveyors including continuous professional development.			✓		

		Train surveyors in new technologies such as fit for purpose, STDM among others for increased tenure security		✓			
		Train customary and traditional institutions, CSOs and other stakeholders to focus on rights parsing, dispute resolution and formalization looking at access and securing rights to land.			✓		
		M&E Training for MLHUD and NLP secretariat staff to enable easy assessment of activities in as far as implementation of the NLP is concerned.		✓			
3.	Measures to Protect and Improve Women's Securing Rights and Access to Land	Educate and sensitize the public on land-related gender discrimination		✓			MLHUD developed a Gender Strategy on Land for the implementation of the NLP.
		Review and regulate implementation of customary rules to ensure that women's rights to family land are protected			✓		
		Document customary rules and practices in selected number of districts affecting women's land rights under inheritance, succession, marriage and divorce to illuminate, cultivate and strengthen the custom and traditions.			✓		
		Supporting activities of Equal opportunities Commission as a specialized institution.					
		Partnering with civil society organizations to promote and support community awareness on good practices, norms and values that recognize			✓		

		and uplift rights of women to land.					
		Engage communities in discussions about gender-sensitive interpretation of religious law, customary law and statutory law		✓			
		Provide sensitization to women populations and their communities during the rollout Of all NLP interventions.		✓			
4.	Measures to Manage and Resolve Land Disputes and Conflicts	Training of Land Management Institutions including District Land Boards, Local Council Courts, and Area Land Committees on dispute resolution mechanisms.			✓		
		Design a hierarchy for dispute resolution structures			✓		
5.	Institutional Reforms required for delivery of land services	Establish and operationalize a customary land rights registry			✓		
		Establish codes of professional conduct for specialized services needed for improved land service delivery (codes for surveyors, physical planners, architects, valuers and registrars.			✓		

		Establish and enforce national professional standards for land administrators.			✓		
7.	Research and Studies to Support the Land Reform Programme	Undertake a study to review other land related laws with a view of amending them to be in line with NLP Principles and objectives.			✓		The process of amending the Land Act commenced with ULRC spearheading the process of legal reform
		Setting up and operationalizing an effective multi-stakeholder forum for inter-sectoral consultation and coordination of land sector activities.			✓		
		Convene an annual consultation forum on land as a resource for National Development.			✓		
		Refining and clarifying the mandates of different agencies charged with management of land based resources.					
		Undertake a study on taxation of idle land			✓		

		Undertake a study to review the Capital Gains Tax			✓		Principles for the Survey and Mapping Bill are due for submission to Cabinet for consideration and approval
		Undertake a study to assess whether land policy reforms address the land question as articulated in the National Land Policy.		✓			Principles for the LIS law are due for submission to Cabinet for consideration and approval
		Undertake a study on possible mechanisms for the joint and participatory management of natural resources with communities owning or contiguous to land in or over which such resources are situated			✓		
		Undertake a study to review customary tenure system			✓		
		Undertake a study on communal land rights			✓		
		Undertake a study on land rights of ethnic minorities and pastoralists			✓		
		Undertake a study on revenue generation in the lands sector			✓		

		Undertake a comprehensive study and in-depth analysis of all land dispute resolution structures, roles and functions; relationship with each other and the appellant system			✓		
		Undertake a study to establish optimum land requirements for different sectors of the economy			✓		
		Undertake a study to review the Mailo tenure system			✓		
10.	Land Rights Civic Education and Awareness Programme	Development of the IEC Strategy		✓			
		Development and production of IEC sensitization materials			✓		
		Translation of the NLP into major local languages and Kiswahili			✓		
		Illustration and simplification of the NLP language			✓		
		Organisation and implementation of a print and electronic media publicity campaign.			✓		
		Conducting stakeholder engagements		✓			
		Organize briefings for media houses on land reforms			✓		
		Design and implement a civic education and public awareness campaign.			✓		
		Design and implement periodic public debate programs on land			✓		

		issues and reforms.					
		Compile, produce, and disseminate a bi-annual state of land resources report for the national consultation forum on land resources convened by MLHUD to review progress in the land sector.			✓		
11.	Fulfilling Regional and International Obligations	Identifying the regional and international instruments relevant to the NLP, and developing a checklist of obligations and commitments			✓		GOU has just concluded the restructuring process for MDAs
12.	Land Use and Land Management Reforms	Establishment of a land bank to facilitate access to land by large scale investment projects through transparent and accountable procedures.			✓		

APPENDIX I



Plate 1: Photograph of land files on floor of Sheema District Land Office: Source (Self, 2017)

APPENDIX J

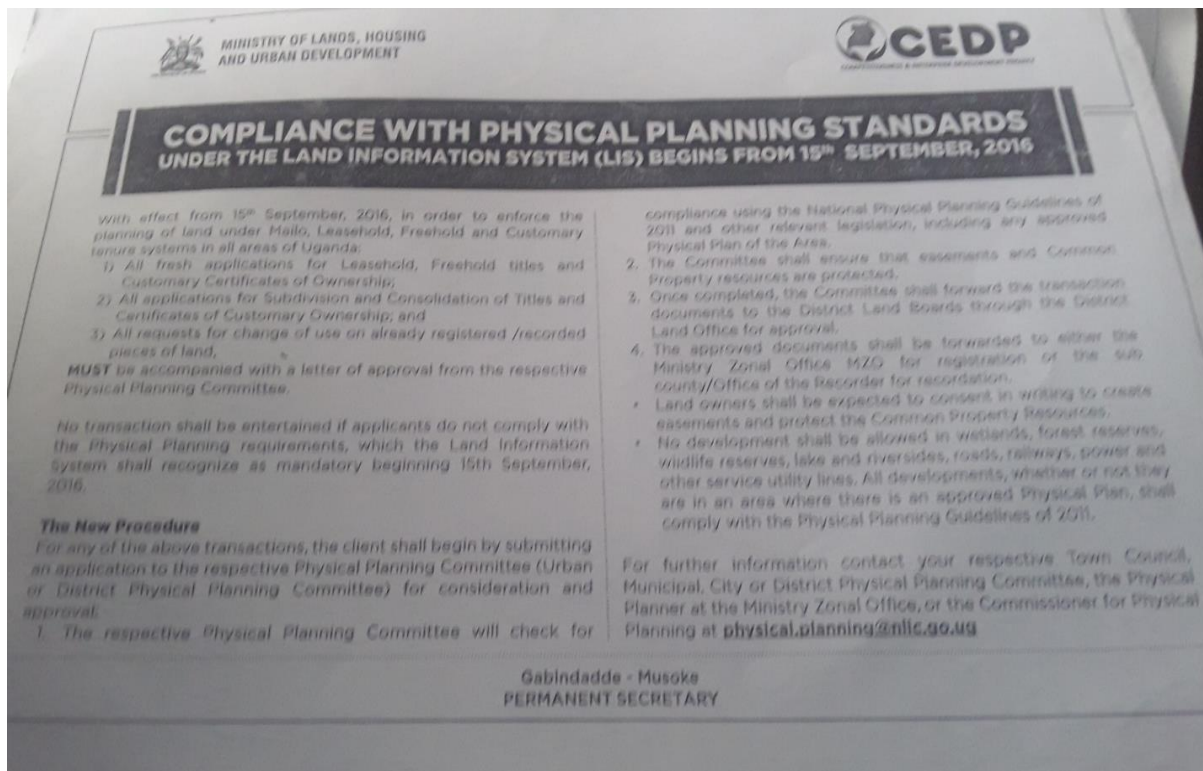


Plate 2: Photograph showing Directive to Physical Planners: Source (Self, 2017)

PHD CANDIDATE

MUGISHA DAVID BEGUMYA
P.O BOX 223 BUSHENYI
davidmugishab@gmail.com
0775209561/0702334343

1st July, 2017

TO WHOM IT MAY CONCERN

Dear Sir/Madam

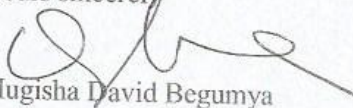
RE:INTRODUCTION OF RESEARCH ASSISTANT

The bearer of this letter by the names of
.....MR. AHAIRWE FRANK.....is

a Research Assistant administering questionnaires for the study **Central-Local Relations and Land Policy Implementation in the Districts of Kasese, Sheema and Bushenyi in Uganda**. This research will hopefully lead to the award of doctorate degree in Public Management of Kampala International University.

Any assistance accorded to him is highly appreciated. Thank you!

Yours sincerely



Mugisha David Begumya

PhD/36035/113/DU

Kampala International University

Western Campus

PHD CANDIDATE

MUGISHA DAVID BEGUMYA
P.O BOX 223 BUSHENYI
davidmugishab@gmail.com
0775209561/0702334343

1st July, 2017

TO WHOM IT MAY CONCERN

Dear Sir/Madam

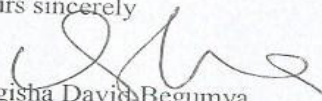
RE:INTRODUCTION OF RESEARCH ASSISTANT

The bearer of this letter by the names of
MR. NIMWESIGA ANDREW.....is

a Research Assistant administering questionnaires for the study **Central-Local Relations and Land Policy Implementation in the Districts of Kasese, Sheema and Bushenyi in Uganda**. This research will hopefully lead to the award of doctorate degree in Public Management of Kampala International University.

Any assistance accorded to him is highly appreciated. Thank you!

Yours sincerely



Mugisha David Begumya

PhD/36035/113/DU

Kampala International University

Western Campus

PHD CANDIDATE

MUGISHA DAVID BEGUMYA
P.O BOX 223 BUSHENYI
davidmugishab@gmail.com
0775209561/0702334343

1st July, 2017

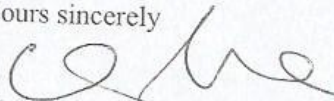
TO WHOM IT MAY CONCERN

Dear Sir/Madam

RE:INTRODUCTION OF RESEARCH ASSISTANT
The bearer of this letter by the names of
.....MR. TUMUSIME PAUL.....is
a Research Assistant administering questionnaires for the study **Central-
Local Relations and Land Policy Implementation in the Districts of
Kasese, Sheema and Bushenyi in Uganda**. This research will hopefully lead to
the award of doctorate degree in Public Management of Kampala International
University.

Any assistance accorded to him is highly appreciated. Thank you!

Yours sincerely



Mugisha David Begumya

PhD/36035/113/DU

Kampala International University

Western Campus

PHD CANDIDATE

MUGISHA DAVID BEGUMYA
P.O BOX 223 BUSHENYI
davidmugishab@gmail.com
0775209561/0702334343

1st July, 2017

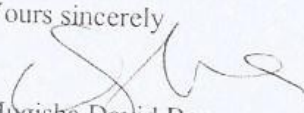
TO WHOM IT MAY CONCERN

Dear Sir/Madam

RE:INTRODUCTION OF RESEARCH ASSISTANT
The bearer of this letter by the names of
.....MASIKA SHEILAH.....is
a Research Assistant administering questionnaires for the study **Central-
Local Relations and Land Policy Implementation in the Districts of
Kasese, Sheema and Bushenyi in Uganda**. This research will hopefully lead to
the award of doctorate degree in Public Management of Kampala International
University.

Any assistance accorded to him is highly appreciated. Thank you!

Yours sincerely


Mugisha David Begumya

PhD/36035/113/DU

Kampala International University

Western Campus

PHD CANDIDATE

MUGISHA DAVID BEGUMYA
P.O BOX 223 BUSHENYI
davidmugishab@gmail.com
0775209561/0702334343

1st July, 2017

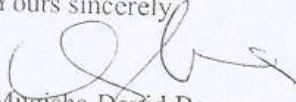
TO WHOM IT MAY CONCERN

Dear Sir/Madam

The bearer of this letter by the names of RE:INTRODUCTION OF RESEARCH ASSISTANT
.....M. N. HINDO.....J. ANE..... is
a Research Assistant administering questionnaires for the study **Central-
Local Relations and Land Policy Implementation in the Districts of
Kasese, Sheema and Bushenyi in Uganda**. This research will hopefully lead to
the award of doctorate degree in Public Management of Kampala International
University.

Any assistance accorded to him is highly appreciated. Thank you!

Yours sincerely


Mugisha David Begumya

PhD/36035/113/DU

Kampala International University

Western Campus

August 15, 2017

MUGISHA DAVID BEGUMYA
PhD/36035/113/DU


LETTER OF APPROVAL

This is to certify that the research proposal titled **“Central-Local Relations and Land Policy Implementation in the Districts of Kasese, Sheema and Bushenyi in Uganda”** was reviewed by the Research Subcommittee of the Board of Postgraduate Studies and Research Directorate of Kampala International University-Western Campus (KIU-WC) in its meeting on **January 12, 2017** for its Scientific Validity and Ethical appropriateness and was approved subject to minor corrections.

This proposal was finally approved on August 15, 2017 after the expedited review following the minor corrections. You may now start conducting your research.

The Research Subcommittee retains the powers to continue monitoring how you are conducting the research.

Signed by:



Chairman, Research Sub-Committee



June 2, 2017

TO WHOM IT MAY CONCERN

RE: MR. DAVID MUGISHA

This is to affirm that Mr. David Mugisha registration number PhD/36035/113/DU is a PhD student at Kampala International University in the Department of Public Administration, Faculty of Business and Management.

Mr. Mugisha's research topic is Central-Local Relations and Land Policy Implementation in the Districts of Kasese and Bushenyi-Uganda.

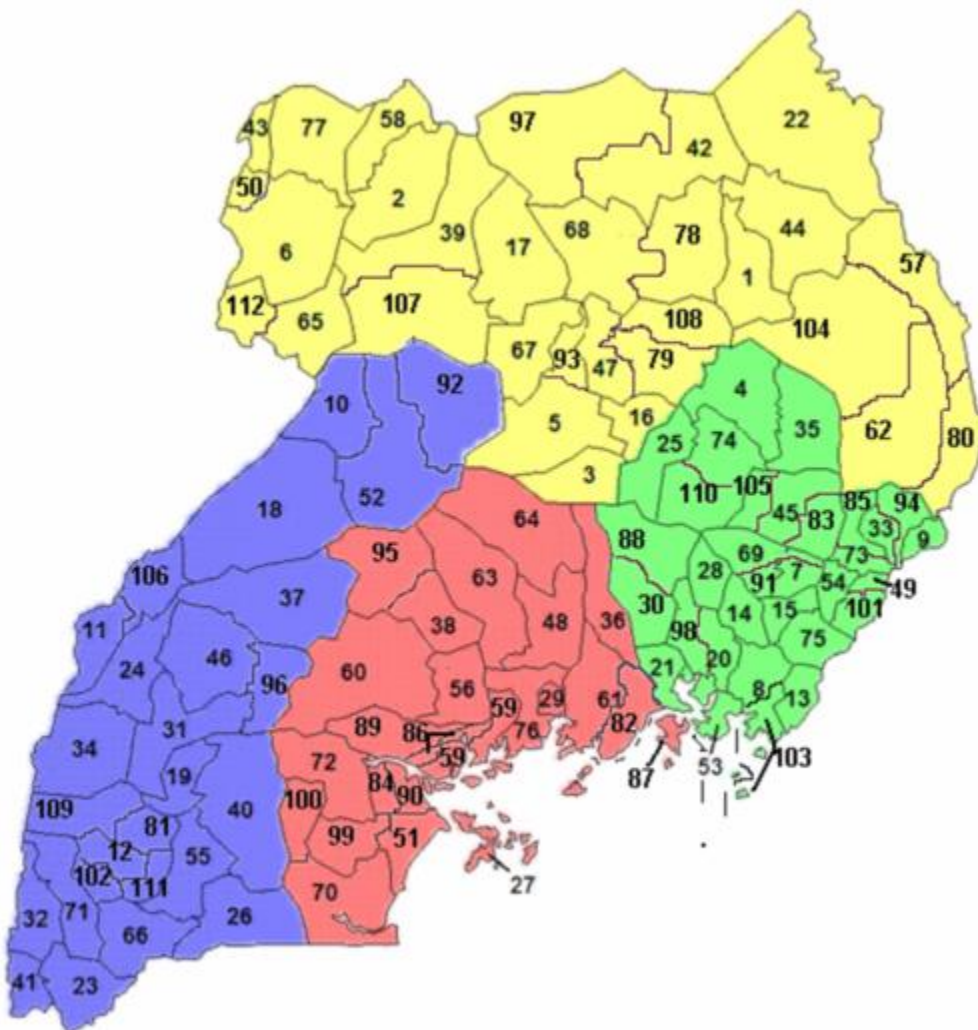
Any assistance given to him is appreciated.

Yours faithfully,



**ASSOC. PROF. PWAVENO H. BAMAIYI
DIRECTOR**

MAP OF UGANDAS DISTRICTS



3

Source: Wikipedia 2018

**Western Region
(blue)**

Map	District	population
111	<u>Sheema</u>	207,343
109	<u>Rubirizi</u>	129,149
106	<u>Ntoroko</u>	67,005
102	<u>Mitooma</u>	183,444
96	<u>Kyegegwa</u>	281,637
92	<u>Kiryandongo</u>	266,197
81	<u>Buhweju</u>	120,720
71	<u>Rukungiri</u>	314,694
66	<u>Ntungamo</u>	483,841
55	<u>Mbarara</u>	472,629
52	<u>Masindi</u>	291,113
46	<u>Kyenjojo</u>	422,204
41	<u>Kisoro</u>	281,705
40	<u>Kiruhura</u>	328,077
37	<u>Kibaale</u>	785,088
34	<u>Kasese</u>	694,992
32	<u>Kanungu</u>	252,144
31	<u>Kamwenge</u>	414,454
26	<u>Isingiro</u>	486,360
24	<u>Kabarole</u>	469,236
23	<u>Kabale</u>	528,231
19	<u>Ibanda</u>	249,625
18	<u>Hoima</u>	572,986
12	<u>Bushenyi</u>	234,440
11	<u>Bundibugyo</u>	224,387
10	<u>Buliisa</u>	113,161

Source: Wikipedia 2018