

**COMMUNITY LEADERS AND LAND CONFLICTS IN UGANDA.  
CASE STUDY OF NADUNGET SUB-COUNTY MOROTO DISTRICT.**

**BY**

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## DECLARATION

I **OTIM SIMON PETER** Hereby declare that the work presented in this book is original unless otherwise stated. It has never been presented before in any institution of learning either in part or full, for any academic award, publication or otherwise.

SIGINATURE ..... 

DATE.....10/05/2019.....

## APPROVAL

I certify that Mr. **OTIM SIMON PETER** carried out this research under my supervision and has submitted with my approval as the University Supervisor.

Signature .....



Date .....



**PROFESSOR. SATURDAY OBIYAN**

**UNIVERSITY SUPERVISOR.**

## **DEDICATION**

I dedicate this research report to my parents, Mr. Lokarama Peter and my Mother Mrs. Liko Mary my supports for sponsorship Hon. Angella Fred Member of Parliament Moroto Municipality, my wife Anita Babirye my friends Aguma Richard Seno, Iriama Katisto DC Loroti Joseph, Namer Joyce, Lokoi Eskther, Hon. Mohamed Ismail, Hon Tata Stella Woman Member of Parliament Moroto District.

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## **ABSTRACT.**

The study aimed at examining the role of community leaders in land conflicts in Nadunget sub-county Moroto District, Uganda. Specific objectives were, to determine the nature of land disputes in Nadunget sub-county Moroto District, to identify the roles of key actors in land disputes and to establish the underlying factors for the increase in land disputes in Nadunget sub-county Moroto District a study population of 60 respondents was considered and a sample of 52 respondents were interviewed.

From the findings Summery of findings, the people herein have continuously been exposed to suffrage from rampant land disputes. Secondly, this study was prompted by the increasing gap in information asymmetry between registered (30%) and unregistered (70%) land in developing countries. The study depicts weaknesses and loopholes in the legal regime, especially due to the fact that customary tenure among other informal tenures is considered a lesser interest. This manifests inconsistency in application of the law and discriminatory practices to the women who are the most users/dependents on customary tenure.

It was concluded that land professionals have been instrumental in formulating technical solutions to improve land administration and management systems in every country. With the modernization of the information and communications technologies, such solutions become more; powerful, faster, efficient and relatively cheaper. Nowadays, organized poor communities and their networks are already using advanced technologies and systems with little support from land professionals and they find them to be a vital tool.

The study recommends urgent need by government, civil society organization and legal entities to come up with programs that will train these institutions like LCCs, ALCs, and DLB, to enable them be fit for purpose and pave way for smooth operation in land matters. Government needs to roll out further training and empowerment of technical personnel like; surveyors, physical planners, land officers especially in the department of land registration. These can be trained on the benefits, use and application of STDM mechanism as a pre-emptive dispute resolution. It is essential to particularly train surveyors on SIDM technical applications in data coverage, capture and interpretation, for instance use of satellite, GPS among others.

## CHAPTER ONE

### INTRODUCTION

#### 1.0. Introduction

This Chapter focuses on the background of the study, statement of the problem, purpose of the study, specific objectives, research questions, scope of the study, and the conceptual frame work.

#### 1.1. Background of the Study

A conflict, as defined by sociologists, is a social fact in which at least two parties are involved and whose origins are differences either in interests or in the social position of the parties (Imbusch 1999). Consequently, a land conflict can be defined as a social fact in which at least two parties are involved, the roots of which are different interests over the property rights to land: the right to use the land, to manage the land, to generate an income from the land, to exclude others from the land, to transfer it and the right to compensation for it. A land conflict, therefore, can be understood as a misuse, restriction or dispute over property rights to land (Wehrmann 2005). Land conflicts defined as such can be aggravated if the social positions of the parties involved differ greatly. Although we generally experience conflict as something destructive, they nevertheless perform positive functions. Sociological conflict theories underline the importance of social conflict for social change (Bonacker 1996). Land conflicts, too, can become engines of change if they lead to massive protest and consequent changes in policies and their implementation. It is therefore important to deal with land conflicts in a constructive manner, instead of ignoring them or simply trying to stop them.

In many countries, indigenous people have been dispossessed or live at risk of being dispossessed due to either failure to recognize their rights to land or invalidation of those rights by the state, or through expropriation or privatization of their lands by the state (UN-HABITAT/OHCHR 2005). In countries where part of the population often indigenous people has historically been deprived of their land rights, more serious conflicts can arise even decades or generations later. Guatemala provides such a case. In 1879, communal lands were de facto expropriated by a law giving proprietors three months to register land titles, after which the land would be declared abandoned. Most of the “abandoned” land was then allocated to large coffee

growers. Although there were attempts at redistribution in the early 1950s, these were stopped and reversed following a military coup in 1954. Since then, struggle over land has continued, leading to violent conflict time and again (Deininger 2003).

Traditional chiefs, too, increasingly enter into illicit practises, selling land they are supposed to hold in trust to non-group members or to the state, causing landlessness among their own people. Many other land conflicts result from the multiple sales and double allocation of land, either due to legal pluralism or undocumented customary tenure, or due to competing state agencies all legitimized to do so. In Nicaragua for instance, there are twelve different ways of getting land titles, resulting in ownership conflicts between small and big farmers as well as in progressing *fronteras agrícolas*, and the conversion of rain forests into agricultural land and pastures (Ortega 1996, Landes 2000).

In Kenya, the Ndung'u report from 2004 revealed that former Presidents Kenyatta and Moi, as well as cabinet ministers, former high ranking civil servants and other influential people have been among the major beneficiaries of illegal allocations of public land. Land grabbing in Kenya is such a common phenomenon that it is even reflected in contemporary art. The Kenyan painter Lonaa, who documents the everyday street life of the poor, placed a hoarding with the sign "Land reserved for grabbers" in the centre of one his recent paintings. Corruption bribery, fraud, nepotism, favoritism and clientelism in land administration and state land management is a widespread problem, and leads to a high number of land conflicts all over the world.

The management of land and natural resources is one of the most critical challenges facing developing countries today. The exploitation of high-value natural resources, including oil, gas, minerals and timber has often been cited as a key factor in triggering, escalating or sustaining violent conflicts around the globe. Furthermore, increasing competition over diminishing renewable resources, such as land and water, are on the rise. This is being further aggravated by environmental degradation, population growth and climate change. The mismanagement of land and natural resources is contributing to new conflicts and obstructing the peaceful resolution of existing ones.

According to findings of a 2008 household survey by Rugadya...et al for Ministry of Justice in 20 districts<sup>18</sup>, land disputes rank the highest among conflicts countrywide and are often the

cause of other disputes including family and domestic violence, assaults and murder. One of the major conclusions of this survey was that land conflicts and disputes point to a lapse in land tenure administration and management especially with regard to boundaries, land ownership and its transmission, occupation, trespass, fraudulent transactions and succession wrangles.

It is now accepted (at least by the Ministry for Lands) that the current provisions in the Land Act Cap 227 are not effective in resolving the deadlock between landowners and tenants. Rampant mass evictions by registered land owners or their agents or purchasers is now common and progressing unabated, despite popular and political outcry. According to President of Uganda there are 3 problems; the ignorance of the tenants of their rights under the law; a heavy financial burden involved in court litigations; and corrupt elements in the Judiciary. He further asserts that a combination of these 3 factors has seen rampant evictions of peasants from these pieces of land alienated from their original owners by the British.

A bill to amend the Land Act has been presented to Parliament and is in committee stage, to be re-introduced with the report of the parliamentary committee on legal affairs. The stated object of the bill is to amend the Land Act, Cap. 227 to enhance the security of occupancy of the lawful and bonafide occupants on registered land. The purpose of the amendment is stated to be to “further enhance the protection of lawful and bonafide occupants and occupants on customary land from widespread evictions from land without due regard to their land rights as conferred by the Constitution and the Land Act.”

Since 1986, a combination of factors has emerged to create widespread uncertainty and insecurity in the regime of property rights in northern Uganda. As IDP return commenced in late 2007<sup>55</sup>, tenure security declined increasing the number of land disputes. Having been off their land for 10-20 years, in IDP camps, unlawful occupation of land belonging to the displaced and land grabbing has taken place, thus boundary disputes are common within families and with neighbors, followed by land scarcity (perceived). The perceived land scarcity drives all persons into a state of jealously protecting the little they have and reacting to the slightest provocation to protect their land, while illegal occupation of land by neighbors (early returnees) and relatives also accounts for land disputes. Inheritance disputes especially those related to land rights of widows and orphaned children, arising from the family (paternal uncles or clan heads) are also common.

In addition, a high level of distrust of the Central Government's intentions toward land in northern Uganda has given rise to a substantial level of tension with high chance of erupting into violence over land between the central Government and the leadership of Acholi (Acholi Parliament Group & the District local governments). This situation has been fuelled by politics driven by feelings and emotions that have shaped and defined the articulation between Government and people of northern Uganda over land and natural resource tenure. It is felt by the people of northern Uganda that the government, the army and rich people have taken keen interest in land without clearly elaborating their motives or intentions, this is not helped by the fact that Government and the Executive openly and vigorously backs the pursuit of land by investors for large-scale commercial interests, an opportunity that speculators and grabbers are manipulating for individual gains and benefits<sup>58</sup>. The situation is worsened by a number of highly publicized multiple attempts to acquire land in the sub-region presumably for investment and potential government development programmes<sup>59</sup>, while some of these proposals may have been legitimate investment programmes, the absence of a clear national policy and institutional framework for pursuing these initiatives has fueled the suspicion that "government" or investors as trying to usurp the land of the Acholi, thus conflict (Margaret Rugadya & Herbert Kamusiime, 2009).

## **1.2. Statement of the Problem**

Land related issues figure into many violent disputes around the world. Ongoing communal violence in Nigeria and Sudan and now in Uganda is tied to competition over scarce fertile land and poor resource governance. Understanding the role land plays in the conflicts of so many nations can help policymakers develop strategies to ease tensions among groups, limit conflict, and potentially avoid violence and the poverty trap that comes from cyclical violence (Collier et al., 2003). Failure to address these bedrock issues may increase the likelihood of conflict and perpetuate poverty. Land is the object of competition in a number of potentially overlapping ways: as an economic asset, as a connection with identity and social legitimacy, and as political territory. Competition over land and its resources is at the center of the nexus between land and conflict. Competition can occur between any number and type of identity groups, whether based on ethnicity, religion, class, gender, or generation. When that competition involves groups of people, rather than individuals, the risk of larger-scale violence increases. Some conflicts grow directly out of competition for land, but land is often not the sole cause of conflict; other factors, such as ethnic or religious tensions or political marginalization contribute to conflict. therefore, it's upon this problem that I intend to carry out a study research on the role of community leaders in land conflicts in Uganda using case study of Nadunget sub-county Moroto District as a case study.

## **1.3. General objective**

The general objective of the study is to examine the role of community leaders in land conflicts in Nadunget sub-county Moroto District, Uganda.

## **1.4. Specific objectives**

- i. To determine the nature of land disputes in Nadunget sub-county Moroto District
- ii. To identify the roles of key actors in land disputes.
- iii. To establish the underlying factors for the increase in land disputes in Nadunget sub-county Moroto District.

## **1.5. Research Questions**

- i. What is the nature of land disputes in Nadunget sub-county Moroto District?

- ii. What are roles of key actors in land disputes.
- iii. What are the underlying factors for the increase in land disputes in Nadunget sub-county Moroto District?

## **1.6. Scope of the Study**

### **1.6.1 Geographical Scope.**

The study was carried out in Nadunget sub-county Moroto District, the district is located in North Eastern Uganda. This district has witnessed many land disputes.

### **1.6.2 Content Scope**

The study will focus on the nature of land disputes in Nadunget sub-county Moroto District, the roles of key actors in land disputes and the underlying factors for the increase in land disputes in Nadunget sub-county Moroto District.

### **1.6.3 Time Scope**

The study period considered the period between 2005- to date, this is the period of serious conflicts in this region after disarmament exercise. The period for this study was three months.

## **1.7. Significance of the Study**

- i. The findings from this dissertation will help shed light on how land institutions are evolving and what the determinants of this evolution, and the implications of the evolution processes on agriculture performance are.
- ii. Furthermore, the findings will aid in understanding the determinants of land conflicts, and by unbundling these land conflicts by type, the study will shed light on the relative impact of different conflict types on agriculture productivity.
- iii. From the findings, this dissertation will recommend necessary policy options that will harness the benefits of land institutional evolution, enhance private land ownership in areas where land is communally owned, and curtail land conflicts
- iv. The development of parameters for sustainable land use conflict resolution will provide planners with a platform to enhance the resolution of land use conflicts in informal settlement upgrading.

- v. The study will also help to identify key elements for the successful resolution of these conflicts to achieve the best use of land. Successful resolution of land-use conflicts is crucial in spatial planning in light of the large number of informal settlements in Moroto District that have been earmarked for upgrading.



## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.0. Introduction**

This chapter presents a review of studies related to some aspects of the current study and literature related to the study from previous studies carried out by different scholars. This review was made in reference to the study objectives.

#### **2.1 Theoretical Framework**

The resolution of conflicts as a discipline requires the intervention of unbiased skilled third-parties working with the affected parties to foster direction in dealing with the conflict (Miall, 2004). The preoccupation of conflict resolution is in identifying the root causes of the conflict and seeking alternative solutions to resolve the conflict other than violence. The aim of the conflict resolution process is to create a situation that is acceptable to the parties in dispute and effective in resolving the conflict (Azar and Burton 1986). Land use disputes in many instances involve two or more individuals that have divergent interests on how to resolve their dispute. The manner in which these disputes are resolved determines whether or not the conflict resolution process will result in a peaceful end state or escalate into violence (Tjosvold et al., 2014). Morton Deutsch's constructive conflict resolution theory has been used in this study as the theoretical framework that would enhance successful land use conflict resolution in settlement up-grading processes.

##### **2.1.1 Constructive Conflict Resolution Theory**

Deutsch (2002) articulates that a number of factors like the nature of the dispute and the goals each person aims at achieving are cardinal in determining the kind of orientation a party would bring to the negotiating table in an attempt to solve the conflict. He conceptualizes two basic orientations to dispute resolution, namely the cooperative and competitive approaches (Tjosvold et al., 2014).

The competitive or "fighting" approach to conflict resolution exploits individual assertiveness (for instance concern for self) and reduces empathy for others (Morrill, 1995). Competition is

induced by the use of coercion, threats, or deception and attempts to enhance the power differences between oneself in conflict resolution (Deutsch, 2006). Persons using this approach enjoy seeking domination over others and tend to force them to accept their personal views by employing competitive power tactics such as arguments, insults, accusations and violence that foster feelings of intimidation in others (Morrill, 1995). This approach leads to win-lose outcomes that advantage one group over another. The use of competitive conflict resolution is inclined towards intensifying animosity and distrust between parties and is generally considered destructive (Dixit, 2014; Forsyth, 2010).

Cooperative conflict resolution on the other hand is concerned with generating an outcome that is beneficial to both parties involved in the conflict. Individuals using this type of conflict resolution style tend to be both assertive and empathetic towards the other party (Bayazit and Mannix, 2003). In this approach, conflict is seen as a creative opportunity, in which collaborators willingly invest time and resources into finding a “win-win” solution (Morrill, 1995). Cooperation is induced by a perceived similarity in beliefs and attitudes, a readiness to be helpful, openness in communication, trusting and friendly attitudes as well as an orientation toward enhancing mutual power rather than power differences. The cooperative disposition evokes an atmosphere of trust and eventually leads to mutually beneficial options for both parties involved (Deutsch, 2006).

Knowledge of the effects of cooperative and competitive processes in land use conflict resolution affect whether a conflict will take a constructive or destructive course. However a cooperative conflict resolution style is recommended above all others (Tjosvold et al., 2014; Jarboe and Witteman, 1996). This research, whose aim is to identify land use conflict resolution mechanisms, therefore suggests that the use of the cooperative type of conflict resolution approach in the resolution of land use conflicts in Kalikiliki, will lead to sustainable conflict resolution. This is because the cooperative approach to conflict resolution is likened to a constructive method of resolving conflicts. On the other hand, the use of the competitive form of conflict resolution is likened to a destructive method of resolving conflicts (Tjosvold et al., 2014). The cooperative approach will ensure that both parties in conflict develop outcomes that will be mutually beneficial for everyone involved. This will result in a sustainable land use

conflict resolution process that will enhance the adherence to land use regulations and guidelines in settlement upgrading.

## **2.2 Review of related literature**

### **2.2.1 Land use, land tenure systems and migration in rural Uganda**

As in other countries in sub-Saharan Africa (SSA), agricultural land is an essential pillar of human development and economic growth in Uganda since agriculture is the ‘backbone’ of the economy. Agriculture employs 73% of the working population and contributes to 24% of gross domestic product in Uganda (Ministry of Agriculture, 2010). However, communal land ownership and tenure insecurity amidst dwindling agriculture performance have raised concern over rising food insecurity and increasing poverty incidence.<sup>6</sup> It is, therefore, apparent that the country’s population growth rate of 3.2%, which is second highest in the world (World Bank, 2012), and the resulting land scarcity calls for agriculture intensification which can be achieved if individual property rights are strengthened and tenure security enhanced.

Prior to the Buganda agreement of 1900, the customary land tenure arrangement was the only land tenure arrangement, and it involved communal land ownership where the village chief or king’s agents were in charge of allocating and administering land use among community members. Uganda, like many sub-Saharan African countries, is highly ethnically diverse, with about 53 tribes. Initially, each tribe settled in a close setting, headed by a chief at a lower level and a king at a higher level. Land use norms and practices varied by ethnicity and society, but one common characteristic was that land was owned communally (West, 1965; Lastarria Cornhiel, 2003). Community members on customary land were regarded as tenants at sufferance who only had use rights, and land access was by descent clan membership, holding political position or both (West, 1965).

Due to high population growth and increasing land scarcity in regions and communities that started with relatively high population density, inter-community migrations ensued. Land transactions, as a new mode of land acquisition, increased because emigrants had to sell off their occupied land before migrating and as productive farmers purchased land from large land owners to expand their croplands. Indeed, Baland et al. (2007) found that land transactions have been increasing in Uganda. Customary tenure has been evolving towards private land ownership where individuals can transfer and decide on externally imposed tenure regime in our analysis since this tenure arrangement is not flexible and has not evolved over time.

land use practices without seeking consent from clan heads. Currently, customary tenure can be categorized into communal and individual customary tenure (Busingye, 2002). Private customary arrangement is more efficiency-oriented than communal ownership because it facilitates land investment, land transactions and, where financial institutions, such as micro-finance institutions and Saving and Credit Co-operatives (SACCO), allow untitled land as collateral, use of land for credit access. Communal tenure system is concentrated in northern and far eastern Uganda, while private customary is more common in near eastern and western regions of Uganda. The persistence of communal customary land arrangements in the north can be explained by high level of insecurity due to internal wars in the region. While resettlement programs are on-going, large chunks of communal lands are still un-occupied.

Other tenure systems that exist, though on a very small scale, are leasehold and freehold. Leasehold grants leasehold title and full ownership rights such as use rights, transfer rights and the right to bequeath over the tenure of the lease; usually 49 and 99 years. Land is held in perpetuity and the owner is issued with a title under freehold tenure. A very small proportion of land in Uganda belongs to either freehold or leasehold, so this study does not pay attention to these land tenure systems.

### **2.2.2 Nature of Land use Conflicts**

Land conflicts in Uganda can be broadly categorized into three major types: boundary, inheritance, and eviction (sometimes termed as land grabbing)-related conflicts, which emerge differently. Due to the historically disproportionate population distribution in the country, land scarcity became rampant in densely populated areas earlier than in other parts. Land scarcity,

coupled with soil exhaustion due to over cultivation and the absence of technology adoption to maintain higher yield on small pieces of land, led to emigration from the densely populated communities. Emigration was sometimes arranged by community leaders who visited other kingdoms that had unoccupied land to secure land for their subjects. For instance; Paul Ngologoza, Mukombe, among others, the then saza (county) chiefs of Kigezi, one of the densely populated regions at the time, played an important role in resettling the Bakiga people of Kigezi in the kingdoms of Ankole and Tooro from the late 1940s to the 1960s with the assistance of the colonial masters (Ngologoza, 1998). At this time, land acquisition was free, and a token of appreciation was given to the chief or king who settled the immigrants. The chiefs also derived much power from having many subjects as it meant higher revenue collections from taxes hence immigrants were welcomed given the land abundance. Over time, with land getting scarce, land markets developed and some individuals started selling land from their native areas at a relatively higher price and acquiring larger land in sparsely populated areas. Others settled on unoccupied land without any permission and, given the land abundance, neither the government nor the absentee owners bothered to evict them.

In the decades following the country's independence in 1962 to date, Uganda's population has grown at a rapid rate (Figure 1) 10. The current fertility rate is 6.7 children per mother, and the population growth rate is 3.2% (World Bank, 2012), which is second highest in the world. This has led to land scarcity in all regions of Uganda. With land value increasing, the original owners started claiming land from the immigrants, which has led to increased tenure insecurity and high incidences of eviction-related conflicts. In the host/receiving communities, populations are highly ethnically diverse, a consequence of the commingling of immigrants from different ethnic/tribal backgrounds. Ethnic diversity makes it hard to establish informal conflict-resolution mechanisms common to all tribes in a community. Secondly, the mixing of tribes weakens and, in most cases, leads to a breakdown of previous ethnic-specific customary land arrangements and commonly agreed-upon procedures of resolving conflicts found in the place. Coupled with the weak (almost non-existent) formal institutions, land evictions have escalated in those areas.

Other forms of land conflicts, boundary and inheritance conflicts, have existed for long, but these have been amicably solved by clan members and elders in the community in the past, especially

in ethnically homogeneous communities. Boundary conflicts have persisted because of poor land demarcation procedures. Individuals plant live plants at the land borders to mark their boundaries. However, these plants can be uprooted and replanted in a different location without the owner noticing the change, especially if boundary monitoring is minimal, as it has been in the past in many rural areas in Uganda because of the land abundance. With land getting scarce, cases of trespassing and boundary 10 Uganda's population was 5.5 million in 1950 and has increased to 34 million in 2012, an increase of about sixfold. manipulations have increased recently in Uganda. This is especially rampant in places where the household head is a woman or is relatively poor, the most vulnerable groups due to the inferior position they hold in the community. Inheritance conflicts, on the other hand, emanate from disagreements among siblings on how to share the land following the death of a parent. Until recently, in many cultures, girls and women were not allowed to inherit land after the death of the parents or husband. To date, even with the existence of a law requiring the equal sharing of property, many communities still follow traditional practices and deprive women of their rights to inherit land, leading to inheritance-related conflicts.

In many African countries, conflicts that involve land are a common phenomenon in the planning process. Land conflicts tend to differ significantly in form, scale and intensity depending on the location. Conflicts that occur in urban areas tend to differ from those prevalent in rural, coastal and war torn countries. This research focusses

on land conflicts occurring in informal settlements and peri-urban areas with a brief mention of land conflicts that are prevalent in rural and urban areas.

Rural land conflicts include; boundary disputes between neighbors and neighboring communities over land rights, ownership conflicts due to inheritance disputes, and conflicts on grazing and agricultural rights (Wehrmann, 2006). Other types of land use conflicts include boundary conflicts between chiefdoms or villages, displacement resulting from the construction of major projects such as mines or dams (Wehrmann, 2008, CCJP, 2014).

Land conflicts occurring in rural locations are resolved through the local traditional leaders, such as headmen or chiefs. Disputes that cannot be resolved at lower levels usually proceed to the senior and paramount chiefs (Asperen, 2014). In resettlement areas, parties in conflict can also

approach the resettlement-scheme management for dispute resolution. Other options include seeking the help of agricultural officers or a government committee (Mudenda, 2006).

Urban land conflicts (which include informal and peri-urban areas) mainly border on occasional multiple sales of private property by individuals without administrative assistance, conflict arising from household mobility (trespassing), individual or group occupation of private land, building extension on somebody else's private land or public land, illegal lease/sale of somebody else's private land (Majeke, 2005; Wehrmann, 2006). Other types of land use conflicts include boundary conflicts between chiefdoms or villages, group invasions of private or state land, double land allocations and illegal sale of private property (Wehrmann 2006).

The cause of these urban land conflicts can be categorized under political, socio- economic and legal causes. Political causes include factors such as change of political and economic systems and the imposition of foreign institutions not accepted by the community (Campbell et al, 2000, UN-Habitat, 2010). Socio - economic factors are associated with increasing land prices, limited capital market, poverty, lack of micro-finance options, unequal distribution of power and resources (Simposya 2010, Chitonge and Mfune, 2015). Socio-cultural causes are depicted by deteriorating traditional values and structures, abuse of power and unregistered land transactions, while legal causes embrace conflicting legislations and dual tenure systems (Wehrmann, 2006, UN-Habitat, 2010). The administrative causes of land use conflict comprise centralized land use planning, corruption and non- implementation of land use regulations, mismanagement of land and natural resources and the inadequacies in land management and planning systems especially in the developing world and rural urban migration (AESOP, 2012; Lecourt and Baudelle, 2004). Broadly, land use conflicts in literature reviewed are caused by increasing demand for land, failure in the land administration system and abuse of power through political patronage.

In Zambia, a study by Chitonge and Mfune (2015) on urban land conflicts, identified shortages of land, vacant land which is undeveloped or has remained idle for a long period of time and political interference by political party cadres as causes of urban land conflicts. The shortage of land in Lusaka City is attributed to lack of and poor supply of serviced land, speculation on land, complex procedures in land allocation, inadequate planning and slow pace of issuance of title

leads. The mushrooming of informal settlements in the City was also identified a major factor resulting in the shortage of land and consequently land conflicts (LCC and ECZ, 2008).

### **2.2.3 The Role of actors in land conflicts management**

There is a large and growing body of literature on the role of institutions, and, thus, a wide consensus that better institutions promote economic development (Demsetz, 1967; Alchian and Demsetz, 1973; Acemoglu and Acemoglu and Johnson, 2005; Acemoglu & Robinson, 2012). Generally, it argued that property rights institutions protect citizens against expropriation, and contracting institutions enable contracts between citizens (Acemoglu and Johnson, 2005). In addition, the economic literature suggests that property rights institutions evolve, and aid, to reduce externalities (Coase, 1960; Demsetz, 1967). For instance, Demsetz (1967) argues that the primary function of property rights institutions is that of guiding incentives to achieve a greater internalization of externalities.

Studies have, further, suggested that the differences in the quality of institutions greatly explain the differences in economic development between countries (Acemoglu, Johnson, & Robinson, 2001; Acemoglu & Robinson, 2012). Acemoglu, Johnson, & Robinson (2001) argue that countries with better institutions, more secure property rights, and less distortionary policies will invest more in physical and human capital and will use more production factors efficiently, have greater output and produce a higher level of income. To illustrate their point, they note that differences in institutional quality have largely driven the divergent development paths of North and South Korea, or East and West Germany where one part of the country stagnated under central planning and collective ownership, while the other prospered with private property and a market economy.

Within countries, specifically in developing-country agriculture, it is suggested that institutions which promote private land rights and land tenure security stimulate agricultural development and hence the wellbeing of landowners (Feder & Feeny, 1991; Place & Hazell, 1993; Besley, 1995; Platteau, 1996, Otsuka & Place, 2001; Goldstein & Udry, 2008; Fenske, 2011; Bellemare, 2013). The main suggested pathways are the realizability and collateralizability effects (Besley, 1995; Brasselle et al., 2002; Jacoby & Minten, 2007). It is believed that private land ownership facilitates land transactions through reducing transaction costs, land



investment because it increases the probability that investment benefits will accrue to the investor, also called the realizability effect, and credit access because land can be used as collateral, also called the collateralizability effect (Brasselle, Gaspart, & Platteau, 2002; Jacoby & Minten, 2007; Otsuka & Place, 2013; Holden & Otsuka, 2014).

### **Community Leadership and land conflicts**

The Ward Development Committee is the second smallest unit of governance at the local level charged with ensuring the responsibility of development. Each town in Zambia is divided into wards (LCC, 2009). The number of wards per town is dependent on the geography and population of the area. Each ward is represented by an area councilor, who sits on the full Council Meeting of the respective council. The councilor is responsible for the overall development of the ward and is the council representative at community level (Bamberger et al., 1982). The WDCs are charged with the responsibility of overseeing development at the lowest level within communities. Their main role is to promote the development of each community and mobilize resident participation in partnership with the councilor and other cooperating partners (LCC and ECZ, 2008).

A WDC is further subdivided into zones. The number of zones falling under a ward is dependent on the size of the community. A zone leader represents the zone and chairs the Zone Development Committee (ZDC). All zone leaders form the WDC, which is administered by the area councilor (LCC and ECZ, 2008). In some instances a ward development committee may have two or three settlements overlapping in one ward. Both the WDC and ZDC oversee the development in their respective wards (LCC, 2009).

The Ward Development Committees play a crucial role in the upgrading of informal settlements. In the development of site and services schemes in the 1980s, “these committees would take part in overspill plot allocation and in the mobilizing of self- help labor for the construction of certain community facilities. They would also be responsible for shaping long range development programs promoting continuing improvement to dwellings, infrastructure, and community services” (Bamberger et al., p 82). They mediate over problems concerning water, sanitation, tenure security and land issues. The main land issues they oversee relate to boundary conflicts, inheritance disputes and abandoned land encroached upon by others (Asperen, 2014).

### 2.3.3 Traditional Institutions and Land conflicts

Land-related conflicts are increasingly becoming a threat to rural economic activities such as agriculture in most sub-Saharan African countries (Yamano and Deininger, 2005; Deininger and Castagnini, 2006). The literature on land in sub-Saharan Africa widely documents pervasive legal insecurity over land<sup>12</sup>. Due to initial un-equal distribution of land across communities, rural-rural migration increased following population explosion in recent decades. The population growth in the region is 2.53% higher than the world average of 2.1%. Studies have thus linked land conflicts to weak or non-existent formal land institutions, and the failure of current customary land tenure systems to resolve conflicts (Fred-Mensah, 1999; Donge and Pherani, 1999).

Other factors such as population pressure, agriculture commercialization, which increases the demand and value for land; across-community migrations and the resulting ethnic diversity, and cultural factors cause land conflicts (Fred-Mensah, 1999; Andre and Plateau, 1996). It is believed that land has a greater social value in Africa, which has curtailed the functioning of land markets, and led to persistence of communal land ownership. Land is fundamental and represents a core value in African society: 'African people are emotionally attached to "their" land,' which represents an important source of their identity and is typically seen in a holistic perspective' (Plateau, 1996, P50). Tension and disputes arise in case of land transfers to non-community members. As observed in many African countries, the original inhabitants oppose the transfer of traditionally owned family and community land to 'strangers' by committing acts of sabotage, looting, burning, and theft of the property and crops of new landholders (Plateau, 1996; Donge and Pherani, 1999; Fred-Mensah, 1999). To the extent that the selling or transferring of land to 'strangers' violates social norms, resentment and tensions are aroused in cases of immigration, which can translate into open violence and land conflicts (Plateau, 1996). Across-community migrations, also, involve the mixing of tribes with their specific values and internal arrangements. This leads to the breakdown of pre-existing informal institutions, which, in the absence of formal institutions, lead to conflicts in host communities. Indeed, Fred-Mensa (1999) argues that host communities in Ghana have been plagued by what he terms 'ubiquitous conflicts' in the form of land evictions.

Despite the increasing incidence of land-related conflicts and their undisputable effects on agriculture performance, empirical studies<sup>14</sup> on the determinants and consequences of such conflicts are scant. For instance, no empirical study has examined the relationship between rural-rural migrations and land conflicts while such migrations have increased in the recent past, especially in countries that started with unequal land distribution across regions. Some descriptive studies have suggested that such migrations weaken customary institutions and lead to conflicts. In addition, though conflicts take different forms, the available studies have bundled them in the analysis. It is, therefore, one of the objectives of this dissertation to fill this gap.

## **CHAPTER THREE**

### **METHODOLOGY**

#### **3.1 Introduction**

This chapter reviews the methodologies involved and executed in the research. It includes the research design, the study population, Sampling Procedure and Target Sample Size, data sources and data collection instruments, Data Processing and Analysis and presentation, validity of instruments, Data processing and analysis and limitations of the study

#### **3.2 Research Design**

A descriptive survey design was used. A survey is used to collect original data for describing a population too large to observe directly (Mouton, 1996:232). A survey obtains information from a sample of people by means of self-report, that is, the people respond to a series of questions posed by the investigator (Polit & Hungler, 1993:148). In this study the data will be collected through self-administered questionnaires distributed personally to the subjects by the researcher. A descriptive survey has been selected because it provides an accurate portrayal or account of the characteristics, for example behaviour, opinions, abilities, beliefs, and knowledge of a particular individual, situation or group.

#### **3.3 Study Population.**

Enon, (1998) defines population as a whole universe of people that a researcher is targeting to include in the study for information gathering. A target population comprised of community leaders, and Citizens of Nadunget sub-county Moroto District the respondents will be both gender and traverse across various age brackets. Therefore, the target population will be 60 people.

#### **3.4 sample size**

The sample size 52 was selected basing on a formula for determining sample size by (Krejcie and Morgan, (1970)).

### **3.5 Sampling Technique**

This was a primary concern in statistical sampling. The sample obtained from the population was representative of the same population. This was accomplished by using randomized statistical sampling techniques or probability sampling like cluster sampling and stratified sampling.

### **3.6 Data Sources**

#### **a) Primary Data**

Primary data was collected directly from the respondents in Nadunget sub-county Moroto District. This was done through administering a structured questionnaire with the help of one research assistant. Respondents were guided through the questionnaire to ensure high level of accuracy in data collection process.

#### **b) Secondary Data**

Secondary data is collected from other related literature about the subject and from journal articles from publishers like the emerald publishing group. A previous dissertation by Bachelor students from the library was also reviewed. Other secondary sources contain Newspapers, reports, journals and conference proceedings.

### **3.7 Data Collection Methods**

Data was collected through administering a questionnaire that contained close ended questions relating to each study variable the items in the questionnaire were attached such that; Strongly agree, Agree, not sure, Disagree, Strongly disagree. Mean that are close to Disagree and strongly disagree reflect Disagreement while that mean that are at least equal to Agree, indicate agreement. Mean that is close to not sure show uncertainty. The respondents will answer based on the extent to which they agree or disagree with the statements in the questionnaire.

### **3.7.1 Questionnaire survey**

Under this, close ended questionnaire was used to collect data. Questions were asked and a list of valid responses presented to the respondents for selection (Gibson, 2000). These responses will be in terms of the extent to which the respondents agrees to the statement in question. The questionnaire were self-administered by the researcher.

## **3.8 Reliability and validity of the research instrument**

### **3.8.1 Reliability of Data**

The answers collected were seen as an enough trustworthy data that can be applied to any other developing countries. But it should be noted that, if the same investigation would be conducted after a very long period of time, the results may not be the same as the ones collected.

### **3.8.2 Validity of Data**

Validity is the most critical criterion and indicates the degree to which an instrument measures what it is supposed to measure Kothari, (2004). Again, Anastasi and Urbina (1997), “validity refers to the degree to which the test actually measures what it purports to measure.” To measure validity of data in this study, the construct validity was employed. According to Smith (1981) cited in van Zyl and van der Walt, (1994), “construct validity concerns the extent to which a test/questionnaire measures a theoretical construct or trait.to ensure validity of the instrument, the questionarure given to experts including my supervisor for evaluation.

## **3.9 Data Analysis**

From the field data was compiled, sorted, edited and coded to have the required quality accuracy and completeness. Due to accuracy in performing the statistical functions, many scholars have used SPSS and other statistical packages for data analysis. The SPSS with 19.0 versions were used in this study for statistical analysis of data collected through the questionnaire. The data and findings was presented by in form of tables. The data was analyzed according to the research questions to facilitate reporting and inferring meaningful conclusions.

### **3.10. Ethical considerations**

The entire research process was conducted with due respect to ethical considerations in research. The researcher obtained the consent of the respondents to participate in the study. The researcher also minded about treating the respondents' views with utmost confidentiality. In general, a high degree of openness regarding the purpose and the nature of the research was observed by the researcher.

## CHAPTER FOUR:

### PRESENTATION AND DISCUSSION OF FINDINGS

#### 4.0. Introduction

The chapter presents the empirical findings from the research. It covers the prevalence of land disputes, their forms and nature, magnitude/severity, their causes and effects, the actors involved, as well as the most affected areas and people

#### 4.1. Demographic Characteristics

**Table 4. 1: Showing Gender of respondents**

Gender	Frequency	Percentage
Male	41	86
Female	11	14
<b>Total</b>	<b>52</b>	<b>100</b>

**Source: primary data 2019.**

The study used interviews with key informants and the FGDs as data collection tools. This was in addition to a desk review of past reports and newspaper articles related to the subject matter. On average, they were more male respondents accounting for 86 per cent of the total respondents with females at 14 per cent.

**Table 4. 2 showing age group of respondents**

Age group	Frequency	Percentage
20-30	5	5.4
31-40	19	36.6
41-50	17	35.5
51-60	10	17.2
61+	3	5.4
<b>Total</b>	<b>52</b>	<b>100</b>

**Source: primary data 2019.**



The majority of the respondents were between the 31-40 and 41-50 years age groups representing 19(36.6%) and 17(35.5%) of respondents respectively.

#### 4.2. Prevalence of Land Disputes According to the Sex of the Respondents

**Table 4. 3: Showing Prevalence of Land Disputes According to the Sex of the Respondents.**

Sex * Age groups * Presence of land disputes Cross tabulation									
Presence of land disputes				Age groups (years)					Total
				20 - 30	31 - 40	41 - 50	51 - 60	61 and above	
yes	Sex	Male	Count	1	15	16	7	2	41
			% of Total	2.2%	32.3%	33.3%	14.0%	4.3%	86.0%
		Female	Count	3	4	1	3	1	11
			% of Total	3.2%	4.3%	2.2%	3.2%	1.1%	14.0%
	Total		Count	5	19	17	10	3	52
			% of Total	5.4%	36.6%	35.5%	17.2%	5.4%	100.0%

**Source: primary data 2019**

From the table 4.3 it is indicated that 52 of the respondents revealed that land disputes existed in their communities/areas. Of these, 41 per cent were male; the majorities (33 per cent) of whom were between the age group of 41-50 years, followed by the 32-40 years' age group at 32.3 per cent. The 14 per cent female were mainly between the age group of 31-40 years representing 4.3 per cent.

#### 4.3. Forms of Land Disputes

The study revealed that the most common forms of land disputes within the selected districts included family disputes which emerged the highest in terms of ranking, followed by land grabbing, encroachment, borders disputes, forced evictions and disputes over compensation.

**Table4. 4: showing whether family disputes are the common forms of land disputes**

Variable	Frequency	Percentage
Strongly agree	10	20
Agree	30	59
Disagree	12	21
<b>Total</b>	<b>52</b>	<b>100</b>

**Source: primary data 2019**

In the study find out whether family disputes are the common forms of land disputes, 30(59%) agreed and 10(20%) disagreed while 12(21%) disagreed therefore 40(79%) agreed that family disputes are among the common forms of land disputes, particular regarding succession, owing to the fact that people died without leaving a will. There were individual complaints reported to police, court, LCs and most of them were as a result of unclear boundaries. These disputes arose due to challenges of land fragmentation especially in Moroto District where almost all land was given away and the small parcels of land left had to be shared among many family members.

**Table4. 5: showing whether land grabbing is a common forms of land disputes**

Variable	Frequency	Percentage
Strongly agree	11	23
Agree	27	52
Disagree	13	25
<b>Total</b>	<b>52</b>	<b>100</b>

**Source: primary data 2019**

Whether land grabbing is among the common forms of land disputes, 27(52%) agreed, 11(23%) strongly agree and 13(25%) disagreed, implying Cases of land grabbing were very common in most of the areas visited. For purposes of this research land grabbing was taken to mean the “widespread, rapid increase of commercial land transactions that involve the acquisition or long-term lease of large areas of land by investors, particularly when these are disproportionate to the average size of other land holdings in the area under scrutiny. In an Interview one respondent said that: In Karamoja region, a businessman was alleged to have deceived the LC chairperson of Lorukumo village in Rupa Sub County, Moroto District that the government was going to build a modern village in the area. He had persuaded the chairman to sign papers consenting to giving

away the land for the model village. Instead the businessman had surveyed the land to have it titled in his name with the intention of selling it for his own personal benefit. The land in question is estimated to be about 50 acres.

However, the same land was also at the centre of dispute between residents of the neighbouring Nadunget Sub County in Moroto District, who had allegedly sold it to the elite local. By the time of compiling this report, this matter was still before court. The importance attached to this land was emphasized by one FGD participant who pointed out: The land that has been taken is where our ancestors were buried; we are worried that we may not have a place for our own burial.

**Table 4. 6: showing whether encroachments are common forms of land disputes**

Variable	Frequency	Percentage
Strongly agree	16	31
Agree	17	32
Disagree	19	37
<b>Total</b>	<b>52</b>	<b>100</b>

**Source: primary data 2019**

In the study to find out whether encroachments are among the common forms of land disputes, 17(32%) agreed , 16(31%) strongly agree while 19(37%) disagreed. the study revealed cases of encroachment by the local communities on protected areas as one of the forms of land disputes.

**Table:4. 7: showing whether boarder disputes are common forms of land disputes**

Variable		Frequency	Percentage
Strongly agree		11	22
Agree		10	21
Disagree		31	57
<b>Total</b>		<b>52</b>	<b>100</b>

**Source: primary data 2019**

In the study to find out whether border disputes are the common forms of land disputes 10(21%) agree , 11(22%) strongly agree and 31(57%) disagree this means border disputes are minimal Border disputes manifested namely: Inter-district border disputes, inter- sub county border disputes and to a very small extent, international border disputes. In Karamoja, inter-district

disputes were noted between Napak and Moroto Districts at the borders between Nadunget Sub County in Moroto District and Ngoleriet Sub County in Napak District. This has created a problem of access to grazing lands by pastoralists from one district to the other.

Inter-sub county and parish border disputes were mainly noted in Moroto and Nakapiripirit Districts. In Moroto District, disputing sub counties were: Tapach and Nadunget, Katikelile and Rupa as well as Katikelile and Moroto Municipality. Part of the reason for the disputes was the discovery of minerals and the subsequent claim for royalties from the mining companies. In addition, the expansion of Moroto Municipality was not only affecting Katikekile Sub County but also the NFA forest reserve within the sub county.

Some of the border disputes were ethnic in nature; pitting one ethnic group against another. This was typical of the disputes in Karamoja between the Matheniko and Bokora; Matheniko and Tepeth; as well as the Bokora and Ethur.

#### **4.4 Actors in Land Disputes**

The circumstances leading to the dispute could determine whether one is a perpetrator or a victim. During the study, the team ascertained that while in most of the cases, individuals and community members were victims of land disputes, there were instances where the landlords became the victims and the community members the perpetrators. In a focus group discussion one respondent said that the LC I Chairman was inciting tenants against the landlord. In general, the parties to the disputes ranged from private companies, statutory bodies, private individuals, security agencies and District Local Governments,

The main parties to the land disputes according to respondents are the community followed with Uganda Wildlife Authority (UWA) respectively. According to some of the respondents, these perpetrators connived with the local authorities like the police or clan leaders to take land away from the people.

#### **4.5 Underlying factors for the increase in land disputes**

The ever increasing population, coupled with urbanisation was noted as one of the causes of land disputes. This was attributed to an influx of immigrants and settlers who illegally occupy people's land leading to land scarcity. It was alleged that due to legal constraints on access, skewed distribution among users, many people have been left with little or no land at all given the intense competition for it. In Moroto District, the proposed expansion of Moroto Municipality caused a rift with the residents of Nabuin and Singila Villages, Lia Parish, Katikekile Sub County, who feared that it would affect their land ownership. In Central Region, the Commission was informed that as a result of the increasing population the demand for housing had increased as well. This prompted real estate developers such as Jomayi, Zion, and Hossana among others to purchase huge chunks of land for developments in order to conform to the standards of the middle class. Respondents alleged that some of the purchases were done unlawfully with communities often forcefully evicted off their land without adequate compensation.

Most of the respondents interviewed attributed the increasing cases of land disputes in their areas to unclear district borders. Respondents expressed a general feeling that "big people" in government were behind the border conflict with selfish motives. They based this claim on the fact

that every time they took initiative to resolve the matter at local level, other politicians frustrated their efforts.

Respondents interviewed in Moroto, District attributed the increasing cases of land disputes to the negative peace dividend. They explained that when security was restored in the regions of Karamoja, Teso, Sebei and Northern Uganda, following the successful disarmament by the government of Uganda and the cessation of hostilities between the rebel LRA and the UPDF, people started scrambling for land that had been deserted by communities. Upon returning to their lands communities found that it had already been occupied, hence the disputes. In Teso and Sebei Sub Regions, most respondents reported that from 1979 they were displaced from their land for over 20 years as a result of Karimojong cattle rustlers and the LRA rebel activities. When peace was restored in the area, people who having stayed in camps for almost two decades, returned to their land but could not trace the boundaries as most original land marks had disappeared and the elders who knew had died. Instead they settled on other people's land.

Some government policies, though well intentioned and backed by the law, were found to be detrimental to people's access to land. In Karamoja region for example, most of the disputes were attributed to the government policy of designating most of the fertile lands in the regions as game reserves, forest reserves or prison farms. Most respondents were of the view that government was giving more priority to the animals, without due consideration to the needs of the humans. One of the key informants interviewed in Moroto District explained:

In Karamoja about 46 per cent of the land is gazetted as wildlife conservation areas. Coincidentally, these are the most fertile areas in the region. With the prevailing security situation, most people are moving to protected areas for cultivation hence leading to the conflicts. There is a lack of understanding of the way of life and source of livelihood for communities. In addition to the legal loopholes, the lack of awareness of the land laws by both the members of the community and the institutions mandated to address land matters was reported as a gap by most of the people interviewed. This was in respect to laws relating to land ownership, acquisition and dispute resolution. It was observed that the

Interview with a key informant in Moroto district. Participants in the FGDs had very little knowledge of the existing land laws and policies to acquire and own land. The Commission found a knowledge gap on issues like the computation of compensation, acquisition of land by a non-

citizen and the process of acquiring land titles. It was noted that much as some people were occupying pieces of land, they had no legitimate proof of the legal status of their ownership or occupation of the land as they did not know the procedures to follow to legitimize it..

In Karamoja region, it was reported that due to the high levels of illiteracy and underdevelopment, the elites from the region took advantage of the ignorance of the locals to lure them into fraudulent land deals. It was stated that communications regarding land transactions, especially by the mining companies, were not reaching the common man on the ground. Some of the elites were speculators who bought land cheaply in anticipation of government and investors coming to buy the said land for industrial purposes. An FGD participant in Singila village, Katikekile Sub County in Moroto District noted: We are not educated and people take advantage of that to dispossess us of our land. This is the insecurity of the pen.

## CHAPTER FIVE

### SUMMARY, CONCLUSIONS AND RECOMMENDATIONS.

#### 5.0 Introduction.

This chapter focuses on the summary of findings, conclusions and recommendations based on study findings from the study objectives.

#### 5.1 Summary of findings

The people herein have continuously been exposed to suffer from rampant land disputes. Secondly, this study was prompted by the increasing gap in information asymmetry between registered (30%) and unregistered (70%) land in developing countries. At the time of the study, no thorough analysis existed, regarding the legal framework and dispute resolution mechanisms in Uganda. Yet, these are vital in reduction of land disputes and reconciling the gap between conventional and informal tenure systems.

The study depicts weaknesses and loopholes in the legal regime, especially due to the fact that customary tenure among other informal tenures is considered a lesser interest. This manifests inconsistency in application of the law and discriminatory practices to the women who are the most users/dependents on customary tenure. Customary and other tenures lack clear boundaries and markings as well as proper registration. This has fueled most disputes in Moroto district.

Further analysis reveals that land disputes are still rampant in Kayunga district mainly due to the weakness in the laws to ultimately protect informal tenure (customary) holders and vulnerable groups like women. Although the Constitution and the Land Act recognize customary tenure systems in Uganda, the challenges faced with customary tenure/informal tenure is mainly due to lack of serious implementation of a number of aspects acclaimed by STDM like customary certificates of title, application of equity and equality practices to claimants under customary. As earlier observed, other practices like standardization of boundaries through use of technology should be adopted.

From the study findings it was also discovered that the key actors in land conflicts are, individuals and community members were victims of land disputes, private companies, statutory bodies,



private individuals, security agencies and District Local Governments, Uganda Wildlife Authority (UWA) respectively.

## **5.2 Conclusion**

For the last decade, land professionals have been instrumental in formulating technical solutions to improve land administration and management systems in every country. With the modernization of the information and communications technologies, such solutions become more; powerful, faster, efficient and relatively cheaper. Nowadays, organized poor communities and their networks are already using advanced technologies and systems with little support from land professionals and they find them to be a vital tool. Indeed, the use of Information Technology systems, remote sensing technologies (i.e. satellite imagery products), GNSS technologies (i.e. GPS units) and GIS systems to create a land information system is no longer the 'exclusive privilege of the educated elites'.

Social Tenure Domain Model (STDM) offers these related opportunities for land professionals, researchers, grassroots organizations and government authorities. These opportunities include the empowerment of grassroots communities to develop and manage their own information system (and data) with all the benefits of advanced technologies can offer. This can be achieved with less investment of resources and reliance on high paid experts. STDM can build on their strengths and good practices (i.e. enumeration) too. STDM also offers great opportunities for land professionals as they can now; extend their services to all, offer people-centered and affordable solutions and contribute to the further enhancement of STDM framework.

With STDM, land professionals can easily promote and communicate their plans, strategies and services to civil society organizations, government authorities and other stakeholder groups. With STDM, it is now possible to bridge the information divide, serve all members of society and to undertake development interventions such as tenure security for all at scale. Government authorities and decision makers will definitely benefit from its use, recognition and implementation.

### 5.3 Recommendations

A need for policy formation to STDM that requires co-operation and partnering amongst stakeholders, that is; "Government, GLTN unit of World Bank, Ministry of Lands Housing and Urban Development, Municipalities, Local Governments, and other willing organizations to ease its operation for the customary/informal tenures. In the same realm, it requires capacity building, sensitization of masses and bringing them to the awareness of STDM.

There is an urgent need by government, civil society organization and legal entities to come up with programs that will train these institutions like LCCs, ALCs, and DLB, to enable them be fit for purpose and pave way for smooth operation in land matters.

Land institutions should formulate a land inventory that has a record of sitting tenants on public land and also encourage different land owners to keep proper records of their tenants.

Government needs to roll out further training and empowerment of technical personnel like; surveyors, physical planners, land officers especially in the department of land registration. These can be trained on the benefits, use and application of STDM mechanism as a pre-emptive dispute resolution. It is essential to particularly train surveyors on SIDM technical applications in data coverage, capture and interpretation, for instance use of satellite, GPS among others. Generally this can be done at different levels or with different land registries. In turn, thereafter, the empowered officers will disseminate the information to other land users.

The Ministerial Zonal land office in Moroto should organize seminars and trainings at sub-county level, to empower land owners, users and households (women in particular) on the benefits of titling or having documented rights on land. The trainings will enable capacity building amongst neighbors of land owners and can quickly cover the knowledge gap.

Government needs to take the lead role by providing the necessary funding and ensuring strict checks on corrupt officers through advocating for transparency, accountability and audit reports from any public funds and also putting regulation safeguarding land users against corruption.

There is need to amend the law to provide for supervision of the DLBs by government (Ministry of Lands) and task them to produce periodical reports for the work done. This will ensure efficiency in service delivery and avoid backlog disputes.

There is need to make an amendment to provide for indefeasible titles of customary tenure. This will help in dealing away with the unnecessary costs incurred when converting customary to freehold as provided in section 9 of the Land Act; yet, they are both forms of tenure provided for in the constitution. The allowance of conversion makes it a weaker tenure and would eventually mean doing away with customary tenure. A good tenure system should be uniform throughout the country.

There is need also to amend the constitution and declare equality of tenures that is customary tenure to have the same force as mailo and freehold tenure. In other words, all land to revert back to the state where any user is a tenant of a state on a prescribed lease interest. This will greatly lessen the disputes and further land development and sustainable use.

There is need to amend the registration of Titles Act to provide for regulated surveying fees in lieu of protecting the vulnerable groups like women. Although these are the majority land users, they are often unable to pay surveying fees to allow conveyance of their interests. Besides, compulsory inclusion of women on all properties where they have inherent equal rights like their counterparts, the men, to avoid male dominance, subordination and exploitation.

The need to enforce Section 27 of the Land Act that provides for the rights of women, children and persons with disabilities in regard to customary rights. As noted by Rose Nakayi: There is a dire need to demystify the great disparity that exists between the provisions of the law and the practices on land which discriminate against women on property rights.

It is important that traditional leaders and other decision makers in the community are sensitized on gender relations. They should be bonded and brought on board to for easier implementation. This goes hand in hand with providing continuous sensitization on the provisions of the law that are gender progressive.

There is need to expeditiously amend Section 39 of the Land Act, which promotes the principle of free and informed consent of persons in all land matters where activities will affect the interest of others.

There is need to closely follow up on the principles and implementations of the NLP stakeholders such as; Government, MoLHUD, Land Protection Unit among others. These stakeholders, together with MoLHUD, should set up committees of inquiry, monitoring and

evaluation on the NLP policies in different land sectors. This will help in identification of the extent of abuse and formulate solutions to these issues. Such measures should begin from the grass root level such as sub-county. This will lead to improvements in efficiency, increase awareness and transparency dealings in land matters, and reduce on land related disputes.

#### **5.4 Further research**

The study was conducted in a small area of Moroto district with a limited sample. Finding cannot be generalized to the whole country. Hence a more extensive and detailed research on legal framework should be done so as to come up with a generalized position on the legal framework in protection of informal/customary tenure.

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## APPENDICES

### APPENDIX 1

**Dear Sir/Madam,**

Dear respondent, am conducting a research study on community leaders and land conflicts in Uganda. Case study of Nadunget sub-county Moroto district. The questionnaire items are about the study and you are kindly requested to participate in responding to the questions below. The information given will be treated as confidential and the results of the study will be used for academic research purposes only.

#### SECTION A: BACKGROUND OF THE RESPONDENT

Please tick your personal information in the gaps below

1. a) Bio-data

Gender                      Male ☐                      Female ☐

b) Age                      20-30 ☐                      31 -340 ☐  
                                 41-50 ☐                      51- 60        ☐  
                                 60+        ☐

c) Marital Status

Single ☐ Divorced ☐ Married ☐ Widow ☐

d)What is your level of Education?



## Forms of Land Disputes

Statement	Strongly agree	Agree	Disagree
family disputes are the common forms of land disputes			
land grabbing is a common forms of land disputes			
encroachments are common forms of land disputes			
boarder disputes are common forms of land disputes			

### **Interview questions**

1. For how long has the issue of land conflicts taken
2. What could be the causes of land conflicts in this area.
3. Who are the key actors in these conflicts/disputes?
4. What are their roles
5. Is there any way these disputes can be solved?

**Thank you for your time**