UNITED INTERNATIONAL TRANSPARENCY UGANDA

LAND AND CORRUPTION

A Stakeholders Guide in the Fight against Corruption in Uganda's land sector.

December 2017
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# Acronyms

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<td>Alternative Dispute Resolution</td>
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<td>APRM</td>
<td>African Peer Review Mechanism</td>
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This handbook sets out to look at corruption in land governance in Uganda and its deep manifestation in the social fabric of society. It is a global phenomenon which has gained growing attention in recent years, and is condemned by all and sundry. Governments world over acknowledge the importance of land, yet their actions are too weak to adequately address the consequences of land corruption, and the adverse effects on livelihoods and development.

Land corruption is an obstacle to development and good livelihood, whether in rural or urban settings. It distorts economic growth, and threatens democracy, the rule of law and human rights. It is a concern for individuals and societies, given that land is an important factor for people who live on it, and is closely intertwined with sense of belonging, cultural identity, their income, livelihood and food security. The seriousness of land corruption as a phenomenon is widely recognized. The impact of land corruption extends beyond the people involved in the practice. Land grabbing, corrupt practices and illegal transactions in land governance reduce the basis for income and identity of small-scale producers, agricultural labourers, indigenous communities and landless rural and urban poor.

One thing about land corruption is that it is very difficult to fight because unlike other criminals, dishonest public officials involved in the vice continue to wield power and influence. Political interference, even involving low-level officials frequently can derail prosecution. Worsening accountability in the public sector and corruption have almost become a way of life in Uganda. Even Government admits that this is perhaps the biggest problem facing the country now.

Against this background, it emerges that there is no known basic, comprehensive and participatory tool to offer guidance to the most affected sections of society through poor land governance and corrupt practices. This Handbook on Land and Corruption is intended to provide a summary of statutory laws and customary norms and practices in Uganda.

It will make case that Government of Uganda has the necessary tools to address the rampart corrupt practices in the country. It will be a useful and handy resource for individuals working for the entire citizenry and all stakeholders working on land. All users are invited to contribute to the improvement of the handbook – may it contribute to a strong global alliance securing land tenure and equitable access to land.
iv. Acknowledgement

Transparency International Uganda would like to register its appreciation to all the different stakeholders that were consulted across the country for the support offered in the process. Their support, contribution and involvement enabled this guide to be produced.

Special gratitude goes to the Consultants led by Mr. Henry Emoi Gidudu for the tireless efforts. Without their work, this guide would be incomplete.

To the TIU Staff, Mr. Gerald Padde Auku and Ms. Lilian Zawadde recognition is made to your technical and professional guidance and commitment, without which, developing this guide would have not been possible.

Last but not least, TIU extends her heartfelt gratitude to Transparency International for providing financial support that made it possible for the development of the guide.

I call upon all stakeholders to make use of these guidelines in fighting corruption in the land sector in the country.

Peter Wandera  
Executive Director  
Transparency International Uganda.
Chapter One: Introduction and Background

The Government of Uganda (GoU) has created sufficient legal and institutional framework specifically to fight corruption in the country, which are functional at both central and local levels of government, identifying it as a national priority.\(^1\) However, in spite of the elaborate systems, corruption in the public sector remains a pervasive and frustrating reality. More specifically, the land sector is among the worst affected, with its dreadful effects being registered more against women and children, especially orphans. While Government downplays the causes to software factors of capacity constraints such as financial, skills, logistics and technology, that restrict enforcement of existing statutes, and constrain the execution of anti-corruption policies, available information magnifies the problem into many more complex factors.

It is important to note that equally critical is the gross lack of awareness of the land laws and regulations among Ugandans regardless of grade or class. It is arguable that through awareness created among the citizens, the question of land and corruption at all levels can be systematically tackled. Transparency International Uganda (TIU) is of the view that there is insufficient information in the public, and the effects of the attendant injustices against women are of pronounced concern. Against this backdrop, therefore, it is rightly observed that more consolidated information is needed, especially for community consumption, to cause the necessary response to the declining trends in the land sector governance.

1.1 Why discussing Corruption is Important

Land corruption is an obstacle to development and good livelihood, whether in rural or urban settings. It distorts economic growth, and threatens democracy, the rule of law and human rights. It is a concern for individuals and societies, given that land is an important factor for people who live on it, and is closely intertwined with sense of belonging, cultural identity, their income, livelihood and food security. Government statistics indicate that 82% of Ugandans believe corruption is deeply entrenched in society.\(^2\) Corruption remains an impediment to development and a barrier to poverty reduction in Uganda and in many other African countries. The African Peer Review Mechanism (APRM), National Development Plan (NDP) 2010/11-2014/15 and Vision 2040 identify corruption as one of the critical challenges to Uganda’s development.\(^3\)

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\(^1\) Government of Uganda: Millennium Challenge Corporation; Anti-Corruption Strategy, 2006
\(^2\) Inspectorate of Government; Bridging the Enforcement Gap in the Fight against Corruption; GoU Report on Tracking Corruption, EPRC, 2014
The gravity of land corruption as a phenomenon is widely recognized. The impact of land corruption extends beyond the people involved in the practice. Land grabbing, corrupt practices and illegal transactions in land governance reduce the basis for income and identity of small-scale producers, agricultural labourers, indigenous communities and landless rural and urban poor. Therefore information on land – whether on security of tenure, land use, land access and land administration – are critical for development and good livelihood, especially in poor economies like Uganda.

1.2 What is the Purpose of the handbook?
This Handbook on Land and Corruption is intended to examine further the dynamics characterizing the land laws, policies, customs and practices on governance in Uganda. It is a user friendly anti-corruption guide to support stakeholders in the fight against corruption in the land sector. The document provides a generic instrument that enables users to contribute to addressing corruption based on knowledge of basic rules, regulations and procedures within land governance processes. The Handbook is a further consequence of the characteristic lack of awareness\(^4\) on how ordinary citizens can respond to corrupt tendencies among the land administrators at various levels of governance. Thus, a tool such as this is handy to promote empowerment of Ugandans in the struggle to protect their land rights and interests.

1.3 What is the Use of the Handbook?
The Land and Corruption Handbook will make case that Government of Uganda has the necessary tools to address the rampart corrupt practices in the country. The Handbook will provide a brief outline of the functions of the land administrative bodies at the various levels. It will also include an outline of the critical land-related laws, as well as an elaborate list of sources for further reference. It will be a useful and handy resource for individuals working for the entire citizenry and all stakeholders working on land. Ideally, it can be used to address several issues within land governance.

\(^{4}\)TIU Report; February 2015
Information is power and as has been observed, the lack of information on rights, laws and where to go when faced with a land corruption case is a very big challenge especially to rural women. The handbook would have to be simplified and translated in local languages for easy understanding by land owners who are mostly uneducated and the court users. Reading on the other hand is a challenge in Uganda, hence this handbook can be used to facilitate dialogues or conversations on corruption in the land sector. The handbook can also be used by legal aid providers and other land actors to sensitize communities on the relevant laws.

More specifically, the instrument can be used to:

1. Escalate awareness by the majority of Ugandans of the basic rules governing administration and management of land;
2. Package information in a simplified manner on land governance for the masses to develop strategies of preventing and managing land injustices;
3. Hold office bearers accountable for the injustices meted upon Ugandans through corruption in the processes of land governance;
4. Ugandans who own or use land have a say in the developmental decisions made on the use of their land;
5. Have the information and the mechanism of protecting their environment by challenging the corrupt-influenced destructions.
6. Out rightly fight corruption in the land sector

1.4 Who will be the Users of the Handbook?
The guide will be handy to stakeholders of every background based on its user-friendliness, and will include:
- Governmental institutions and other actors to improve land governance systems and to design counter-measures for tackling land corruption.
- National and international land professionals
- International and national Non-Governmental Organizations that fund or implement land governance projects;
- Private sector organizations - to analyse the land governance system they conduct or plan to conduct business in;
- Bilateral donors and multilateral financial institutions;
- National and Local Governments;
- Community Based (grassroots) Organizations;
- Affected communities and traditional leadership
- General public or Ugandan citizenry
1.5 When will this Handbook be used?
This guide is designed for the immediate use of the various users, but will need a strategic means of implementation. Forums will include:
- An inclusive engagement of all stakeholders on the Handbook;
- Planning sessions on the implementation and use;
- Community outreaches and advocacy platforms
- Implementation of the Guide
- Monitoring and Evaluation of the implementation

1.6 How will the Handbook be used?
In order to use the handbook more effectively, the following recommendations have been found useful, and users are encouraged to adopt them:
- Whether for practical or theoretical purposes, users are advised internalize the subject matter, and the message;
- Users of the Handbook should adopt the habit of reflecting as you read, looking at past experiences to inform your future actions. To achieve the objectives of the guide, many things have to be done differently going forward;
- Depending on what aspect of the guide one expects to take up, it is critical to draw comparisons appropriately;
- At the time of implementation, users are advised to put together a collection of materials – activities, ideas, experiences – that will be of use, and share with relevant people; and,
- Consult widely on the best actions to ensure success.

Selected opinions of experts on the Usefulness and implementation of an anti-corruption guide/handbook

- A good and well-researched guide is instrumental for anti-corruption crusaders, and could be tailored for activists at the national and local levels.
- Information is power, hence a handbook on rights, laws and where to go when faced with a land corruption case would be very critical, especially to rural women. If simplified and translated in the local languages, it would increase awareness.
- Practical success of the Guide will be achieved if the ordinary citizens are sensitized about it. A concerted and sustained civic empowerment would be ideal, more so, if infused into government policies for it to gain the legitimacy and effectiveness.
1.7 Structure of the handbook

The Land and Corruption Handbook is presented in four chapters.

- Chapter One includes introduction and background. The introduction also explains in detail the purpose of the Handbook.
- Chapter 2 tackles the land governance structures in Uganda.
- Chapter 3 dwells on the core subject of land and corruption.
- Chapter address the aspect of Monitoring and Evaluation
- Chapter 4 constitutes the Conclusion and recommendations
Chapter Two: Appreciating Land Governance in Uganda

This chapter provides an outline for understanding the institutional framework of land governance in Uganda, and breaks down the land administrative structures. It provides a basis for analysis of the institutions across a wide range of factors in the context of capacity and effectiveness of institutions charged with the adjudication and settlement of land disputes.

2.1 What are the Land Tenure Systems in Uganda?
The promulgation of the 1995 constitution vested land in the citizens of Uganda, and stated the systems of land tenure as customary tenure, mailo tenure, freehold tenure and leasehold.\(^5\)

- **Customary Land Tenure** - held and acquired according to the customs, traditions, and norms of a particular group of people.
- **Mailo Land Tenure** - lands tenure system created through the 1900 Buganda Agreement. Land was measured then in square miles, hence the Luganda word “Mailo.”
- **Freehold Land Tenure** - a system where the landowner holds land in eternity, and is entitled to a certificate of title.
- **Leasehold land Tenure**: Leasehold tenure refers to the system whereby a tenant or lessee has exclusive possession of land through an agreement with the landowner, known as the landlord or lessor. The agreement is for a specified period of time, during which the tenant pays the landlord a rent/premium.

2.2 What is the Land Statutory Institutional Framework?
Land viewed in the context of governance pits people, resources and institutions against each other.\(^6\) New situations emerge that many times result into impactful decisions and action, for or against land owners and interests in land. The handbook is convenient for the understanding of what is done where, and who is responsible for what, to ensure land justice.

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\(^6\)Land and Natural Disasters: Guidance for Practitioners; UNHabitat, p.10
The land sector is constituted by only two institutions:

- The Ministry of Lands Housing and Urban Development;
- The Uganda Land Commission.

2.2.1 Ministry of Lands Housing and Urban Development
The Ministry provides policy direction, national standards and coordination of all matters related to lands housing and urban development in Uganda, and establishes policies, laws and regulations to ensure sustainable land management. It is comprised of the following three Directorates: 1) Directorate of Housing, 2) Directorate of Physical Planning and Urban Development, and 3) Directorate of Land Management.

The Directorate of Land Management is constituted by three departments as follows:

- **Surveys and Mapping:** This Surveys and Mapping department is located in Entebbe, and its responsibility is the establishment of survey and geodetic controls, quality checks of cadastral jobs, surveys of government land and international boundaries, and the production and printing of topographical maps.
- **Land Administration:** The department of Land Administration is responsible for supervision of land administration institutions and valuation of land and other properties.
- **Land Registration:** The responsibility of Land Registration department, also known as the Office of Titles, is issuing Certificates of Title, general conveyance, maintaining the land registry for all mailo, leasehold and freehold land transactions, and technical support to local governments relating to land registration and acquisition processes.

2.2.2 Uganda Land Commission
The Uganda Land Commission (ULC) is mandated by the constitution to hold and manage all land vested in or acquired by the Government of Uganda in accordance with the constitution. The Land Commission also processes certificates of title for land owned by and vested in the government. ULC allocates public land to the private sector for investment purposes and maintains records of leases on state land. Its mandate is distinctive from those of related MDAs, like the Uganda Wildlife Authority and the National Forestry Authority, who are responsible for protected areas.

2.2.3 District Land Office
District Land Office provides technical guidance to the District Land Board. It advises on matters that the Board may not be able to address; provides technical services to the public in the district including surveys, planning, land administration procedures, and
valuations for properties/compensation rates; and facilitates the District Land Boards.

2.2.4 District Land Board
The mandate of the District Land Board (DLB) is to hold and allocate land that is not owned, and facilitate the registration and transfer of interests in land, and determine the annual ground rent. They also issue certificates of customary ownership. DLBs are independent of the ULC and from influence by any person or authority in the performance of its functions.

2.2.5 Recorder
The Recorder is responsible for issuing Certificates of Customary Ownership (CCOs), certificate of occupancy and registers land transactions. The Recorder should be any of the following: 1) Sub-county Chief, 2) Town Clerk - in Town Councils or gazetted urban areas), or 3) Assistant Town Clerk - for Divisions of Municipalities.

2.2.6 Area Land Committee
Area Land Committees (ALC) are appointed by the District Council at the sub-county or Division level. These Committees are constituted by a chairperson and four other persons who serve on a part time basis. Their roles include: determining, verifying and marking boundaries of customary land within in their parishes, and advising DLBs on matters relating to land, including ascertaining land rights.

2.3 What are the other autonomous and semi-autonomous Institutions?
There are also other autonomous and semi-autonomous institutions that the Ministry is mandated to give policy direction, and they include the following:

- **The Uganda Land Registry:** The Land Registry operates from within the Ministry, and is responsible for registering land, issuing title deeds, and maintaining records of land transactions.

- **The District Land Tribunals:** The 1998 Land Act introduced District Land Tribunals as a specific dispute resolution system for land issues. Coordination challenges between the Lands and the Justice Ministries emerged, leading to the takeover by the latter in 2004, which eventually closed them down in 2006 due to problems with staffing, coverage and funding.

- **The National Physical Planning Board:** This Board is responsible for ensuring orderly, progressive and sustainable urban and rural development through appropriate physical planning.

- **The Architects Registration Board:** Its responsibility involves regulating and maintaining the standard of architecture in the country through registering
Architects, making bye-laws for the better, carrying into effect the sections of the Architect’s reign Act, regulating the conduct of Architects and promoting training in Architectural Science.

- **The Surveyors Registration Board:** The Surveyors Board is responsible for regulating the surveying profession in the country. The Board regulates surveyors through registration of surveyors, disciplining of surveyors and giving practicing licenses to surveyors.

- **National Housing and Construction Company Ltd:** The Company aims at creating the reality of home ownership in well-planned and permanent built environments.

- **Housing Finance Bank Ltd:** The bank provides affordable financing options for home development and acquisition, and promotes a culture of saving amongst Ugandans.

### 2.4 Land Vulnerability and Governance

Findings from investigations linking gender and corruption indicate that there is a relationship between female representation in political and economic life and the level of corruption in a country. The levels of discrimination against women that exist in our communities today, restrict women in their freedom to participate in the public and reflect society’s attitude towards gender inequality (TIU 2015).

The consequences of corruption on women, men and their communities have a strong relationship with how government chooses to run its systems, and what investments have been put in capacity building. Causes of vulnerability in Uganda can be classified according to a geographical scale, thus:

- Global: Demographic change, population movements, climate change;
- National and regional: Poor governance, civil war (northern Uganda); economic policies, epidemic, urbanization;
- Community and local: Culture, customs,

### 2.5 Discrimination against women

Equal property rights for women and men are fundamental to social and economic gender equality. Yet, they are far from being effective. Women often face discrimination in formal, informal and customary systems of land tenure. Their access to land through male relatives hence subordinate rights, make them vulnerable whenever such relationships are no longer holding. Gender discrimination in access to land and secure land rights is unjust and undermines women’s land rights.

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7TIU Report: Gender Analysis on Land and Corruption
Providing for women’s land rights makes economic sense, and is important for poverty reduction. This is because of women’s roles as food producers, feeding of the family responsibilities and their broader roles in household management.⁸ “Not only is the African woman the child bearer, she cooks, farms, toils grain, fetches water and collects firewood, teaches her children, nurses the sick, provides quality companionship to the husband, etc. It

Figure 1: Women often face discrimination in formal, informal and customary systems of land tenure. Even the elite in society are not spared, as they will leave out women in critical decision making processes.

is only in a few African societies where this formula of burden sharing is reversed, with women doing more work than men.⁹

Gender discrimination in land rights is culturally engrained. It calls for stronger legislation for gender equity, along the collection action for effective women’s rights to hold legal and documented claims, to spousal co-ownership rights, and to legal protection for customary and informal claims to land. The failure to secure co-ownership for

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⁸Secure Land Rights for All, p.15
⁹A woman and her Land; a quote from President Yoweri Museveni, p.2
spouses in land legislation and the shelving of the Domestic Relations Bill of 2005 is a setback for Uganda’s efforts for land rights equity.\textsuperscript{10}

2.6 Land and Gender in the context of Sustainable Development Goals

Uganda embraced the principles for sustainable development as stipulated in the 2030 Agenda. The 2030 Agenda for Sustainable Development is a plan of action for people, planet, prosperity, peace and partnerships to “Ensure that No One is Left Behind”. It builds on the unfinished business of the Millennium Development Goals (MDGs) and the commitment to eradicate poverty in all its forms.

Goal 5 of the Agenda aims to: Achieve gender equality and empower all women and girls. And one of the targets hereunder is to: Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.

The Goal that addresses issues of land is Goal 15, which states, thus: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss. In its targets, it spells out categorically the aspect of equity and access: Promote fair and equitable sharing of the benefits arising from the utilization of genetic resources and promote appropriate access to such resources, as internationally agreed Goal.

Uganda has the institutional Framework to implement the Agenda. Government recognizes women rights to equal access to opportunities and services, and has adopted policies and put in place various initiatives.\textsuperscript{11} It continues to undertake interventions to ensure “no woman is left behind in the development agenda.”

However, despite the country’s ambitious policy frameworks and instruments, implementation has been slow. In addition, there are persistent structural barriers that hinder women from benefiting from the apparent progressive laws and policies. It will, therefore, require an accelerated approach if the realization of Goal 5 and related targets are to be achieved.

2.7 The Voluntary Guidelines on the Responsible Governance of Tenure

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food Security, known as the \textit{VGGT}, promote

\textsuperscript{10}Women’s Property Rights...p.89
\textsuperscript{11}Some of the initiatives include: Uganda Women Entrepreneurship Program; Affirmative Action for elective political positions; Legislations against discrimination of Women and Gender based violence; National Gender Priority Indicators; Gender Equality Seal, among others.
secure tenure rights and equitable access to land, fisheries and forests as a means of eradicating hunger and poverty.

The VGGT came into being in 2012 as a response from the Committee on World Food Security (CFS) to deal with the rush of land based investments in neglected rural areas, with weak governance and lack of protection for human rights. The VGGT are the first globally endorsed instrument of soft law that deals with the politically sensitive issue of access to land and other natural resources with strong reference to the state’s obligations under international law, especially international human rights instruments. Despite its voluntary status, the references to binding international law (e.g. human rights, ILO) makes the VGGT the first instrument in international law that addresses land issues, stressing responsibilities for home states, host states as well as private sector.

The VGGT provides a framework for analysis of land issues and the status of land governance in a country or region, with clearly assigned responsibilities for either states, as well as private sector, to take action in safeguarding human rights and enabling inclusive economic development. Based on this understanding, it is recommended that the VGGT functions as a benchmark on the topic of land governance that should be taken on board by other standards and guidelines, to prevent disparities or – even worse – neglect of dealing with existing land issues, with human rights abuses as a result. Therefore, the VGGT should be acknowledged and incorporated consistently in every existing standard, in case such references are not yet made, to stimulate coherent action on land issues.
Chapter Three: Land and Corruption in Uganda

Relentlessly, anti-corruption forces throughout the world continue to confront corruption and its attendant consequences. In many African countries and in the East African region, the vice manifests deeply in the social fabric of society at every level. In Uganda it is severe, cutting across all sectors, and very much present in the land sector. It is an impediment to development and a barrier to poverty reduction efforts at both macro and micro levels.

3.1 What is Corruption?

There are several definitions of corruption, two of which are as follows:

- The laws of Uganda define corruption as the abuse of public office for private gain and includes but not limited to embezzlement, bribery, nepotism, influence peddling, theft of public funds or assets, fraud, forgery, causing financial or property loss and false accounting in public affairs.

- Transparency International operationally defines corruption as the misuse of entrusted power for private or personal gain.\(^\text{12}\)

Office bearers, private or public, purposefully improperly and unlawfully enrich themselves, or those close to them, or induce them to do so by misusing the position in which they are placed. Corruption further involves soliciting and acceptance of an inducement or reward, which may influence the action of the receiver. It may take the forms of fraud, embezzlement of public funds, nepotism, influence peddling, deceit, blackmail, forgery, among many others. It manifests in two categories – petty corruption and grand corruption.

Selected opinions of experts opinion on Land and Corruption

- In understanding corruption in the land office, it is important to know how respective officials are appointed, remunerated, appraised, and retained. Staff there allegedly have god-fathers, hence protected from prosecution.

- Court clerks demand for a lot of money from the court users

- In the informal sector, it is a question of power versus vulnerability, and those who have money and can afford legal services and bribe all witnesses win the cases.

- Local Councils continue to hear land disputes illegally, and are easily compromised.

- The Police side with those who facilitate them to do investigations, even when they are the accused of land grabbing.

\(^{12}\)TIU Reports
• The institutional capacity to adequately handle land matters is highly wanting, in a country where every 7 in 10 cases in the courts are land related.
• Uganda has weak legislation and unclear policies. The land law was enacted in 1998 and the policy passed in 2013. Normally, it’s the policy that directs legislation and not otherwise. For the 15 years Uganda had no land policy, the legislations in place became so mechanical to implement.

3.2 What manifests Land Corruption?
Land Corruption is the abuse of power for private gain while carrying out the functions of land administration and land management. Studies on Uganda reveal that land corruption and illegitimate demand for money both in land administration and dispute resolution is tremendously high, and on the increase. In TI’s latest Corruption Perception Index, Uganda was ranked 151st out of 176 countries evaluated (Transparency International 2017a).

3.3 Where does Land Corruption occur?
Land corruption has been found to occur at various levels of governance.

• At the instruction level, it is at the policy making level, where policy and legal frameworks may be constructed with gaps that that are abused by those in authority;
• Local governance levels – District Land Boards, Area Land Committees; District Land Office, where key decisions are made based on their different but critical mandates.
• Courts of Law – Legal processes are determined in courts, but with a lot of compromised outcomes. It is reported that they are found to lack independence, and are impartial in their judgements.
• The Police – It is the most corrupt institution on the land, which grossly compromises their duty of preventing and detecting crime – in this case acts of corruption.
• Land Registry – poor land records, forgery/multiple titles,
• Local Council Courts – it is the first court of incidence, but it is also where everything begins to go wrong. The opinions of the officials are important for later stages of any matter.
Corruption has been found to be rampant at local governance levels, with District Land Boards, Area Land Committees, and District Land Office, frequently parcelling out private and public land to land grabbers and investors – real or non-existent.

3.4 What are some of the major causes of Land corruption in Uganda?
There is increasing pressure on land and all natural resources, not just in Uganda or Africa, but the world over. As a result of demand, therefore, its acquisition has been compromised. The known causes of corruption in the land sector include, but are not limited to the following:

Just like any other public sector, the land sector is not immune from the corrupt tendencies. Firstly, land has become a market commodity, and is one of the most tradable assets in the Ugandan market today, a factor partly informed by population increase. This is in addition to the infrastructure boom which has made land one of the most lucrative resources. Secondly, there is inadequate institutional capacity to respond to the daily volumes of transactions. Thirdly, is the issue of weak legislation and unclear policies. The land law was enacted in 1998 and the policy passed in 2013. Normally, it is the policy that directs legislation and not the other way round. For the 15 years Uganda had no land policy, the legislations in place became so mechanical to implement.\(^ {13} \)

\(^ {13} \)Expert opinion of a land expert.
Global rise of the value of land;
There is increasing demand for land in African countries for large Scale Land investments. Whether it is Government or private individuals acquiring the land, injustices of all kinds have been observed.
There is widespread search for the vast natural resources – foreign companies as well as government exploration interests have opened land to fraudulent transactions;
Population increase
Deficit in dispute resolution – lack of formal government structures causes poor access to justice
Ignorance of the law – usually exploited by law enforcers and those in authority
Poor land governance as a result of Institutional fragmentation and flawed policy - too many institutions mandated to manage land, without any structured coordination between them.
Inadequate qualified and skilled staff, inadequate equipment and tools and inadequate technical skills to manage the land registry, district land boards, and land valuation.
Poor (manual) Records Management, with limited use of statistics in management and decision making.
Inadequate funding to the sector;
Conflicting mandates and weak coordination in the sector\(^{14}\).

3.5 Gender and Land: Land Corruption and its effect on Women

Land discrimination along gender biases is one of the most common form of conflict in the sector. World over, women are found not to enjoy the same rights over land as men. Women are always disadvantaged in terms of financial resources, employment and other social services. They lack political and economic leverage, hence are unable to hold public officials accountable. Land, therefore, remains a critical part to their survival, shelter and subsistence. The question of women’s rights to land and other property raises critical issues, that include;

- Do married women have a legal right to the land that is owned or used by the household?
- Do women have the right to inherit land from their husbands or fathers?
- How are cultural values obstructing or preventing the realization of legislation towards equal access of land by women?
- Does corruption have impact on the implementation of the formal laws?
- Does corruption in local land administration hamper women’s access to land titles?

\(^{14}\) MLHUD strategic plan 2013/14 - 2017/18
3.6 What is the functionality of anti-corruption Institutions in Uganda?

The Government of the Republic of Uganda has created sufficient legal and institutional framework specifically to fight corruption in the country that are functional at both central and local levels of government. A total of 14 agencies and public bodies are now involved in the fight against corruption and are affiliated through an Inter-Agency Forum which is coordinated by the Directorate of Ethics and Integrity within the Office of the President. Six agencies form the core of the Government’s anti-corruption effort: the Public Procurement and Disposal of Assets Authority; the Office of the Auditor General; the Inspectorate General of Government; the Criminal Investigations Department’s Fraud Squad; the Directorate of Public Prosecutions; and the Directorate of Ethics and Integrity within the Office of the President.\(^{15}\)

However, in spite of the well elaborated systems, corruption in the public sector remains a pervasive and frustrating reality. Government has tended to attribute it largely to capacity constraints; – financial, skills, logistics and technology – which apparently restricts its ability to enforce existing statutes and constrain the execution of anti-

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\(^{15}\)Government of Uganda: Millennium Development Corporation; Anti-Corruption Strategy
corruption policies. Suffice to add, however, that among factors, lack of political will has rendered the anti-corruption institutions dysfunctional.\textsuperscript{16}

Furthermore, surveys variously show that individual Ugandans do not take action to counter corruption because they lack key information to take remedial action. Specifically, they:

- Are unaware of the existing legal framework and the fact that remedies are available against public officials who commit acts of corruption;
- Do not know where to go for redress when confronted with improper or illegal conduct;
- Do not know about Civil Society Organizations, professional associations and other groups that are prepared to fight corruption; and,
- Perceive that it has limited or no access to government and other sources of anti-corruption information.

3.7 Overview of the Legal Framework on Land Corruption

Uganda has undertaken a series of ambitious legal and policy reforms with regard to property rights and resource governance since 1995, with the intention of bringing about fundamental reforms in rights, tenure management and control of land. The Constitution of Uganda (1995) is the basic law that guides the fight against corruption in Uganda. It provides for the institutions that fights corruption and guarantees their autonomy. This Handbook lists the laws for quick reference for the user, as follows:

\textsuperscript{16}Identifying the Unfinished Tasks: Legal Policy and Contextual Analysis of Violence against Women and Girls and Women Land Rights; Uganda Women’s Network…18
Figure 3: The laws of Uganda on corruption are elaborate and must be made to work for the citizens. Land injustice of any kind must be made an extremely a risky business, where the usually wealthy culprits must be prosecuted without mercy.

Prevention of Corruption Act: Probably the earliest ever legislation against corruption in the country, it was enacted in 1970, and empowers Police; questions inappropriate acquisition of financial resources or property; empowers civil servants to arrest whoever offers gratification; protects informers on corruption, among several other provisions.

The Penal Code Act: This Act provides a break-down of offences that constitute corruption, and these include: embezzlement; causing financial loss; false accounting; conspiracy to defraud; and uttering false documents. It also provides for penalty against public officers in general who steal or misappropriate funds.

The Inspector General of Government Act 2002: The functions of the Inspectorate, among others, includes to promote and foster strict adherence to the rule of law and
principles of natural justice in administration; to eliminate and foster the elimination of corruption, abuse of authority and of public office; to promote fair, efficient and good governance in public offices; to enforce the Leadership Code of Conduct; to stimulate public awareness about the values of constitutionalism in general and the activities of its office; to investigate the conduct of any public officer which may be connected with or conducive to abuse of office or authority, neglect of official duties; and to take necessary measures for the detection and prevention of corruption in public offices

**The Leadership Code Act 2002:** The Act sets the minimum standards of behaviours and conduct of leaders. Public Officers are prohibited from that that compromises public good, welfare and good governance. It requires leaders to declare their income, assets and liabilities, and put in place an effective enforcement mechanism of the Leadership Code, and also compliance with anti-corruption measures. Furthermore, the Code aims to check leaders against bribery, misuse of public property, favouritism, nepotism and all forms of aggrandizement.

**Local Government Act:** The Act provides for the prevention and combating corruption at Local Government level, involving both legal mechanisms and policy or procedural measures. Among the provisions, the Act guides on the censorship or removal from office of District Chairperson for corruption related offenses, accountability of the various Accounting Officers, institution of internal audit procedures, and the establishment of local Government Public Accounts Committee (LGPAC).

**The Public Procurement and Disposal of Public Assets (PPDA) Act, 2003:** This Act provides for the entities and activities to which the Act applies, and these include Ministries, Commissions, statutory bodies and other Government departments and Agencies. Its functions are political, regulatory, data management and capacity building, all aiming ultimately at preventing corruption and corrupt practices, where virtues of fairness, impartiality, non-discrimination, transparency and accountability are promoted.

**The Access to Information Act, 2005:** The Act provides to empower the public to effectively scrutinize and participate in “government decisions that affect them”. It is supposed to promote an efficient, effective, transparent and accountable government by providing the public with timely, accessible and accurate information in the confines of the government agencies. It is seen as central to the development of participatory democracy, ensuring government accountability and strengthening the fight against corruption.
The Whistle Blower Act, 2006: An Act to provide for the procedures by which individuals in both the private and public sector may in the public interest disclose information that relates to irregular, illegal or corrupt practices; to provide for the protection against victimization of persons who make disclosures; and to provide for related matters.

3.8 Regulatory Land Governance Framework
The Government of Uganda has undertaken a number of reforms with regard to governance of property rights. Key among them are the following:

The Constitution if Uganda, 1995: The 1995 Constitution vests land in the citizens of Uganda (Article 237 (1) in accordance with the land tenure systems. It provides four land tenure systems: mailo, freehold, leasehold, and customary. Everybody has a right to own land either as an individual or as a community. This Constitution is credited as being one of the most gender-sensitive constitution on the continent. 17

The National Land Policy 2013: It is the framework for development and use of Uganda’s land resources for the next decade. The Policy has two major objectives: (a) to re-orient the land sector in national development by articulating management coordination between the land sector and other productive sectors in the economy; and (2) enhancing the contribution of the land sector to the social and economic development of the country.

The Land Act (2008) and its subsequent amendments: The Land Act provides for the tenure, ownership and management of land; provides to amend and consolidate the law relating to tenure, ownership and management of land; and provides for other related or incidental.

The National Land Use Policy: The overall goal of the policy is to achieve sustainable and equitable socioeconomic development through optimal land management and utilization in Uganda. It addresses matters of improved agriculture, alleviation of environmental degradation and other related concerns, among others.

The Land Sector Strategic Plan: The Land Sector Strategic Plan was designed to provide for the operational, institutional and financial framework for the implementation of sector

17Rural Women’s Access to Land and Property in Selected countries: Study funded by FAO, IFAD and ILC
wide reforms and land management. One of its key strategic objectives was the development of a National Land Policy, which was pro-poor and putting in place a systematic framework for addressing the role of land in national development, land ownership, distribution, utilisation, management and control for poverty reduction and Policy Implementation Framework.

3.9 Additional efforts to Combat Land Corruption?
There are several additional efforts that are established by the president to combat corruption. Their functions are in form of oversight functions, verifications, among others.

The Presidency – Directorate of Ethics and Integrity: Under its overall executive authority, the Presidency plays a number of roles in the fight against corruption. Particularly, the Vice President’s office oversees and coordinates anti-corruption efforts through the anti-corruption unit, which eventually led to the establishment of the Directorate of Ethics and Integrity (DEI) to provide political leadership in the anti-corruption efforts. The Directorate emerged out of the public dissatisfaction of other institutions. DEI eventually formed the Inter-Agency Forum to facilitate coordination of activities of the anti-corruption agencies.

The Land Police Protection Unit: The Uganda Police Land Protection Unit (LPPU) is supported by a legal instrument, the Land Police Protection Unit was formed by the President to resolve land wrangles that is on the increase in the country.

State House Administration – Land Unit: The Land Unit of State House is responsible for all matters of land nature involving or addressed to H.E the President, the Principal Private Secretary or the Institution of State House. It is responsible for ensuring that all land matters are effectively, expeditiously and lawfully handled, as well as to facilitate direct linkage with the Attorney General.

3.10 Common Land Laws in Uganda
The problems pervading Uganda in general is not lack of or inadequacy in laws, but lack of their effective implementation. As the Handbook continues to profile on the land sector, it is largely poor land governance that continues to cause misery, especially to the women and the marginalized. Below is a demonstration of the many laws in existence:

- Land Acquisition Act Chapter 226: An Act to Make compulsory for the acquisition of land for public purposes and for matters incidental thereto and connected therewith.
• The Land Act Chapter 227: the Act to provides for the tenure, ownership and management of land; to amend and consolidate the law; relating to tenure, ownership and management of land, and provides for other related or incidental matters.
• The Mortgage Act 2009: the Act consolidates the law related to mortgages, to repeal and replace the mortgage act; to provide for the creation of mortgages; for the duty of mortgages and mortgagees regarding mortgages; for mortgages of matrimonial homes, etc, and for all related matter.
• Land Amendment Act 2010: the Act amends the Land Act to enhance the security of occupancy of lawful and bona fide occupants on registered land in accordance with Article 237 of the Constitution, and for related matters.
• Physical Planning Act 2010: Provides for the establishment of the National Physical Planning Board; to provide for the composition, functions and procedures of the Board; to establish the district and urban planning committees; to provide for the making and approval of physical development plans and for the application for development application; and for related matters.
• Registration of Titles Act Chapter 230: This is an Act relating to the transfer of land and registration of titles.
• Surveyors Registration Act Chapter 275: Provides for the establishment of a Surveyor Registration Board, to define the powers and the functions of the Board, to provide for the registration of Surveyors, and for other matters connected therewith.
• The Traditional Rulers (registration of Assets and Properties) Act: In 1993, Government enacted the Traditional Rulers (Restitution of Assets and Properties) Statute No. 8 of 1993. Under the Statute, certain assets and properties that were previously taken away were returned to the traditional rulers.

Selected opinions of experts on whether laws are sufficient to deal with corruption in the land sector

• Uganda is well furnished with laws and institutions to fight corruption. The lands sector does not need to duplicate this. In any case, the land sector already has in place numerous administrative measures, albeit ineffective, to fight corruption.
• The laws governing land acquisition are adequately protective of the rightful owners. The challenge, therefore, lies in the ignorance of the masses of these laws and the procedures.
• There is also the lack of the implementation of these laws, and penalties being so light. Culprits find it worthy to take the risk, which are usually manipulated.
3.11 Why is understanding land management systems important?
Understanding the various dynamics of how land is managed and administered in Uganda is important, because it facilitates the flow and knowledge among those with authority. It helps power centres, such as Local Councils, paralegals and traditional authorities to increase their knowledge on the proper procedures and institutional functions.

Most importantly, the community will be sensitive to the land needs and concerns, and will demand for accountability and justice. Whether as an individual or as a community, with the understanding and knowledge of systems, justice will be demanded.

3.12 Where to find Justice
The national Constitution of 1995 and the Land Act 1998 establish both formal and informal structures for land dispute resolution. The following section examines the principles, institutions and mechanisms for land related disputes under formal statutory and informal customary laws, and the relationship between these systems:

Figure 4: The judiciary is the last point of call for the majority Ugandans suffering as a result of poor land governance. However, there is need for internal checks, as the sector that is supposed to fight corruption instead leads in the vice
3.12.1 Principle of Natural Justice
Principle of natural justice under statutory and customary tenure are to ensure that there is an enabling environment for the rule of law. It comprises of: Fairness, Transparency, Equality, Impartiality, and the right to be heard. The central norm under customary tenure is the restoration of relationships and peace in the family and in the community. Conflict is resolved amicable with compromise to share the land.

3.12.2 Formal land justice Mechanisms
The judicature Rules obligates the court to refer every civil action for mediation before proceeding for trial.

Litigation: This refers to the action to bring in an issue before court to have a particular right enforced. A person starts a law suit, which leads to litigation, which goes through a number of steps that may include a court trial to resolve the matter.

Courts and Court Judicature: Courts are the implementing arm of the judiciary, and use the law to make decisions on cases. There are ordinary courts and courts of judicature:

- Local Council courts and Magistrate’s courts are ordinary courts;
- High Court, Court of Appeal and the Supreme Court are courts of judicature.
- It is important to understand the jurisdiction of each court, both monetary and geographical, as well as the roles it plays in land dispute resolution.

Local Council Courts (LCC): Local Council Courts clearly play a very important role in land dispute resolution. In addition to being the courts of first incidence (LC II), LC courts have the advantage of being situated in the areas where disputes initially arise, making it possible to easily visit dispute sites. Physically seeing the land can help committee members to clearly understand the dynamics described by the parties. Furthermore, the principles of natural justice utilised by the courts provide a forum for engaging parties in justice that might shy away from wanting to seek justice at higher levels. Finally, the courts ensure that opportunity for everyone to access.

- Local Council courts exist at the village (LC I), parish (LC II), and sub-county (LC III) levels.
- LC II courts are the courts of first instance for land matters;
- LC III courts are for appeal cases.
- Court cases must be heard in the initial area where the case arises. If a case crosses boundaries, the two committees must jointly decide how to hear the case.
- The hierarchy for land matters is: LC II → LC III → Grade One Magistrate → Chief Magistrate → High Court → Court of Appeals → Supreme Court.
3.12.3 Informal Land Justice Mechanisms
The Land Act provides for the determination by traditional authorities of disputes of customary tenure, or act as a mediator between persons who are in dispute over any matter arising out of customary tenure. Relatedly, the 1995 Constitution recognizes cultural institutions’ mandate on customary land, although with restrictions against engaging in politics. Accordingly, customary rules and norms are applied to resolve land disputes. Studies done indicate that areas with predominantly customary tenure, over 70% of community members report land conflicts to traditional leaders, with a few going to LCCs and much fewer to Magistrates courts. It is important to note that:

- Decisions taken by traditional institutions must comply with the human rights standards embodied in the constitution and international instruments, such as equity and non-discrimination;
- Application of any customary rules must be in conformity with the rules of natural justice, equity and good governance.

However, suffice to note that:
- Enforcement of the decisions taken here have no legal option. It is merely a moral obligation.
- Decisions of traditional authority are respected based on respect of the systems and social pressure.
- Mediation results – whether by CSOs or by trained mediators - can, however, be used in Courts of law as evidence in case matters proceed for litigation.
- Where courts persuade the parties to agree to the mediation results, the resolution is considered as a consent judgement.

3.12.4 Is there a linkage between formal and informal systems?
The law provides no precise direct linkage between the traditional institutions and the formal land justice sector. The Local Council (LCII) courts are considered as Courts of first incidence in respect to customary tenure. When disagreement persists, the appeal is forwarded to Local Council Court III, from where it may proceed to the Magistrate courts.

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18Milestones Towards the Integration of Formal and Informal Justice Mechanisms.....ULA Research Series
19Local Council Court Act, 2006, Third Schedule mandates the Local Council Courts to handle disputes on land held under customary tenure.
3.13 Civil Society Organizations

Civil Society Organizations play a very important role in fighting corruption in the land sector. They are significant actors in the demand for justice and good governance. This role is catered for through the legal framework provided for in the national constitution. Through mainly advocacy, public education and mobilization by CSOs, communities have been able to counter corrupt tendencies and actions. Some involve in litigation on behalf of most vulnerable groups. CSOs also through their various networks, constituted by alliances and coalitions, have been able to support communities by using expertise of lawyers, academics, accountants, the private sector, religious institutions, as well as the ordinary citizen.

The following are some of the Civil Society Organizations that are actively involved in the fight against corruption include the following:

- Action Aid International Uganda
- Anti-corruption Coalition Uganda
- Advocates for Natural Resources Governance and Development
- Africa Centre for Energy Governance
- Chapter Four Uganda
- Citizen Response on Environment and Development
- Global Rights Alert
- Justice Centre Uganda
- Oxfam
- Transparency International Uganda
- Uganda Land Alliance
- Uganda Law Society
- Water Governance Institute
- Civic Response to Environment and Development
- Uganda Debt Network
- UCOBAC

3.14 What is Alternative Dispute Resolution?

Alternative Dispute Resolution (ADR) refers to informal or another way of resolving conflicts or disagreements. There are four main methods utilised in ADR, and include mediation, negotiation, conciliation, and arbitration. While one of the ultimate goals of ADR is to utilise non-traditional mechanisms to reach a result that is equally or more beneficial to the parties than one that would be reached using typical court mechanisms, each employs different tactics to achieve those goals. As each case under consideration
comes with its own set of factors, careful consideration of the facts can help determine which ADR method is best suited to the case.

**Mediation:** Mediation refers to an ADR method where a neutral third party (mediator) helps parties work towards a mutually agreed-upon settlement of the dispute. In this type of ADR, the parties make the final decision and the mediator acts as a facilitator to help the parties get to the point of agreement, rather than giving opinions to assist in the decision-making process. Mediation serves to preserve the relationship of the parties involved.

**Negotiation:** Negotiation is a tactic that involves bargaining between the parties. Often, the facilitator participates in the bargaining process, working to close the gap between the parties. Negotiation works by having the parties educate each other about their needs and interests, and adjust differences to reach a conclusion. This can result in the disadvantaged gaining advantages during the discussions.

**Arbitration:** Arbitration is a process involving a third party that makes a binding decision upon the parties. Though this process exists out of court, it the most similar to court dispute resolution, in that a person makes a judgment or announces a verdict on the case after hearing from both sides. This technique is often used by clans to pass judgements. If the third party is a licensed arbiter, the decision can be registered in court.

**Conciliation:** Conciliation is a technique often employed before a mediation or negotiation session, and employs what is known as “shuttle diplomacy.” This means the conciliator goes back and forth between the parties, working to understand the issues and problems at hand before the parties meet each other for negotiation or mediation. It can be a tactic used to show an interconnectedness or interdependence between parties. A conciliator listens to both parties, but does not make a decision. Conciliation is most often used when parties are highly polarized and will not meet face-to-face initially.
Figure 5: Negotiation as an Alternative Dispute Resolution is a practical method if a beneficial understanding can be reached between two conflicting parties. Ugandans have been defrauded of their land under the pretext of investments, where local communities have been inadequately compensated of lost all their land for free.

3.15 What Major Challenges do Land Administrators face?
Notwithstanding achievements of the current reforms in the land sector, there still remain critical challenges to address in order to address the rampart injustices. The Handbook lists, among them, the following:

- Parallel justice systems
- Tenure insecurity, vulnerability of specific groups and inequitable systems
- High prevalence of land disputes /inequalities and inequities to land justice
- The system of land rights administration has not adequately contributed to democratic governance because of inadequate institutional reforms, staffing and resources to support decentralised land administration
- Low levels of awareness of land issues
- Problems in ownership and management of common property resources
- Customary tenure has been suppressed yet it covers over 80%
- Inadequate Land Fund resources to holistically address issues of land rights to free land for investment and development
- Land use impasse between registered land owners and occupants
- Mapping capability to support national development has not been upgraded
- The Geodetic Networks for reference during surveying were destroyed
- Inadequate land management that has led to enormous land evictions
There is need for a serious land reform, one which puts Ugandans at the fore front of accessing, controlling and investing in their own land – not one that believes that the economic development of Uganda should be driven by only developing the land market, as seems to the priority of government today. The Handbook highlights some proposals as follows:

- Advocate for re-establishment of Land Tribunals which is accessible and affordable to women.
- Advocate for formalization of clan courts so that decisions of the clan courts can be reviewed by formal courts.
- Advocate for enactment and implementation of the national legal aid policy which is resourced.
- Document, expose and cause prosecution of corrupt officials especially in the land sector.

### Selected opinions of experts on how to improvement the fight against corruption in the land sector

- Fighting corruption, overall, needs a strong political will. The corrupt and those who protect the corrupt, must all be firmly dealt with. The corrupt land administrators are often shielded by the powerful. These cartels should be investigated, exposed and reprimanded.
- The anti-corruption law in Uganda is the law under which the corrupt officers are being prosecuted is defective, hence must be strengthened.
- Staff at all land offices must be made to wear name tags for easy identification to enhance a reporting system.
- Recommendations made in any form of corruption-related studies/reports must be duly and strictly implemented and administered. It is common knowledge that Parliament hardly debates and executes recommendations on land corruption from the Auditor General of the IGG.
- The Office of the IGG whose main role is to weed out corruption is very underfunded. The IGG needs sufficient resources to effectively investigate and prosecute.
- The IGG needs to improve on documentation, evidence gathering and witness protection to make cases credible. Corruption in the land sector involves powerful or politically connected individuals.
- The entire land sector needs overhaul. There has never been a comprehensive review of the land sector.
Chapter Four: Monitoring and Evaluation

This chapter discusses the aspect of monitoring and evaluation of the implementation of the guide, which will be undertaken by various land stakeholders to ascertain whether there has been value addition. Monitoring is an invaluable management tool used to assess performance against the set targets and indicators, and whether resources are being used appropriately and efficiently. While evaluation as a structured process of systematically assessing the success of a project in meeting its goals and to reflect on the lessons learned. Evaluation is not a one-time event, but rather should aim to respond to changing circumstances on the ground and evolving knowledge and learning requirements. Ideally, some form of evaluation should be done every six months.\(^{20}\)

In this chapter, the guide examines some of the aspects of monitoring and evaluation, and will be restricting itself to the following three key issues:

- Why invest in monitoring and evaluation of this initiative;
- The elements of monitoring and evaluation system that will be employed;
- Potential indicators to be considered for monitoring the usage of the handbook.

4.1 Why invest in monitoring and evaluation of the Handbook usage

It has been observed that interventions of varying nature have been conducted to improve the manner in which land is governed in Uganda. More specifically, there is a multitude of legal, policy and regulatory instruments that exist to combat corruption. There are even handbooks focusing on corruption, yet TIU still finds it prudent to originate another. Important reasons for investing in monitoring and evaluation of the usage of the Handbook include the following:

**Planning and management:** This is the basic function of monitoring and evaluation. It guides on what needs to be prioritized, and helps determine there is progress being made and program is on track to meet the objectives, and whether resources are being used efficiently. This will depend on what aspect of the guide respective stakeholder undertakes.

**Responding to changing realities:** In this era of ever evolving dynamics and interests on land, as well as the complex tenure systems like in the case of Uganda, there will be need for appropriate responses as new situations emerge. This will, therefore, be based on new information and knowledge - as a result of monitoring and evaluation - to ensure the

\(^{20}\)Land and Natural Disasters..p.128
desired results are achieved, where significant reduction on corruption is registered on land.

**Evidence-based advocacy:** Corrupt systems tend to dispute information that put them on the spotlight. Factual and verifiable information gathered from communities, therefore, provide strong defence in advocacy. Maintaining strategies or adopting of new ones have been found to rely on such data. Monitoring and evaluation can be instrumental for building dependable evidence base around land corruption and for assessing the wide, diverse range of interventions being implemented to address it.

**Communicating results:** All key players in any project require to communicate results and progress to different audiences. It may be Government, donors or implementing agencies, but all depend on monitoring and evaluation data can play a critical in communicating results.

**Knowledge management:** It is upon an organization to process and appreciate information that comes from a monitoring and evaluation process, which should be carefully used to inform future programming. Fighting land corruption is going to be a continuous process, hence knowledge around it must be well processed and managed.

**Fundraising and Resource mobilization:** The need for resources for advocacy is endless, and there is always competition between priorities and actors. Monitoring and evaluation showing positive impact over time are fundamental to an effective resource mobilization strategy.

### 4.2 Potential Indicators for Land Corruption

The guide proposes a number of objectives, activities and potential indicators for consideration in a monitoring and evaluation system for the usage of this information against land corruption. The activities are grouped in five (5) broad intervention objectives:

- Improved awareness
- Improved coordination;
- Gender considerations regarding land corruption
- Protection and restoration of land rights;
- Land records and administration
The activities and indicators are intended to give the handbook users a basis for developing their own indicator sets and monitoring systems. They are basically to provide guidance to the different stakeholders, hence are not conclusive. Different stakeholders – government, donors or implementing agencies can adopt them in their own contexts and program baselines. All starting points should be designed to facilitate gender analysis.

<table>
<thead>
<tr>
<th>Objective</th>
<th>Potential activities</th>
<th>Potential indicators</th>
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<tbody>
<tr>
<td><strong>Improved awareness</strong></td>
<td>- Advocacy programs on land corruption is up-scaled</td>
<td><strong>Outcome/Impact</strong></td>
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<tr>
<td></td>
<td>- More organizations are involved in the anticorruption crusade</td>
<td>- %age of Ugandans are involved in fighting land corruption due to improved awareness</td>
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<td><strong>Output</strong></td>
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<tr>
<td></td>
<td>- Number of advocacy activities conducted quarterly</td>
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<tr>
<td></td>
<td>- Number of new organizations brought on board</td>
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<tr>
<td><strong>Improved coordination</strong></td>
<td>- Anticorruption networks on land established and operational</td>
<td><strong>Outcome/Impact</strong></td>
</tr>
<tr>
<td></td>
<td>- Women land rights networks established and operational</td>
<td>- % of reported cases on land corruption resolved</td>
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<tr>
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<td>- Inter-agency work plans developed and implemented</td>
<td><strong>Output</strong></td>
</tr>
<tr>
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<td>- Basket funding or multi-donor funding secured and operational</td>
<td>- Anticorruption networks on land in place</td>
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<td>- Women land rights networks in place</td>
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<td>- Number of Donors funding land corruption interventions</td>
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<tr>
<td><strong>Gender considerations regarding land corruption</strong></td>
<td>- Implementing stakeholders intensifying action on injustices against women</td>
<td><strong>Outcome/Impact</strong></td>
</tr>
<tr>
<td></td>
<td>- Paralegals programs and training up-scaled</td>
<td>- % of gender related cases of land corruption handled</td>
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<tr>
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<td>- Affirmative action preferred to Gender and other marginalized groups core issues on land</td>
<td><strong>Output</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Number of organizations, entities involved</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No. of trained paralegals per parish</td>
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</tbody>
</table>
| Protection and restoration of land rights | - Mechanisms to advocacy programs for vulnerable groups  
- Programs to record and monitor land rights of women, children  
- Alternative dispute resolution programs | Outcome/impact  
- % of Ugandans whose land rights have been restored  
Output  
- Number of widows, orphans with recorded rights over land  
- Number of initiatives to promote land rights of vulnerable groups  
- Number and types of land disputes handled by institution – courts, mediation |
| Land records and administration | - Decentralized systems in land records functionalized  
- Capacity building programs at national and local government levels  
- Land corruption cases and actions taken well documented | Outcome/Impact  
- % of Ugandans accessing timely services on land corruption  
Output  
- Number of new land offices opened and functionalized  
- Number of personnel trained on land administration  
- Number of people accessing timely services |
Chapter Five: Conclusions and Recommendations

Concerns about corruption by government will remain a rhetoric until practical actions get to be undertaken against the perpetrators. The preparation of this handbook is, therefore, a positive step in a much broader process of strengthening the capacity of government and other stakeholders to fight land corruption. Advocacy, capacity and monitoring program are envisioned as follow-up activities to these guidelines. Feedback from users will be entertained at every level of usage.

This section concludes with some final recommendations for consideration towards the fight against corruption in general, but more specifically land corruption. Proposals have also been made for the two key stakeholders – Civil Society and Government. They will respond to the following questions:

- What are the general recommendation to address land corruption in Uganda?
- What are the recommendations for Government?
- What are the recommendations for the Civil Society?

5.1 Recommendations to Combat Corruption

Various recommendations have been made, in both the local and international context, to redeem this country from corruption. It may not require re-inventing the wheel, but doing business differently, as is being reiterated by the guide:

- The solution ought to start with the basics: apply mechanisms in place to make recoveries where corruption, or any form of misappropriation of funds and assets, has occurred. A law introduced which provides for confiscation of assets is long overdue.
- Land corruption, just like other forms of corruption, take forever to be resolved. The lack of timeliness to conclude cases by anticorruption institutions has dampened confidence among Ugandans. Timelines must be enforced.
- Sanctions ought to be strongly instilled against all categories of office bearers found to have been involved in corruption.
- Law enforcers may have to prioritize reforms that target centres with chronic cases of corruption, where the Police and the Judiciary have mostly been named. Public confidence will increase.
- Setting up of the Leadership Code Tribunal has been proposed by the Inspector General of Government, to facilitate the full implementation of the Leadership Code Act of 2012.
- The gap between the legislative framework and implementation needs to be bridged, as it is rather difficult to prosecute certain kinds of crime. This should be
reinforced by appropriate funding the relevant institutions, as well as building their capacity.

- Civil Society Organizations involved in the fight against corruption ought to be empowered to enable them offer the ideal support to government. This can be facilitated by implementing the Access to Information Act, and widely publicizing the Whistle-blower Act.

Corrupt practices should be individually investigated and the perpetrators brought to book. It should be made costly by identifying and holding to account individuals that engage in acts of corruption. Although many organizations consider this a risky venture, it may be the only viable option if the vice of corruption is to be stopped.

5.2 Recommendations for Government

Upon the implementation of this guide, all stakeholders involved should be mindful of the underlying issues that promote corruption. They should be highly sensitive to vulnerability of women and orphans in respect of their rights and how land corruption affects them. Suffice to note that it will require concerted efforts and effective planning to mitigate the attendant challenges. Actions should, therefore, include the following:

- Applying flexible participatory community planning techniques to all administrative unit, so as to improve long-term sustainability and mitigate the risk of increasing land corruption.
- Conducting training program based on this guide;
- Strengthening the capacity of anticorruption players to deal with the ever emerging complex dynamics in land corruption;
- A grounded understanding of international standards and best practices to guide international actors (development partners, donors) as they work with and through national and local governments, and other stakeholders.
- Mainstreaming land corruption issues in accountability cluster system.

5.3 Recommendations for Civil Society Organizations

- There will be need for strengthened collaboration and networking in ensuring that the guide improves the fight against land corruption. Increased cooperation among the CSOs, NGOs and other stakeholders, including religious leaders will increase the clout and enhance positive results.\(^{21}\)
- Networking nationally, regionally and internationally will be important for confidence and capacity building, and for enhancing the profiles of the CSOs working on corruption.
- Civil Society networks, religious leaders, and the media ought to strengthen awareness, deepen appreciation of the detrimental consequences, and generate demand for effective measures to reduce corruption.

\(^{21}\)Tackling corruption, TIU, 2008
## Annex 1: Glossary and Key Land Concepts and Terms

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Access to information</td>
<td>It refers to the right of interested parties – the public, NGOs, media, etc., to receive information held by Government.</td>
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<tr>
<td>Corruption</td>
<td>The laws of Uganda define corruption as the abuse of public office for private gain and includes but is not limited to embezzlement, bribery, nepotism, influence peddling, theft of public funds or assets, fraud, forgery, causing financial or property loss and false accounting in public affairs. Transparency International operationally defines corruption as the misuse of entrusted power for private or personal gain.</td>
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<tr>
<td>Culture</td>
<td>It the distinctive patterns of ideas, beliefs, and norms which characterize the way of life and relations of a society or group within a society. Culturally determined gender ideologies define rights and responsibilities and what is ‘appropriate’ behavior for women and men. They also influence access to and control over resources, and participation in decision-making. These gender ideologies often reinforce male power and the idea of women’s inferiority. Culture is sometimes interpreted narrowly as ‘custom’ or ‘tradition’, and assumed to be natural and unchangeable. Despite these assumptions, culture is fluid and enduring.</td>
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<tr>
<td>Fraud</td>
<td>Fraud is economic crime involving deceit, trickery or false pretenses, by which someone gains unlawfully.</td>
</tr>
<tr>
<td>Grand Corruption</td>
<td>Grand corruption is high level corruption, and takes place at the policy formulation end of politics. It involves management of public funds by high level government officials to benefit themselves at the expense of public good.</td>
</tr>
<tr>
<td>Information</td>
<td>Information is defined as data that is (1) accurate and timely, (2) specific and organized for a purpose, (3) presented within a context that gives it meeting and relevance, and (4) can lead to increase in understanding and decrease in uncertainty. Information is valuable because it can affect behavior, a decision, or an outcome.</td>
</tr>
<tr>
<td>Land</td>
<td>The delineable area of the earth’s terrestrial surface, encompassing all attributes of the biosphere immediately above or below this surface.</td>
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</tbody>
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22 A Gender Analysis of Corruption- forms, effects and eradication strategies – Royal Danish Embassy September 2009
the human settlement pattern and physical results of past and present human activity (terracing, water storage, drainage, roads, buildings, etc)

<table>
<thead>
<tr>
<th>Land access</th>
<th>The ability to use land and associated natural resources (for example, to build a house, graze animals, grow crops, or gather forest products)</th>
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<tbody>
<tr>
<td>Land rights</td>
<td>Authorized entitlements to land. Also described as property rights in land. Commonly, they encompass rights to use, lease, and transfer, inherit or sell land. They may be held by individuals or groups. They can be created by ancestral occupation and use of land by traditional societies. Rights are accompanied by restrictions and responsibilities.</td>
</tr>
<tr>
<td>Land tenure</td>
<td>The relationships among people, as individuals or groups, with respect to land and associated natural resources. Land tenure systems determine who can use what resources for how long and under what conditions. Land tenure includes both rural and urban tenures and ownership, tenancy and other land use arrangements.</td>
</tr>
<tr>
<td>Petty Corruption</td>
<td>Also called administrative or bureaucratic corruption, is everyday corruption that takes place where bureaucrats meet the public directly. This kind of corruption is associated with junior and middle-level managers. It involves small sums of money.</td>
</tr>
<tr>
<td>Security of tenure</td>
<td>The degree of confidence that land users will not be arbitrarily deprived of the rights they enjoy over land and the benefits that flow from it; the certainty that these rights will be recognized and protected in case of specific challenges; or, more specifically, the rights of all individuals and groups to effective government protection against forced evictions.</td>
</tr>
<tr>
<td>Gender</td>
<td>Gender is a social construction as opposed to a biological one. It refers to social differences between men and women. These differences have been acquired; they are changeable over time and have wide variations both within and between cultures. The derivative of gender as a social construction of roles and responsibilities is that it confers power, status, opportunities and privileges, differently to men and women. It creates stereotypes and therefore influences attitudes and biases at a very early stage of the socialization process.</td>
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23 See Land and Natural Disasters, 2010
24 See the DANIDA Gender Tool Box
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<tr>
<th><strong>Land administration</strong></th>
<th>The system and processes of making land tenure rules operational. It includes the administration of land rights, land use regulation, and land valuation and taxation. Land administration may be carried out by agencies of the state, or through local and customary leaders.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land governance</strong></td>
<td>Includes (1) the structures, rules and processes governing the access to and use of land, (2) the manner in which land-related decisions are made, implemented and their impacts distributed within society, and (3) the way that conflicting interests in land are managed. It includes statutory, customary and informal institutions. It emphasizes power and political economy of land.</td>
</tr>
<tr>
<td><strong>Land policy</strong></td>
<td>The set of intentions embodied in various policy instruments that are adopted by the state or other forms of socio-political authority to organize land tenure and land use.</td>
</tr>
<tr>
<td><strong>Livelihood</strong></td>
<td>It comprises the capabilities, assets (including both material and social resources) and activities required to make a living. A livelihood is sustainable when it can cope with and recover from stresses and shocks and maintain and enhance its capabilities and assets both in the present and in the future, while not undermining the natural resource base.</td>
</tr>
<tr>
<td><strong>Vulnerability</strong></td>
<td>Conditions of economic, physical, social and environmental infrastructure that determine the probability that a certain hazard will cause a certain degree of damage.</td>
</tr>
</tbody>
</table>
Annex 2: References

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5. Identifying the Unfinished Tasks: Legal, Policy and Contextual Analysis of Violence Against Women and Girls and Women’s Land Rights; Uganda Women’s Network
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22. Review Report in Uganda’s Readiness for the Implementation of the 2030 Agenda: Ensuring that No one is left Behind.

23. Due Diligence Questions in support of Strengthening Land Governance: How Private, Public and Civil Stakeholders can contribute to VGGT Implementation in Practice: Dutch Land Governance Multi-stakeholder Dialogue, VGGT Core Team.


