



POLICY RECOMMENDATIONS FOR ADDRESSING LAND CORRUPTION IN UGANDA



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Background

Contextual Overview

Corruption in Uganda's land sector has been a persistent challenge undermining governance, economic development, and social equity¹. The country has a complex land tenure system, where land can be owned communally or privately, and the land rights can often be ambiguous. This complexity creates opportunities for corrupt practices, including bribery, land grabbing, and fraudulent documentation. The historical context of land distribution in Uganda, particularly following colonial rule and subsequent conflicts, has left many citizens with user rights as tenants alongside those with title ownership as landlords. The tension between these two parties is partly responsible for the widespread evictions in the central region of Uganda.

In addition, as the demand for land continues to grow, land has become a commercialized product in Uganda today. The demand for private land has increased, and Uganda has embarked on implementing an industrial policy, which requires a lot of land². The increased use and demand for land has resulted in several injustices including illegal and forceful evictions, while politically exposed individuals and investors encroach on public land, wetlands, forests, and parks as well as private property. At the same time,

several concerns have emerged in the land sector for example the quest for women's land rights and the need to tackle issues like corruption. To resolve these issues, several laws and policies as well as institutions have been put in place by the government of Uganda

Citizens' Perceptions

According to the Fourth National Integrity survey (2020), citizens in Uganda generally perceive corruption in the land sector as rampant and detrimental to their rights and livelihoods. Many Ugandans believe that access to land is often influenced by corrupt practices, with wealthier individuals or connected politicians frequently benefiting at the expense of marginalized communities. This perception is compounded by high-profile cases of land grabbing, where local populations are forcibly evicted from their land with little recourse or compensation.

The public's trust in land governance institutions is low. Many citizens feel that the legal frameworks meant to protect their land rights are ineffective due to corruption. This has led to a sense of helplessness among communities, as they often lack the resources to fight against corrupt practices or to claim their rights. The majority of Ugandans do not have good knowledge and sensitization on the laws, policies, and regulations governing land matters, beginning from acquisition, registration, and management. This exposes them to manipulation and out-manoeuvring by

¹The setting up of a commission of inquiry into land matters was largely a direct response to the escalating land governance challenges in 2017. This commission was headed by a Judge, and submitted its findings in 2021. Up to now the findings have not been made public, an advocacy issue which Transparency International Uganda may also take up. ²<https://tracfm.org/s/home/191/evictions-in-uganda-why-do-they-happen/>

real estate dealers that distort the due process and established procedures. A bill to restrict these brokers scope of adverse interference has been drafted.

Existing Measures to Counter Corruption

In response to these challenges, the Ugandan government and various civil society organizations have implemented several measures aimed at combating corruption in land governance. Key initiatives include:

- 1. Legal Reforms:** The government has sought to strengthen land laws and policies to improve transparency and accountability. The Land Act and the National Land Policy are examples of frameworks designed to clarify land rights and reduce corruption. Uganda has a Zero-Tolerance to corruption Policy that was framed and promulgated in 2019. Over and above this, are 15 anti-corruption laws, some of which, rather than addressing corruption directly, are important in shaping up and enabling the detection, investigation, and prosecution of corruption crimes
- 2. Land Information Systems:** The introduction of land information systems aims to digitize land records, making it more difficult for corrupt officials to manipulate land ownership documents. This initiative is intended to enhance transparency and reduce disputes.
- 3. Public Awareness Campaigns:** Civil society organizations have been actively involved in raising awareness about land rights and

the impacts of corruption. These campaigns educate citizens on their rights and provide them with tools to engage with land governance processes.

4. Whistle-blower Protection:

Measures to protect whistle-blowers who report corruption and misconduct including land corruption have been introduced. These include; the Whistle-blowers Protection Act, 2010 with provisions that shield whistle-blowers from retaliation, such as dismissal or harassment. This encourages individuals to come forward with information on corruption cases, providing them with protection and monetary incentives for whistleblowing. Additionally, the Inspectorate of Government (IG) has set up a hotline that allows individuals to report corruption anonymously, ensuring their safety and confidentiality. This is crucial in fostering a culture where whistle-blowers feel secure in reporting wrongdoing.

5. Strengthening Institutions:

Efforts to enhance the capacity and integrity of land governance institutions, such as the Uganda Land Commission, are ongoing. Training programs and capacity-building initiatives aim to improve the skills of officials and reduce opportunities for corrupt practices.

Corruption in Uganda's land governance remains a significant barrier to equitable land access and sustainable development. While various measures have been implemented to counteract this issue, more interventions are required to re-build public trust,

enhance transparency, and ensure that land governance serves the interests of all Ugandans

In 2023, the official Annual Crime report registered 271 land related crimes in the Land Police Protection Unit of Uganda Police Force. In 2022, a higher number of land-related crimes (561) had been registered. Only 24 cases of land related crimes of the 271 reported in 2023 were taken to court, and the remaining cases are still being investigated.

In the above report, it was also noted that the five main categories of land cases include fraudulent procurement of certificate of title; obtaining registration by false pretences; criminal trespass; obtaining money by false pretences; and forgery of documents. All these crimes have corrupt undertones. In fact, it was reported in June 2024 the police had bust a racket linked to the forgery of 800 land titles³.

For the Judiciary, the Annual Judiciary Performance Report (2023) noted that of the 62,012 land cases received by the various courts, almost half, (31,325) cases were cleared. In the Anti-Corruption Court, of the 474 anti-corruption cases reported, 277 were duly cleared, leaving 177 pending disposal. Although the report does not specify how many of the cases were directly related to land, the Fourth National Integrity Survey (November 2020) noted that 76 percent of their respondents perceived that corruption had increased in the previous 12 months. The report projected that a full eradication of corruption scenario would amount to potential savings of approximately UGX 9.1 Trillion per year,

which is close to 23 percent of Uganda's annual government spending. As such, the cost of corruption is unacceptably too high⁴.

Laws and policies on land and corruption in Uganda: a critical commentary

The architecture of the legal, policy, and institutional framework in respect of land is quite dense. Uganda has 7 policies, 14 laws, 3 proposed laws, and 7 regulations and directives⁵. Alongside these, there are 15 anti-corruption laws⁶.

While some of Uganda's land laws and policies may not have a specific anti-corruption focus, they contain several provisions that promote transparency and accountability in the land sector. At the same time, Uganda's anti-corruption laws and policies cut across all sectors and do not have a specific focus on land governance in Uganda. However, when read together and collaboratively implemented, these laws generally have the requisite ability to decisively deal with land corruption in the country. Over the years, several policies and laws have been enacted with a bearing on land corruption in Uganda as discussed below.

1. LAND LAWS

The 1995 Constitution

Article 26 of the Ugandan Constitution stipulates that "no person shall be compulsorily deprived of property or any interest in or right over property of any description except where the following conditions are satisfied: (a) the taking of possession or acquisition is necessary for public use or in the

interest of defence, public safety, public order, public morality or public health; and (b) the compulsory taking of possession or acquisition of property is made under a law which makes provision for – (i) prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of the property; and (ii) a right of access to a court of law by any person who has an interest or right over the property.” However, issues of what is deemed fair and adequate compensation have remained a bone of contention.

The Land Act, CAP 236

Section 47 of the Land Act creates the Uganda Land Commission, and Section 49 mandates that it keep a public register of all public land holdings. Section 89 requires that information about land transactions, allocations, and lease agreements be made publicly available.

The Registration of Titles Act – CAP 240

The Registration of Titles Act, enacted in Uganda in 1964, provides a legal framework for the registration of land titles and interests in land. This Act plays a crucial role in land governance by establishing a land registration system that aims to simplify land

transactions, enhance tenure security, and reduce land ownership disputes. Given the historical context of land corruption in Uganda, the Act includes several provisions designed to address and mitigate corrupt practices in land registration and transactions. It contains express prohibitions and consequential penalties for fraudulent transactions. It also fosters transparency by mandating that land registration details be accessible to the public. For example, section 4 of the Registration of Titles Act (RTA) mandates that all land titles and associated data be kept on file in a public land registry, and Section 6 describes the duties of the Registrar of Titles in overseeing the land registry. The issuance of fraudulent land titles and the falsification of land records are prohibited by Section 59. Penalties pertaining to the falsification of land records are outlined in Section 60.

The Surveyors Registration Act – CAP 241

The Surveyors Registration Act, enacted in Uganda in 1983, establishes a regulatory framework for the surveying profession. This Act aims to ensure that surveyors are qualified, licensed, and held accountable for their work, particularly in relation to land surveying and mapping. Given the critical role of accurate surveying in land transactions, property rights, and

3 See story by Simon Masaba, in the New Vision Newspaper of June 18, 2024 page 4: “Police Burst Racket Linked to Forgery of 800 Land Titles and Transcripts.”

4 The entire survey report is accessible online: igg.go.ug/media/files/publications/cost_of_corruption_popular_version.pdf

5 See matrix in Appendix 1.

6 These include: The Constitution of the Republic of Uganda (1995), (ii) The Penal Code Act, Cap. 120, (iii) The Anti-Corruption Act, 2009, (iv) The Whistle-blowers Protection Act, 2010, (v) The Inspectorate of Government Act, 2002, (vi) The Leadership Code Act, 2002, (vii) The Leadership Code (Amendment) Act, 2018, (viii) The Public Finance Management Act, 2015 (ix) The National Audit Act, 2008, (x) The Computer Misuse Act, 2011, (xi) The Anti-Money Laundering Act, 2013, (xii) The Police Act, 1994 (as amended in 2006), (xiii) The Local Government Act, 1997, (xiv) The Access to Information Act, 2005, (xv) The Public Procurement and Disposal of Public Assets Act, 2003 (as amended).

land management, the Act also includes provisions to address corruption and promote integrity within the profession. The Act specifies standards of practice for promoting professionalism, and integrity, and prohibiting falsification of survey results or engaging in unethical tampering with boundaries (section 9). Further, it lays out disciplinary procedures for dealing with unethical behaviour (section 12).

2. ANTI-CORRUPTION LAWS

The anti- Corruption Act as amended 2015

The Act is a key piece of legislation in Uganda aimed at combating corruption across various sectors, including land governance. The Act provides a comprehensive framework for identifying, preventing, and punishing corrupt practices within public and private sectors. Given the prevalence of corruption in land transactions and administration, the Act includes specific provisions that address issues related to land corruption. It clearly defines corruption and offences relating to it (sections 2 and 3), and re-echoes the leaders' declaration of assets (section 7). It also provides for the investigation and prosecution of corruption (sections 12 to 14). Above all, it also provides for the protection of whistle-blowers (section 16)

The Leadership Code Act (2002)

Section 4: Requires leaders to declare their income, assets, and liabilities. This declaration must be submitted to the Inspector General within three months

of taking office and every two years thereafter, during the month of March.

Leaders are required to disclose not only their financial information but also that of their spouses, children, and dependents. This includes:

- All sources of income, including salaries, investments, and business interests.
- Assets: Properties, investments including land, and possessions with significant value.
- Liabilities: Debts and financial obligations.

The purpose of this section is to promote transparency and accountability among leaders, preventing corruption and conflicts of interest. The Inspectorate of Government is responsible for enforcing this code and ensuring leaders comply with these requirements

3. WHISTLE-BLOWER PROTECTION

The Whistle-blowers Protection Act (2010)

- **Section 3:** Provides protection for individuals who report corruption or misconduct, encouraging citizens to come forward without fear of retaliation.
- **Section 7:** Ensures confidentiality for whistle-blowers, which is essential in sensitive cases involving land corruption.

4. STATUTORY INSTRUMENTS

While specific statutory instruments related to land corruption may be limited, several regulations under existing laws enhance the framework:

- **Land Regulations (2004):** These regulations provide detailed procedures for land registration and management, emphasizing transparency and accountability in land transactions.
- **The Anti-Corruption (Amendment) Act (2015):** This Act introduced measures to streamline anti-corruption efforts, including provisions that impact land governance, such as the establishment of specialized anti-corruption courts.

Generally, Uganda's legal framework for addressing land corruption includes a variety of land laws, anti-corruption measures, access to information and whistle-blower protections designed to promote transparency, accountability, and integrity in land governance. However, the effectiveness of these laws relies on proper enforcement and institutional commitment to the rule of law. To combat land corruption effectively, continuous efforts are needed to strengthen these legal frameworks, alongside public awareness campaigns and capacity building for enforcement agencies.

Best practices addressing corruption: Digitization of land procedures and land records

The government of Uganda has made significant strides in leveraging digital technologies to transform its land governance framework. The Digitization drive has yielded impressive results, enhancing transparency, improving service delivery, and reducing opportunities for corruption. For example, the establishment of the National Land Information System (NLIS) has facilitated the integration of various land-related datasets, including cadastral maps, land titles, and transaction records. By centralizing and digitizing these records, the NLIS eliminated the need for manual, paper-based processes prone to error, manipulation, and corruption. The digitization move is anchored on the Land Sector Strategic Plan which was largely informed by the National Land Policy 2013. Whereas the NLIS still has some limitations including the low internet penetration in the country, it remains a timely intervention that can curb corrupt practices in Uganda's land sector.

Gaps in the laws and policies on Corruption in the land sector

Ambiguous or Out-dated Legislation:

The current legal framework governing land in Uganda Legislation, particularly the Land Act is not sufficient to address the contemporary issues. For example, the act lacks of clarity on the definition of land ownership, leading to disputes and confusion, and insufficient protection for women's land rights: Women's access to land is still limited, and their rights are often not recognized due to cultural beliefs

On the other hand, the current Land Acquisition Act doesn't provide sufficient guidelines for large-scale land acquisitions, leading to potential exploitation, issues related to inadequate compensation for landowners: The act doesn't ensure fair and adequate compensation for landowners, leading to disputes, limited transparency in land acquisition processes: The act doesn't provide sufficient transparency in land acquisition processes, leading to potential corruption and finally insufficient consideration for environmental impact: The act doesn't adequately consider the environmental impact in land acquisitions process.

Discrimination, and the violation of property rights under the Land Acquisition Act CAP 235:

Critically, the Land Acquisition Act CAP 235, there is a process for challenging government decisions, but those affected are not aware that citizens have a right to seek recourse. There are fears that challenging government large infrastructure projects may have unspecified repercussions.

The Land Acquisition Act (CAP 235) in Uganda aims to provide a legal framework for land acquisition for public purposes, balancing individual property rights with national development needs. However, concerns have been raised regarding discrimination to disproportionate impact on vulnerable groups: Women, indigenous communities, and rural farmers may face greater risks of displacement and marginalization and lack of equal compensation: Affected individuals may receive inadequate or unequal compensation for their land.

Violation of property rights:

1. Forced evictions: Landowners may be forcibly removed without proper consent or compensation,

2. Limited access to justice: Affected individuals may face challenges in seeking legal recourse,
3. inadequate notice and consultation: Landowners may not receive sufficient notice or opportunities to participate in decision-making processes.

Key issues with the Land Acquisition Act (CAP 235):

1. Ambiguous definition of "public purpose"
2. Insufficient safeguards for property rights,
3. Limited transparency in acquisition processes
4. Inadequate compensation and resettlement provisions

Limited public awareness of the land rights and poor dissemination of the land laws and policies:

The Access to Information Act in Uganda seeks to enhance transparency and accountability by allowing citizens to access information from public authorities. However, its effectiveness in curbing land corruption is limited by several challenges, including a lack of awareness among public officials, leading to inconsistent implementation and resistance to information release. Additionally, many citizens, especially in rural and marginalized communities, are unaware of their land rights and relevant laws, making them vulnerable to exploitation by corrupt officials and intermediaries. The inadequate dissemination of land laws further exacerbates this issue, creating an information asymmetry that enables corrupt actors to manipulate uninformed citizens, ultimately undermining equitable access to land rights

Limited rollout of digitization of land records and exploitation by ICT-savvy middlemen and inadequate digital literacy on part of the citizenry:

The digitization of land records and transactions in Uganda aims to enhance transparency and efficiency within the land governance system. However, the limited rollout of this initiative has created challenges, particularly for citizens who lack digital literacy skills. Many individuals, especially in rural and marginalized communities, find themselves at a disadvantage, making them vulnerable to exploitation by tech-savvy intermediaries. These middlemen often take advantage of the lack of awareness among citizens, charging exorbitant fees for unnecessary services and, in some cases, engaging in fraudulent practices related to land transactions.

This exploitation disproportionately impacts vulnerable populations, compelling them to rely on intermediaries for assistance and exposing them to financial burdens and potential legal issues. While digitization holds promise for improving land governance, addressing the gaps in public education and digital literacy is crucial to prevent exploitation and ensure equitable access to land information. Efforts must be made to empower citizens so that they can navigate the digital landscape confidently and protect their rights in land transactions.

Multiple and competing dispute-resolution mechanisms and overlapping mandates and poor inter-agency coordination:

Uganda faces significant challenges in land governance due to multiple and competing dispute resolution mechanisms, which create confusion and inefficiency. With ten institutional bodies, including the Ministry of Lands and the Uganda Land Commission, each having specific anti-corruption mandates, the overlapping responsibilities often lead to inconsistencies in decision-making and enforcement. Additionally, non-mandated entities, such as Resident District Commissioners and security personnel, further complicate the landscape, as they can influence land decisions without clear authority. This fragmentation hampers effective communication and coordination among agencies, allowing corrupt actors to exploit gaps in oversight and undermining the integrity of land governance, particularly for vulnerable communities. Strengthening inter-agency collaboration is crucial to address these challenges and ensure fair access to land rights for all Ugandans.

ACTION AREAS ON THE IDENTIFIED GAPS: RECOMMENDATIONS

Based on the analysis of the laws, policies, and institutional framework, the following recommendation has been suggested to address the gaps highlighted in the report. For each of the recommendations, the lead agency responsible has been identified together with other related MDAs or CSOs that will ensure the implementation moving forward.



	GAP	RECOMMENDATION	LEAD RESPONSIBLE AGENCY/ ENTITY	OTHER AGENCIES
1	Non-updated Legislation to address new or emerging issues	Expedite the land legal and policy framework	MLHUD	Parliament Ministry of Justice, Department of Legislative Drafting.
		Enhance accountability and oversight in the revised land policy framework	MLHUD	ULC, IG
2	Discrimination, and the violation of property rights under the Land Acquisition Act	Enforce public consultation and negotiation on compensation rates	MLHUD	
		Strengthen/Establish robust auditing and monitoring mechanisms for land acquisitions, allocations, and disposals	MLHUD	
		Timely and fair payment of compensation before land acquisition	MoFPED	
		Increased transparency and accountability in the land acquisition process.	MoLHUD	MoFPED
		Enforce asset disclosure requirements and verification systems for public officials involved in land administration	IGG	MLHUD, ULC, DLB, ALC
		Stricter measures to prevent corruption and discrimination	IGG and MLHUD	
		Empower civil society and the media to play a watchdog role in scrutinizing land deals and policies	TIU	CSOs Coalition on Land Rights
3	Limited public awareness of the land laws and policies	Vigorous and concerted dissemination of land laws and policies	MLHUD	MoICT Uganda Human Rights Commission
		CSOs must push the government to publish and implement the Land Commission of Inquiry recommendations.	TIU, NLC	Ministry in Charge of the Presidency, MoLHUD

	GAP	RECOMMENDATION	LEAD RESPONSIBLE AGENCY/ ENTITY	OTHER AGENCIES
4	Limited rollout of digitization of land records and exploitation by ICT-savvy middlemen coupled with inadequate digital literacy on the part of the citizenry	Roll out the centralized, digital land information management system to improve data integrity and accessibility in all the Ministry Zonal Offices across Uganda	MLHUD	MoICT
		Ensure the continued maintenance and security of the digital systems,	MLHUD	NITA U
		Concerted campaigns to narrow the digital divide among citizens		MoICT- NITA U
5	Multiple and competing dispute-resolution mechanisms, overlapping mandates and poor inter-agency coordination	Formalize the procedural hierarchy to be followed by the diverse dispute resolution agencies	MoJCA	MLHUD
		Establish Standard Operating Procedures to streamline operational efficiency	MLHUD	

Case Study:

Case Study: Establishment of the Anti-Corruption Division (ACD)

Overview:

The establishment of the ACD in 2007 in Uganda was a crucial milestone in addressing corruption, including in the land sector in three ways:

a) Specialized Court which is mandated to adjudicate corruption and corruption-related cases under the Anti-Corruption Act, 2009 and other related legislations. According to DEI report, 2023, ACD adjudicated and completed a total of 513 cases including land related cases, out of which 147 resulted in convictions. As a result, over 50 Government officials were convicted, barred from holding public office for 10 years, and orders for compensation were made.

b) The ACD introduced Case Management

Rules. The Rules control the trial process by giving timelines in managing the cases, from plea taking to delivery of Judgement. The rules quicken the disposal of cases. Additionally, Rule 10 of the Rules provides for the introduction of Plea Bargaining to the parties by the Court, which has helped in managing the Caseload.

c) Electronic Court Case Management Integrated System has been developed, so all Court processes are now electronically managed and synchronized

This has sent a strong message about the zero-tolerance policy towards corruption across all the sectors including land sector management. This has enhanced public confidence in the judiciary and encouraged whistle-blowers to come forward.

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