

**CHALLENGES TO DISTRICT
LAND BOARDS
IN THE FIRST FIVE YEARS
OF THEIR EXISTENCE**

**Reviewing the District
Land Boards**

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List of Acronyms

ALC(s)	Area Land Committees
CBOs	Community Based Organizations
DLBs	District Land Boards
DLOs	District Land Offices
DLTs	District Land Tribunal(s)
KCC	Kampala City Council
LAIS	Land Act Implementation Study
LAME1	Land Act Monitoring Exercise 1
LA98	Land Act 1998
LC	Local Council
LSSP	Land Sector Strategic Plan
NEMA	National Environment Management Authority
PAF	Poverty Alleviation Fund
PEAP	Poverty Eradication Action Plan
ULA	Uganda Land Alliance

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EXECUTIVE SUMMARY

Uganda Land Alliance (ULA) has been carrying out yearly monitoring exercises aimed at bringing to light various issues in the Land Act's implementation process. At the beginning of 2005, ULA conducted a study on the District Land Boards (DLBs), one of the Land Management institutions set up by the Land Act 1998. The purpose of the study was to assess challenges faced by DLBs whose tenure began between 1998 and ending 2004/5. This involved studying the composition and activities of the members vis-à-vis their mandates, soliciting their views on challenges encountered during their term of office, and making a comparison of the operations of District Land Boards in six districts of Apac, Kapchorwa, Mbale, Kibale, Luweero and Kampala.

The study found that:

- ◆ All the DLBs of districts under review had been set up in conformity with the requirements of the Land Act. They were operating under very stringent circumstances and with a lot of political interference.
- ◆ The nature of activities and volume of workload was observed to be dependent on the most prevalent tenure in a given district.
- ◆ A few districts had made efforts to reach out to the public through sensitization and awareness seminars.
- ◆ Members were poorly equipped with knowledge and skills to effectively and efficiently execute their mandates.
- ◆ The decentralization of land administration services is not yet fully operational and this has made the work of DLBs difficult.

Study recommends the following among others:

- ◆ A revision of the process of appointing the Boards to forestall corruption and political interference.
- ◆ Development of comprehensive and systematic training modules for members as well as orientating district administration staff (civil servants) and political leaders (LC 5 Executive) on land law and matters, and how land matters infinitely relate to district economic development.
- ◆ Re-evaluation of the roles and responsibilities of District Land Officers who are the de facto secretaries to the DLBs with the aim of ensuring that their skills and knowledge are utilised as much as possible for the benefit of the District.

1.0 INTRODUCTION AND BACKGROUND

1.1 Introduction

The current land reforms are embodied in the Constitution of the Republic of Uganda enacted in 1995 and the Land Act 1998 (LA 98). Prior to these reforms, the land sector in Uganda was traditionally perceived as predominantly providing land services to the elite citizens. This view was largely informed by the Land Reform Decree of 1975. In this Decree, all non-registered land in Uganda was declared public land, all the registered land (freehold and mailo) was converted into a uniform leasehold tenure while all customary holding was to be held at sufferance. The practice was to offer leaseholds mainly to urban elites as the rural citizens found it disagreeable to first, obtain leases of 49 and 99 years when customary tenure offered them a life interest; secondly, it was difficult for them to 'chase' titles because then, as it is today, it was a very long process. Several studies have however confirmed that this Decree was never fully implemented leading to uncertainty for some section of the public while others took advantage of the situation to convert substantial chunks of land into leasehold¹.

Following the ousting of Idi Amini (1979), the land question became a big item on the agenda. The pertinent issues were repatriating the property of the Asians expelled by Amin, how to re-allocate the former government Ranches disbanded between 1980 and 1982, and how to increase agricultural productivity.

Backed by the World Bank and the United States Agency for International Development (USAID), the Uganda government embarked on revisiting the land law regime in 1983 by setting up an Agricultural Secretariat within the Bank of Uganda². These efforts were at first stalled by instability and the insurgency war in Central Uganda (popularly known as the Luweero Triangle). They were, however, resumed immediately after the coming into power of the National Resistance Government in 1986.

The establishment of the Constitutional Commission in 1989 marked the reemergence of debates on the land question in Uganda. Land issues became a big part of the debates in the Constitutional formulation. Accordingly, they formed a significant chapter of the 1995 Uganda Constitution. To operationalise the constitutional provisions, a new land law was enacted in 1998.

One of the objectives of the Land Act 1998 is to provide an institutional framework for the control and management of land under the decentralized system of governance as well as the transfer of authority of land management and administration as envisaged by the Constitution³. The Act provides for five (5) different land administration institutions in accordance with the Decentralisation Policy of 1997.

¹ MISR Study 1989: Khiddu Makubuya, Kisamba-Mugerwa and Muwanga-Zzake.

² 'Implementing land tenure reform in Uganda, A complex task ahead'. Eddie Nsamba-Gayiiya.

³ Ibid.

The aim of these institutions is to bring land services nearer to people. In foster efficient service delivery, a Land Sector Strategic Plan (LSSP) 2001-2011 was developed to guide the activities of the sector. It was also designed to promote an integrated approach to programs both within the land sector and across other sectors⁴. The Act inherently recognizes land as a source of livelihood for the majority of rural populations; there is therefore emphasis on the protection of land rights of the poor, improved access to land and security of tenure. This is further emphasized in the National Poverty Eradication Action Plan (PEAP)⁵.

The establishment of the LA98 institutions began almost exclusively in the urban centers where there is a big land market and substantial development. Some district land boards started work right way albeit with minimal funding, while those in the up-country districts were there in name but not operational. Since 1999, the Uganda Land Alliance (ULA) has been annually monitoring the implementation of the Act with the aim of highlighting various issues arising out of the process. Other independent assessments and evaluations of performance of the different land reform institutions have revealed numerous challenges. This study was undertaken to capture views of members of the district land boards whose first term of office (where established in 1999), expired at the end of 2004. The Alliance found it crucial to undertake this review to inform future advocacy and come up with proposals for improved services and possible reform where appropriate. The study adds to the volume of other assessment and monitoring of the land management and administration institutions and it is the first of a focused assessment of the highest decentralized level in the land sector.

⁴ Ibid.

⁵ Poverty Eradication Action Plan 2004/ 5- 2007/ 8)

2.0 BACKGROUND AND METHODOLOGY

The framework for land reform in Uganda is laid out Chapter 15 of the 1995 Constitution. The district land boards in particular, are legitimized under article 240 and functions thereof sanctioned in article 241. Their composition, roles and functions are further articulated in sections 57 through 64 of the Land Act 1998. The regulations governing their operations are contained in the Land Regulations 2004 which repealed the earlier set of regulations of 2001.

It is noted that the concept of land administration at district level is not new as there were district land committees under the 1975 land decree but the aims and objectives of their reason to be differ. While the current land administration and management institutions are sanctioned in the 1995 Constitution, those before were established through a decree and therefore did not have public acceptance was the case with the 1995 Constitution.

2.1 Composition and Mandates of the District Land Boards

The Land Act provides for a minimum membership of five (5) and a maximum of nine (9) members to the District Land Boards. The actual numbers however, vary according to the district configuration including the number of sub-counties and town councils. At the time of the enactment of the Act, the districts were fewer and had more sub-counties hence more members. As more and more districts get created, the number of sub-counties reduces and so does the number of members. This explains the variation in total number of members to the boards across the country. Membership is composed of individuals holding the following positions:

- ◆ the Chairperson;
- ◆ one member representing municipal councils in the district;
- ◆ one member representing urban councils;
- ◆ one member from each county in the district;
- ◆ one member who should be a person qualified and experienced in land matters⁶.

A third of the membership of the Boards must be women in cognizance of the incumbent affirmative action policy as well as ensuring consideration of women's interests in land at the district level⁷.

The following persons are disqualified from being appointed to the Board⁸:

- ◆ a person below 18 years of age,
- ◆ a person of unsound mind
- ◆ member of Parliament,
- ◆ a convict of an offence involving moral turpitude or a bankrupt,
- ◆ members of local governments and local councils.

Board members have a five-year tenure and are eligible for re-appointment for one more term. However, a Board member may be removed from office before the expiry of the term of office for inability to perform the functions of his or her office as a result of infirmity of body or mind, misbehavior

⁶ Section 57 (1) of the Land Act 1998

⁷ Section 57 (3) Land Act 1998

⁸ Section 57 (1) Land Act 1998

or misconduct, incompetence or absenteeism from meetings of the board for six consecutive times without reasonable cause⁹.

The Land Act also prescribes for an office of the Secretary to the Board¹⁰, to be appointed by the District Service Commission. She or he should be a person with knowledge and experience in land matters and performs the following functions:

- ◆ Conduct the correspondences of the Board
- ◆ Keep records and custody of the seal of the Board
- ◆ Perform such other functions as the Board may direct.

2.2 Methodology and Approach

Research was carried out in 6 districts of operation of Uganda Land Alliance, viz: Kampala, Mbale, Luwero, Kapchorwa, Apac, and Kibale. Different methods were used to collect the information including literature review, in-depth interviews, and open-ended questionnaire. The first approach involved the review of laws, regulations, policies, and research reports. The list of all the major legal and policy documents is hereto attached as Appendix I.

The second approach was to conduct in-depth interviews and discussions with key informants. The details of the approaches are outlined below:

Method	Outputs
Review of relevant literature	Factual information relating to: <ul style="list-style-type: none"> ◆ Background and laws pertinent to the formation DLBS ◆ Situation and performance of the DLBs prior to this review
In-depth interviews ¹¹ with DLB Chairpersons, Secretaries, Representatives of Municipal Councils and Urban Councils; District Physical Planners and/or District Land Officers, and/or District Valuers; and/or District Surveyors; District Registrars of Title; District Chairpersons and/ or District Chief Administration Officers; Ministry of Lands officials	Detailed understanding of: <ul style="list-style-type: none"> ◆ The operations and Challenges encountered by the DLBS. ◆ Nature of matters handled by the DLBs. ◆ The relationships of DLBs with different stakeholders with and out of the district. ◆ Soliciting of recommendations in improving the operations of the DLBs.
Survey Questionnaire administered to DLB members	<ul style="list-style-type: none"> ◆ DLB Members' profiles

⁹ Section 58 (1) Land Act 1998

¹⁰ Section 61 Land Act 1998

¹¹ A list of persons interviewed is attached as Appendix 2.

3.0 CHALLENGES ENCOUNTERED IN ESTABLISHING DISTRICT LAND BOARDS

Several studies have been conducted after the passing of the Land Act, both by Government and Civil Society, with the purpose of evaluating the implementation process. In 1999, the sector Ministry commissioned a study to assess the social, economic and financial requirements for operationalisation of the Act (the Land Act Implementation Study [LAIS] report)¹². The LAIS scrutinized institutional, financial and technical needs with the aim of prioritizing and determining suitable and affordable implementation options.

At the institutional level, LAIS revealed that although the District Land Board members had been appointed, they were not yet active due to lack of resources and lack of clarification regarding their roles¹³. The District Land Offices in existence were largely remnants of previous regional land offices and were therefore located in only a few districts. Some Boards and Local Resistance Councils continued to handle land disputes to fill in the gap created by the new law, which prohibited magistrate courts from handling land cases yet establishment of land tribunals was slow.

The study further highlighted the inability of the Districts to meet the operational costs of the institutions established under the Land Act and the need for a strong political will to fund the implementation of the Land Act. Technically, the infrastructure, the human expertise and the technological capacity were woefully insufficient.

A year later, the first Land Act Monitoring Exercise (LAME1-2000) was carried out. The objectives of the exercise included inter alia to establish the extent to which the District Land Boards, Tribunals, District Land Offices (DLOs) and the Land Committees had been setup, to assess the level of demand for land related services at community and household levels among others. The exercise established that, the Districts Local Authorities could not afford to pay the Land Act institution staff. Further that the staffing in the land offices was inadequate and more often with unqualified personnel, which greatly hindered the implementation of the Act. There was no methodical record keeping in all the then established institutions which rendered monitoring and evaluation difficult.

With regard to the District Land Boards, some were found to be functioning irregularly due to lack of funds and proper guidelines. The District Land Offices upon which the District Land Boards depended for the execution of their functions were not fully established. LAME1 also confirmed the District Land Boards to engage in resolving land disputes a role outside their mandate. This was however expected as the Tribunals were not yet on the ground and there was a high incidence of land disputes.

¹² The Land Act Implementation Study 1999.

¹³ At the time, the Land regulations and had not yet been developed.

It was further noted that the tasks and responsibilities of the various institutions established under the Act were not comprehensible to the appointees and tended to overlap. There was grave concern that the appointments to the DLB members were politically motivated which made the new institutions susceptible to political interests and exploitation as opposed to collective community interest, a factor that greatly dents the institutions' authenticity.

A problem directly related to the functioning of the District Land Boards was the difficulty met in compensating sitting tenants in acquiring land for public purposes. This rendered the Boards helpless since they do not have control of the funds generated from their activities nor do they have the ability to enforce their decisions without the cooperation of other law enforcement bodies at the district level.

LAME1 concluded that although there was a predicted increase in the demand for land services, the new institutions needed support and strengthening for effective delivery of these services. With this background, this study set out to pay close attention to the challenges experienced by the first members of the DLBs in the new set-up.

4.0 OPERATIONS OF THE DISTRICT LAND BOARDS

4.1 Establishment and Set-Up

District Land Boards started operations a few months following the passing of the Land Act 1998. The Kampala board was indicated to have been the first to begin operations on 11 December 1998¹⁴. By the time of this exercise (2005), all the DLBs of the Districts under review had been set up and functioning but at varied pace. Boards in Apac and Kapchorwa were established later due to structural and financial problems that are elaborated below.

At the appointment level, the vetting process took a long time. The method of identifying, vetting, nomination and appointment had not been applied before and this created uncertainties. For an individual to be appointed a member to the DLB, s/he had to be a nominee at the county, municipal or urban council within the districts. District Councils found it difficult to identify the nominees from the different counties. The appointments made at the district level are further subject to the approval of the sector ministry. In some instances, many appointees forwarded by the district were rejected at the ministry level for failure to meet the statutory requirements. For instance, some districts had appointed too many members, some did not meet the gender representation or there was no representation for the different counties in the districts. Following rejection, the process at the district level had to start afresh.

At the operational level, delays were due to lack of funding and the fact that regulations governing the operations of the boards were not yet in place. As a remedial measure, interim Boards were put in place; in the case of Luwero district for example, the formal Board was put into place seven months after the passing of the Act. In Kapchorwa there was a Board constituted in 1999 but it was there only in name; it formally started functioning in 2002 when funding was provided through the Poverty Alleviation Fund (PAF).

Generally, informants appreciated the situation and indeed did not expect the process of establishing DLBs to have been any quicker. Apart from financial constraints, the vetting process necessitated careful scrutiny of would-be appointees.

4.2 Status of DLBs in the Six Districts under Evaluation

A total of six (6) districts of Apac, Kampala, Kapchorwa, Kibale, Luwero, and Mbale were covered. The majority of boards were comprised of a minimum of five members and a maximum of seven. In four of the districts visited (Mbale, Kibale, Kampala and Luweero), the composition of members was in conformity with the basic requirement outlined in the law. They also fulfilled the requirement of having at least one member with experience and knowledge in land matters. The MISR study 2000

¹⁴ Interviews held with the Kampala DLB members.

(LAME1) noted that as a strategy to meeting some of the requirements such as knowledge about land matters, district councils overcame this obstacle by co-opting district land officers as secretaries to the district land board. The Secretary to the Board is the most active member of the board and is assisted by a typist and a clerk who are also employees of the District. In such a situation, the co-optee is invariably a civil servant, which presents a possible conflict of interest. However, the study found that Luweero board did not meet the requirement of having at least one board member with knowledge and experience in land matters. The impact of this gap will be discussed later.

Although previous Alliance evaluations indicated the first District Land Board (DLB) to have started operations in 1998 shortly after the enactment of the Act¹⁵, this review found that 2 of the DLBs in the six districts actually started operations in 1999 and one as late as 2002.

The Apac Land Board started operating in 2002 because of lack of funds while Mbale District had an interim DLB from February 1999, again, because there was neither a budget nor funds for it to be fully operational. In Kibaale, too, operations started in 1999 due to lack of funds.

The conclusion made from these findings is that there was inadequate preparation for the decentralized land institutions. Although the Decentralization policy was in place before the new land law, Local governments were not orientated into budgeting for the different decentralised services. Hence subsequent social sector reforms such as land have faced the same predicament.

The offices of the land board should be located at the district headquarters. It is therefore the duty of the district administration to allocate space for the board's operations. In practical terms, the workload of the board was found to be related to the history and land dynamics in the district. For the example, both Luweero and Mbale districts are seats of previous regional land offices and originally served a vast area currently constituting three or more new districts. Hence land dynamics in these two districts are intense and inevitably, more people know about the values and benefits of land titles. There is also more formally registered land and land disputes in these districts. Another factor that affects the volume of work of the DLBs is the rate of urbanisation. Districts that are Urban centres, for example, Kampala, Luweero and Mbale, have a larger volume of work than rural districts like Kapchorwa.

In carrying out their functions, boards must directly work with the District Land Office technical staff such as the Land Officer, Valuer, Surveyor and Planner. These individuals are crucial in the operations of the boards because many of the decisions taken by the board are informed by valuations, cadastre maps and survey information. DLBs without fully staffed land offices are handicapped and their activities are limited. Statutorily, the Boards are required to meet once in two months¹⁶. The Chairperson presides over the meetings and in his/her absence; members elect one of them to conduct the meeting. The quorum at any meeting of the board is set at three. Decisions of the board should be by consensus and in case of contentious issues, by a majority vote.

¹⁵ In Kampala district, there was a lot of speculation and a high level of awareness so much so that nomination of would-be members of the board started during the debate of the bill, even before the law was in place!

¹⁶ Section 62 (3), Land Act 1998.

4.3 Mandate and Operations of DLBs

Under the Land Act, the District Land Boards are charged with the performance of the following functions:

- ◆ Hold and allocate land in the District which is not owned by any person or authority.
- ◆ Facilitate registration and transfer of interests in land¹⁷.
- ◆ Perform the role and powers of the lessor in the case of a lease granted by a former controlling authority.
- ◆ Cause surveys, plans, maps, drawings, and estimates to be made by or through its officers or agents.
- ◆ Compile and maintain a list of rates of compensation payable in respect of crops, buildings of a non-permanent nature and any other thing that may be prescribed in consultation with the technical officers in the district.
- ◆ Annually review the list of rates of compensation referred to above
- ◆ Hold in trust for citizens the reversion on any lease granted by a former controlling authority and exercise in relation to the lease and reversion the powers of a controlling authority under the Public Lands Act 1969¹⁸.
- ◆ Deal with any matter which is incidental or connected to the foregoing¹⁹.

All boards adhered to the statutory requirement that women must comprise at least one third of the membership. Indeed, many respondents appreciated the mandatory inclusion of the women on the board, confirming that “women have an important stake in land matters and yet they have been marginalized for long. The inclusion of women will enable them to take part in decision-making and to advocate for their rights.”²⁰ However, one of the issues that was highlighted with regard to women members is the need to build their capacity to participate effectively on the DLB. Indeed, two women members interviewed in Luwero said that they usually rely on the knowledge and experience of the Chairperson to help them in carrying out their duties, because they themselves do not fully understand the issues involved.

On average, the members had a minimum education qualification of Ordinary-level certificate - eleven years or more of schooling. Most of the members were retired civil servants. Members pointed out that their previous experience in public offices assisted them to articulate and comprehend issues relating to land. For example, the Chairperson of the Luwero DLB was a member of the Constituent Assembly. In Kampala, some members of the DLB were formerly employed by Kampala City Council. Another member of the Kampala DLB is an employee of the electricity distribution company, UMEME.

The following paragraphs give a summary of the membership and composition of DLBs in the six Districts reviewed.

¹⁷ Article 241 (1) of the Constitution of the Republic of Uganda 1995.

¹⁸ Section 59 (8) of the Land Act 1998.

¹⁹ Section 59 (1) of the Land Act 1998.

²⁰ Interview with a member of the Luwero DLB.

Apac District

The Apac District Land Board is comprised of five members (two females) who represent three counties and a town council. The counties represented are Kwania, Maruzi, Kole and Oyam. One member represents the Town council.

Kapchorwa District

The board has five members who represent three counties and a town council. Two of the members are female, which is a third of the composition as per the new land law. Kongasis, which is the largest county, has two representatives; the other two Kwen, and Tingei, one representative each. The fifth member represents the town clerk is also the Acting Secretary to the board.

Mbale

The land board in Mbale is composed of seven members, each representing a county.

Kibaale

The Land Board in Kibaale is composed of six members who represent the counties of Buyaga, Buyanja, Bugangaizi and Kibale Town council.

Luwero

The land board in Luweero is composed of five members who represent the counties of Katikamu, Nakaseke; and Wobulenzi and Luweero town council. Bamunanika County was not represented because the appointee declined to take office. Two of the board members were women.

Kampala

For Kampala, the land board is composed of seven members two of whom are women. All the five divisions of Kampala namely; Kawempe, Central, Lubega, Nakawa and Makindye are represented on the Board.

Statutorily, the Boards are required to meet once in two months²¹. The boards keep minutes of their proceedings, which are then bound into monthly reports. The monthly reports are then compiled into an annual report to be submitted to the District Executive Council as required by the Land Act.

In most of the districts visited, the board meets once in two months. On the other hand, due to the volume of work, some boards, such as the Kampala and Luwero DLBs are forced to meet more often than provided by the Act. The Kampala DLB meets as often as once a week. This departure from the statutory requirement of meeting once in two months was implemented with the permission of Kampala City Council (KCC). Indeed, it was established that before the board came into existence, the KCC Development Committee used to handle the functions now being performed by the board on a daily basis.

Applications used to be made to the District Land Office prior to the establishment of the Board. These applications were then processed by the technical people who would present their findings to the Development Committee. The Committee would consider the matter twice before confirmation.

²¹ Section 62 (3), Land Act 1998.

Composition of District Land Boards under review:

The information that was obtained regarding the membership or composition of DLBs is summarised in the table below:

Name	Sex	Designation	Qualification
Kapchorwa DLB Members			
Kamuron Peter	M	Chairperson	A' Level
Chibet Catharine	F	Member	O' Level
Cherop Elisha	M	Member	O' Level
Chelikut Joshua	M	Member	
Chelimo Sophie	F	Member	
Apac DLB Members			
Ogwal Sipi	M	Chairperson	O' Level
Abel Odit	M	Member	-
J Odongo Adiga	F	Member	-
Odongo Filda	F	Member	O' Level
Okello Ogwang	M	Member	O' Level
Omondo Denis	M	Member	O' Level
Mbale DLB Members			
E.S Mugangati	M	Chairperson	
S. Wabdeya	M	Member	
J.T Nagumba	M	Member	
E.L Kibere	M	Member	
Nambasi Wanyaka	M	Member	
Kisala Annet	F	General Sect.	
Halima Waboga	F	Member	
Kibale DLB Members			
Kisembo Matiya	M	Chairperson	Graduate
Baluku S	F	Member	
Tamale Everet	M	Member	O' Level
Boniface Kaheru	M	Member	Ordinary level
Nabakwoza Emma	F	Member	Ordinary level
Msoke Simon	M	Member	Ordinary level
Omondo Denis	M	Member	O' Level
Kampala DLB Members			
E.T. Kiyimba Kagwa	M	Chairperson	Degree
Placid Sekamate	F	Member	Degree
Alexandria Nkonge	F	Member	Degree
Ahmed Kimbugwe	M	Member	Degree
Muwonge Lubega	M	Member	Degree
Augustine Semakula	M	Member	Degree
Moses Lwanyaga	M	Member	Degree
Luweero DLB			
Bbaale Bwanika	M	Chairperson	Degree
Rashida Kakole	F	Member	-
Sarah Kiggundu	F	Member	-
Rev. Joseph Sekasi	M	Member	Evangelist
Azania Kalule	M	Member	-

Source: ULA DLB Survey

However, upon establishment of the District land Board, matters were expedited such that an application is made directly to the Board. The Board reviews the application and makes a site visit after which the application is granted or declined. As a result, applications are processed within a short period of time and at a relatively low cost. In this regard the Kampala Board has removed some of the structural limitations to accessing land management services.

It was reported that in Kampala, when one is aggrieved by the decision of the Board, he or she writes to the Board giving reasons for the dissatisfaction and requesting for reconsideration. In the event of dissatisfaction after reconsideration, the applicant is free to seek recourse from the land tribunal. In the other districts of review, parties aggrieved by the actions of the DLB apply to the Land Tribunals; the DLB does not reconsider the matter.

There are different fees chargeable at the various offices the applications go through before getting to the Boards and after. The fee structure is contained in Land Regulations (revised in 2004). The responsibility of collecting fees from the applicants rests with other institutions such as the Area Land Committee, which ideally, forwards the application to the DLBs. Additional fees are payable to the land office including application and premium and to Uganda Revenue Authority as stamp duty, was there evidence of a land committee in districts covered.

The processes and fees payable depend on the location, size of the land, surveying, and registration and a premium of 1% of the total value of the land after valuation. The various fees have sometimes confused the public and their multiplicity also has the propensity to deter people from seeking land services.

4.4 Statutory Mandates vis-à-vis Practice

The mandate of DLBs is outlined above in section 4.3; in practice however, activities involve a wide range of duties over and above this mandate. This section outlines activities undertaken by the DLBs. Under the law, DLBs' mandate is mostly confined to former public land (now customary) and land formerly under urban authorities. Matters to do with already registered land are outside their jurisdiction. Hence the nature of activities and workload is dependent on the most prevalent tenure in a given district.

In Luweero district for example, the bulk of the DLB work involves lease applications for customary tenure and land formerly under urban authorities in Luweero and Wobulenzi townships as well as other up-coming centres. It is, however interesting, to note that in addition to handling applications for land allocation, renewal and extension of leases, the board handles sub-divisions and transfer of ownership. On average, the Board handles 30 cases annually, most of which are applications for leases, renewal or extension of leases.

In Kampala, the DLB does not handle many applications for grant of new leases because most of the land in Kampala has already been allocated. Most of the matters handled involve extensions and renewal of leases, sub-divisions, transfer of ownership (for land allocated but not formally leased), compiling a list of rates of compensation payable in respect of crops, buildings of a non-permanent nature or any other prescribed item.

The Kapchorwa DLB considers applications for land allocation in the district particularly in urban centres, sets compensation rates for those whose land is to be compulsorily acquired for public development projects, refers disputes to the district land tribunals and assists people to get land titles.

The Mbale DLB assists people to get land titles for leases, works with the land valuer to determine fees, assists the land tribunals by acting as a witness, handles land transfers, lease applications and extensions, allocates public land to applicants, and educates people on their land rights.

In Apac, the DLB grants leases to applicants who meet the criteria, mediates over land disputes, allocates plots in the town council areas and sensitises people on their land rights.

The Kibaale DLB processes leases for applicants, sensitises people on their land rights, allocates land to the landless, works with the land task force to compensate absentee landlords and provides general advise on land issues.

Generally, Boards are supposed to assess applications forwarded to them by Area Land Committees (ALCs). In the absence of ALCs, applications go to the Board directly and the board is compelled to conduct site visits to make informed decisions before for approval. The absence of Area Land Committees which are supposed to do the groundwork at the sub-county level in the majority of districts compounds the work of DLBs. In some instances, it was established that DLBs have sometimes taken on roles outside their mandate by handling land disputes. In all the Districts, members admitted having handled land disputes in the past, because the Land Tribunals had not been yet established and thus they were compelled to take on this role. Often, DLBs would act as mediators and no binding decisions could be made. In Apac district for instance, the DLB continues to act as a Mediator in land disputes.

It is noteworthy that DLBs such as Kibaale, Mbale and Apac have perceived and assumed a very necessary role of educating people on their land rights. Normally, this role had been presumed to be of government and civil society. As part of sensitisation activities, these DLBs have distributed relevant reading materials to the public, and this in turn has increased knowledge on land rights. The awareness created by the Board on land registration has inspired people to take steps to register land formalized ownership.

4.5 Resources, Infrastructure and Logistics

The Land Act provides for the operations of the Boards to be funded by the District Administration. The remuneration structure of Board members is determined by the District Council²². This study revealed that the District Councils have not been able to meet this obligation and there were repeated complaints by the respondents about the remuneration being inadequate. The argument advanced is that considering the intricacy, sensitivity and significance of matters being handled, and the amount of revenue DLB activities generated in the Districts, district councils should consider better remuneration for members of DLBs. On a positive note, in 2004, the Ministry of Lands took steps to convince the Ministry of Finance, Planning and Economic Development (MFPED), to resume funding the operations of the DLBs. The subsequent paragraphs depict the obtaining situation regarding resources, logistics

²² Section 63, Land Act 1998.

²³ Section 57 (2), Land Act 1998.

and infrastructure available to DLBs in the districts under review.

In Kampala, members of the DLB decried the lack of reliable transportation to site visits and inadequate support staff, which exacerbate the heavy work schedules. The situation is worsened by the inadequate remuneration paid to members. Nevertheless members expressed appreciation for the fact that the Kampala City Council has attempted to fund their activities despite its constrained budget.

In Luweero District, the major complaint was poor remuneration and delays in payment. Many members cited inconveniences caused by delayed payments since many of them live far away from the district offices and find it difficult to raise personal funds to attend meetings. Reimbursement take weeks or even months to come through. Accordingly, members expressed relief at the fact that the source of funds for their remuneration has now shifted from district budgets to the poverty Alleviation Funds (PAF).

In all the districts, there were complaints regarding poor facilitation of DLB activities by the District Council. More often than not, Boards lack adequate office space as well as stationery. In Kampala, transport for site visits was a problem which compelled members to rely on applicants for transport to the site. Such a situation is an embarrassment and calls the integrity of the board into question. In case of a dispute or misunderstandings between the applicant and his/her neighbours, the impartiality of the board might be called into question; accompanied by allegations of corruption.

DLB activities in Luwero District were affected by the absence of a permanent secretary to the board. Previously, the board used to co-opt different district officers (the Urban Planning Officer then later the Chief Administrative Officer) to assume that responsibility. At the time of the study, a newly recruited District Land Officer was acting as secretary to the Board. However, the strategy of utilising one of the District Land Office staff as a Secretary was said to create conflict of interest and /or misunderstandings between the Board and the Land Office Staff.

Apac and Kapchorwa districts do not yet have land office and yet the DLB cannot perform its functions without the land office. For example, approval of applications in urban centres requires the services of the land office such as surveying, preparation of deed plans, and revenue collection.

Mbale district has a fully staffed land office whereas Kibaale.

4.6 Capacity of DLBs (knowledge and skills)

All Board members interviewed in the six districts had the required qualifications as laid down in the Act²³, although these qualifications varied. The subsequent paragraphs display details of the available knowledge and skills among members of the DLBs under study.

The Kampala Board members were most qualified. Out of the seven members, three were lawyers; the chairperson was an architect while other members included a banker, an economist and an accountant. All of them were well versed with land matters. In addition, two of the members had been long serving

²⁴ The Constitutional Assembly was, in effect the Parliament during the transitional period

councillors in Kampala City Council. These members had also undergone an induction workshop on procedural aspects of their roles and responsibilities. They had also received training on computer use and were therefore generally competent to handle their roles and responsibilities. The Kampala DLB is also able to seek advice or solicit services of an external lawyer on contentious issues. In spite of their high profile, many of the members interviewed emphasized the need for continuous training; an example cited was leadership training.

In Luweero district, members underwent a one-week induction exercise when they assumed their duties. It was therefore surprising that only the Chairman could state with precision the functions of the Board. Other members had fairly good knowledge of their functions, but did not have adequate understanding of the provisions of the Land Act which is crucial in the execution of their duties. The implication is that the other members of this Board rely heavily on the Chairman for guidance on the law as he has training in human rights and was a delegate to the Constitutional Assembly²⁴. The co-optation of the land officer (in 2004) as secretary to the Board was much appreciated by other members whose knowledge on land law was limited.

In Luwero, Kapchorwa, Mbale, Kibale, and Apac, members claimed not have copies of the Land Act and subsequent amendments to the Act that were passed in 2004. However, they acknowledged that they acquired tool kits (reference materials pertaining to land matters) to facilitate their work at the time of induction. The majority of members interviewed confessed that they had limited understanding of the Land Act and amendments thereto. Some concepts such as 'lawful' and 'sitting bonafide occupant' and the "consent" clause were difficult to grasp and apply. Interpretation and translation of the Act into the local languages is a formidable task for many board members. The lack of uniformity in interpretations and perhaps conceptualization of the history and aim of the various sections of the law may lead to misguided decisions by the board.

This issue was followed up with the Ministry of Lands, Water and Environment officials, which confirmed that all the DLB members, except those in Kapchorwa, had undergone a one-week induction exercise focusing on their roles and responsibilities as stipulated in the Act. The content of the course also included processes and procedures in land registration, the relationship of the Board with the other organizations and stakeholders and the powers and function of the Board. The findings of the study imply that both the course needs to be revised and strengthened to enable DLB members to better understand and appreciate their roles and responsibilities.

4.7 Independence of the DLBs

The law provides that DLBs shall be independent and not subject to the control or direction of any person or authority in carrying out their functions. By legislating for independence of the DLBs, the law seeks to promote and preserve the integrity of the institution. In this context therefore, the mode of establishing the boards in form of appointments, terms of service, reporting, financing and allegiance should converge to enhance the independence of the boards. While both the Constitution and the Act provide for DLBs to be independent in their operations, they fall short with regard to putting in place

after the fall of Obote II regime and it was this body that deliberated and passed the Uganda 1995 Constitution. It was in this Constitution that the structure of the decentralized land administration institutions was articulated.

mechanisms to ensure this aspect.

It is evident that the District Councils appoint and are in position to terminate services of board members; they also budget and, until February 2004, were responsible for the remuneration and funding of board activities. The boards on the other hand, are expected to submit monthly and yearly reports to the District Councils as well as performing their duties in cognizance of Council policies.

The above structural and institutional arrangement presupposes cohesive planning and equitable or rationalized allocation and distribution of the resources available at the district level. It also assumes smooth operations whereby each sector or department submits its annual plan of activities accompanied with budgets. However, the findings of the study show that there are a number of factors that impinge on the independence of the DLBs in their operations.

Generally, many board members indicated that they had good working relationships with the District Executive Committees. However, work is frequently interfered with by higher authorities. For example, there was an incident in Kampala district relating to a decision made by the Board, which in the Council's opinion, was unsatisfactory. The Council Chairman accordingly requested for the proceedings of the application to be forwarded to him by the Board. When the Board refused to handover the file, he suspended its operations for two weeks on grounds that the Board did not know what they were doing. The Board was, however, subsequently reinstated.

Another case was cited in which an applicant applied for the lease of a plot in Naguru. When the Board visited the site, they found the land already under use as there was a sewage system and a big septic tank. The Board declined the application only to discover later the land had been approved for development by the Council officials. Interviews further revealed that top City Council officials have been known to allocate themselves plots in wetlands.

In Luweero district, interference by the Resident District Commissioner (RDC) and other top ranking District officials requesting for personal favours were cited. There is also a perception among board members that technical officers in the land offices are corrupt and sometimes act against bonafide interests for money settlements. This has led to clashes and power struggles between the board and the district land office staff. The fact that boards depend on the DLOs for technical assistance from valuers, surveyors and planning officers presents opportunities for disagreements between the board and the technical staff.

Generally, in all the districts that were part of the study, board members decried political interference from elected councilors as one of the biggest challenges they face. The foregoing revelations clearly indicate that it is a fallacy to expect district land boards to act independently.

When these issues were raised with some officials at the sector ministry, it was pointed out that efforts are underway to enhance the independence of the Boards. For example, the Ministry has advised the Finance Ministry to resume responsibility for financing the Boards and has also put in place guidelines stressing the independence of the boards. Nevertheless, there is need to address other issues that hinder the independence of the Boards, particularly the fact that the District Council

remains the appointing authority.

A number of important conclusions can be drawn from the above findings. Firstly, it would appear that the conflicts result from lack of information-flow between the Boards and the Councils, particularly with regard to Council Plans for the district. There is a lack of synchronisation of the objectives and goals of the Councils and Boards. These problems could therefore be resolved by joint planning for the different departments at the district level.

Secondly, the conflicts arising between the land institutions indicate the oversight or assumption by the law-makers that they will automatically complement each other without mechanisms in place to enhance their collaboration. Collaboration between the different institutions should be adequately covered and emphasised as part of the training and induction.

On the other hand, incidences of political interference by Council Chairpersons, RDCs and other high-ranking District officials raise a number of questions regarding the district power structure. For example:

- i) To which organ/body are the boards responsible?
- ii) How should clashes between political leaders, statutory bodies and technocrats be handled in the decentralized set-up?
- iii) Is the RDC a law enforcer, implementer or ombudsman?

There is therefore an urgent need for the central government to provide clarification on these matters in order to ensure the smooth running and cooperation between the different organs and agencies at the District level.

5.0 LINKAGES BETWEEN DLBs AND OTHER STAKEHOLDERS

The land sector is intrinsically linked to several other key sectors such as agriculture, environment, water, construction and infrastructural development. In accordance with the decentralization policy, all the above sectors or functions are under the jurisdiction of the District Council.

5.1 District Council and Administration

The district council is the core of district activities; it is a political body which is composed of members representing the lower administrative units within the district. Interestingly, section 57 of the LA 98 is not very clear on who appoints members of the board. However, section 58 provides that members of the board may be removed by the District Council, so it may be deduced that the District Council is also responsible for appointments to the board.

The district administration provides office space for the board and facilitates transport. The district land board executes its duties on behalf of the district council and is answerable to it. The board works hand in hand with the district council to promote development at the district level.

In this study, there were complaints from respondents in all the Districts that council members habitually demand favours from the land boards. District Councils sometimes reverse decisions made by the Board. There is therefore a need for measures that will improve the working relationship between DLBs and District Councils.

5.2 Land Office

The district land office provides various technical services related to land. The office serves the District Council, the District Land Board and the public at large. The office sometimes works independently where land registration is initiated by individuals, since survey services are privatized. In most districts it is this office which houses the Planner, Valuer, Surveyor, Registrar and land officer. The knowledge and skills of these officers are crucial to the successful functioning of the boards.

It was implied above (section 2.7) that members of the district land office can also disrupt the activities of the board. Therefore, measures to enhance collaboration have to be devised.

5.3 District Land Tribunals

Land Tribunals handle land disputes occurring over registered land while the boards assist in the registration of land. The linkage between board activities and land tribunals is in relation to registered land only. Land Boards may be required to give evidence in cases of fraud and unclear ownership rights.

The public can also bring complaints before the tribunals in respect of allocations of land by the board and extensions of leases. Similarly, the tribunal can advise the board on the course of action in case

of contentious matters regarding allocations and lease approvals, extensions and cancellations. This study found no outstanding issues between the two bodies.

5.4 The Area Land Committees

The Area Land Committees are the lowest institution in the decentralized land administration structure. They assist the land boards in receiving and forwarding applications for documentary evidence (certificates and titles) of land ownership by the general public. They also assist in disseminating information about land matters as well as confirming to the board the authenticity of the information contained in the applications for documentary evidence (certificates and titles). Except in a few districts, ALCs had not been put in place due to financial constraints. Even where they had been put in place, they were not yet functioning.

5.5 Civil Society and the Community

All the members of the community that were interviewed as part of this study were aware of the activities of Uganda Land Alliance and acknowledged its contribution in capacity building of the board and in assisting citizens to know and handle their land issues.

It was not possible to establish the extent to which the community is aware of the existence of the District Land Boards. Some of the Kampala board members reiterated that those who need the services of the board know of its existence. Nonetheless, it was acknowledged that DLBs have not yet made a significant impact on the community and there is need for sensitization about their role and functions in land matters.

The case of Kampala was unique because of a number of factors including the high rate of land transactions, development and investment opportunities. Even before the passing of the Land Act, there used to be a Development Committee handling land matters. It is therefore not surprising that Kampala DLB members reported a high number of members of the public seeking their services.

There are instances which reveal that members of the public are aware of the functions and activities of the land boards. In Kampala for example, a story was narrated in which after the Board allocated some land to a developer in Ndeeba, the community organized a demonstration to resist the upcoming development. The situation was diffused following the board's explanation of the reasons for its decision.

In Luwero it was established that many people use the services of the DLB. The Board has held several seminars funded by government to educate the community about the land laws. This has been very useful, especially for the many bonafide occupants in the District, who were being harassed by the Landlords. The seminars have helped them to assert their rights.

A number of reasons were cited for the limited accessibility of the public to the boards. These include:

- ◆ The fees payable are prohibitive for some members of the public.
- ◆ The procedures involved in the application process are too complex. For example, there are

many forms to fill and several categories of fees to be paid.

- ◆ The public lacks information on the services of the boards.

Members of the Kampala and Luweero Land Boards pointed out that they have taken steps to make their services more easily accessible to the public. Applicants can simply walk in and lodge an application with the secretary to the Board or the chairperson and the applications are considered every Wednesday in the case of Kampala and once a month in Luweero District. The Kampala and Luweero boards have therefore enable the public to access them despite the non-existence of non-functioning of the ALCs. Although this is not provided for under the law, the boards have tried to ensure that they make informed decisions by conducting site visits for each application. There is therefore a need for the central government to consider this issue in greater detail and review the existing laws and policies.

5.6 Local Councils

The Boards under review noted with dismay the delay in the establishment of the Area Land Committees, institutions meant to assist the Boards at the grassroots level. In the absence of the ALCs, the Boards rely on the Local Councils during site visits and in verification of application information.

5.7 Ministry of Water, Lands and Environment

The Ministry approves the appointments of board members; it is also responsible for developing regulations and guidelines for the boards' operations, inducting board members into their roles and responsibilities and any other training aimed at assisting the boards to effectively and efficiently extend land services to the public. All the materials and information utilized by the board and indeed all other land administration institutions are designed, produced and disseminated by the ministry. In this study, it was revealed that the process is underway for the ministry to resume financing the activities of the boards.

6.0 CHALLENGES TO DLBs: Legal and Regulatory Framework

In the execution of their duties, the DLBs apply the provisions of the Constitution, the Land Act 1998 which directly provides for their establishment, functions and powers, the Registration of Titles Act which is the law directly providing for registration of land and the Expropriated properties Act and Regulations. The latter law is applied mostly in Kampala District where there are a few unclaimed expropriated properties under the Departed Custodian Board. The Boards also rely on Council policy and guidelines at the institutional level while customary land law and cultural norms are also applied in some instances. With all these laws to apply, the boards face several challenges mainly related to conflicts within and between the various laws.

6.1 Weaknesses and Contradictions in the Law

6.1.1. The concept of 'bona fide' occupants

Many of the board members interviewed particularly in Kampala and Luwero districts reiterated the confusion arising out of the bona fide occupant concept and its application as provided for under section 30 of the Land Act. This section was designed to protect the rights of tenants who were sitting on registered land in three categories of:

- ◆ Those who bought the land from the registered owner (these change over time);
- ◆ Those who were historically sitting on the land by the consent of the registered owner;
- ◆ Those settled on registered land by government institutions regardless of the period of settlement; and
- ◆ Those who had been sitting on registered land without the challenge of the registered owner for 12 years between 1983 and 1995.

Although it is unclear what proportions of the tenants fall in each of these categories, many of the tenants have no legal support to qualify for either category. It is argued that the provision of land belongs to the people. Land is used by many internal migrants to just settle anywhere and begin counting the 12 years. This creates another category of errant tenants who begin to claim rights on already registered land. Members confirmed that landlords find these provisions unfair and oppressive and in favor of people they labeled as squatters. It is a challenge to sort out whom among the tenants fall in what category and the tenants make no distinction between these categories of tenancy.

It was further observed that some public statements by government officials do not distinguish between these categories, thus making the situation further confusing and making it difficult to resolve what are otherwise clear cases. There was a general consensus among respondents that the provision was politically motivated to win the support of the tenants and to create an opportunity for those in

power to acquire valuable land in the city at low or no cost.

6.1.2. Conflict with the Constitution

Board members feel that the Land Act conflicts with other laws; for example, the Constitution. The Constitution provides that everyone has a right to property (legally acquired) yet the Act is taking away this right by allowing tenants to have rights on somebody else's land.

One member illustrated the unfairness of the Land Act to the landlords using the scenario of cabbage. A Cabbage in that area costs about 1000/=; if the law states that the landlord should be paid only 1000/= per year by the tenant, this is equivalent to giving the landlord one cabbage a year, despite the fact that the tenant may have harvested hundreds of cabbages or their equivalent in other crops.

6.1.3. Other provisions in the Act deemed inadequate

The Land Act provides that the board shall meet once every two months to dispatch its business. Members of Land Boards said that this time is inadequate. The Boards have been forced to meet more often in order to handle their workload. The law should set more realistic timelines to enhance the ability of the DLBs to effectively implement their mandate. The lack of adequate time creates a danger of rushing and making inappropriate decisions.

7.0 INSTITUTIONAL GAPS

Since 1997, Uganda is under the decentralized system of governance and many government services including land are decentralized to the district level with the aim of bringing services nearer to the users. The creation of several land administration institutions in the districts was geared towards enhancing security of tenure by easing land registration through improving accessibility to land related services.

7.1 Decentralisation of the Land Registration System

The decentralization system is not yet fully effective. Although the District Land Boards are operational, the records pertaining to the work to be performed by the boards are still at the central land registry and former regional land offices. The central land registry continues to issue titles and the land office are not yet equipped to take on that role. Applicants still have to process their titles through the central office which cause delays and loss of revenue to the Districts. Updates on the master cadastre maps are still at Entebbe offices while survey service fees are prohibitive.

7.2 Area Land Committees not yet established

Land Committees, which are meant to assist the land boards in various ways, are to a large extent not yet established. The boards have to rely on the LCs, or perform the functions of the ALCs by visiting sites themselves. This increases the workload of the boards as well as causing delays in service delivery.

7.3 Accessibility of Land Tribunals

Despite the existence of Land Tribunals, people continue to present their land disputes to the Board. This is attributed to the expenses associated with filing cases before the tribunals, as well as the perception of tribunals by members of the public who think the procedure before the tribunals is complicated and requires the services of a lawyer.

7.4 Overlap between DLBs and NEMA

Members of the Kampala DLB felt that there is an overlap regarding the functions of NEMA and the DLB. It is not clear which institution is supposed to give final clearance for developments in wetlands common property resources. Sometimes, the Kampala DLB declines to approve developments on such land only for applicants to produce clearance from NEMA. An example of Kimera Road in Ntinda was cited where the Board had declined to allocate the land but NEMA gave clearance and the land was subsequently occupied.

8.0 INSTITUTIONAL AND STRUCTURAL LIMITATIONS

8.1 Corruption

Corruption has many dimensions including, outright bribery of members to take a decision in one's favour, political meddling, intentional delays to induce the applicant to offer money in exchange for service, board members demanding money before consideration of applications and others. Without distinguishing which one of these forms is more prevalent, corruption in general was indicated to undermine effective and equitable service. Corruption however is reported to be more prevalent in the land office where land parcels have more than one title and/or lease offers. In other instances documentation pertaining to such land is missing.

8.2 Lack of adequate infrastructural facilities

Although district councils do appoint DLBs members, they never readily allocate office space or equipment. Many boards had to wait for years before they were accorded equipment through the Poverty Alleviation Fund (PAF).

8.3 Absence of support institutions

As indicated above, the DLBs have for the larger part, had to operate without the supporting institutions such as the Area Land Committees and the District Land Tribunals (DLTs). As a result the DLBs are overburdened with duties meant for the missing institutions. In the bigger part of the country, DLTs have only been operational in the last two years yet the boards have been in place over five years. The Boards were forced to act as mediators between the parties in land disputes.

8.4 Limited Technical Assistance

In a third (33%) of the districts the district land offices were not fully staffed and therefore the board's activities were limited due to shortage of technical staff. Absence of a district surveyor renders the land board inactive as he is a key person to surveying, delineating rights and indicating the size of land under consideration.

8.5 Inadequate Remuneration

The volumes of work were quite high for Kampala District and although the members can ably handle the work, the remuneration given to the members is quiet poor. In addition, the work involved site visits, owing to the absence of the Land Committees and yet transportation to the sites was sometimes not readily available. In Luweero, DLB members lamented the inadequate payment for their services. Moreover, the allowances and/or refunds were not effected in good time. Some of these members travel as far as 60 miles from their homes to attend meetings and yet they are not reimbursed promptly. It becomes difficult for them to meet their transport expenses.

9.0 CONCLUSION AND RECOMMENDATIONS

This study covered 6 districts within the ULA operational area. All had district land boards were found to be operating, albeit under stringent limitations varying from office space and equipment to inadequate logistical support. One of the most outstanding challenges lies in the behaviour of various stakeholders as it directly imports into the question of the integrity of the boards. The details of the conclusions and recommendations are outlined below.

9.1 Major Findings

9.1.1 The current method of appointment of members to DLBs does not enhance their independence. This makes them susceptible to being compromised and to political meddling.

Recommendation:

Members represent a defined constituency, therefore numbers to the board should not be limited by resources but determined by the specified constituency which is the county. Therefore, membership should be competitive implying a process of nomination by Local Councils (at least a member per parish), sieved at the sub-county level through ballot of LC III executive and presented to the district for confirmation by the ministry.

9.1.2 This study noted that until very recently, the majority of DLBs did not have exclusive office space for their operations perhaps due to their being part-time institutions.

Furthermore, there are information gaps in terms of district organisational structures particularly how land administration feeds into these structures. This renders the boards invisible to both the public and district administration.

Recommendation:

To overcome this invisibility, the study recommends a comprehensive and systematic face to face orientation of the district administration (executive and civil servant) on land law matters and their connection of the district resource base and development.

9.1.3 Before the Land Act amendments of March 2004, remuneration of DLB members was at the discretion of the District Council Executive. Currently, there is a standardized remuneration structure as the funds are now drawn from the Ministry of Planning, Finance and Economic Development (MFPED) which may have improved the situation. Moreover,

there are no apparent plans and/or provisions (in law or otherwise) for these entities to be self-sustaining.

Recommendation:

Financial independence of this institution is key to its integrity and prudence. Therefore means and ways for these entities to be self-sustaining should be devised. For example, a portion of the fees paid for registration and other services should be retained to fund DLB operations.

9.1.4 The majority of members confessed to not having adequate knowledge and skills for handling the tasks at hand. It appears that the time dedicated to inducting board members is not enough and perhaps the approach has to be revisited for the inductees to better appreciate and internalize the content of the law. There is a dire need for capacity building for members to effectively and efficiently execute their roles.

Recommendations:

- i. It may be necessary to revise the law to provide for at least two full-time members and support staff to handle land matters, design program activities and act as a focal point for other stakeholders and the center on a full-time basis. It may also necessitate a re-evaluation of the roles/responsibilities and time input of District Land Officers in district land office activities with the aim of ensuring that these officers are effective as possible.
- ii. ~~There is a need to streamline induction and orientation, training and continued~~ guidance by developing uniform mini-curricular modules. Continued guidance will necessitate tracking of emerging issues from DLB reports, synthesizing and repackaging for universal use.

9.1.5 There is apparent discord between the boards and the technical staff in the district land offices and this may be attributed to both absence of communication between the two entities and misinterpretation of laws and responsibilities. There are also conflicting roles between the DLBs and other land institutions.

Recommendation:

- a) ~~It is necessary to jointly plan for and conduct all embracing workshops for the three administration and institutions at district level.~~
- b) The law should be revised to clarify on the roles and hierarchies of other land related statutory bodies such as National Environment Management Authority, National

Appendix 1

Major Legal and Policy Documents

1. The Constitution of the Republic of Uganda.
2. The Land Act 1998.
3. The Local Government Act 1997
4. The Land Sector Strategic Plan 2001- 2011
5. The Poverty Eradication Action Plan 2004/5- 2007/8
6. Makerere Institute of Social Research, The Land Act Implementation Exercise 1 (LAME 1) Report 2000
7. Ursula Blackshaw et al, The Land Act Implementation Study (LAIS) 1999.
8. Ministry of Local Government, Mentoring Guides for Local Governments, January 2004.

Appendix 2:

List of people interviewed

Kampala

Name	Designation
E. T. Kiyimba Kagwa	Chairperson
Ahmed Kabuye	Secretary
Placid Sekamate	Member
Ahmed Kimbugwe	Member
Augustine Semakula	Member
Moses Lwanyaga	Member

Luweero

Name	Designation
Bbaale Bwanika	Chairperson
Madina Nabukeera	Secretary
Rashida Kakole	Member
Rev. Joseph Sekasi	Member
Azania Kalule	Member

Kapchorwa

Name	Designation
Kamuron Peter	Chairperson
Chibet Catharine	Member
Cherop Elisha	Member
Chelikut Joshua	Member
Chelimo Sophie	

Apac

Name	Designation
Ogwal Sipi	Chairperson
Abel Odit	Member
J Odongo Adiga	Member
Odongo Filda	Member

Okello Ogwang	Member
Omondo Denis	Member

Mbale

Names	Designation
E.S. Mugangati	Chairperson
S. Wabdeya	Member
J.T. Nagumba	Member
E.L. Kibere	Member
Nambasi Wanyaka	Member
Kisala Annet	General Sect.
Halima Waboga	Member

Kibale

Names	Designation
Kisembo Matiya	Chairperson
Baluku S	Member
Tamale Everet	Member
Boniface Kaheru	Member
Nabakwoza Emma	Member
Msoke Simon	Member

Ministry of Lands, Water and Environment

Names	Designation
Naomi Kabanda	Principal Land Officer
Sarah Kulata	Principal Land Officer
Richard Oput	LSSP Division Coordinator

Appendix 3: Composition of District Land Boards under review

Kapchorwa DLB Members

Name	Sex	Designation	Qualification
Kamuron Peter	M	Chairperson	A' Level
Chibet Catharine	F	Member	O' Level
Cherop Elisha	M	Member	O' Level
Chelikut Joshua	M	Member	
Chelimo Sophie	F		

Apac DLB Members

Name	Sex	Designation	Qualification
Ogwal Sipi	M	Chairperson	O' Level
Abel Odit	M	Member	-
J Odongo Adiga	F	Member	-
Odongo Filda	F	Member	O' Level
Okello Ogwang	M	Member	O' Level
Omondo Denis	M	Member	O' Level

Mbale DLB Members

Names	Sex	Designation	Qualification
E.S Mugangati	M	Chairperson	
S. Wabdeya	M	Member	
J.T Nagumba	M	Member	
E.L Kibere	M	Member	
Nambasi Wanyaka	M	Member	
Kisala Annet	F	General Sect.	
Halima Waboga	F	Member	

Kampala DLB Members

Names	Sex	Designation	Qualification
E.T. Kiyimba Kagwa	M	Chairperson	Degree
Placid Sekamate	F	Member	Degree
Alexandria Nkonge	F	Member	Degree
Ahmed Kimbugwe	M	Member	Degree
Muwonge Lubega	M	Member	Degree
Augustine Semakula	M	Member	Degree
Moses Lwanyaga	M	Member	Degree

Luweero DLB

Names	Sex	Designation	Qualification
Bbaale Bwanika	M	Chairperson	Degree
Rashida Kakole	F	Member	-
Sarah Kiggundu	F	Member	-
Rev. Joseph Sekasi	M	Member	Evangelist
Azania Kalule	M	Member	-

Kibale

Names	Sex	Designation	Qualification
Kisembo Matiya	M	Chairperson	Degree
Baluku S	F	Member	O' Level
Tamale Everet	M	Member	O' Level
Boniface Kaheru	M	Member	O' Level
Nabakwoza Emma	F	Member	O' Level
Msoke Simon	M	Member	O' Level

ABOUT UGANDA LAND ALLIANCE

The Uganda Land Alliance is a consortium of national and international NGO's lobbying and advocating for fair land laws and policies that address the land rights of the poor, disadvantaged and vulnerable groups and individuals in Uganda.

The Alliance was set up in 1995 as a non-governmental, independent autonomous legal entity and registered as a company limited by guarantee.

VISION

Ugandan society where there is equitable access and control over land and the poor women, men, and children are actively participating to eradicate poverty.

MISSION

To enhance access, control and ownership of land by the poor women, men, children and marginalized female and males through the promotion of fair policies and laws for the protection of land rights.

ULA'S OBJECTIVES:

- 1) To increase land rights awareness among poor women, men, children and other marginalized groups in at least five districts by 2005.
- 2) To lobby and advocate for fair land laws and policies to protect the land rights of poor women, men, children and other marginalized groups.
- 3) To strengthen participation of members of the Alliance programmes and collaboration with other organs / institutions.
- 4) To improve efficiency and effectiveness in planning and management of the Alliance.

ULA'S STRATEGIES

1. Research and Documentation.
2. Advocacy
3. Networking and Information Sharing.
4. Capacity Building.

UGANDA LAND ALLIANCE

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