



**The Republic of Uganda**

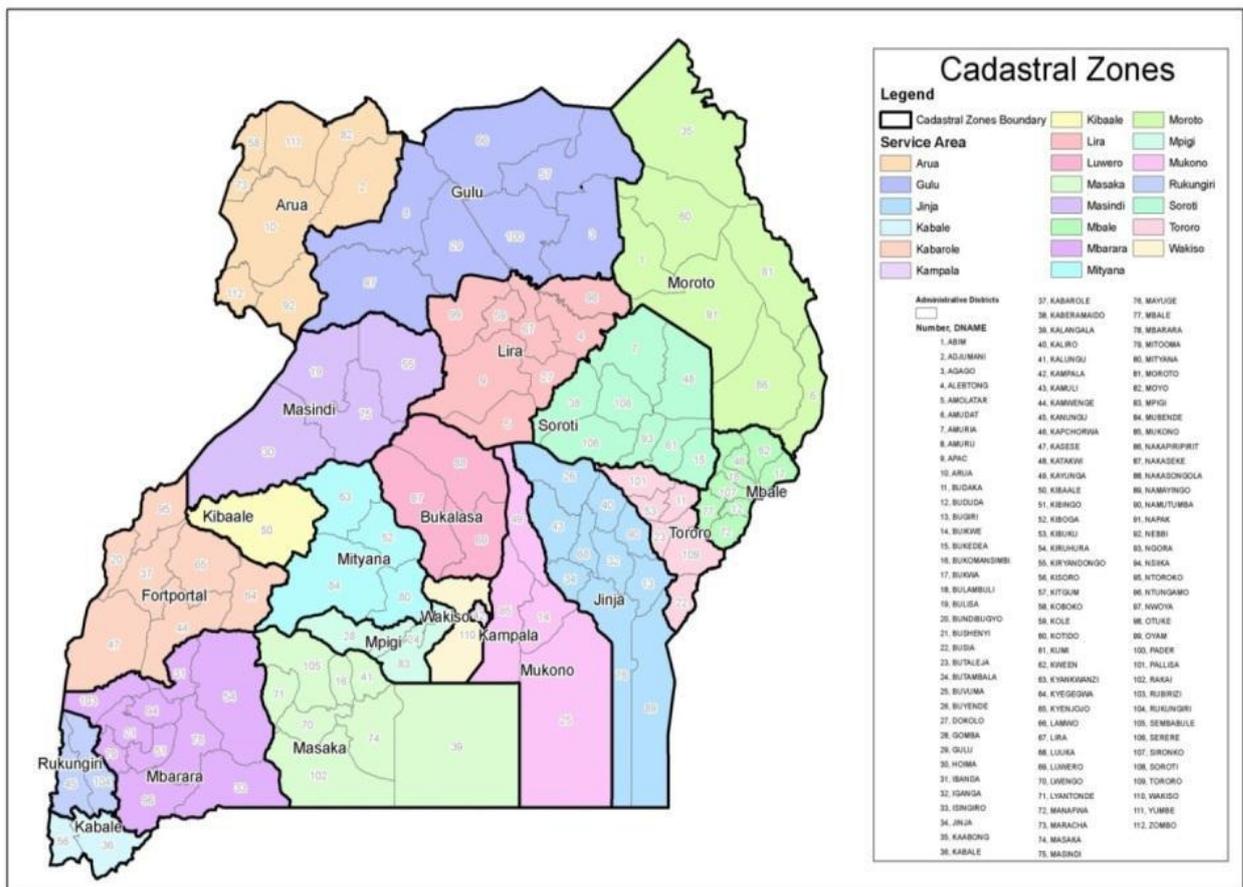
# **Land Sector Strategy Plan**

## **2013 - 2023**

**Ministry of Lands, Housing and Urban Development**  
**Republic of Uganda**

December 20, 2013

Figure 1: Cadastral Zones and Corresponding Administrative Districts



“A cadastral zone represents a service area within which clients will conduct business with a larger land office to facilitate service provision and minimize the costs of establishing LOs in each district. Consolidation of services brings economies of scale whilst maintaining a decentralized land administration structure for the country.” (Overall Design of the NLIS. GoU, 2011)

## List of Acronyms

BA	Beneficiary Analysis
CBA	Cost Benefit Analysis
CBOs	Community Based Organizations
CEA	Cost Effectiveness Analysis
CLA	Communal Land Association
CICS	Competitiveness and Investment Climate Strategy
CPRs	Common Property Resources
DAC	Development Assistance Committee (OECD)
DLB	District Land Board
DLO	District Land Office
DLT	District Land Tribunal
DPU	District Planning Unit
DP	Development Partner
DTPC	District Technical Planning Committee
GoU	Government of Uganda
GIS	Geographical Information System
JSC	Judicial Service Commission
LAND ACT (CAP 227)	Land Act, 1998
LC	Local Council
LIS	Land Information System
LSSP	Land Sector Strategic Plan
LSRP	Land Sector Reform Plan
MGLSD	Ministry of Gender, Labor and Social Development
MIS	Management Information System
MJCA	Ministry of Justice and Constitutional Affairs
MoLHUD	Ministry of Lands, Housing and Urban Development
MoFPED	Ministry of Finance, Planning and Economic Development
MoLG	Ministry of Local Government
MoJCA	Ministry of Justice and Criminal Affairs
MTCS	Medium Term Competitiveness Strategy for the Private Sector
MTEF	Medium Term Expenditure Framework
MZO	Ministry Zonal Office
NAADS	National Agricultural Advisory Service
NLF	National Land Forum
NEAP	National Environmental Action Plan
NEMA	National Environmental Management Authority
NGO	Non-Government Organization
PEAP	Poverty Eradication Action Plan
PIP	Public Investment Program
PMA	Plan for the Modernization of Agriculture
PMAU	Poverty Monitoring and Analysis Unit
PQAD	Planning and Quality Assurance Department
PRSP	Poverty Reduction Support Process
RTA	Registration of Titles Act
SWOT	Strength, Weakness, Opportunities, Threats
UBoS	Uganda Bureau of Statistics
ULC	Uganda Land Commission
UPPAP	Uganda Participatory Poverty Assessment Project
URA	Uganda Revenue Authority

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# EXECUTIVE SUMMARY

## Introduction

The mandate of the Ministry of Lands, Housing and Urban Development (MOLHUD) is “policy making, standards setting, national planning, regulation, coordination, inspection, monitoring and back-up technical support relating to lands, housing and urban development; promoting and fostering sustainable human settlement; and, managing works on government buildings” in the country.<sup>1</sup>The second Land Sector Strategic Plan (LSSP-II) provides a broad framework for implementing this mandate guided by the principles that find origin in the National Land Policy and the provisions of the Land Act Cap 227 as amended subsequently.

The plan is intended to provide the operational framework for advancing land sector reforms necessary to frame and safeguard Uganda’s land tenure system and rights for land users; streamline and modernize land delivery; encourage optimal use of land and natural resources; and facilitate broad-based socioeconomic advancement without overburdening and threatening the national ecological balance. It is a dynamic document that will continue to direct attention to key issues and concerns in the land sector to ensure the cumulative effects of land sector reforms and intervention activities promoted by the MOLHUD creates a positive environment for achieving national development goals.

## Situation Analysis

The land sector has the potential to elevate all the key productive sectors in Uganda to new levels by creating the right environment for exploiting the inherent wealth and opportunities for land based investment. This is because land is the ultimate resource and of vital importance for human survival. Land also benefit livelihoods, facilitate infrastructure, service provision and economic development. With proper legal and regulatory framework for land administration - that is the process of determining, recording and disseminating information about the tenure, value and use of land when implementing land management policies-land can be used as collateral in obtaining finance and capital for the benefit of both the land users and investors. Lands sector services are necessary for mapping and geo-referencing of resources and therefore facilitate decision making for policy makers. In addition, Uganda has been blessed with the human resources and institutions of higher learning for capacity building, and financial institutions and land management professional associations to spearhead partnerships between the public and private sector.

## LSSP-II Vision and Mission

LSSP-II is based on a vision for the sector, a mission and strategic objectives for achieving the mission. It also details the medium and longer term priorities for action for the ten year lifetime of the plan, within the available and estimated resource envelope.

The overarching national vision is: “*optimal use of Uganda’s land and land based resources for a prosperous, industrialized and developed service sector economy.*”

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<sup>1</sup> Land and Housing Sector strategy Plan for Statistics 2007 - 2012

To achieve this vision, the mission of the land sector as embodied in the strategies outlined below is: *“to foster delivery of efficient and transparent land services”*

Important policy principles guiding the land sector and use of Uganda’s land resources which have informed the development of the LSSP-II include:

- ✚ Land is a basic natural resource central to the development of Uganda, its use and development must contribute to poverty reduction;
- ✚ Land must be productively used and sustainably managed for increased contribution to economic productivity and commercial competitiveness;
- ✚ Land sector strategy must address all the multiple social, cultural, economic, ecological and political functions of land;
- ✚ Access to and transmission of land must reflect concern with equity and justice irrespective of gender;
- ✚ Management of land resources must contribute to democratic governance, by nurturing institutions and procedures for resolution of land disputes and conflicts;
- ✚ Management of land resources must mitigate environmental effects, reverse decline in soil quality and land quality;
- ✚ Civil society organizations, faith-based institutions, cultural institutions and the private sector must work hand in hand with government actors to achieve the vision, goal and objectives of the land sector.

### **The Objective of the Strategic Plan**

The LSSP-II aims to enhance land sector service delivery effectiveness and assure public confidence in a system of land tenure and land administration institutions that respect the land rights of citizens. The plan, summarized in a simplified logical framework below, identifies the following six objectives and key intervention strategies which will help achieve the mission of the sector and full realization of the sector’s contribution to national development.

Strategic Objective 1: *“To create inclusive policy frameworks for land administration and land management.”*

The framework for achieving this strategic objective is to harmonize all land related policies and laws and builds the right institutional capacity for government and cultural institutions in land management. This would entail ensuring that all necessary linkages within MoLHUD and contributions of other non-land agencies responsible for proper land stewardship and management processes are accounted for.<sup>2</sup> The integration of land policy and land use with natural resource management strategies and poverty reduction programs would be of particular, but not exclusive, importance in this regard.

Strategic Objective 2: *“To ensure efficient management, utilization, and protection of land and land based resources for transforming Uganda’s economy.”*

A number of improvements in the land sector, including programs to integrate customary land in the formal property systems will be necessary to ensure that an enabling environment

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<sup>2</sup>The goal is to promote holistic approaches instead of the tendency to pursue sector specific paths or foci to policy development with little or no co-ordination or harmonization with other sectors and cross-cutting policies.

**Table 2: Strategies and Priorities for Achievement of LSSP-II Strategic Objectives**

Strategic Objective	To create an inclusive, policy, legal and regulatory framework for land administration and land management	To ensure efficient utilization, protection and management of land and land based Resources for transforming Uganda’s economy	To improve equity in access to land, livelihood opportunities and tenure security of vulnerable groups	To increase availability, accessibility and affordability of land information for planning and development	To ensure transparent, accountable and easily accessible land rights administration institutions, and strengthen capacity for effective delivery of land services	To promote a “business approach” to the delivery of land services through multi-sectoral approach
Strategies	<ul style="list-style-type: none"> <li>• Implement and disseminate the National Land Policy and Land Use Policy</li> <li>• Develop, implement and disseminate sub-national Land Policies and Land Use Policies</li> <li>• Formulate, review and revise land related laws, regulations and guidelines</li> </ul>	<ul style="list-style-type: none"> <li>• Develop and implement the National and Sub-national Physical development plans</li> <li>• Develop and implement land use and physical development plans at regional, district and municipal levels</li> <li>• Ensure proper land use practices comply with sound environmental and natural resources management</li> <li>• Ensure equitable access to land for orderly development of urban and rural settlements</li> <li>• Identify, assess, inventory and register Government Land</li> <li>• Review, update and Clarify Procedures for Land Acquisition by Government</li> <li>• Improve accessibility of land services to Land and rental market.</li> </ul>	<ul style="list-style-type: none"> <li>• Strengthen land dispute mechanisms, institutions and structures.</li> <li>• Strengthen the land rights for the poor and vulnerable groups.</li> <li>• Operationalize the Land Fund to provide improved land access</li> <li>• Streamline and integrate Traditional Land Administration with formal systems.</li> <li>• Increase provision of public information on land rights</li> </ul>	<ul style="list-style-type: none"> <li>• Review, roll out and sustain the Land Information System (LIS)</li> <li>• Develop Policy, Regulations and Guidelines for geo-spatial information production and management</li> <li>• Establish National Spatial Data Infrastructure that integrates data for planning and development</li> <li>• Establish an appropriate Infrastructure for geodetic reference frames to facilitate surveying, mapping, construction industry and other services.</li> <li>• Review and roll out a national program of Systematic Adjudication, Demarcation, Survey and Certification or Registration of land</li> </ul>	<ul style="list-style-type: none"> <li>• Physical Capacity Development: Ensure Provision of Custom Built Physical Infrastructure for effective Delivery of Land Services.</li> <li>• Strengthen Professional and Technical Skills of Land Sector Staff</li> <li>• Strengthen Capacity of Land Sector Institutions and Professional Associations to regulate all professions in the land sector</li> <li>• Strengthen the overall land rights administration system</li> </ul>	<ul style="list-style-type: none"> <li>• Promote the land sector to be among the priority sectors in the national development agenda and for planning</li> <li>• Improve the effectiveness and reliability of land sector services</li> <li>• Strengthen land sector support for multi-sectoral participation</li> <li>• Strengthen Land Sector Support for Private sector Competitiveness</li> <li>• Strengthen Land Sector Partnerships for delivering land services</li> </ul>
Phase One Priorities	Disseminate and Implement National Land and Land Use Policies; review land sector legislation; draft and implement revised legislation	Develop and implement the National Physical Development Plan; Develop Physical Development Plans for areas of high economic potential and special planning areas; inventory and register Government Land; Develop and pilot a framework for establishment and maintenance of a National Land Value Database	Strengthening of land dispute resolution mechanisms and institutions; develop mechanisms for improving the land rights of women and vulnerable groups; Finalize and implement Land Fund Regulations; public awareness campaigns and provision of public information on land rights	Roll Out of the LIS for national coverage; develop and pilot a framework for the NSDI; Develop policy, strategy and guidelines for streamlined survey and mapping activities; Rehabilitate and modernize the National Geodetic Network; develop and initiate national mapping program; Review and initiate roll out of national program of Systematic Adjudication, Demarcation, Survey and Certification or Registration of land	Construct and equip land administration buildings - infrastructure to support effective delivery of services; strengthen technical services at the centre and decentralized levels; support ALCs, PPCs, DLOs and District Land Boards and other LA institutions; strengthen capacity at national level for coordination and monitoring; conduct study on strengthening land rights administration system; strengthen and regulate the private sector	Develop sector wide approach with key stakeholders for effective resource mobilization; Develop monitoring framework for measuring land sector contribution to growth and national development; conduct study of revenue generation potential and options; conduct a study of methods for transfer of funds to lower government land sector priorities; Strengthen Land Sector Partnerships with stakeholders for delivery of land services

<b>Phase Two Priorities</b>	Develop sub-national land and land use policies; monitor implementation of land and land use policies, and laws, regulations and guidelines	Develop and enforce rural and urban Physical Development Plans to promote orderly and sustainable development; complete inventory of Government Land; Compile, establish and maintain a National Land Value Database	Further Strengthening of land dispute resolution mechanisms and institutions; support and implement mechanisms for improving the land rights of women and vulnerable groups; Consolidate operationalization of the Land Fund; Review IEC Strategy and strengthen public awareness campaigns and provision of public information on land rights	Enhancement of the NLIS including e-conveyancing; Implement the NSDI; Densify the National Geodetic Network; implement the national mapping program; Implement national program of Systematic Adjudication, Demarcation, Survey and Certification or Registration of land	Complete and maintain infrastructure for land administration and management; review and strengthen capacity building throughout the land sector; Implement decisions of study of land rights administration system	Implement sector wide approach for effective resource mobilization; implement opportunities for revenue generation/support to self financing; Review and strengthen partnerships with stakeholders for effective delivery of land services

is created for more effective utilization of land and land based resources. The ability to secure access to land resources through a variety of tenure systems that guarantee returns for short or long term investments is important for improving agricultural productivity in general and food security in particular. Urban settlements are particularly associated with informal settlements, inadequate shelter, lack of infrastructure and basic services. Urban sprawl also infringes on prime agricultural land and environmentally-sensitive areas. Clear property rights in land also have the potential of increasing government revenues through taxation and enhancement of agricultural exports.

Strategic Objective 3: *“To improve equity in access to land, livelihood opportunities and tenure security of vulnerable groups.”*

The protection of vulnerable groups - women, children, the disabled and others - features prominently as a desired outcome of the LSSP in concurrence with a broader positive effect on poverty and social stability. Better and more productive management of land requires that the land rights of customary land holders be strengthened through a variety of mechanisms. To this end, the restoration of land tribunals and other alternative dispute resolution mechanisms, education and enforcement of legislation that allows women to enforce documented claims to land within and outside marriage need to be strengthened.

Strategic Objective 4: *“to increase availability, accessibility and affordability of land information for planning and development”*

In order to enable stakeholders to use and manage land effectively and sustainably, better information has to be made available in forms appropriate and relevant to different land users. A priority of the LSSP II is to consolidate, expand and sustain the development of a coherent and comprehensive Land Information System (LIS), which is relevant and readily accessible to the majority of the population at reasonable cost. An important opportunity in cost-effectiveness is afforded by supporting the re-establishment of Uganda’s geodetic reference network and upgrading the Survey and Mapping Department’s capacity to produce and distribute updated base maps for multiple users. Given the priorities outlined in Vision 2040, it is imperative to enhance mapping capabilities of the S&MD to meet the national development aspiration for comprehensive land use planning and systematic demarcation of individual lands and for demarcation of ranches and communal land management areas.

Strategic Objective 5: *“To ensure transparent land rights administration, accountable and easily accessible institutions and strengthen systems and capacity for delivery of land services.”*

Capacity building is increasingly a key component for sustaining any land administration reform strategy. This is more so in countries similar to Uganda where the capacity deficit is systemic and endemic. According to international best practice,<sup>3</sup> Capacity building measures must be addressed at three levels: the societal level (policies, legal frameworks and accountability), the organizational level (institutional infrastructures and organizational effectiveness), and individual level (technical and professional competencies and responsibilities). Most land offices have limited capacity in certain areas, particularly valuation and planning. They have also been constrained in terms of equipment and

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<sup>3</sup> Stig Enemark, Paper presented at WPLA/FIG Workshop Athens, 28-31 May 2003. Spatial Information Management for Sustainable Real Estate Markets and Best Practice Guidelines on Nation-wide Land Administration.

resources. The capacity building measures envisaged under LSSP-II are to be addressed in the wider context of developing a competent, skilled and well motivated human resource and institutional infrastructures for implementing a comprehensive land sector strategy; to address a whole range of relevant issues and their interdependencies for ensuring sustainable service delivery.

*Strategic Objective 6: “To promote a “business approach” to the delivery of land services through Multi-sectoral participation”*

As a fundamental input for all productive sectors in economic growth and employment creation, land is a catalyst for transforming Uganda’s economy, and this requires integration of the land sector in all national development planning and resource allocation decisions. The sector wide approach will be pursued in terms of mobilization of funding. To leverage the land sector as a pillar of transformation is to emphasize the centrality and pivotal role of the land sector in national (macro) policy, and at the NDP, PMA, CICS resource allocation decision levels. The sector will identify links with key productive sectors such as Agriculture, Construction and Human Settlement, Oil, Mining and Industry and Natural Resources, and monitor economic, fiscal and social impacts through a sector-wide approach.

**Outputs:**

1. Integrated land sector role in national economic planning and development decision making
2. Customary land administration institutions streamlined, strengthened and operating seamlessly within a reformed and harmonized policy, legal and regulatory framework for cadastral and land management.
3. Modernized land services delivery, LIS and supporting national land information management infrastructure installed and operating effectively to generate high quality land record for planning and decision making.
4. National Mapping Law, map production standards, regulations and production capacity commensurate with public and private sector spatial data requirements established.
5. National program of systematic demarcation of individual land in all tenure categories and systematic documentation and registration of land belonging to traditional communities and Communal Land Associations initiated and progressing as planned.
6. Improved tenure security for all categories of land ownership, and more equitable access distribution without gender bias or prejudice against vulnerable groups.
7. Sustained good governance including transparency, cost efficiency and sensitized/educated popular participation at all levels of land governance.
8. A skilled and motivated land sector human capital capacity to manage, operate and sustain a modern and dynamic land administration system developed.
9. Enhanced private sector-led investment growth supported by efficient functioning land markets, financial institutions and healthy surveying and land management professions.
10. District, Parish and Sub-Parish land policy, and land use plans and management of all categories of land by the District Land Use Planning Committees and traditional leaders developed and in use.

**Consultative Process**

As required by the Terms of Reference (TOR), this strategic plan has been developed through a series of field consultations with stakeholders both in and out of Government, and an extended literature review to learn from “International Best Practices”. The participatory and consultative process used in developing the strategy, considered the great diversity in incomes, geographical distribution and socioeconomic status and aspirations of Ugandans, with regard to land tenure. In this process, constraints and potentials in the sector were

identified and strategies for their integration formulated so as to feed into the overall strategic plan.

## **Outline of the LSSP-II**

This strategic plan provides a blueprint that will enhance land sector service delivery effectiveness, build public confidence in a system of land tenure that respects the land rights of citizens and facilitate opportunities for registration of title and certification for all. It is intended to form a guiding framework for public investment in land administration reforms that includes titled and customary land, in both urban and rural environments, for housing services, industry and agriculture based upon land's potential contribution to national development.

The LSSP implementation process will be guided by a sector vision and mission which is to be achieved within the ten year term of the plan (i.e. 2012 - 2022). The plan identifies two implementation phases, designed to enable proper sequencing of priority activities and planning horizons. During the next five years (2013 to 2018), implementation activities will prioritize rolling out the LIS to complete the nationwide network of cadastral service centers. However, with the approval of the NLP, the thrust of LSSP-II shifts to development of the legal, regulatory and institutional frameworks within which future sector development will take place. Particular attention will be devoted to sub-national implementation levels of land policy and physical development planning and in strengthening the capacity of land administration institutions.

As access to land is increasingly constrained by rapid population growth, further expansion of cultivated land will be unsustainable. To reduce land disputes and encourage more productive utilization of land, secure land tenure is an important institutional factor affecting the incentive for greater investment and adoption of appropriate land stewardship methods. Consequently, resources will be committed to address systemic clarification, demarcation and certification of customary and/or communal land rights, particularly in the Northern and Eastern Regions of Uganda, and to accelerate the titling of undocumented individual lands. The sector will craft documents and broadly disseminate sensitization material as a mechanism for soliciting public support and participation; pay due attention to sector-wide institutional capacity development; and reinforce dispute resolution institutions including the development of alternative land dispute resolution mechanisms to compliment the LC Courts and Land Tribunals.

The LIS roll out and extension to 21 Ministry Zonal Offices (MZOs) is an important phase one activity. The sector will embark on a process of change management not just to re-orient itself to meeting the challenges of decentralization and the sector wide approach. The LIS, along with the re-establishment of the geodetic reference network and upgrading of survey and mapping capacity is necessary to facilitate implementation of the desired national goal to systematically demarcate and register 1 million rural land titles, and at least 200,000 peri-urban land parcels by the end of 2018.

The processes and techniques developed during the first phase of the LSSP-II will be monitored and evaluated very closely and adjustments made through annual reviews. Phase Two (2019 -2023) will commence after mid-term review of the LSSP-II, to allow lessons learned to be incorporated into Phase Two priorities and planning. Activities during Phase Two will consolidate and expand upon the processes and techniques designed during Phase

One to achieve the implementation targets and the desired LSSP-II outcomes by the end of the LSSP-II life cycle.

### **Institutional Arrangements**

The institutional framework for implementation of LSSP-II will retain the three tier structure, encompassing three broad areas at each tier. The three tiers are:

- a) national;
- b) zonal and district;
- c) sub-county and below

These three tiers correspond to the main decision making levels in the decentralized system as provided under the Local Government Act. The three main functions of these tiers in relation to the land sector are:

- a) policy/ planning and allocation
- b) technical services and land management
- c) land rights and dispute resolution

The main actors for implementing the LSSP-II are the MoLHUD, Local Government land administration structures and institutions and the land users. However, the existing institutional arrangement for land administration has structural weaknesses. Major among these impediments is the chronic under funding and under investment in the lands sector. A newly re-structured institutional arrangement has been prepared as part of the LIS strategy for the delivery of land services. This includes new buildings to establish MZO's within the existing decentralized land administration arrangement, the creation of the National Land Information Center, and the establishment of the Land Records Storage and Archival Center.

Policy, planning and coordination of resources and personnel to achieve the intended goals at the national level will be the responsibility of MoLHUD; the District Land Officer, District Planning Unit, and District Technical Planning Committee at district level; and the Sub County Technical Planning Committee, LC3 Executive, and Sub County Chief at sub-county level. At national level, a Land Sector Steering Committee and other MoLHUD organs will regularly consult with and feed into wider policy processes through the MDAs, development partners and the NDP process through the Ministry of Finance, Planning and Economic Development.

Technical land services and land management will be co-ordinated within the MoLHUD Directorate of Lands by the *Land Sector Co-ordination Secretariat*. The functions of the secretariat will remain advisory and administrative and it will also be responsible for spearheading the participatory development and implementation of LSSP-II. The secretariat will translate policy goals into operational rules and development of guidelines for the program; communicating LSSP-II and national land policy, overseeing and monitoring the implementation of LSSP-II at zonal, district and lower levels and managing capacity building for immediate and long term sustainability of sector reforms. Individual departments within MoLHUD will retain the roles of inspection and monitoring, technical backstopping, advice, support, supervision and training, in line with their respective mandates.

At District level, technical services will be provided through District Land Offices supported by Ministry Zonal Offices.(MZO's). Since it will not be possible to support a fully staffed

Land Office in every district, districts will continue to co-operate in providing some of the technical services until such time as adequate capacity has been built countrywide. Responsibility for physical planning within the districts will remain with the District Physical Planner, but she/he will be based within the District Planning Unit in order to improve the harmonization between physical plans and economic planning in relation, for example, to infrastructure construction.

### **Plan of Action and Investment**

The Plan of Action Matrix is organized around the six strategic objectives and several intervention activities aimed at a broad range of land issues, especially in view of the fact that 80% of Uganda's land is still guided by customary tenure rules and the unique history of mailo land tenure. The general caveat is that the necessity for explicit consideration of issues cutting across all categories of land should always be considered.

The Plan of Action and corresponding indicative costing have been assembled in excel format (see cost tables attached). Some notable observations in the matrix are the conspicuous emphasis on the roll-out and extension of the LIS, a national program of systematic demarcation, titling and certification of individual and communal land, and large number of priority land policy, land use and physical development actions pointing to more focused interventions in activities that are a pre-requisite for enabling the effective and productive utilization of Uganda's land assets.

The plan of action specific to the medium and long term horizon aims at mass regularizing of customary land tenure in rural areas with high economic potential, and in Uganda's rapidly urbanizing settlements and in villages that are on the transition to 'small town' status. These interventions will require more cadastral surveys in addressing the regularization of real property development in both rural and unplanned settlement areas.

The plan of action for communal land areas aims at ascertaining boundaries of traditional communities and communal land associations. It is important to demarcate and inventory government land and national parks, to verify land reserved for conservation and environmentally sensitive areas with a view to re-delineate the same and resolve uncertainties that encourage encroachment and tenure insecurity. The goal is to introduce formal working links and vertical-horizontal reporting relationships between CBOs, NGOs and District land offices for responsible participatory management of such land resources.

There are several broad areas of intervention envisaged under each strategic objective, in addition to implementing other outstanding issues from LSSP-I. These areas are: public education and awareness creation; capacity building and enhancement; establishing appropriate land administration infrastructure as required by the NLP and this strategy; providing adequate funding; establishment of a national spatial data infrastructure and maintenance of reliable high quality land information system to support decision making; more effective decentralization of services and land delivery and certification.

The indicative cost for this plan shown in Table 2 below stands at USD 339 million over a ten-year period the majority of which will be sourced outside the **MTEF** processes.

**Table 3: LSSP-II Program Cost Summary**

<b>PROGRAM Cost Summary</b> (US\$ Million)	<b>Cost In Constant Currency Units</b>	<b>% of Total</b>	<b>Developmen t Partners Financing</b>	<b>% Financin g</b>
<b>A. Central Government Land Institutions</b>				
Physical Planning	36.11	10.6	36.11	100.0
Surveys and Mapping	22.79	6.7	20.59	90.4
Land Registration and Administration	5.67	1.7	5.12	90.2
Uganda Land Commission	28.77	8.5	20.93	72.7
Land Tenure Reform Coordination	17.23	5.1	17.23	100.0
MLHUD Headquarters in Kampala	61.50	18.1	9.78	15.9
<b>Subtotal</b>	<b>172.07</b>	<b>50.6</b>	<b>109.75</b>	<b>63.8</b>
<b>B. Policy and Legal Review</b>				
National Land Policy	1.12	0.3	1.00	89.3
National Land Use Policy	1.11	0.3	1.00	90.1
Other Policy and Thematic Studies	0.35	0.1	0.35	100.0
<b>Subtotal</b>	<b>2.58</b>	<b>0.8</b>	<b>2.35</b>	<b>91.1</b>
<b>C. Land Information</b>				
Expansion and Reinforcement of LIS	24.52	7.2	22.13	90.3
Valuation	1.10	0.3	1.10	100.0
Systematic Land Demarcation	35.10	10.3	28.08	80.0
Customary Land Registration	52.00	15.3	50.00	96.2
Demarcation of International Boundaries	1.58	0.5	1.58	100.0
Demarcation of Administrative Boundaries	3.52	1.0	3.52	100.0
<b>Subtotal</b>	<b>117.82</b>	<b>34.7</b>	<b>106.41</b>	<b>90.3</b>
<b>D. Decentralized Land Administration</b>				
DLOs and DLBs	18.49	5.4	1.43	7.7
Other County Structures	12.00	3.5	1.66	13.8
<b>Subtotal</b>	<b>30.49</b>	<b>9.0</b>	<b>3.09</b>	<b>10.1</b>
<b>E. Cross Cutting Interventions</b>				
Overall Training and Capacity Building	7.90	2.3	7.90	100.0
Support to the Land Market	9.00	2.6	8.46	94.0
<b>Subtotal</b>	<b>16.90</b>	<b>5.0</b>	<b>16.36</b>	<b>96.8</b>
<b>Total PROGRAM COSTS</b>	<b>339.86</b>	<b>100.0</b>	<b>237.97</b>	<b>70.0</b>

## Monitoring LSSP-II

A comprehensive monitoring and evaluation strategy is necessary to provide management information concerning the performance of the sector and for assessing the impact of resources allocated to LSSP-II against the achievement of overall policy goals.

Key implementation challenges needing to be carefully monitored for the restructured institutional mechanism are:

- ✚ Devolution of the primary responsibilities for supplying spatial data for physical planning, surveying, valuation, land registration to the zonal offices; and facilitating a viable land administration infrastructure.

- ✚ Providing for efficient and effective communication and real time exchange of land related information between the various departments, MZOs, DLOs and NLIC as well as other levels of government;
- ✚ Strengthening, expanding and decentralizing land administration support services to MZOs, through capacity building and capability enhancement;
- ✚ Facilitating the delivery of justice in safeguarding land rights and, in particular, registered title, certification of Occupancy and Certificate of Customary Ownership.
- ✚ Involvement of the private sector in the execution and delivery of professional services, land markets, financing, investment;
- ✚ Providing finance both through the medium term expenditure framework (MTEF), revenue sharing arrangements and continuing support from development partners.

The sector will carry out Annual Reviews to assess progress against benchmarks and targets, and full evaluations at the end of each Phase of the program. The First Phase Evaluation will be carried out at the start of the second half of Year 4 of LSSP-II prior to scaling up applications, and will recommend appropriate strategic and financial revisions to the LSSP-II investment plan to ensure full and effective implementation of Phase 2.

## Conclusions

The LSSP consultative and participatory process has been designed to facilitate ownership of the report by the stakeholders. The **LSSP-II** can easily be ‘internalized’ as the preparation process has carefully considered views from stakeholders, good governance principles and international best practice.

The LSSP-II investment envelope proposed is not meant to compromise the logic of **MTEF** and some national parameters in the budgeting processes but rather to augment such efforts by acknowledging that the sector must first get very substantial resources before it can deliver land services at the level of effectiveness necessary to become part of the mainstream economic sectors. The principal source of funding should emanate largely from Government and Donor sources so that the capital investment and backlog of accumulated constraints noted throughout LSSP-I can be put to rest.

Secondary sources of supplemental resources should include fees and charges for land services that create quantifiable economic benefit to individuals. There are other economic operations undertaken by the sector which are normally ‘financially rewarded. These may include cross-sectoral operations (especially in some government and donor funded projects), ongoing activities and projects within the sector and resources from international commitments.

The institutions, standards, processes and information technology for land delivery and control systems, better known as the land administration infrastructure in the LIS setup, has been totally re-engineered to enable the delivery of services and development of land. This shift has also opened a huge top-management technology competence gap in a land sector that now operates heavily on GIS driven land information management platform. Skill enhancement training and other strategies for competency development has to be pursued and implemented with urgency.

At the same time, professional and technical experts in the lands sector are in high demand in the private sector and this poses a serious staff retention risk. Too much reliance on foreign expertise leaves much to be desired in the long run. Therefore, an aggressive capacity building program, supported by a comprehensive review of staff remunerations will be needed to ensure adequate levels of staff retention in the land sector.

Public awareness and education can make or break the implementation of land laws as, out of ignorance, the leadership is as much inclined to bend the rules as are the users. Consequently, public awareness should start with the top sector political and civic leadership at all levels down to individual land users and into schools.

### **Recommended cross-cutting Actions**

A new institutional framework is needed to provide both horizontal and vertical linkages that facilitate closer cooperation between the **MoFEP, MoLHUD, MoLG, MoJCA** and the Private Sector than has hitherto been experienced in Government.

The following cross-cutting general recommendations are made so as to avoid repetition.

- ✚ Draw up a program to guide public education, awareness creation and enhancement of LSSP-II processes and subsequently conduct focus group seminars, workshops, and radio and television sessions for all levels of people involved in land administration and for the land users, based on the agreed public awareness campaign strategy.
- ✚ Build capacity and enhance competency for the sector through refresher and short courses, particularly GIS/LIS technology oriented courses and encourage the institutions of higher learning and land sector professional associations to embark on joint training and continuing education programs for land based professions.
- ✚ Establish a land information infrastructure and capital replacement fund (**LIS-CRF**), that draws out a percentage of the land sector fees or similar charges levied against services delivered for sustaining critical land sector operations. This can be authorized through specific legislation or provisions in laws and in accordance with the value and use of land.
- ✚ Establish a viable spatial data infrastructure by setting up land, geographic, and management information systems (**LIS, GIS and MIS**) in land offices, registries and agencies responsible for preparing land-use maps, strategic urban development plans, and schemes.
- ✚ Establish a modern geodetic and topographic framework and data collection protocol for preparing base maps and land cover maps and the technical capability for processing aerial and satellite images within the land sector
- ✚ Already, the LIS has initiated the use of digital cadastral survey data and plans and will soon add land use planning and valuation operations to complete the land administration and management system. The investment in this modern land administration and land management technology platform can only be sustained by

ensuring reliable communication systems, transportation and logistical support for land administration operations are available and well resourced.

- ✚ Increase levels of land delivery and issuance of freehold and leasehold title, Certificates of Occupancy and Certificate of Customary Ownership. This recommendation is supported by a call for a national systematic demarcation and cadastral survey program supported by land adjudication activities, speed and cost effective registration of individual parcels and communal lands throughout Uganda.
- ✚ Encourage MoLHUD to organize periodic dialogue with the public, Civil Society Organizations, Community Based Organizations and the private sectors on land matters in order to establish a partnership for growth. This may require actions to develop and maintain horizontal and vertical linkages with other sectors and regular communication of developments in the lands sector.

## The Way Forward

The strategic plan presented here has considered implementing land reforms in the context of growing demand for land services across all sectors of the national economy. The inputs from stakeholders and consultative meetings has enabled the team to capture the voice of the public, land owners and users, civil society and community based organizations, investors and land sector professionals that need serious consideration in determining the strategic focus of this LSSP.

By the nature of MOLHUD's mandate, some actions and activities presented for implementation in the plan of action may be easier to put into effect than others. It is recommended firstly, that the levels of priority presented with the *land sector priority areas be observed*. The sector should also leverage its economic linkages with other productive sectors such as Finance, Agriculture, Oil, Local Government, Justice, Forestry and Environment, etc. together to address cross-sectoral concerns in line with the strategic objectives of **LSSP**.

All actions that are purely sectoral, i.e., falling under the **MoLHUD** mandate of activities, ought to commence as soon as possible, whilst those calling for cross-sector dialogue or higher-level authorization (Cabinet, Parliament, etc.), await such authority. It is strongly recommended that actions necessary to clarify the legal and regulatory framework should not be delayed.

The financial framework proposed for this strategy calls for heavy reliance on a sustained and predictable government and donor funding to finance the GIS based land administration technology platform, the physical, institutional and human capacity and competencies required. Sustainability will depend on the degree to which the funding mechanism responds to this recommendation and to the success of MoLHUD dialogue with the private sector and development partners. It is essential that a truly public-private partnership prevail at all times during the implementation of this strategy.

**LSSP-II** provides the framework for the revision and implementation of the land laws, guidelines and regulations to a level that provides direction and the mechanism of

implementation. The onus however is on the Sector, on behalf of the Government, to use this strategy to develop a detailed business plan of studies, targeted land sector projects and schedules for implementation. The LSSP-II identifies sets of intervention activities that can be consolidated into program, needed resources and their sources, etc, with the justification that is necessary to facilitate implementation by all responsible parties.

## 1.0 Background

Uganda covers a total surface area of approximately 241,038 square kilometers of which 18.2 percent is water and 81.7 percent is land. A total of 42 percent of the available land is arable land although only 21 percent is currently utilized mostly in the southern parts of the country. Land resources play an important complementary role for economic growth, employment and general socio-economic development. Land is a key resource in agriculture, industry and forestry and it underpins rural livelihoods of the majority of landholders in the rural area.<sup>4</sup> Land is fairly distributed among households throughout the country with the average land holding being about 1.6 to 2.8 hectares' in the South and 3.2 hectares in the North.

Uganda has witnessed high economic growth fuelled by macroeconomic stability, foreign investments and an expanded internal revenue base. Real GDP grew by 7.1 % in FY 2008/9 and 5.8% in 2009/1010. In spite of increasing population pressure on land resources, the economy experienced robust growth during the period the LSSP was being implemented, sustaining average GDP growth rate of 6.64 percent per annum between 2002/03 and 2011/12.

Uganda's steadily improving economic framework offers direct support to the formulation and strategic implementation of macro-economic reforms, poverty reduction, wealth creation and service delivery policies. Based on economic forecast, GDP growth rate is projected at an average of 7.2 percent per year over the 2010 to 2015 National Development Plan period. At this rate of GDP growth, nominal per capita income is projected to increase from USD 506 in 2008/09 to about USD 850 by 2014/15, and the number of persons living below the poverty line is expected to decline from 31 per cent in 2006 to about 24.5 in 2015, better than the MDG target of 28per cent.<sup>5</sup> However, the need to sustain public investment in the Land Sector remains high in light of the untapped potential in 80% of the country still under customary tenure and the constraints posed by uncertain land rights in large parts of the country under Mailo tenure.

Agriculture, mining and construction activities play a vital role in the economic reality of Uganda as indicated in Table 3 below. According to data released by UBOS in February 2012, agriculture share of GDP was 21.8%, industry: 26.1% and services: 52.1% (2011 estimate).

**Table 4: GDP by Sector (percentage)**

<b>Sector</b>	<b>2006</b>	<b>2010</b>
Agriculture, forestry, fishing & hunting	24.5	22.9
Mining and quarrying	0.3	0.3
Construction	12.1	13.0
Finance, real estate and business services	12.1	13.0
Manufacturing	7.5	8.3

<sup>4</sup> The National Development Plan 2010/11-2014/15

<sup>5</sup> National Development Plan projections based on UBOS data.

Wholesale and retail trade, hotels and restaurants	19.1	22.0
Electricity, gas and water	4.2	4.2
Public administration, education, health	3.9	3.5
Other Services	11.5	8.9
<b>Gross Domestic product at basic prices/factor cost</b>	<b>100.0</b>	<b>100.0</b>
Source: Uganda Bureau of Statistics		

The contribution of land-based sector share of GDP, excluding real estate finance was 56.0% in 2006 and 51.1% in 2010 respectively.<sup>6</sup> However, the actual direct contribution of the land sector to national growth is not completely captured by GDP measures. This is because subsistence consumption and informal investments directed specifically at securing land ownership rights, improving land access, and reducing the barriers faced by the poor are not easily measurable and often require more systemic interventions through the land sector to capture their impacts on output and growth.

### 1.1 Legal Mandate of MOLHUD

The 6<sup>th</sup> Schedule, of the National Constitution defines functions for which the Central Government is responsible. These include among others the management of land, mines, mineral, water resources and environment. The Registration of Titles Act (RTA), Cap 230, provides for the Office of Titles and the Chief Registrar of Titles, alias Commissioner Land Registration, in whom is vested all the powers to manage and control the Office of the Titles. Section 3 of the RTA provides for the delegation of powers and duties by the Commissioner Land Registration to officers below him/her, and to exercise the said powers, functions and duties on his/her behalf. Thus Land Registration remains a centralized function.

The Land Act Cap 227, Section 59(6) also establishes the current structure for land management and the functions for the District Local Government by defining the District Land Office to be staffed by a Distant Land Officer, District Physical Planner, a Registrar of Titles, and a District Valuer. However, since the Land Act came into force no single district has managed to have a fully established and functional District Land Office as required by Law. This is mainly due to difficulties in attracting and retaining competent staff and inadequate or unavailable infrastructures, facilities and equipment required for effective performance.

### 1.2. Administrative Mandate of MOLHUD

The administrative mandate of the Ministry of Lands, Housing and Urban Development is “policy making, standards setting, national planning, regulation, coordination, inspection, monitoring and back-up technical support relating to lands, housing and urban development; promoting and fostering sustainable human settlement; and, managing works on government buildings” in the country. The Ministry is therefore responsible for providing policy

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<sup>6</sup>Source: IMF, UBOS and OECD estimates and projections.

direction, national standards and coordination inter alia, on all matters concerning Lands, Housing and Urban Development. In order to fulfill its administrative mandate, the Ministry of Lands, Housing and Urban Development consists of three (3) sub sectors namely: Lands, Housing and Urban Development.

The main roles and functions of the Ministry include:

- Formulating national policy, strategies and programs on lands, housing and urban development;
- Initiating, reviewing and making amendments to existing legislation on lands, housing and urban development;
- Setting national standards on matters regarding the sustainable use and development of land and safe, planned and improved housing/human settlement;
- Enforcing compliance to national laws, polices, regulations and standards for effective management and sustainable development of lands, housing and urban centers;
- Monitoring and coordinating national lands, housing and urban development initiatives and policies as they apply to Local Governments;
- Providing support supervision and technical back-stopping to Local Governments on matters regarding lands, housing and urban development;
- Making and updating maps;
- Liaising with relevant stakeholders for the mobilization of resources in support of national lands, housing and urban development initiatives;
- Liaising with neighboring countries for the proper maintenance of territorial boundaries;
- Providing guidance and effective management of lands, housing and urbanization;
- Mobilizing financial and technical assistance for the development of lands, housing and urban development.

**The Land Sub-sector:** The land sub-sector is directly responsible for land administration and land management. The sub-sector is also responsible for reviewing policies and putting in place laws to ensure sustainable land management, promote sustainable land use for all and foster orderly urban development throughout the country. The most obvious evidence of the functions of the Land Sub-Sector includes:

- Certification of land ownership and issuance of freehold and leasehold titles, Certificate of Ownership (CO) and Certificate of Customary Ownership (CCO);
- Registration of land transactions including mortgages and other encumbrances attached to land and real estate;
- Valuation of land and real property, including compensation for roads under construction, rent assessment for properties occupied by government, and for rating and taxation;
- Demarcation and survey of international boundaries, district boundaries, urban and town boundaries;
- Preparation of topographic base maps and updating of same for national and sub-national mapping, thematic mapping and for urban and town planning;
- Cadastral survey approvals, preparation of deed plans for titling, and resolution of boundary disputes;
- Vetting and approval of persons selected to serve on District Land Boards, induction and training of persons appointed to land management institutions;

- Protecting land rights and resolving land conflicts.<sup>7</sup>
- Technical backstopping support, monitoring and evaluation

### 1.3 Recent Land Sector Performance Indicators

Government has been implementing a number of land reforms aimed at addressing *the more than century old* historical land distortions and colonial legacy that have continued to impede the contribution of the sector to poverty eradication. These reforms are guided by the *Land Sector Strategic Plan (LSSP)*. The first LSSP was designed to provide the operational, institutional and financial framework for the implementation of sector wide reforms and land management including the implementation of the Land Act. It was intended to guide government, the private sector and civil society in the management and use of Uganda's land resources.

Many of the strategies in LSSP required new innovative approaches to be designed and tested or adapted from experience elsewhere to meet Ugandan requirements. Some important features of the approaches implemented and / or planned for implementation under *Land Sector Strategic Plan (LSSP)* included:

- Development of land policy and legal framework to address land policy, land use policy and land sector laws;
- Management of the Government land;
- Enhancing Land Markets;
- Land Readjustment to resolve tenure security problems;
- Operationalization of the Land Fund for resettlement of the displaced, the purchase and redistribution of land (*from absentee land lords*) to lawful and *bonafide* land occupants, facilitating land readjustment in mailo areas to enhance productivity, and piloting loans on a small scale to identify sustainable approaches;
- Access to Justice / Dispute Resolution,
- Certification and Titling,
- Systematic Demarcation,
- Provision of Land Rights Information,
- Protection of Women and Vulnerable Groups,
- Establishment of a Land Information System and
- Delivery of decentralized Land Services.

Consistent with the existing legal, policy and planning framework, the following activities were implemented during the LSSP-I implementation cycle from 2003 -2013:

- 🚩 Through a consultative process, the National Land Use Policy (NLUP) was formulated and approved by Cabinet and now awaits dissemination and a plan for implementation;

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<sup>7</sup> It is important to distinguish 'land disputes' which involve conflicting claims to rights in a particular piece of land by two or more parties from 'land conflict' which involves competing claims to large territorial areas of land by groups, often with no consensus on the rules to be applied and therefore not easily resolved within existing law. (*USAID Property Rights and Resource Governance Briefing Paper # 2, 2011*).

- ✚ The National Land Policy (NLP) Regional and Special Interest Groups consultative process contributed significantly to ensure the National Land Policy is not only technically sound, but also correctly reflected the will of the people;
- ✚ Rehabilitation of the Land Registry;
- ✚ Initiated a process for construction of 21 Zonal Land Offices to truly decentralized the delivery of land services throughout the country;
- ✚ Piloted Systematic Adjudication, Demarcation, Survey and Certification/Registration of land rights in Ntungamo, Iganga and Mbale districts;
- ✚ Completed the preliminary design, supplied, installed and piloted the National Land Information System in six districts as a major step towards the design and implementation of the National Land Information System;
- ✚ Purchase of land on a 'willing seller willing buyer' basis was carried out in Kibaale District on a pilot basis for the operationalization of the Land Fund, for which Draft Regulations have been developed;
- ✚ A Gender Baseline Study was developed whose recommendations together with the Information Communication and Education Strategy will provide the framework for protection of land rights of women and other vulnerable groups;
- ✚ 40 line maps were produced with assistance of Japanese Government in 1995 and 90 satellite maps at the scale of 1:50,000 for Northern Uganda;

The LSSP 2002-2012 attempted to remove barriers to increased land utilization; to broaden land services to rural areas and to address tenure insecurity and inequitable land administration systems and processes. The plan sought to strengthen the land rights of vulnerable groups, and to empower local governments and communities to make and implement their own policies and plans for using their land. It also initiated the development of appropriate and supportive frameworks for sound environmental and natural resource management. The LSSP therefore provided a unique opportunity to re-direct attention to the fundamental role of the land sector in the current socio-economic realities of Uganda and its untapped potential for driving economic transformation of the country.

Given the successful completion of LSSP-I, the need for a more sustained public investment in the Land Sector can be justified in light of its potential impacts and contribution to the achievement of several national development plan objectives. In fact the livelihood outcomes of land sector reforms positively correlate with at least six (6) of the seven (7) stated NDP objectives, namely:

1. Increase household incomes;
2. Enhance the quality and availability of gainful employment
3. Improve the stock and quality of economic and trade infrastructure
4. Promote innovation and competitive industries
5. Harness natural resources and the environment for sustainable development
6. Strengthen good governance and improve human security

The PEAP review process also provides another key opportunity for government and donors to address land issues. If land issues are not well addressed in the context of their importance to the wider development vision, then the overall national agenda for poverty eradication will not be realized. An evaluation of the achievements of the LSSP-I has been reported in a separate report.<sup>8</sup> However, key achievements of the first LSSP 2002-2012 are summarized in *Annex 1* of this report.

## 2.1 Situation Analysis of the Land Sector

The situation in the land sector has, since 2002 been dominated by the impact of Uganda's continuing population growth, a high level of public awareness of land sector issues raised during the National Land Policy consultations, and land administration and land information management reforms initiated by LSSP-I to computerize access to land information, and to transform the systems and processes for delivering land services.

**Population-Land pressure:** The Ugandan population estimated at 32 million in 2012 is projected to reach 38 million by 2015, further increasing the pressure on land and affecting its distribution. The rapidly growing population density has already had its toll as evidenced by socio-economic problems, including land fragmentation, low agricultural productivity, land disputes, loss of forest cover and environmental degradation.

**State management of natural resources:** A fast growing population makes it difficult to maintain the capability of natural resources, for example, between 1990 and 2005, Uganda lost 26.3 percent of its remaining forest cover, and deforestation continues today at a rate of 2.2 percent per year, mostly due to subsistence farming, cutting for fuel wood, and colonization by the rapidly increasing population.

The trends in the demand for land administration services and management outcomes are summarized in *Table 4* below. Notable achievement of the land sub-sector during the LSSP-I decade include; a National Land Policy (NLP) process initiated in 2006/07. This was followed by extensive nationwide consultations in 2007/08 which resulted in the development and approval of a comprehensive National Land Policy by government on February 7, 2013; with funding provided through the Land Component of the Second Private Sector Competitiveness Project (PSCP-II) a Land Information System (LIS) was designed and established. The period also witnessed the construction of a National Land Information Center and Land Records Storage Centre in Kampala and Entebbe respectively; Physical facilities for delivering land services saw remarkable improvement with the renovation of five (5) District land Offices and the construction of eight (8) new Land offices; The land records of the districts of Kampala, Mpigi and Wakiso were sorted, rehabilitated and indexed; pilot systematic adjudication, demarcation, survey and registration or certification of land was undertaken in several districts; the disputed district boundary of Mbale/Budaka

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<sup>8</sup> See LSSP-I Assessment Report, (2013) by Ahene, R. E. Nsamba-Gayiiya and S. Satana.

was surveyed; and nationwide sensitization and consultations on how to ensure due process of law with respect to land evictions in 2007 resulted in the passage of the Land Amendment Act 2008.

**Table 5: Trends and Outcomes in the Land Administration and Management Sector**

<b>Outcome indicators</b>	<b>2006/07</b>	<b>2007/2008</b>
Demarcation of International boundaries(% age)	20%(Rwanda) 0%(DRC)	30%(Rwanda) 10%(DRC)
Certificates of land title issued	Mailo(6000) Leasehold(3560) Freehold(314)	Mailo(7000) Leasehold(4000) Freehold(1500)
Digital data bases produced	9	10
District thematic maps produced	27	54
Number of plots adjudicated, demarcated and surveyed	10	50
Cadastral surveys approved	3300	2000
Deed plans for titling produced	1620	7200
Districts rendered technical support	5	12
Training and technical capacity undertaken	45	60
%completion of rehabilitation of macro Geodetic network	40	80
Number of Area Land Committees trained	15	50
Number of titles sorted, scanned and entered in the data base	154,386	155,503
Number of DistrictLand Board given technical support	18	25
Number of land related laws reviewed and submitted to Cabinet	3	12

Source: BFP, 2008/09

**Poor management of ecologically sensitive areas:** The 1995 Constitution created a public trust over important renewable natural resources such as natural lakes, rivers, wetlands, forest reserves, game reserves and national parks, vesting them in the State to hold and protect for the common good of all citizens of Uganda. The Land Act explicitly prohibits the Government, or local government, from leasing out or otherwise alienating any of these natural resources, except by way of a concession, license or permit. Indiscriminate abuse of sensitive ecosystems – including water catchment areas, wetlands and hilltops, to location of settlements in vulnerable areas prone to flooding & other environmental disasters requires vigilant and proactive land use planning and development control by the state. However, the State has often ineffectively exercised the trustee powers resulting in under-utilization and inefficient management of these natural resources.

**Inadequately resourced land administration system:** The National Land Policy acknowledges that the land administration system has been inadequately resourced and performed below expected standards with tendencies of resorting to irregular and illicit practice in service delivery. The dual system of land administration (the formal/statutory and informal/customary) breeds conflict, confusion and overlaps in institutional mandates. For the larger part of Uganda, where customary tenure still prevails, the roles of traditional institutions of land management, dispute resolution and land governance have not been

legally accepted, integrated and mandated to execute their functions. Some elements of political interference have hindered with the public delivery of land services, making it slow, cumbersome, frustrating and costly. Decentralized services are underfunded and grossly understaffed and thus could not live up to expectations.

Several relevant pieces of land related legislation are obsolete and do not conform to the provisions of recent laws or the technology driving modern land administration today. Corruption, inadequate enforcement of land use regulations and standards and political interference remains a challenge in the sector. Mapping capability to support national development has not been upgraded since the 1960s. The National Geodetic network (survey beacons/pillars) damaged during 1970's & 80's has not been restored. The National Atlas and other related maps, for example, have never been updated since the 1960s. At that time there were less than 30 urban centres. Today a large percentage of the 160 urban centres have no maps to guide their planning. Inadequacy of the current regulatory framework for property agents/estate developers has contributed to a high prevalence of graft and land fraud and continues to pose a serious challenge to the sector. These constraints in the sector has led to poor service delivery by the Ministry of Lands, Housing and Urban Development, Local Governments, professional bodies and private professionals in the sector.

***Inadequate security of ownership:*** The people of Uganda mostly depend on land and land resources to sustain their livelihoods. Approximately 85% of Ugandans live in rural areas where land and resources are central to their livelihoods. Uganda Bureau of Statistics (UBOS) household surveys evidence indicates that about 50% of most Ugandan household wealth is held in the form of land and provides the majority of employment opportunities in the country. However, the majority of land owners do not have land titles to guarantee their security of tenure. In fact, the 2008 National Land Policy consultations concluded that “customary tenure has been suppressed, disparaged and sabotaged, yet it covers over 80% in the country.” There are low levels of awareness on land issues, including land rights, duties and obligations with respect to land, making some sections of the rural population vulnerable to loss of land or land rights. According to the UNHS (2005) study, a high incidence of land tenure insecurity is experienced by specific categories of land users, including women, tenant farmers (*bibanja holders*) and households living in densely settled areas where land disputes are common. Landlessness is on increase as a result of poverty, land evictions, internal displacement of persons, natural disasters and sometimes as a result of Government action to acquire land for public use, e.g., roads, open spaces, etc.

***Inadequate protection of women's land rights:*** The Land Act of 1998 provides for female inheritance rights over land, and provisions for spousal consent in all matters relating to land from which a family derives its subsistence. However, customary practice favors male dominance as far as land matters are concerned. Women's minimal land ownership means they have limited decision making power over land use and women often lack awareness about their legal land rights. The situation is worsened by the fact that 70 per cent of women are employed in agriculture while only 20 per cent of them own registered land. Enhanced accessibility by women to land is expected to increase agricultural production.

***Inadequate Dispute Resolution Mechanisms:*** The number of land disputes needing to be addressed is increasing as result of inadequate dispute resolution mechanism. A recently completed Land Policy Study on Northern Uganda by the World Bank highlights high level of land conflicts in Northern Uganda is associated with internal displacement of people (IDPs) and others attempting to resettle in indigenous areas. In the UNHS (2005) report, 70% of communities report presence of land conflicts and analysis shows that presence of conflicts reduces productivity by about two thirds. The day to day land administration and management responsibility of districts through District Land Boards, and Land Officers and of sub-counties through their Sub-County Chiefs and Sub-County Land Committees needs to be strengthened. In spite of long standing pledges by the government to strengthen communal land associations and other alternative dispute resolution institutions, actual performance has remained limited. There still exist land related issues and a significant backlog of unresolved land cases and conflicts, which point to further inefficiencies that need to be addressed in LSSP II.

***Insecurity of customary and communal lands:*** The discovery of oil in Albertine region has led to increased land transactions in the oil regions as well as increased incidences of land disputes/conflicts and land grabbing. The discovery of oil and petroleum deposits in the area has raised concerns with regard to land tenure security, compensation, displacement and resettlement. As anticipated, the rush to secure land for investments is threatening customary and communal lands which are not demarcated, surveyed nor titled. Cases of land grabbing from indigenous communities are common as holders are insecure and do not have formalized land rights needed to benefit from the sharing of royalties.

During the period of the LSSP-I, the land sector pledged to contribute to the preservation and proper management of common property and resources, protect the security of tenure of people on customary land and to protect the security of tenure of tenants on registered land. The Poverty Status Report for Uganda 2012 indicates that a transparent and efficient land market is required to boost agricultural productivity and facilitate urbanization as a driver of growth. The dominant mailo and customary land tenure systems are still plagued by overlapping claims and restrictions on land use, which slow down development. According to the same report, the investment disincentives resulting from tenure insecurity reduce agricultural productivity by 25 percent. The ongoing LIS, which when completed will speed up registration and lower the cost of titling, has registered important progress. Meanwhile, it takes a long time before a title is issued and such delays often lead to discouragement or actual postponement of planned investments.

***Foreign and Domestic Investments in Land:*** Under LSSP-I, the Government of Uganda aspired to attract and channel both domestic and foreign private investment toward productive sectors of the economy. This mandate includes creating an enabling investment climate, as well as facilitating investors to access land. One of the major concerns in the land sector at present remains the allocation of government land, public land, and natural resources held by the State in trust for the citizens for private investment. Many land

allocations have taken place amidst incoherent and non-transparent processes and procedures, weakening institutions which govern the use and management of these lands and natural resources. Furthermore, the allocations have not paid sufficient attention to the ecological, environmental, economic and social impacts. Some allocations have displaced vulnerable land and natural-resource-dependent communities whose rights of land access, food security and livelihoods have either been jeopardized or lost. Whilst private sector investment in land and natural resources is necessary and should be promoted, safeguards must still be instituted to ensure a transparent allocation process is accompanied by due diligence so that land rights of the vulnerable segments of the society and the environment are not compromised.

## **2.2 Pressing Land Sector Challenges**

The situation analysis affirms at the outset that all has not been going well in the land sector. An internal capacity assessment by the Ministry of Lands has revealed clusters of problems that must be addressed as part of the implementation of the next sector strategy. These include but are not limited to:

- ✚ Problems caused by archaic policies, laws and regulations, gender imbalance, and poor enforcement of existing laws.
- ✚ Problems of limited capacity for policy analysis and planning, corruption and inefficiency in land services delivery, poor capacity for enforcement of land use, physical planning and housing regulations, paucity of skilled survey and land management manpower, proliferation of informal settlements and suspension of land tribunals without alternative dispute resolution mechanisms.
- ✚ The Government has not done much to curb conflicts and land disputes. The frequency of violent land disputes and evictions is increasing. A clear strategy is needed to address the root causes of conflicts and disputes beyond the use of land courts. Many originating from unascertained boundaries and overlapping land rights can be prevented through adjudication and systematic demarcation, respect for mediation and/or arbitration and by other well established dispute resolution mechanisms.
- ✚ Financial resource constraints affect all land sector services including topographical mapping, land use planning, cadastral survey, and valuation and land administration services.
- ✚ Modern land administration and land management requires highly skilled professional staffs that are in high demand in the private sector. Consequently, poor remuneration of land officers, poor working environment and low budget support poses a serious threat to staff retention especially in the face of increasing technological demands in the surveying (geomatics), land administration and land management professions.

## **2.3 Challenges of Land Management in the Districts**

***Shortage of qualified professionals:*** By law, each Land Office is required to employ staffs who are professionally qualified. Key among these are Land Surveyors, Quantity Surveyors, Land Valuation Surveyors, Physical Planners and Registrars of Titles who are legal officers. These Professionals are very few in the Country making it very difficult to attract or retain them in the Public Service, especially because poor public service remunerations make it less lucrative and professionally rewarding. Currently there are inadequate numbers of required cadre of qualified land management professionals available in the Country. For example in areas of Surveying and Valuation, Uganda has only 99 registered Land Surveyors and only 35 registered Valuation Surveyors respectively. Out of the 35 Valuation Surveyors, only 5 are below 40 years of age and only 5 are currently employed in the Public Service (i.e. one in Mukono District Local Government, KCCA and three at the Ministry Headquarters).

With the existing shortage of professional/ technical staff in the local governments, more than 70% of land management functions and services are currently executed at the Ministry Head Quarters. This is very costly and cumbersome to the beneficiaries. For example, Registration of tiles for all Districts is done at the Ministry Head Quarters while each Physical Planner is currently responsible for a minimum of 20 of districts.

***Work overload at Head Quarters:*** Due to the chronic inadequacy of staff in Districts, most of the work in physical planning, surveys and mapping, valuation and land registration is done at Ministry Head Quarters, even for activities that are mandated to be handled at the Local level. This results in unnecessary delays and higher financial costs. For example there are only five public sector Valuers for the whole Country and all valuation services for both Central Government and Local Governments including micro activities like determining rental fees for building in the Local areas remain unattended. Furthermore, as a result of the overload at the Centre, technical support supervision and quality assurance functions are not effectively carried out. This has sometimes resulted in costly errors and fraud to the detriment of both clients and the district local governments. Chronic delays also affect other services such as approval of physical plans, implementation of physical development plans of local governments and the implementation of other sector plans and programs.

***Limited facilities and resources:*** Although the technical structure required by the Land Act for effective operation of a District Land Office is unaffordable for the majority of the one hundred and twenty District Local Governments, “the functions of land administration, surveys/mapping, registration, physical planning, valuing and housing have to be executed in a coherent, integrated and streamlined manner to guard against harmful irregularities in the Sector.” (Public Service, 2012). Because most District Local Governments lack the staff, equipment, technical capacity and facilities to execute/provide these functions effectively, efficiently and satisfactorily most of the land management functions deemed decentralized have continued to be delivered by Officers based at the Ministry Headquarters. As a matter of practical reality, the majority of District Local Governments currently rely on the old Regional Land Offices that operated before decentralization and were equipped by the Central Government to provide these functions. However, obsolete equipment, limited resources and in-ability to maintain up-to-date records continues to force District Land

Officers to depend on the Central Government to execute their functions and related services to communities. This causes delays and unnecessary costs to the clients.

## **2.4 Rising Evictions on Registered Land**

The incidence of evictions on registered land has become more frequent due to rising demand for land. Under mailo tenure, there is a land development impasse between occupants on registered land and the registered owners due to overlapping rights over the same piece of land. This impasse increases transaction cost and diminished the investment value of the land for both the occupants and the registered land owner. Under such confusing and insecure tenure circumstances, only speculative short term investments are possible with little incentive for optimal utilization of the land by either party.

Land disputes and conflicts have become part of the definition of contemporary Uganda. Trans-state boundary disputes, boundary conflicts between districts, hot spots of ethnic land conflicts, conflicts between pastoralists and agriculturalists are all on the rise. Evictions on registered land between owners and the occupants are also on the rise. Efforts by government agencies to conserve vital ecosystems or control encroachments have sometimes degenerated into violent conflicts.

Notwithstanding the sources of conflict listed above, a troubling new trend has emerged where absentee landlords are able to sell land without notifying the present occupants. Ensuing attempts by the new investor to take effective possession of the land is often the cause of many land wrangles usually resulting in violent evictions, destruction of property, maiming or even death<sup>9</sup>. Attempts by the Land (Amendment) Act 2010, to criminalize eviction of tenants are yet to bear effect because implementation is still at its infancy stage.

The capacity of land dispute resolution institutions to tackle land conflicts is limited, giving rise to the need to develop a comprehensive, legitimate, accessible and cost effective framework to resolve their structural causes. Devising such a framework to tackle root or structural causes of conflicts, disputes and frictions arising from unjust actions in the past is a prime challenge that cannot be postponed any further and has to be tackled in order to remove uncertainty and insecurity in land rights

## **2.5 Formalization of customary land rights and institutions**

The return to peace in the Northern regions of the country and the recent discovery of oil and petroleum deposits in the Albertine Graben has generated the promise of faster growth and improved economic and social well-being in the affected regions. It has equally raised concerns with regard to tenure, compensation, displacement and resettlement. Article 244 of

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<sup>9</sup>The Land (Amendment) Act 2010 was enacted in the wake of an increasing spate of evictions of occupants by registered landowners, as a measure to criminalize any such evictions.

the Constitution vests all minerals and petroleum in the Government on behalf of the Republic of Uganda. The Citizens of Uganda, strongly deem these vital resources to be vested in the State in trust for the common good of all citizens. As anticipated, the rush to secure land in oil- rich areas is threatening communal lands which are neither demarcated or surveyed nor titled. Cases of grabbing of land from indigenous communities are reported in these areas, as holders are insecure and do not, possess formalized rights in land entitling them to royalties as provided for under the Constitution.<sup>10</sup> As a result, undocumented customary tenure holders cannot ascertain their right to compensation should the oil companies and/or government decide to acquire the land for any purpose.

**Table 6: Type of Land Tenure of Plots (%)**

	Kampala	Central	Eastern	Northern	Western	Total
Customary	5	12	73	85	50	54
Freehold	62	70	20	4	44	35
Mailo	15	13	2	0	1	4
Leasehold	18	3	4	3	3	4
Do not know	0	2	1	8	2	3
Total	100	100	100	100	100	100

*Source: UNHS, 2002*

The transformation of communal landownership under customary tenure which covers about 80% of the land cover of Uganda can be hastened by disengaging it from the uncertainty, conflict and informality which has restricted such communities to subsistence investments. This will require the adoption of the following measures:

- ✚ *Delimitation and recording of customary land interests:* Adoption of simple, cheaper and faster methods for delimitation and recording of interests in land held under customary tenure at much lower costs than formal titling, subject to land use and management guidelines. This will provide formal recognition of individual and/or household occupancy rights and guarantee the collective welfare of such communities. It will also promote more productive land based investment growth.
- ✚ *Security of tenure and inclusive communal rights:* Facilitate establishment of security of tenure and property rights that support communal resource management by recognizing inclusive rights where users have varying degrees of rights and responsibilities and no one is excluded. The approach will also promote co-management where covenants and agreements are made but treated as flexible and dependent on negotiation.
- ✚ *Rental markets over communal land:* Promotion of rental markets over communal land in order to make land, a physically immobile asset, more fungible. This will create more rewarding opportunities for off-farm activities, including employment.

<sup>10</sup>Land Policy Study on Northern Uganda by the World Bank highlights a high level of land conflicts in Northern Uganda, associated with internal displacement of people (IDPs) and the return of these and other people.

Delimitation will also enable legally enforceable land rental markets to grow and to encourage farmers to migrate from agriculture to non-agriculture work by leasing out land, especially if tenure is secure. This will lead to productivity gains, increased access to economic opportunities and products and overall economic transformation. Land access and market fluidity depend on a whole host of factors, including registration of land rights and an efficient and open land registry.<sup>11</sup> Promoting rental markets over communal land will also require strengthened capacity of land administration institutions and review of regulations that govern customary land transactions.

## 2.6 *Integration of customary tenure into the formal property system:*

Large-scale integration of areas currently under customary tenure into the formal property system will constitute a primary challenge and responsibility for the follow-on LSSP-II.

Currently, the problem of accessing land titles is compounded by bureaucracy, manual operations, corruption, low level of funding to the sector, legal and regulatory constraints, attitude, culture, squatters, historical issues, shortage of relevant skills such as land surveyors and many other related problems<sup>12</sup>. Only around 20% of Uganda's land has been surveyed, and a full physical cadastre exists only for parts of Kampala. Against this backdrop, however, it is already being noticed that the introduction of country-wide LIS is highly welcome by the population and offers a clear promise to change the status quo for the better in the very near future.

Any large scale attempt to integrate customary tenure into the formal legal system will have to include a commitment to an extensive and highly participatory public awareness campaign, easily accessible public information, and education and communication program. The delivery of land services, such as the demarcation of land belonging to Communal Land Associations and traditional authorities, resolution of conflicts and enforcement of land related laws, would be primarily addressed by and through decentralized structures and extensive civil society participation.

The overall national development objective is to enhance operation of the land market and to provide a range of opportunities for individuals that lead to greater overall efficiency of land use management. A number of issues will be monitored in relation to efforts to formalize areas under customary tenure and the performance of land markets, including any consequent enhanced access to credit, impact of Section 40 of Land Act relating to family consent to transactions, and potential negative social impacts. It will be particularly important to monitor and mitigate where possible, land speculation, land concentration and distress sales. This domain represents an unfinished LSSP-I agenda. For the land sector to achieve an acceptable state of land administration effectiveness, the integration of customary land tenure

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<sup>11</sup> The World Bank, Uganda: Promoting Inclusive Growth, Synthesis Report, February 2012, Report No. 67377-UG Poverty Reduction & Economic Management Unit 2 Africa Region

<sup>12</sup> The National Development Plan (NDP)

institutions, including the extension of efficient and cost-effective delivery of land services and the promotion of sustainable land-use practices has to be given high level attention in the next LSSP.

### 3.0 The Policy context

The overall policy context of LSSP-II is the Government of Uganda’s domestic and regional commitment to social justice, good land governance and sustainable utilization of land and land based resources for the socio-economic development of the nation. This is in line with the *Uganda Vision 2040* which articulates clear strategies and policy directions to transform Uganda from a predominantly low income peasant agricultural economy to a modern and prosperous country with per capita income of USD 9,500 within 30 years<sup>13</sup>. This vision requires average real GDP to grow at the rate of 8.2 per cent per annum translating into total GDP of about USD 580.5bn from USD17bn in 2010. (*NDP Vision 2040*).

**Table 7: Development Status and Desired Targets**

	<b>Development Indicator</b>	<b>Baseline Status</b>	<b>Target 2040</b>
	Per capita income	USD 506	USD 9500
	% of population below the poverty line	24.5	5
	GDP	USD17 Bn	USD 580 Bn
	% share of national labor force employed	70.9	94
	Manufactured exports as a % of total exports	4.2	50
	% population with access to electricity	11	80
	% population with access to safe piped water	15	80
	% of standard paved roads to total road network	4	80
	% of cargo freight on rail to total freight	3.5	80
	% level of urbanization	13	60
	Life expectancy at birth (years)	51.5	85
	Literacy Rate (%)	73	95

Source: National Planning Authority – Vision 2040

In pursuit of this level of macroeconomic performance, Uganda will purposefully and sustainably exploit its land and natural resources including; agriculture, fresh water resources, oil and gas, tourism, minerals, information technology, abundant youthful labor force, strategic geographical location and its trade and industrial development potential. These globally competitive opportunities will be harnessed through several long term strategies including: strengthening the legal and institutional framework for securing land and real property rights; access to reliable land information and efficient land markets; investment in physical infrastructure (transport, ICT and energy), Science, Technology, Engineering and Innovation (STEI); and human resource.

<sup>13</sup>Uganda’s population is projected to reach 61.3m in 2040 from 32.9m in 2010.

Internationally, LSSP-II represents an important element of Uganda's contribution to the United Nation's Millennium Development Goals (MDGs) and to the United Nations FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security<sup>14</sup>. At the continent level, the LSSP-II will contribute to the realization of the goal and objectives of the African Union Declaration on Land Issues and Challenges in Africa (2010) using the Framework and Guidelines on Land Policy in Africa<sup>15</sup>. Thus, the LSSP-II will be implemented in accordance with existing and future agreements, standards and protocols within the framework of regional integration.

In addition to Uganda's international and regional policy commitments highlighted above, a number of key domestic policies and related plans and strategies have also informed the design of LSSP-II.

### **3.1 The National Development Plan (2010-2015)**

Uganda's vision of a transformed society from a peasant to a modern and prosperous country within 30 years provides the overall strategic planning framework for the National Development Plan (NDP). The theme of the NDP (2010-2015) is "Growth, Employment and Socio-Economic Transformation for Prosperity". The NDP identifies exploiting national resources gainfully and sustainably to promote competitiveness, independence, self sustenance and a dynamic economy as one of its key Vision Attributes.

Building on the National Vision, LSSP-II will contribute to the following NDP strategic objectives:-

- Increasing household incomes and promoting equity – the attachment of this objective is critical for sustainable economic development;
- Enhancing the availability and quality of gainful employment;
- Strengthening good governance and improved human security;
- Promoting optimal use of land and natural-resources- for long term growth and development.

At the macro level, LSSP-II builds upon ten years of public investment in land sector reforms initiated in 2002/03. The initial LSSP contributed directly to structural transformation of Uganda's economy by promoting access to land for more productive utilization and investment in long term development. Sector wide reforms initiated under LSSP-I have significantly improved the policy and legal framework, helped to clarify and affirm

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<sup>14</sup> The Guidelines are intended to contribute to the global and national efforts towards the eradication of hunger and poverty, based on the principles of sustainable development and with the recognition of the centrality of land to development by promoting secure tenure rights and equitable access to land resources. The eradication of hunger and poverty, and the sustainable use of the environment, depend in large measure on how people, communities and others gain access to land. It is important to note that responsible governance of tenure of land is inextricably linked with access to and management of other natural resources, such as forests, mineral resources oil and gas

<sup>15</sup> The framework is intended to strengthen land rights, enhance productivity and secure livelihoods.

development rights and has advanced the modernization of land administration institutions and operational procedures to lower land market transaction cost.

The Land Sector has demonstrated great potential to further contribute to the achievement of national development objectives through the following livelihood outcomes:-

- more tenure security,
- profitable on-farm investment and higher household incomes;
- increased standard of living;
- reduced vulnerability;
- improved food security;
- more sustainable use of natural resource base;
- enhanced value of poor people's assets;
- enhance land markets.

The primary sector goal under LSSP-II is to ensure efficient management, utilization and protection la land and land based resources for transforming Uganda's economy. In dealing with matters of advancing national development, LSSP-II will instigate strategies to drive growth, increase employment and improve livelihoods and thus make a positive contribution to socio-economic transformation and prosperity for all.

### **3.2 Confluence of Vision 2040 and LSSP-II Strategies**

A crucial aspect of the strategy for realizing Vision 2040 is the integration of the land sector function in national economic planning and development decision making. As previously stated, the vision of the land sector is optimal use of Uganda's land and land based resources. The sector mission is to foster delivery of efficient and transparent land services and the overall sector goal, in concert with Vision 2040, is to facilitate the development of a prosperous, industrialized and dynamic service sector economy. Given the fundamental nature of transparent rights of land ownership and improved tenure for all categories of land ownership, easy access to land for productive investments, progress towards the harmonization of land sector institutions, policy, legal and regulatory framework for land management, , modernization of land services delivery, land information system and supporting infrastructure for planning and decision making has to be sustained.

The vision for Uganda's economic and social transformation aims to reach a higher path of economic growth. Several key strategies dependent on land sector reforms, are intended to facilitate the expansion and diversification of exports and ensure income security. For example, under Vision 2040, government will invest directly in strategic areas to stimulate the economy and facilitate private sector growth. Government will pursue an urbanization policy that will bring about better urban systems that enhance productivity, livability and sustainability; will front-load investments in infrastructure targeting areas of maximal opportunities by focusing on oil, energy, transport and ICT; and will accelerate industrialization through upgrading and diversification (including agriculture) to effectively harness the local resources, off-shoring industries and developing industrial clusters along the value chain; and will pursue policies aimed at leapfrogging in the areas of innovation,

technology and science, engineering, human resource development, public sector management, and private sector development.

Obviously, the call to front-load investments in public infrastructure and to increase technology up-take in agriculture and industry depends on the Land Sector to remove land tenure constraints that prevent the adoption of strategies supportive of the desired transformative long term economic growth. In fact, it is well established in the literature that secure rights to land underpin the sustainability of livelihoods by providing a clear basis on which land holders can plan and invest for the future and the confidence to consider wider livelihood options (including urban migration and livelihood diversification). It is also known that investment in soil management practices in Uganda is not common, but land owners are more likely to invest in soil management practices than tenants, squatters and other occupants. Security of land access and use is therefore an important and frequently necessary pre-condition for the expansion of production and diversification of economic opportunity. It is however not sufficient on its own to ensure livelihoods sustainability and is only one of the factors that influence investment to enhance land productivity. It is imperative therefore that the land sector work within the LSSP framework to ensure tenure security across all tenure categories. But more importantly, resources necessary to systematically formalize customary land rights should be committed during this LSSP period to encourage the transformation of small holder agriculture; to ensure its effective contribution to national development aspirations as articulated initially by the NDP and more recently by Vision 2040.

Vision 2040 recognizes the fundamental role land plays in Government's desire to harness the nation's strategic opportunities for maximizing returns to the economy. However, none of the identified opportunities in the vision can be realized without ensuring that land ownership facilitates development. In an emerging economy driven by market forces, Government needs to, in addition to providing highly reliable land information, ensure the land market operates formally and uniformly throughout the country. With only 20 per cent of the land formally demarcated and registered, one of the cornerstone activities under LSSP-II is to embark on a nationwide systematic land demarcation and survey program that will formally title the remaining 80 percent of the land, mostly under customary tenure system by the end of the Vision period. Together with the computerization of the land registration system and a more proactive emphasis on proper land use planning and effective land management, the LSSP-II will ensure that all future land transactions for development and human settlement occurs within the framework of zoning laws and with minimum distortion. In this and other regards, the LSSP-II remains the most holistic, strategic and operational framework for addressing institutional inertia and reforms aimed at encouraging efficient and sustainable utilization of land assets through multi-sectoral interventions.

### **3.3 Competitiveness & Investment Climate Strategy 2011-2015**

The Second Competitiveness and Investment Climate strategy (CICS II) has as its main agenda and mission, “mainstreaming competitiveness as a driver of growth and prosperity”. Strategic priority 4 (out of a total of five) of CICS-II is “strengthening Uganda’s enabling environment.” CICS echoes the NDP and the Agricultural Strategy in recognizing the importance of creating an enabling environment for business to thrive.

Corruption, tax and access to land are identified by CICS as the three top business environment constraints to competitiveness. LSSP-II will contribute to the realization of the goal and objectives of CISS-II through facilitating land registration and reducing the time for registering property, thereby reducing the cost of doing business and increasing competitiveness. As previously stated, plans to accelerate the registration of land currently outside the formal property system will also facilitate access to credit and land information for planning and decision making. But more importantly, it will promote an efficient and equitable land/property market.

### **3.4 Regional and International Commitments**

Further, an enabling climate for the implementation of this strategic plan does exist and is supported both in policy and precedence by, among others; Uganda’s commitment to the Rio-declaration and the *United Nations Agenda 21*, which outlines key policies, strategies and commitments for achieving sustainable development that meets the needs of the poor. In addition, the MoLHUD is responsible for implementing government actions that demonstrate Uganda’s acceptance of the *UN-Habitat* agenda on safe and secure human settlements and the achievement of sustainable cities, towns and villages. The LSSP-II also advances wide acceptance of both the UN and *the Africa Land Policy Framework and Guidelines (ALPFG)* as reflected by the principles of the national land policy. It also specifically prioritizes recognition of gender equity as an area requiring deliberate affirmative action. Other international land policy conventions referenced include the AU Declaration on Land Issues and Challenges in Arica; the UN FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests and the MDGs

### **3.5 The Africa Land Policy Framework and Guidelines**

The ALPFG in particular provides the guiding principles for land policy development and offers a basis for commitment by member states to the operationalization of sound land policies as a foundation for social stability, land dispute management, human development, economic growth, strategies for alleviating poverty and protecting natural resources. It also underscores the need for popular participation in land policy implementation so as to facilitate improved governance of land resources. The guidelines emphasize regional convergence on the sustainable management and utilization of land and associated resources shared by two or more member states in various parts of Africa. Domestic enforcement of international and regional commitments will, however, require that the management of

resources otherwise controlled by one member state to take into account the needs of nationals of other member states.

The LSSP-II strategic focus therefore in the next ten years is to enhance improvements in land delivery services by continuing to eliminate constraints to the operation of the land market. This will include measures to accelerate access the extension of the LIS and modern land administration procedures; systematically delineate, secure and register ownership rights in customary tenure areas throughout the country; measures to empower all citizens to assert their land rights particularly the vulnerable. But equally important is the promotion of institutional and individual accountability in land sector institutions in order to sustain secured access to land for all and for enhancing productivity and growth.

### **3.6 Guidelines on Improving Governance of Tenure of Land, Fisheries and Forests**

The FAO guidelines for assuring tenure security, poverty and hunger eradication was central to land sector reforms initiated under LSSP-I. The technical guide titled, 'Improving Governance of Forest Tenure',<sup>16</sup> outlines a collection of tools and their appropriateness under a variety of contexts, serve as a reference designed to provide guidance to improve the governance of tenure of land, fisheries and forests with the principal goal of achieving food security for all. These guidelines support and encourage the development and adoption of policies, laws and regulation that support the progressive realization of the right to adequate food security in the context of land sector reforms and national development planning.

Continuing with the national effort towards the promotion of secure tenure rights and equitable access to land, fisheries and forests for all, LSSP-II strategies for scaling up land sector reforms during the 2013 to 2023 planning cycle will continue to be guided by these FAO principles of sustainable development and the centrality of equitable land access and formal recognition fo land rights to the attainment of Uganda's strategic development vision.

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<sup>16</sup> Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests. The Committee on World Food Security (CFS), the Food and Agriculture Organization of the UN (FAO). October 2013.

## **4.0 LSSP- II Design**

### **4.1 Introduction**

In the last decade, Uganda has witnessed high economic growth fuelled by stable domestic economic policies, an expanded internal revenue base and significant increases in foreign direct investments. Real GDP growth at 7.1 percent in the 2008-09 financial year followed by 5.8 percent growth in 2009-10 attests to the steadily improving legal, regulatory and institutional framework for economic reforms. The period also witnessed a shift in national development policy to strategies that overwhelmingly favour private sector led development. Acknowledging the intrinsically technical nature of land sector reforms, the question for Uganda on land issues is therefore not whether or not land should be productively utilized. The pressing policy question is how productive utilization of land should be encouraged without disrupting sustainable growth and without negative social and environmental impacts.

In response to a mandate for strengthening the role of land in national development, the MoLHUD continues to build on experiences accumulated by implementing the first land sector strategy plan from 2002 -2012. The lessons drawn from the last decade confirmed that, under appropriate conditions, the LSSP approach contributes to improved formulation and implementation of sector reforms. Primarily, this contribution stems from carefully designed pilots that call attention to priority land issues affecting stakeholders. Within the LSSP-II investment plan, the Land Sector will sustain its efforts to transform public attitudes and expectations of the sector by continuing reforms aimed at enhancing land tenure security particularly for the majority of rural land holders, and by creating an enabling environment for sustaining land-based investment growth and its dividends.

The Land Sector successes in the previous LSSP are embedded in policy and law reforms, institutional capacity building, increased availability of land information for speedy execution of land transactions, lessons learned from piloting methodologies for systematic formalization of land rights and better responsiveness to user needs. The initial sector investment plan (LSSP-I) 2002-2012 made a concerted effort to revise the policy, legal and regulatory framework and to modernize and transform the technology for delivering land services. The next LSSP will aspire to consolidate the gains from this initial investment by prioritizing the expansion of services to reach previously sidelined or weakly organized stakeholders.

The government has demonstrated strong commitment to undertaking needed reforms and improvement in the land sector and intends to continue sector-wide initiatives in a planned way for the next decade. Between November 2012 and April 2013, an international team of consultants were engaged to assess advances the gains from previous land sector reforms and to recommend strategies and technological innovations for consolidating and extending those gains. The resulting LSSP-II strategy study was, therefore, designed to lay the groundwork

for planning by analyzing current experience and lessons learned; providing a clear articulation of Uganda's land policies, goals and objectives; and setting the parameters for strengthening sector institutions and human capacity for effective management and productive utilization of Uganda's land resources for the next decade. This report is a planning document intended to provide the analytical base for addressing key issues in land resource development, establish a rationale, suggest priorities for interventions in the sector, and provide a sound basis for mobilizing domestic and external resources for accomplishing those sector reforms.

## 4.2 Sector Strategy planning process

The development of the LSSP-II has benefitted from a wide range of opinions gained from a broad range sources; consultations within Government at national and district levels; several official documents, reports and minutes; structured interviews with civil society and other private sector institutions, development partners and survey of key stakeholders and ordinary citizens. By design, a sector strategy plan has to be dynamic and capable of adaptation; to respond to the diverse needs of sector institutions, agencies, civil society organization and other private sector stakeholders.

Put more simply, strategic planning for the land sector begins with the question “*where are we,*” determines “*where we want to go*”, clarifies by which road and how we will go there and at the last stage provides a framework for monitoring and measuring our success.<sup>17</sup> The question ‘*where are we?*’ has been answered by the results of the current LSSP evaluation, which as described previously, include a comprehensive examination and evaluation of the internal and external environment in which the LSSP 2002 - 2012 activities, operations and institution have performed.<sup>18</sup>

The answer to the question ‘*where do we want to go*’ will be provided by the design proposals of the new LSSP 2012 - 2022. The design proposals will encapsulate the **strategic goals**, defined as the general conceptual results which will direct efforts and actions in order to attain the vision; and the **objectives**, which mean the measurable results that, must be secured in order to attain the required goals.

The strategies and activities which are the methods used to achieve the goals and objectives will answer the question ‘*how do we get there?*’ This section deals with developing an implementation strategy in order to answer the question “how do we get to where we want to

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<sup>17</sup> Some of the material in this section is excerpts from **Strategic Planning Guidelines**, Final Draft. Turkey State Planning Organization Working Group for the Preparation of a Strategic Planning Guide. March, 2003.

<sup>18</sup> The basic method used in situation analysis process is SWOT (strengths, weaknesses, opportunities, threats) analysis. The team will use a modified SWOT analysis to determine the LSSP's internal strengths and weaknesses as well as the policy opportunities presented by the national development plan in developing strategies for the future.

go?” In this scope, it looks at shaping the activities and projects of the institution in the direction of the determined objectives, and the strategic planning budget process.

Finally “how to monitor and evaluate our success” presents a framework for monitoring and evaluating activities in a systematic way. The *monitoring* system, consisting of compiling administrative information and reporting on the implementation of the plan, and the *evaluation* process, which measures the degree to which the results of the implementation fulfilled the previously stated mission, vision, principles, goals and objectives and reviews the plan according to these results, answers the question *‘How will we observe and measure our success?’*

### **4.3 LSSP-II Operating Framework**

The LSSP-II 2012 -2022 sets the stage for a unified policy, institutional and sectoral response to land administration and land use management in Uganda. Over the next decade, the LSSP-II will provide the programs, strategies and activities for the attainment of the ten-year vision and mission of the Land Sector and the operational framework and investment plan upon which the Government of Uganda and all sector institutions and stakeholders shall be guided. The strategy also provides a sector wide budgeting and financing framework based on the MTEF and bilateral development partner contributions for the purpose of securing sustainable funding for the ten year strategy.

### **4.4 Vision and Mission**

Uganda is endowed with abundant natural resources; however land remains the prime source of sustenance for the vast majority of the population. Land is a productive asset at the base of all productive sectors in the economy and a catalyst for transformation, growth and prosperity. Consequently, land resources that serve as a springboard for optimal use and development needs to be managed as such - recognizing that wise resource allocation can greatly enhance development prospects for the country, but unwise use can undermine the same.

In the light of this, the *vision* which depicts the ultimate aim of the land sector is:

***“optimal use of Uganda’s land and land based resources for a prosperous, industrialized and developed service sector economy”***

The vision highlights the strong link between optimal land management and national aspirations for transforming today’s predominantly subsistence agricultural economy to one driven by commercial agriculture, planned human settlements and support for industrialization and a growing service sector.

To achieve the national development vision of a prosperous society, the productivity of Uganda's land must be guaranteed and enhanced. At the same time, however, it is necessary to manage land in a sustainable manner. Only an economy which follows a *sustainable development path* can guarantee non-declining welfare over time, and the Land Sector has a crucial role to play in selecting the right path.

To achieve this vision, the mission of the land sector as embodied in the strategies outlined below is:

***“to foster delivery of efficient and transparent land services”***

The mission provides the framework into which the LSSP-II strategies and activities will be integrated; it guides decision makers in the difficult task of selecting the most appropriate course of action to achieve sustainable productive use of Uganda's land resources to enhance the quality of life. The approach is consistent with Government policy which focuses on 'improving public service delivery and removal of impediments to private sector growth'. Government intervention in the economy will be mainly concerned with creating an enabling environment for effective participation of all stakeholders in economic activities, rather than on direct interventions to alter the market outcomes.

#### **4.5 Guiding Principles for the LSSP-II**

To achieve the social stability required for efficient functioning land tenure systems, land policy has to incorporate principles crucial for tenure security; equity and social balance, efficient agricultural production and more diversified land use in rural areas. It should be dynamic and able to accommodate sectoral change and urbanization as well as environmentally sound development. The Uganda National Land Policy, therefore, provides a set of Guiding Principles for its harmonious implementation by the land sector and others working with land tenure issues.

Guided by the National Land Policy which articulate national and sub- national priorities, the principles which have informed the development of this strategy plan include:

-  Land is a basic natural resource central to the development of Uganda, its use and development must contribute to poverty reduction;
-  Land must be productively used and sustainably managed for increased contribution to economic productivity and commercial competitiveness;
-  Land sector strategy must address all the multiple social, cultural, economic, ecological and political functions of land;
-  Access to and transmission of land must reflect concern with equity and justice irrespective of gender;

- ✚ Management of land resources must contribute to democratic governance, by nurturing institutions and procedures for resolution of land disputes and conflicts;
- ✚ Management of land resources must mitigate environmental effects, reverse decline in soil quality and land quality;
- ✚ Civil society organizations, faith-based institutions, cultural institutions and the private sector must work hand in hand with government actors to achieve the vision, goal and objectives of this policy.

These principles support the adoption of more effective ways to improve the economic and social situation of people and their land rights. They encourage increased target group participation and support land tenure security for all, especially in the face of rapidly changing development opportunities and processes. Consequently, the values embedded in this LSSP are intended to give systematic shape to the discussion on land tenure and land reform issues; advance the development of far sighted land use planning and physical development; generate specific technical knowledge; provide support for decision-making; and initiate constructive discussion of land sector goals, strategies and policy interventions in Uganda’s diverse social and cultural environments.

## 5.0 Strategic Objectives and Priority Action Areas

The strategic plan recognizes the fact that, the administration of land resources has an important bearing on the democratic process. Structures governing access, control and management of land are as much about the consolidation of democracy as they are about asset stewardship. Linked to this is the need for strategies to integrate land administration and management into systems of governance at all levels. Lessons learned from previous policy initiatives points to the fact that, in addition to the selection and installation of the right land administration technology platform for delivering land services, the devolution of power over land management and the decentralization of the delivery of land services to local land governance institutions are key considerations if inefficiency and corruption are to be exposed and addressed.

As such, six broad strategic objectives for the Land Sector have been identified. These objectives are instrumental to the achievement of the sector vision and mission. Each strategic objective defines the *direction* towards which actions may be needed to achieve the implementation goals of the LSSP II.

### 5.1 Strategic Objective 1

***“To create an inclusive policy, legal and regulatory framework for land administration and land management.”***

As noted in the preamble to the National Land Policy, perhaps the most critical and challenging elements of Uganda's land question, courtesy of a colonial legacy, are to do with disentangling the multiple and conflicting tenure rights and interests that often overlap in the same piece of land. The multi-layered structure of land rights, that has become a defining characteristic of the complexity of land relations in Uganda, has been largely blamed for the escalating land conflicts and evictions. To achieve the social stability required for efficient land tenure systems, land policy has to affirm principles crucial for ownership and tenure security. These include, but are not limited to egalitarian distribution of access to land resources, certainty of ownership, and transferability to more productive and more diversified rural and urban users, environmentally sound development and ability to accommodate the dynamics of urbanization and sectoral change. These elements require a coherent legal and institutional framework together with greater public awareness of needed reforms, and sound implementation programs to examine the appropriateness of policy interventions under local conditions.

To enable the full utilization of Uganda's land resources, the legal and regulatory framework for land administration and land management has to encourage rural and urban land development in a controlled and planned manner. This requires action to fully implement the principles, strategic guidelines and procedures enshrined in the National Land Policy and the National Physical Planning Policy.

#### **Strategies for achieving the policy and legal framework objectives**

1. Implement and disseminate the National Land Policy and Land Use Policy
2. Develop, implement and disseminate sub-national land policies and land use policies
3. Formulate, review and revise land related laws, regulations and guidelines

*For specific intervention activities, see Appendix 3*

#### **Indicators of Performance**

The comprehensive policy, legal and regulatory reforms started under LSSP-I are expected to proceed concurrently to provide the legal, regulatory and operational guidelines for implementing the National Land Policy and Physical Planning Act; to ensure they are harmonized and streamlined for a rational, accessible, transparent and efficient land administration and land management system for Uganda.

The revision and drafting of the following key laws will be accelerated for completion and promulgation as a matter of high priority:

- Land Acquisition Act;
- Registration of Titles Act (Cap230);
- Survey Act, Cap 209;
- Surveyors Registration Act;

- Local Government Rating Act;

A more comprehensive list of land related laws under review along with new laws to accommodate the greater reliance on land information and to accommodate modern survey practice is presented in *Annex 2* of this report.

How people, communities and others gain access to land, fisheries and forests is defined and regulated by societies through ingenious local systems of tenure. These tenure systems determine who can use which resources, for how long, and under what conditions. The systems may be based on written policies and laws, as well as on unwritten customs and practices. Customary tenure systems increasingly face stress as Uganda's growing population requires food security, and as environmental degradation and climate change reduce the availability of land, fisheries and forests. Inadequate and insecure tenure rights increase vulnerability, hunger and poverty, and can lead to conflict and environmental degradation when competing users fight for control of these resources.

While recognizing the existence of different models and systems of governance of these natural resources under national contexts, the LSSP-II will take the governance of land and associated natural resources into account in their implementation of reforms, as appropriate. The strategy plan aims to accelerate the harmonization of existing and new land laws and to tackle all that needs to be done by the land sector to safeguard land rights for land users. The plan sets a clear objective: to develop a legal framework and promote implementation on the NLP over the next ten (10) years term of the LSSP-II, so as to, among others, facilitate the alleviation of poverty, through income opportunities accruing from investments in land by land owners and other with secure tenure. However, because the legislative process is subject to political authorization, a case will have to be made to ensure key legislative products do not delay the legal protections required to implement strategic LSSP-II interventions necessary to achieve the desired outcomes.

The need to create an inclusive and pro-poor land and land use policy and legal framework for the sector will depend on four closely related activities:

**Dissemination and Implementation of the National Land Policy:** For the ten-year program period, the strategy is to disseminate the recently approved National Land Policy and making resources available for developing and implementing complementary District Land Policies are a Phase 1 priority. There is also the added responsibility of developing public information, education and communication material to inform the public.

**Preparation of land use and physical development plans:** The process of developing a national land-use policy has been completed and now forms an integral part of the National Land Policy. The next priority is to develop land use plans to guide resolution of land-use challenges and the formulation of measures to enhance sustainable land use in urban and rural environments and in protected areas. During Phase 1, the Physical Planning Division will concentrate on developing a National Land Use master plan and District Land Use Plans. During Phase 2

emphasis will focus on implementation of district land use and physical development planning and the development of by-laws for monitoring of implementation.<sup>19</sup>

**Legislative review and harmonization of land related laws:** Legislation initiated under LSSP-I will be continued and completed during the first 5 years of the LSSP-II. This will be necessary to provide legal backing and to lay the foundation for effective implementation of the NLP. The process of developing new legislation and revision of obsolete laws and the harmonizing other land-related legislation is expected to extend over the next three years.

**Policy regarding the land rights of vulnerable groups:** Measures will be taken to continue to strengthen the land rights of women and vulnerable groups by clarifying policy, through law reform and the implementation of the tenure reform program.

**Other studies:** These include studies to guide the integration of communal land management institutions, systematic demarcation methodology, and revenue generation, revenue sharing strategies for the land sector and on mechanisms for land sector fiscal transfers.

The principal strategic policy implementation focus is to create the right policy and legal environment to secure and protect land ownership rights, duties and obligations. This will be achieved through the development of District Land Policies, laws, regulations and guidelines for rational, accessible and efficient land administration (surveying, mapping and land information systems) and District land use and physical development plans for sustainable land management (valuation, physical planning and human settlement) systems. The second is recognition of the fact that, the National Land Use Policy 2008, the Physical Planning Act 2010 and the National Development Plan 2010/11- 2014/15 all emphasize optimal land utilization for socio-economic development. However, both the National Land Use Policy 2008 and the Physical Planning Act 2010 have not been fully implemented. Their operationalization will require developing a National Physical Development Plan (NPDP) as one of the key outputs of the LSSP-II. This plan would re-examine the existing situation with a view to proposing a structure that will turn the development challenges into well balanced opportunities for sustainable national development. Full operationalization of National Land Use Policy and enforcement of the Physical Planning Act 2010 is only possible when the National Physical Development Plan and all the relevant sub-national development plans are developed and agreed upon as key tools for achieving the LSSP-II mission.

## 5.2 Strategic Objective 2

The National Land Policy addresses issues pertaining to the role of land in national development. The National Land Use Policy, which is a subset of the National Land Policy, gives general guidance on optimal and sustainable utilization of land based on land suitability, social and demographic factors. With Uganda's population density now around 230 persons per square kilometer, the range and distribution of land rights, land

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<sup>19</sup> The costs of developing district land use policies and plans are included under District Land Offices.

administration, revenue and taxation issues and the need for intensive methods of farming are increasingly dominating national policy dialogue.

***“To ensure efficient utilization, protection and management of land and land based Resources for transforming Uganda’s economy.”***

The majority of land in Uganda is still under *mailo* land tenure or customary systems of management and administration. These systems can, more or less, be either conducive or counterproductive to effective management of land for agriculture and human settlement. Security of land tenure contributes to productivity enhancement and sustainability, conveying to the owners a sense of *stewardship* towards their resource. Research has shown that secure land tenure is important institutional factor affecting agricultural technology utilization by farmers because it provides incentives for greater investment to enhance the productivity of land.<sup>20</sup>

**✚ Strategies for achieving efficient management and utilization of land:**

1. Develop and implement the National and Sub-national Physical development plans
2. Develop and implement land use and physical development plans at regional, district and municipal levels
3. Ensure proper land use practices comply with sound environmental and natural resources management
4. Ensure equitable access to land for orderly development of urban and rural settlements
5. Identify, assess, inventory and register Government Land
6. Review, update and Clarify Procedures for Land Acquisition by Government,
7. Improve accessibility of land services to land and rental markets.

*For specific intervention activities, see Appendix 3*

8.

## **Indicators of Performance**

***Accelerate development and implementation of physical development plans:*** Land use plans apply the policy objectives and principles to specific areas and define these in terms of the way land is to be utilized for human activities, conservation and infrastructure development. These will be in the form of maps and written statements that clearly bring out the implications of land use and management decision to particular areas.

Land use Mapping includes:

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<sup>20</sup> “Land Tenure and Agricultural Productivity in Uganda.” International Food Policy Research Institute. Policy Brief No.5, 2008.

- Preparation of Framework (national, regional and District) Land – Use Plans and land Bank(s)
- Preparation of Strategic Urban Development Plans
- Preparation of Rural Settlement land use plans

Physical planning involves:

- Refinement of Strategic Urban and Rural Development Plans
- Preparation of Settlement Layouts – Town Planning Drawings
- Designation of Areas Ripe for Development

With the passage of the National Land Use Plan and the coming into effect of the Physical Development Act, land use planning which will enable sustainable and environmentally safe development of natural resources has moved to the top of the LSSP-II agenda. To facilitate orderly development, national land use planning will be carried out at different sub-national levels: regional level, district level, and urban level. Initial emphasis will be placed on accelerated development of the National Physical Development Plan and thematic planning for special areas with high economic potential in order to bring such areas into productive utilization and orderly development. Urgent planning for “hot spots” include the oil rich Albertine region, the rapidly developing former IDP camps and settlements in the post conflict Northern regions, and parts of the country. These areas will be prioritized for physical development planning right from the initial implementation years of the LSSP-II.

Planned rural settlements are necessary for cost-effective location and provision of services. However, productive utilization of arable land and planned and orderly human settlements development is currently inhibited by several land sector related policy and enforcement weaknesses. Land tenure regimes that allow for multiple and conflicting rights and interests over the same piece of land impede both agriculture and housing investments and encourages infringement on prime agricultural land, environmentally sensitive areas such as wetlands and hilltops.

**Phase 1 PDP Priority Activities**

- Initiate development and completion of the of the National Physical Development Plan by the end of LSSP-II FY 2;
- Accelerate development of Albertine Graben area and other areas of high economic potential as a matter of high priority
- Proceed to develop regional Physical Development Plans in areas prioritized to support other LSSP-II implementation activities such as systematic demarcation and demarcation of land belonging to traditional communities and communal land Associations.

Urban settlements are particularly associated with informal settlements, inadequate shelter, lack of infrastructure and basic services. Population pressure, land hunger attitudes, overlying land rights, lack of affordable housing, lack of proper planning policies and failure to enforce planning and development controls are all contributors to sprawling urbanization. Uncontrolled expansion of Uganda’s urban settlements onto semi-natural and agricultural

areas infringes on prime agricultural land and is a major threat to environmentally-sensitive areas.<sup>21</sup>

Restrictive land-use policies in one land tenure jurisdiction (freehold and leasehold) may lead development to ‘jump’ to one that is favorably disposed toward unplanned development (mailo and customary tenure areas) or is less able to prevent or control it. Having a proper planning policy is not enough, rather its successful implementation and enforcement is more important. Unsuccessful, corrupt and intermittent enforcement of land-use plans are some of the underlying reasons for the continuing expansion of urban sprawl. Clear property rights in both urban and rural land encourages compliance with development planning and has the potential of increasing revenues through land taxation and enhancement of rural development and investment in agricultural transformation.

***Land Dispute Resolution:*** Government policies should not only be concerned with raising productivity and economic efficiency via greater security and access to land resources, they should also aim at reducing land disputes, conflicting land claims, inequality and correcting historical wrongs and legislative bias. This will require focusing attention on careful study and analysis of options for institutional reform and implementation of appropriate dispute resolution mechanisms, regulatory and administrative arrangement in those areas where a high level of land-related contention and conflict prevail. It will also require the establishment of stronger and better facilitated Dispute Resolution mechanisms.

***Inventory of Government land :*** More effective utilization of land will also include careful examination of land currently owned and others classified as government land since the Constitutional limitations and reforms introduced by the Land Act 1998. Government land now comprises only land that is occupied and used by Government for public purpose. Adequate documentation is needed to prevent conflicts, encroachment, and poor management of Government land resources. Further, the rationale for maintaining some of these properties is no longer clear and the demarcation, valuation and assessment of use of government properties is now needed for better land use planning and for improved management of the Government’s land holdings.

***Operationalization of the Land Fund and Land Fund Credit:*** Under LSSP, the land fund activities were scaled back, although efforts were made to retain its original historical and political context. Immediate priorities such as the rehabilitation of degraded through resettlement of internally displaced persons; the purchase of land for reallocation to the inhabitants of Kibale district; facilitating land readjustment in mailo areas to enhance productivity were attempted. Another possible approach for bringing underutilized mailo land into production is to encourage a land owner to swap some land for free in return for a

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<sup>21</sup> Although Galster et al. (2001) argue that sprawl as a pattern or a process of development is to be distinguished from the causes that bring such a pattern about, Ewing (1994) argue that impacts of sprawling development present a specific development outcome that is undesirable. Therefore, whether a pattern is good or bad should be analyzed from the perspective of its causes as well as the consequences of the factors that are responsible to bringing such patterns about in the first place.

portion of land which is serviced (e.g.: road access provided nearby). Government would fund infrastructure to service an area, and/or fund the technical services required to undertake the work (surveying, valuation, and registry work in clearing up the title, demarcation and certification).

Operationalization of the Land Fund will be targeted as a priority area for several reasons. It is important to develop guidelines for readjustment of rights through a process of negotiation and transfer, and to proceed to operationalize the Land Fund to ensure all parties consent and are satisfied with the outcome. The focus on strategies to operationalize the land fund, including the credit facility to provide equitable and secure access to funds for land development, will be informed by international best practice for market assisted land redistribution models from Malawi and other developing countries.

### 5.3 Strategic Objective 3

***“To improve equity in access to land, livelihood opportunities and tenure security for vulnerable groups.”***

In Uganda a major continual challenge which land policies have to face is the need to blend tradition and modernity in land rights regimes. In this respect the NLP provides guidelines for removing rigidities in traditional structures and systems which tend to discriminate against women, tenants, migrants and minority groups while at the same time building on and thereby clarifying tenure arrangements. Additional scrutiny of the law and mechanisms for enforcing the land rights of women are needed. Other deliberate strategies to integrate customary land in the formal property systems will also be necessary to ensure that an enabling environment is created for securing the land rights and livelihood opportunities of vulnerable groups. This is important for improving agricultural productivity in general and food security in particular.

In acknowledging the legitimacy of traditional land rights, land policy processes must also recognize the role of local and community-based land administration/management institutions and structures, alongside those of the State. Consequently, the LSSP processes will seek to provide the necessary interface between state and traditional systems, particularly with regard to the certification of land rights and the empowerment of decentralized land rights administration institutions. Colonial legacies which tended to ignore communal land administration structures must give way to new and innovative policies including the provision of statutory frameworks for demarcation and certification of informal land rights regimes.

 **Strategies for achieving equity in access to land and secure tenure for vulnerable groups**

1. Strengthen land dispute mechanisms, institutions and structures.
2. Strengthen the land rights for the poor and vulnerable groups.
3. Operationalize the Land Fund to provide improved land access
4. Streamline and integrate Traditional Land Administration with formal systems.
5. Increase provision of public information on land rights

*For more specific intervention activities, see Appendix 3*

## **Indicators of Performance**

***Strengthen Land Dispute Resolution Institutions and Mechanisms:*** Undefined land boundaries and ownership over communally held land is at the root of multiple claims to the same land parcel and conflicts over the rights of access to and sharing of the ever decreasing common property resources. Conflicts over the nature of interest transferred, over the rights of access to pastoralists, and attempts to recover customary land after sale have become more frequent and more contentions. Furthermore, the irresponsible, wasteful and unregulated management and use of common property resources contributes to land degradation and forced migration, famine and drought. The state of endless fear of displacements, evictions, destruction of property and death adds to tenure insecurity and vulnerability and is often the trigger for land conflicts as stronger communities try to displace weaker communities.

Access to justice and dispute resolution in regard to the land sector has a direct connection with good governance and contributes to poverty eradication, and is therefore a priority area for LSSP-II. The formation of Communal Land Associations (CLA), as prescribed under section 15-26 of the Land Act, also provides security of tenure by allowing land holding communities to incorporate into a legal trust with a clearly defined management structure, able to hold registered title to land, sue and be sued in its own name, and to use that legal regulatory framework to improve tenure security and the welfare of the group as a whole.

Government decision to re-instate Land Tribunals as recommended by the National Land Policy will enable a combination of Land Tribunals at district level and LC Courts at lower levels to operate as originally planned. This will combine easy local accessibility with enhanced fairness as well as affordability within the prevailing resource constraints. The use of the adversarial system of litigation will be discouraged as this has tended to promote protracted, time consuming, costly and acrimonious dispute resolution. Awarding punitive damages in litigated cases frequently result in bankruptcy, social distress and disharmony. The adversarial process has also been linked to land dispute related mischief or criminal tendencies by the loser, keeping the disputed land out of productive use long after resolving the dispute.

***Strategies to improve working relations with the judicial officers:*** A key LSSP-II intervention to strengthen and improve land dispute resolution is to develop *better working*

*relationship between the land sector and the Judiciary* to help clear the backlog of cases clogging the courts. Deliberate strategies may also be necessary to improve understanding of land rights, develop a better understanding of the practices and principles which underpin the process of registration. This may call for a review and simplification of the law and procedures for land dispute resolution for Judicial Officers. Another intervention is to review existing land regulations in order to provide greater recognition of the role of *Traditional Institutions* in land administration and land dispute resolution and to develop procedures for formalizing their decisions. Third potential intervention is to promote *mediation* through formalization of mediation practice in Uganda. The latter should include the establishment of mediation centers for coordination to help define the applicable law of mediation under the Land Act and the Registration of Titles Act. These Alternative Dispute Resolution (ADR) mechanisms of first instance for land dispute resolution provide opportunities to harmonize conciliatory principles and practices for land dispute resolution under customary law.

***Formalization of Communal Lands:*** The vast majority of land in rural Uganda lacks formal recognition, making it more difficult to prevent conflicts or to resolve them at low cost. Deliberate efforts to secure the land rights of weaker groups will enable them to assert their rights against competing claims, and to bring land to its most productive use (including rental). Provision of information on land rights is a key strategy for improving the security of land rights and therefore livelihoods of vulnerable groups. It is also important for ensuring poor people, land owners and users in general are empowered to demand their rights, make use of and monitor land services. Formal ownership and an approved common land management scheme provide enforcement mechanisms for ensuring sustainable utilization by the community of the natural resources available within common land management regimes. As part of the common land improvement plan, a Communal Land Association (CLA) is entitled to set aside land for the purpose of granting leasehold rights to nonmember-investors under stipulated terms and conditions registerable as an encumbrance on a certificate of customary ownership.

***Demarcation and Certification of Communal Land Rights:*** Land policy consultation processes confirmed the need for convergence between state and traditional systems of land administration, particularly with regard to the certification of land rights, the empowerment of decentralized institutions in land rights administration, and the management of land as a resource at the local level. Colonial legacies which tended to ignore communal land administration structures must give way to new and innovative policies including the provision of statutory frameworks for the documentation and codification of informal land rights regimes.

Under the Land Act, (Cap 227), demarcation and certification apply to unregistered land (either customary land or occupancy rights) and provide legal evidence of land rights. The service included the processing of claims, demarcation of boundaries, issue and recording of certificates of ownership, confirmation of established occupancy. In addition, the Act most importantly assigns responsibility for the recording of subsequent transactions to Land Committees and Recorders at sub county level. However, demarcation and certification were

not equivalent to formal survey and registration, both of which provide a higher standard of legal evidence.

The lack of practical recognition by the formal legal system, banks and other financial intermediaries has undermined governance at the local level and encourages patterns of land use that are neither productive economically nor socially and environmentally sustainable. Furthermore, the costs of recording land rights and of resolving disputes are high due to institutional inefficiency and lack of knowledge about the provisions of the 1998 Land Act, especially among the poor and women whose interests the Act is designed to protect.

The certification of Communal Lands is both a preventive dispute resolution approach. But the need to systematically register communal land rights is a priority for integrating customary lands into the formal property and land market systems. Agreeing on the objectives, technical requirements and principles which will underpin procedures for mass formalization of interests in land held under customary tenure will have to include the application of customary law as the basis for land adjudication, demarcation certification and registration. The process will automatically require in-built processes of land dispute resolution in light of the provisions of the National Land Policy, the Constitution and under the Land Act and the Registration of Titles Act (Cap. 230).

Consequently, the need to register communal land rights will first, require a review of the law on mediation practice in Uganda as an appropriate ADR mechanism of first instance for land dispute resolution. It will also require careful study to harmonize the principles and practice for land dispute resolution under customary law with the principles of mediation under the Land Act in order to create a single system for land dispute resolution. However, the increased tenure security expected through formalization and the associated investment and rental market opportunities created is a land sector priority. The Policy objective is to enhance fungibility and incentives for productive use of land in a large segment of Ugandan society. The economic objective on the other hand is to secure access to land resources through a variety of tenure systems that guarantee returns for short or long term investments. This is important for the improvement of agricultural productivity in general and food security in particular. Clear property rights in land also have the potential of increasing revenues through taxation and enhancement of agricultural exports.

Obviously, the LSSP-II has, as one its key strategic aims, initiatives to strengthen land dispute resolution mechanisms to include the judiciary, land tribunals and lower level institutions. These efforts will be essential to control and reduce land conflicts. More importantly, the LSSP-II intervention priorities will include efforts to remove the backlog of cases clogging the courts as a result of the suspension of Land tribunals. The plan will also explore ways to enhance the capacity of the judiciary for resolving land cases and by simplifying procedures for dealing with land cases. Additional review of the Land Act Regulations will also be necessary to provide greater recognition of the role of Traditional Institutions in land administration and in land dispute resolution.

The activity types envisaged are those that would help to achieve the strategic objective of developing the capacity of the judiciary and land sector institutions for more responsive dispute resolution. They will include sensitization and training as well as introduction of internal and external monitoring mechanisms. Considering the challenges of undertaking a national program to systematically formalize customary land rights makes it plausible to consider establishing a centre for land dispute resolution through mediation for coordination, formalization and training of accredited mediators at all levels. There is also need to ensure sufficient resources are also provided for these activities.

***Systematic Demarcation of Individual Parcels:*** In many Sub-Saharan African (SSA) countries, where much land is still held in common and land values are relatively low, Systematic Demarcation or delimitation of boundaries and registration of communal land can be more cost-effective and appropriate than registration of individually owned land. Many SSA countries have already made legal provisions to recognize customary tenure and communal land (AldenWily, 2012) and are hence in a position to embark on the more urgent task of registering communal lands. Following the registration of communally owned land is effected; the allocation and management of individual and family plots can be left to existing traditional institutions, with the option to transition to more formal systems of registering individual land rights as the need arises.

***Disentangling overlapping land rights:*** Land readjustment is a technical approach for resolving tenure insecurity issues and also to plan and service an area to facilitate poverty eradication and agricultural production. It involves the formulation of partnerships for consolidation or land swapping for the good of a range of stakeholders - occupants, owners, Government and service providers. Land Readjustment involves the readjustment of rights through a process of negotiation and transfer, and has to be carefully carried out to ensure all parties consent and are satisfied with the outcome. The modalities for Land Re-adjustment were supposed to be developed and piloted under LSSP-I. Failure to do so left the problem of conflicting land claim unresolved and the plight of mailo tenants in particular subject to arbitrary and forcible eviction with only limited recourse to the law.

***Protection of vulnerable groups:*** The protection of vulnerable groups - women, children, the disabled, mailo tenants and others - features prominently as a desired outcome of the LSSP in concurrence with a broader positive effect on poverty and social stability. Better and more productive management of land requires that the land rights of vulnerable land holders be strengthened through a variety of mechanisms including the restoration of land tribunals and other alternative dispute resolution mechanisms. It also requires the education and enforcement of legislation that allows women to enforce documented claims to land within and outside marriage.

The Land Sector should seek to increase public awareness of the role of land administration and land management institutions as well as the land rights of citizens under all tenure categories. Public information, education and sensitization would help remove rigidities in traditional structures and systems which tend to discriminate against tenants, migrants,

women and minority groups while at the same time building on and thereby clarifying tenure arrangements. In acknowledging the legitimacy of traditional land rights, public education, information and communication campaigns must also recognize the role of local and community-based land administration/management institutions and structures, alongside those of the State.

***Land Amendment Act 2010:*** Article 237 of the Constitution created security of occupancy for lawful and bona fide occupants of land, and pursuant to the Constitution, the Land Act passed in 1998 defined the terms ‘lawful occupant’ and ‘bona fide occupant’, and provided for the security of occupancy of the tenants. It also provided for the issuance of certificates of occupancy to tenants. However, responding to the sharp increase in mailo land sales, illegal evictions and a corresponding increase in violence and social tension, the Land Amendment Act 2010 was enacted to enhance the security of occupancy of lawful and bona fide occupants (tenants) on registered land by including a provision that offers tenants a grace period of six months before an eviction order can be effected. Although the legislation goes a long way in addressing the problem of illegal evictions, ultimately, this problem will have to be solved through the use of the Land Fund.

#### ***Operationalization of the Land Fund to Address Historical Injustices***

The Land Fund provides the most desirable opportunity for disentangling overlapping land rights in mailo tenure areas. This can be achieved through land readjustment or by purchasing land from absentee landlords for redistribution to resolve historical injustices. Although land fund resources, managed by Uganda Land Commission was used to acquire 55,869.53 hectares of land from 2002 through 2012, the land acquired could not be redistributed or used because no regulations or guidelines exist for managing Land Fund activities. Operationalization of the Land Fund will be targeted as a priority area because it is important to develop the required guidelines for readjustment of rights through negotiation and transfer and to proceed to operationalize the Land Fund to ensure all parties consent and are satisfied with the outcome.

## **5.4 Strategic Objective 4**

***“To increase availability, accessibility and affordability of land information for planning and development.”***

The provision of reliable and up-to-date land information is a key strategy for clarifying land rights and security of tenure and therefore livelihoods. Availability of information on land rights, land administration and land management processes will be necessary to ensure consensual implementation of potentially controversial aspects of the LSSP, in particular systematic demarcation of individual and communal lands, government land inventory, and the development of the Land Information System (LIS).

From the public's perspective, the MoLHUD can only be seen to discharge its primary role effectively only if the land delivery process is conducted to the satisfaction of land users and the economy. The technical back office services leading up to delivery of tangible products such as physical planning, surveys, cartography, valuation and land inspectorate functions are normally not obvious to the public. Unfortunately, because these back office activities are hidden from public view, they have traditionally been neglected, under-resourced and severely lack capacity at all levels.

#### **Strategies to increase availability of land information**

1. Review, roll out and sustain the Land Information System (LIS)
2. Develop Policy, Regulations and Guidelines for geo-spatial information production and management
3. Establish National Spatial Data Infrastructure that integrates data for planning and development.
4. Establish and appropriate infrastructure for geodetic reference frames to facilitate surveying, mapping, construction industry and other services.
5. Review and roll out a national program of systematic adjudication, demarcation, survey and certification or registration of land.

#### **Indicators of Performance**

In order to enable stakeholders to use and manage land effectively and sustainably, better information has to be made available in forms appropriate and relevant to different land users as private individuals, companies, Government or civil society. Only scattered information is currently available, and usually to more educated and wealthier stakeholders. New investment in modern physical facilities, equipment and considerable capacity building is urgently needed by all the land administration and land management departments of MoLHUD. In fact, the recent transition to digital LIS cannot be sustained without equipping and enhancing the competency and capabilities of the staff to undertake the technical functions necessary to produce the spatial information required for land administration decisions. It is the aim of the LSSP-II to consolidate and sustain efforts necessary for creating a coherent and comprehensive Land Information System (LIS), which is relevant and readily accessible to the majority of the population at reasonable cost.

***Develop and Enhance Survey and Mapping Capacity:*** Due to a very long history of neglect, the physical facilities housing the Survey and Mapping Department and equipment are both physically and functionally obsolete and not suitable for the digital mapping needs of today. All divisions of the department need to be retooled and modern equipment critically essential for supporting land information systems provided. The upgrading of the department will also require resources for building staff capacity and training to develop the level of competency

necessary to meet both the public and private sector demand for spatially referenced information and to support daily land sector operations. This is a high level priority under LSSP-II. A program to modernize the Survey and Mapping Department should also include the development of a mapping policy and guidelines harmonized with the revised Registration of Titles Act and the Survey Act, all of which should form an integral part of a revised and updated Survey Regulations.

***Establish appropriate geodetic reference frames:*** The primary challenge to adopting a modern LIS to support the delivery of land services is to ensure the supporting technology and skill for producing the spatially referenced information needed is also in place. An important opportunity in cost-effectiveness is afforded by supporting the re-establishment of Uganda's geodetic reference network, upgrading the Survey and Mapping Departments capacity to produce and distribute updated base maps for multiple users, including land use planning at all levels of government, and a planned national program to systematically demarcate approximately one million individually owned land parcels, communal land management areas and ranches throughout the country by the end of the LSSP-II implementation cycle in 2023.

In Uganda as in most Sub-Sahara African countries, the best practice is gravitating toward establishing a core number of Global Navigation Satellite System (GNSS) receivers and Continuously Operating Reference Stations (CORS). The desired goal is develop and tie a fundamental CORS into the Association Française de Réflexion et d'Echange sur la Formation (AFREF) network; building on these gradually with either more CORS and/or GNSS-based passive stations supplemented by *ad hoc* GNSS-based positioning.<sup>22</sup> Such an investment is also necessary to survey and maintain Uganda's international boundaries, District land borders, to rehabilitate and densify national geodetic networks and to put up modern survey control facilities. Taken together, it is urgent to develop Uganda's horizontal network to at least 1<sup>st</sup> order, covering the entire country as a LSSP-II phase one priority. Development of a vertical network should be considered later.

The hierarchical sequence of LSSP-II phase one activities and products expected under this strategic objective include:

- 🚧 Development of a scaled topographical (terrain) model of the land, which involves:
  - Establishing a geographical (geodetic) referencing framework in plane and elevation (framework data)
  - Mapping the landscape at functional scales (thematic data)
  - Mapping Settlement Areas at functional scales (thematic data)
  - Develop geographical information systems (GIS)

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<sup>22</sup>See *Appraising Investments and Technologies for Surveying and mapping for Land Administration in Sub-Saharan Africa*, Produced by Frank Byamugisha, Tony Burns, Vladimir Evtimov, Suha Satana, and Gunther Zulsdorf, World Bank, 2012.

- ✚ Cadastral Processes for land parcel definition and registration: This stage involves:
  - Densification of Survey Control Framework
  - Cadastral Survey (Transfer of TP Drawings to Ground) Works
  - Approval of survey and registration of Survey Plans
  - Develop Land Information System (LIS)

Additional support for modernizing surveying and mapping capabilities derive from the need for scaling up Systematic Demarcation in order to generate large quantities of high quality data to fully populate and utilize the LIS. This calls for more investment in digital mapping technology and the ability to store and share land information through a national spatial data infrastructure (NSDI). The LSSP-II will attempt to optimize resources by prioritizing mapping investments in areas of rapid growth such as urban, peri-urban, and highly developed rural areas; setting up a financially sustainable base map updating system; and accompanying the investments in mapping with elimination of unnecessary secrecy restrictions in order to promote the sharing of spatial data within and between the public and private sectors.

***National Spatial Data Infrastructure:*** The development of a National Spatial Data Infrastructure has also been prioritized to start by procuring a study to review existing policy, legislation, regulations and guidelines (norms and standards) for spatial data and metadata production, maintenance and distribution. This is to ensure optimum access and use of spatial information being generated now and in the future.

***Complete LIS Basic Infrastructure Development (2013- 2018):*** A full-fledged Land Information System (LIS) is in advanced stage of development and MoLHUD plans to expand the LIS to cover all land tenure categories. This land sector reform activity is moving ahead to establish the infrastructure (software and hardware) for a nationwide LIS that is capable of storing land registry information for all types of land in Uganda and capable of making such information available quickly and at low cost to interested parties. It will generate the scope to scale up processes of systematic demarcation that have already been piloted by the MoLHUD, thereby improving tenure security for those who have traditionally not had access to tenure security and more comprehensive data for planning and development decisions.

To complete the development of this national network of cadastral information service centers, eight (8) new zonal land offices (MZOs) will be constructed between 2013 and 2015. The construction of the Archival Center and the top floor of the NLIC suspended due to funding shortfall will be undertaken as second phase activities during the life of the LSSP-II. So far, only basic equipment and skeletal furniture has been provided to facilitate the LIS in the six operating pilot districts. All the 21 MZOs will require a full complement of LIS equipment, furniture, vehicles and equipment for logistical support, and a guaranteed flow of office supplies to complete the development of the LIS infrastructure.

**The LIS Roll-Out:** LIS development goal is to have all 21 cadastral offices operating to support DLOs throughout the country. Planned LIS enhancements will include design improvements to *include the Valuation and Physical Planning functions*. The completion of the LIS infrastructure and roll-out is considered a high level priority for streamlining land administration, and for reducing the time and cost of doing business. It will remove the land valuation bottleneck, facilitate payment of fees and taxes and enable the addition of the land use planning interface to the land delivery process. However, because the transition from a manual land registration system to the new GIS and IT technology driven LIS platform is occurring in the middle the financial year (February, 2013), there are several new budget items that cannot be financed by normal Government budgeting arrangement. Retrospective financing will therefore be needed to ensure the LIS roll-out proceeds as planned.

**Removing the Land Valuation Constraint:** As previously noted, the initial shift to the new LIS platform for title registration operations did not integrate the valuation function in the workflow. As a result, valuation operations stage continues to constitute the biggest obstacle to speedy execution of land registration services. Currently each valuation application requires field inspection and compilation of data pertaining to that property. The inspection and data compilation process takes 10-15 days to complete each time an application for registration is submitted. The delay is expected to grow exponentially once the LIS begins to drive the title registration process. Because the Department lacks computers and an organized database for storing land market information, the data collected for each valuation is not easily accessible for use as comparable data for subsequent valuations. The time required for establishing values can be significantly shortened if prior valuation information can be organized in a database and used as comparable information for subsequent valuations.

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| <p><b>Priority activities:</b></p> <ol style="list-style-type: none"><li>1. Review and roll out unified, user friendly Land Information System that integrates land administration and management.</li><li>2. Establish an efficient production and management of Geo-Spatial Information</li><li>3. Support establishment of a National Spatial Data Infrastructure</li><li>4. Establish an appropriate geodetic reference infrastructure to facilitate surveying and mapping</li><li>5. Review and roll out a national program for Systematic Adjudication, Demarcation, Survey and Certificate or Registration of land program.</li></ol> |
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It is important to note that land acquisition to free land of any interests and encumbrances for development involves:

- Valuation of Land and landed properties
- Approval of Valuation Reports
- Preparation of Valuation Roll, and
- Payment of Compensation to clear third party interests

Once a valuation database is established, land value maps can be generated to assist valuers make efficient valuation decisions. Several valuation methods can also be applied to speed up the determination of values, including Computer Assisted Mass Appraisal (CAMA) and

the use of average value/sq. meter for well established classes of property in specific areas according to the land value map. A quicker and more effective way to establish property values from comparable market information already captured in valuation files is needed to help the Valuation Department keep up with the faster rate of LIS assisted registration applications.

The creation of the valuation database will serve as the first step towards the creation and operationalization of the valuation function in the LIS. This activity will require engaging a consultant to define the process and lead the study. It is also possible for the consultant to conduct training in CAMA and other modern valuations methods for the staff of the valuation department.

**Phase Two LIS Activities:** After 2018, the LIS development focus will shift to service delivery connections between the 21 MZOs and the surrounding technologically challenged districts. Models from India, Bangladesh and Indonesia demonstrate how underserved communities can be connected to the LIS at low cost using strategically located kiosks, mobile registration units and other cost effective approaches.<sup>23</sup>

**Pilot LIS Cadastral Districts (Ministry Zonal Offices)**

1. Kampala (serves Kampala Capital City Authority)
2. Mukono (includes the districts of Mukono, Kayunga, Buikwe, Buvuma):
3. Masaka (includes the districts of Masaka, Sembabule, Lyantonde, Rakai, Kalangala, Bukomasimbi, Lwengo, Kalungu):
4. Mbarara (includes the districts of Mbarara, Isingiro, Kiruhura, Ibanda, Bushenyi, Ntungamo, Mitooma, Rubirizi, Sheema, Buhweju)
5. Wakiso (serves the district of Wakiso)
6. Jinja (includes districts of Jinja, Iganga, Kamuli, Kaliro, Buyende, Namutumba, Luuka, Mayuge, Bugiri, Namayingo)

A mobile LIS capability could contribute to meeting rising demands for land management, administration, and planning needs by extending LIS technologies to remote districts. The deployment of mobile LIS units to rural areas will add efficiency, reduced financial cost, and improve service delivery. Similar options may be considered jointly with ICT Ministry and other institutions to ensure even the most deprived citizens are provided e-government access. A strategy for dealing with this issue has to be developed and piloted prior to the 2017 completion of the LIS basic infrastructure development phase.

**Public Information and Awareness Strategy:** Under LSSP-II knowledge of land rights will be improved by developing clearer messages, targeting messages more effectively to reach vulnerable groups, and increasing the use of FM radio as a medium. Development of a full

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<sup>23</sup>Waleed Alsabhan, Oualid Ben Ali. "Mobile land Information Systems (MLIS): A GIS-based e-government Application. Journal of International Journal of Mobile Learning and Organization. (2012).

scale public information campaign is essential to increase awareness and build capacity to include both the public and private sectors.

## 5.5 Strategic Objective 5

***“To ensure transparent, accountable and easily accessible land rights administration institutions, and strengthen capacity for effective delivery of land services.”***

Capacity building is increasingly a key component for sustaining any land administration reform strategy. This is more so in countries similar to Uganda where the capacity deficit is systemic and endemic. According to international best practice,<sup>24</sup> Capacity building measures must be addressed at three levels: the societal level (policies, legal frameworks and accountability), the organizational level (institutional infrastructures and organizational effectiveness), and individual level (technical and professional competencies and responsibilities).

### **Strategies for strengthening capacity for effective delivery of land services:**

1. Physical Capacity Development: Ensure Provision of Custom Built Physical Infrastructure for effective Delivery of Land Services.
2. Strengthen Professional and Technical Skills of Land Sector Staff
3. Strengthen Capacity of Land Sector Institutions and Professional Associations to regulate all professions in the land sector
4. Strengthen the overall land rights administration system

*For specific intervention activities, see Appendix 3.*

## **Indicators of Performance**

More often than not, capacity building is defined narrowly to focus on human resource development through formal education and training programs to meet the lack of qualified personnel. There will be an aggressive emphasis on land related professional and technical education and training to meet Uganda’s short, medium and long term human capacity needs. However, the capacity building aspects of the LSSP-II will focus not just on human resources for strengthening land administration and land management institutions necessary to support the decentralization of land services. The physical environment for delivering land services in most districts is obsolete and in need of comprehensive modernization. Similarly, access to fair land dispute resolution institutions and mechanisms is also critical for ensuring tenure security, especially for the poor and vulnerable groups and will be developed and strengthened.

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<sup>24</sup>Stig Enemark, Paper presented at WPLA/FIG Workshop Athens, 28-31 May 2003. Spatial Information Management for Sustainable Real Estate Markets and Best Practice Guidelines on Nation-wide Land Administration. FIG.

The capacity building measures envisaged under LSSP-II will therefore be addressed in the wider context of developing a competent, skilled and well motivated human resource and institutional infrastructures for implementing a comprehensive land sector strategy. The goal is to address a whole range of relevant issues and their interdependencies for ensuring sustainable service delivery.

***Institutional mechanisms for increasing service effectiveness:*** One of the key issues for the land sector which remained unresolved under the LSSP-I is the institutional mechanisms for increasing the effectiveness of land sector services. Several new initiatives, including the LIS roll-out and the establishment of zonal offices, has re-ignited the debate around the decentralization of services, the devolution of decision making, planning and monitoring responsibilities to local governments, and a review of the balance between public and private sector provision of services.

A number of potential institutional frameworks for the land sector have been proposed and are currently being discussed. These include the re-centralization of land administration and land management services - including land registration and cadastral information support systems - to zonal offices and supplying technical and professional support services for District land Office operations from the MZOs. The proposed structure of the MZOs is shown in this report as ***Annex 4***.

In reviewing the effectiveness of land services from another perspective, the NLP calls for a second look at the option to devolve Land Administration and Land Management services from the Ministry of Lands through ***Agentization***. However, before any action can be taken, a functional audit of MoLHUD structure, operational effectiveness, cost effectiveness and governance considerations will have to be undertaken as a first priority exercise under LSSP-II during which such structural issues can be properly evaluated.

Even before a revised institutional structure can be considered, several capacity deficits have to be addressed. The current institutional arrangement for delivering land services still places significant human resource demands on the system. Vacancies at several key positions, pending retirement of experienced senior staff and a continuing freeze on public sector hiring threatens efficiency gains and can unravel the sector's ability to sustain recent reforms. An aggressive training program has to be developed and implemented to build capacity and

#### **LSSP-II Phase One Priority Activities**

1. Develop the physical infrastructure for effective delivery of land services
2. Strengthen land management institutions and human resource capacity
3. Support the development of professional capacity and participation
4. Establish effective HQ supervision and support for the land administration system
5. Provide uniform standards, backstopping technical support and supervision for land administration institutions at the center and sub-national levels
6. Strengthens the overall land rights administration system,

increase the number of qualified land administration and experienced land management professional and technical labor force in government and the private sector.

Under LSSP-II, the sector will aim to provide a high level of service nationwide through the MZOs. A more deliberate effort will be made to develop a comprehensive land sector capacity building program first, to support and enable LSSP-II priority activities such as the full extension of the LIS, Systematic Demarcation, Government Land Inventory and operationalization of the Land Fund to proceed smoothly. However, because these are planned national programs they will utilize state of the art technology and international best practice. Local personnel and land officers involved will receive extensive training and on the job skills that will add to the pool of local expertise capable of supporting both the public and private sector.

***Public Sector Remuneration Gap:*** The greatest staff retention risk for the public sector lies in the wide disparity between remunerations for similar skills in the private sector. High levels of land sector professional and technical staff attrition can be expected due to the relatively low remuneration in the public sector. Unless action is taken to address the disparity in wages, the entire LIS/GIS driven land services delivery system can fail. Unlike the manual registration system which can limp along with a few skeletal staff, the fully computerized LIS cannot operate without a full complement of staff and adequate resources to maintain and update the technology and other supporting systems. Raising the remuneration of land officers to competitive market levels has to be considered as an urgent issue and one that needs to be addressed immediately in order retain the first class of officers trained to operate the LIS during its initial and subsequent public confidence building phases.

## 5.6 Strategic Objective 6

***“To promote a “business approach” to the delivery of land services through multi-sectoral approach.”***

This strategic objective recognizes the centrality of the land sector in national development planning. As a fundamental input for all productive sectors in economic growth and employment creation, land is a catalyst for transforming Uganda’s economy and this requires the integration of the land sector in all national development planning and resource allocation decisions. Uganda now has a comprehensive Land Policy which was approved on February 7, 2013, and a Land Use Policy which was approved in 2009. These two policies are the benchmarks of appropriate land administration and land management. They provide the policy mandate and direction for a sector wide approach to resource allocation decisions. To leverage the land sector as a pillar of transformation is to emphasize this centrality and the pivotal role of land-based resources in national (macro) policy, and at the NDP, PMA, CICS resource allocation decision levels. The sector will systematically identify links with key

productive sectors such as Agriculture, Construction and Human Settlement, Oil, Mining and Industry, and Natural Resources, and monitor the economic, fiscal and social impacts of the land sector through a sector-wide approach.

#### Strategies for achieving the sector-wide approach

1. Promote the land sector to be among the priority sectors in the national development agenda and for planning
2. Improve the effectiveness and reliability of land sector services
3. Strengthen land sector support for multi-sectoral participation
4. Strengthen Land Sector Support for Private sector Competitiveness
5. Strengthen Land Sector Partnerships for delivering land services.

*For specific intervention activities, see Appendix 3.*

### Indicators of Performance

Many of the activities of LSSP-II impact the land market because improved management of land information increases the confidence of buyers and sellers in the market. Improved access to high quality and reliable land information and services has a positive impact on investment decision making and lowers the cost of doing business.

***Review and Strengthen Professional and Ethical Standards and Oversight:*** Efficient and effective implementation of the LSSP-II will require active participation of the private sector in service delivery. One of the weaknesses of LSSP-I was the fact that the capacity of the private sector was not adequately developed to maintain adequate quality of service in response to increased public demand. Lack of professional capacity in the private sector had strong negative repercussions on the image of the sector. In general, stakeholders prioritized lack of transparency, fraud and weak professional accountability as the most critical issues affecting the land sector. A strong and capable private sector professional service providers is especially important for sustaining investor confidence in Uganda's rapidly growing economy. The next LSSP-II needs to engage with the private sector, and build professional capacity in the sector especially in the longer term, to ensure availability and quality of services is not jeopardized.

***Increase Private Sector Participation:*** The private sector will continue to play an increasingly important role in land service delivery and are expected to participate directly in any national program for systematic demarcation, survey and registration of both communal and individual land. The private sector can provide many of the services under LSSP-II to relieve the government of many responsibilities. So too will professional land administration and management organizations such as the Institute of Surveyors in Uganda (ISU) and other professional bodies like Association of Real Estate Agents (AREA), private banks and

mortgage finance institutions. Similarly, Civil Society organizations such as the Uganda Land Alliance and other advocacy groups play an important role in policy reform and dissemination of information and are important partners to note in this respect.

To improve private sector participation, however, it is necessary to identify strategies through which its role can be enhanced and supported. For private sector participation to be effective, the number of qualified private sector professionals operating in the sector will have to be expanded. Capacity building for the private sector will be critical during the formative phase of the transition to GIS based LIS, and opportunities for re-training have to be available and encouraged. Practitioners have to be encouraged to acquire GIS equipment and to invest in training and skill enhancement for their staff. Access to quality education is therefore necessary, and continuing education opportunities leading to appropriate professional qualifications must be offered.

***Strengthen Partnerships with CSOs and CBOs:*** Civil society and community based organizations have an undeniable role in the successful implementation of the land sector strategy plan. Civil society organizations can greatly improve institutional accountability and transparency. LSSP-II will continue foster active roles for both private sector and civil society. The land sector will also establish a national forum for intervention by opening the policy formulation process to the private sector, civil society and CBOs, expanding the scope for civil society involvement and private sector participation through contracts in publicly funded programs. The Government will continue to develop conducive policies, rules and regulations and set standards to create an enabling environment for private sector participation without prejudice.

***Actively Pursue Sector-wide approach:*** The mechanisms to secure funding for the LSSP and land services in general will, to some extent, determine the implementation strategy chosen, and the institutional co-ordination framework selected. Budget support from the Government of Uganda and development partners should allow maximum flexibility in implementing the plan but, at the same time, reduce the control of donors and central government over expenditures and accountability. Piecemeal project funding, while enhancing monitoring and accountability, reduces the ability of districts and communities to determine what course of action is better suited to their situation, and can pose co-ordination problems and duplication of efforts.

The ultimate aim is to obtain basket funding for the implementation of the LSSP-II, and for the land sector to select its own investment priorities and to support districts in developing their own land sector investment plans. However, there is increasing recognition of the significant potential for the land sector to raise revenue through, for example, selling spatial information to private companies, and delivery of technical services and improved collection of ground rent. The land sector will examine issues related to revenues and cost recovery and develop and implement appropriate policy options discussion and adopting before the end of the 2023 plan implementation cycle.



## **6.0 PRIORITY ACTION AREAS**

Many of the strategies implemented under LSSP-I introduced new, innovative approaches for resolving persistent land administration issues. Significant outcomes of the LSSP-I investment include the design development and installation of the LIS and the resulting piloting of its effectiveness in the six zones of Kampala, Wakiso, Mukono, Jinja, Mbarara and Masaka. Already, plans are at an advanced stage for rolling out a national LIS system that will greatly advance the goal of effective decentralization of land services into reality by 2018. Similarly, the piloting of Systematic Adjudication, Demarcation, Survey and first registration or certification of ownership of customary land has generated valuable lessons for developing cost effective methodology for rolling out a comprehensive national program for mass first registration during the next LSSP cycle. These LSSP-I achievements and several other lessons learned now makes it necessary to set out in more detail, priority action areas and proposals for action, explaining their contribution to the achievement of LSSP-II objectives and the mechanisms proposed for implementing them.

### **6.1. Development of Policy and Legal Framework**

Uganda benefited greatly from the intensive and extensive consultations necessitated by the development of the National Land Policy approved by Cabinet in 2013. The land sector policy environment is now clear, and the sensitization of the public to more orderly planning and implementation of land use and land development decisions as well as the concomitant harmonization of related laws is a matter of priority (A summary of LSSP-II implementation priority areas is presented in Annex 5).

Because land is a cross-sectoral issue of interest to a broad range of stakeholders, the process of land sector policy development also identified several priority areas that now form the basis for the next LSSP. The NLP carefully clarified the land rights of citizens, emphasizing the primacy of achieving wider poverty eradication outcomes by focusing on lands productivity and its transformative economic and social possibilities. The focus now shifts to implementation of the principles of the NLP by quickly developing a national and sub-national physical development plans to guide land use in rural areas. It will usher in a new era of physical development planning and enforcement in Uganda's rapidly urbanizing centers. The process also calls for immediate planning attention to be given to areas with high economic potential.

The three main implementation priority elements that emerges under the policy and legal framework are: (a) land policy dissemination and public education; (ii) development of land use plans and the strengthening of institutions and mechanisms for ensuring compliance, and (iii) complete revision, harmonization of enabling land sector laws, regulations and guidelines for their effective implementation. It is essential that these three elements support each other without conflict. Under LSSP-II, development of the NPDP, and the associated public information, education and communication strategies will be pursued with vigor.

Similarly, revision and harmonization of laws, regulations and guidelines will be accelerated so that the products of the new policy and legal environment for sector interventions are harmonized.

### 6.1.1 Key issues for land policy

National land policy has clarified the basic goals and principles for achieving the following broad LSSP-II objectives: (a) defining and recording the range of formally recognized land rights; (b) the distribution of those rights; and (c) land use and development management. With the basic goals and principles clarified, both the NLP and the NPDP can be used to guide the development of more detailed local policy, land use and physical development plans.

Specific issues earmarked for consideration under the LSSP-II will include:

- ✚ Operationalization of the Land Fund to resolve historical injustices by providing more equitable access to land;
- ✚ A national program for registering formal and customary rights to land and fixed property, and integrating the various forms of tenure;
- ✚ Providing improved livelihood opportunities the use of land as collateral or through employment or access to land for more intensive use;
- ✚ Facilitating appropriate development, delivering serviced land and protecting fragile environments;
- ✚ Providing effective land administration;
- ✚ Integrating spatial planning with financial, sectoral and institutional planning.

Policy development at district level will be based on local land tenure and land use patterns, and should be harmonized with district physical development plans in each district, based on the following general principles:

- ◆ **equity**, i.e.: the need to review and reform and strengthen institutions and instruments so that their structure and operations are no longer biased against women, the poor and other vulnerable groups;
- ◆ **efficiency**, i.e: accessibility, justifiable costs, manageability and implementation;
- ◆ **flexibility**, i.e: the ability of institutions and instruments to accommodate change and growth. This will embrace both innovation and the willingness to encourage innovation, making it possible to review and revise land management in the light of experience and changing needs;
- ◆ **participation**, i.e: involvement of stakeholders, particularly civil society through NGOs, CBOs and the private sector.

Policy interventions will be developed by a working group with strong civil society representation. A key implementation responsibility of this group will be to disseminate its recommendations widely and to stimulate participation by diverse actors in order to enhance the effectiveness and ownership of the policy and land use planning decisions.

### 6.1.2 Roadmap Issues for Land Use Policy

The aim of land use policy is to give general guidance on optimal and sustainable utilization of land, and is an integral element of the national land policy. Land use planning is based on analysis of social and demographic factors as well as soil types, topographical features, and agro-meteorological considerations. Land use plans are meant to apply the policy objectives and principles to specific areas and to define these in terms of the way land is utilized for human settlements, agriculture, nature conservation, environmental protection, socio-economic activities, and infrastructure development. These are usually presented in the form of dynamic spatially referenced maps and descriptive statements that clearly bring out the implications of the policies to particular areas.

The achievement of Government policy goals under programs like CICS and PMA will depend on appropriate utilization of both rural and urban the land resources. Land use policy aims to promote sustainable agriculture, improve incomes and livelihood opportunities, to conserve natural resources, maintain the integrity of ecosystems, and to ensure the sustainability of the built environment. Thus, to be viable, the land use plan has to resolve the competing needs between t broad categories of frequently overlapping land uses: mainly agriculture, human settlement, and conservation.

Three key issues will be considered in the development of land use planning interventions:

- a) **Agriculture:** The issues to be considered for agriculture include land productivity, potential and suitability for agriculture (both arable and rangeland), soil degradation and erosion, land fragmentation, cultivation on marginal lands and in fragile ecosystems, the need for expansion versus technical innovation, conservation and increased productivity.
- b) **Human Settlements:** The main issues for human settlements are urbanization (urban expansion and location of new urban centers vis a vis other land uses), the impact of increased rural-urban migration, industrialization and infrastructure developments such as roads, railways and airports.
- c) **Conservation:** This includes land use in the form of conservation of wildlife, forestry fisheries and wetlands. It also includes water catchments, degraded areas like bare hills and any other areas that may be identified for conservation. Conservation is not reserved for protected areas. For example, over 70% of forested areas in Uganda lie outside central government controlled preservation areas, and most of these are on private, cultural, communal or public land. This is an issue for concern because competing land use between forest and expansion of agricultural land is the primary cause of deforestation.

Development of the land use plans will be multi-disciplinary and guided by; (i) the requirements for environmental management in the National Environmental Action Plan (NEAP); (ii) the need to develop more accurate and innovative GIS methods for urban structure planning, design and management; and (iii) improved harmonization of the linkages between land sector policy aspirations and sectoral policies for the conservation of specific resources under the Department of Forestry, the Wetlands Inspection Division (WID), and the Department of Tourism, Wildlife and Antiquities, etc..

### **6.1.3 National Physical Development Planning**

Land use and physical development planning will be carried out at different levels: regional level, district level, and urban level. High level priority will be given to the planning of the oil rich Albertine Graben region and other selected areas of high economic potential. However, the level of emphasis and approach will be determined at policy level. This will also be influenced by considerations such as the NDP priorities in each planning period, CICS, and others such as Habitat and ALPFG agenda in which the Government has both domestic and international commitments.

### **6.1.4 Legal and Regulatory Review**

With the coming into force of the NLP, there is renewed urgency to revise obsolete laws, to harmonize amendments made to the Land Act (Cap. 277) and to several existing land related laws and to promulgate new laws LAND ACT (CAP. 277) to ensure conformity with the new land sector paradigm. Three priority land laws were revised and enacted under LSSP-I. Several other land-related laws under revision and new laws proposed could not be completed as a result of the delayed approval of the NLP. These laws, regulations and guidelines and several others will be completed as a priority under LSSP-II.<sup>25</sup>

## **6.2 Government Land Identification and Documentation**

Government land, defined as land occupied and used by state and local government for public purposes, falls into three categories: (i) that which is surveyed and titled, (ii) that which is gazetted but not titled, and (iii) others neither gazetted nor titled. Identification and proper documentation of Government land has not been adequate in the past, leading to many conflicts, encroachment, and poor management of Government's land holdings. Furthermore, the rationale for maintaining some of these properties is no longer clear. The inventory, demarcation, valuation and assessment of use of government land assets will provide vital information for better land use planning and for improved management of such land holdings. Identifying Government land and its current users can enhance the revenue prospects for the Land sector, and will enable rents to be charged and collected.

The LSSP-II, having benefitted from the experiences of previous attempts to undertake an inventory of government land, a thorough study to better understand the issues surrounding the management of Government land and will undertaken. Findings from the study and recommendations based on international best practice will be used to design an approach for undertaking a comprehensive inventory of Government Land holdings throughout the country.

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<sup>25</sup> A comprehensive list of land related laws at different stages of revision is provided in the Appendix to this report.

The Uganda Land Commission has a key role to play in this process in respect of central government land, but will liaise with user ministries over demarcation, surveying, and titling of land. Some of this activity will also coincide with the implementation of the program of systematic demarcation. In respect of land belonging to local governments, the Land Inspectorate division of the MOLHUD will play a key role in advising and assisting districts to identify and document their properties effectively. In addition to land belonging to the government, the state also has a vital function of public trust over land and natural resources to be preserved and managed for the benefit of citizens today and future generations.

Relevant resources include:

- ✚ *Forest Reserves*: Approximately 1.9 million hectares which is gazetted as central or local forest reserves and forest found in some wildlife protected areas.<sup>26</sup>
- ✚ *Wildlife Preserves*: Over 48,000 km<sup>2</sup> of wildlife conservation areas, including 10 national parks, 10 wildlife reserves, and 14 Community wildlife management areas. The first two categories are protected for nature and landscape conservation and natural heritage preservation.<sup>27</sup>
- ✚ *Wetlands*: Wetlands cover 13% of the country including lakes and estuarine wetlands, riverine swamps and flood plains. Unlike national parks, wildlife and forest reserves, few wetlands are gazetted. However, they are offered protected status under the Constitution and Land Act (Cap. 277) due to their diverse value for regulation and maintenance of hydrological conditions and the quality of surface water and underground aquifers. Wetlands also play a critical role for biodiversity and conservation of flora and fauna and as a source of water and food for many Ugandans.

National Parks, Game Reserves, Forest reserves and wetlands have all been victims of encroachment in one form or another. This situation is not indicative of sustainable and wise use of land resources. The land sector will work with MDAs specifically tasked with management of these protected resources to assist the development of a sustainable and manageable distribution of public trust land.

### 6.3 Enhancing Land Markets

One of the major objectives of the Land Act (Cap. 227) and an important focus of LSSP-I was to facilitate the emergence of efficient functioning land markets throughout the country. The LSSP-II builds on the achievements of LSSP-I, especially the rehabilitation of the land Registry and the development of the LIS in aiming to create an enabling environment in which the land market will develop and thrive.

Land markets have existed in many parts of Uganda. On registered *mailo* land, the market has suffered from imperfections, mainly arising out of the presence of tenants on registered

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<sup>26</sup>These forests are set aside permanently for the conservation of biodiversity, protection of environmental services, and the sustainable production of commercial and domestic forest produce. Forest reserves known as Permanent Forest Estate covers 9% of the total land area of Uganda, (MWLE, 2001).

<sup>27</sup>In community wildlife management areas certain species of wildlife are protected. The trust status of these areas is not specifically noted in the Constitution or the Land Act.

land. Land markets in customary areas exist but require formalization and legal documentation to improve transparency. In many urban areas in the non-mailo and freehold areas, active markets existed prior to the Land Act, as all the unallocated public land was by law owned by urban authorities. The availability of land for investment through the market has become more transparent since the introduction of Land Act and there is ample evidence of increased transactions for customary land plots in urban and rural areas.

The implementation of the LSSP-II will more systematically improve the land market in a number of ways: For example, undertaking a National program to systematically encourage first registration will provide documentary evidence of ownership (certificates and titles) and is expected to increase land market activity. Secondly, by rolling out a national LIS, LSSP-II will improve the incentive to record subsequent transactions by advocating the benefits and advantages of keeping certificates and title registers up to date. More significantly, universal registration of land transactions will make the LIS more reliable thereby reducing transaction cost.

- ✚ Areas where there is already evidence of increased transactions, such as for customary land plots in many urban areas will be priorities for systematic demarcation.
- ✚ Careful diagnostic studies will be undertaken to inform strategies for encouraging the formalization of Communal Land Associations in areas where such arrangements are preferred.
- ✚ The market in occupancy rights (i.e: *bibanja* holdings on registered land) will be eased with the issuance of certificates of occupancy and facilitated by the registration of transactions in such lands at sub-county level;
- ✚ The market in customary land in the rural areas will also be facilitated in a similar manner to encourage the development of land rental markets.
- ✚ Greater reliance on the experience of CSOs and CBOs will be used to develop appropriate strategies for encouraging land adjustment and land sharing techniques which aim to remove the existing land use impasse between the occupants and registered owners in order to stimulate more productive investment interest in mailo land.
- ✚ In urban or peri-urban and informal settlements, land readjustment can be used for planning and the provision of public infrastructure. The approach would include adjustment of boundaries and rights to enable services to be provided, assisting in poverty eradication in these areas.

Enhanced operation of the land market is expected to provide a range of opportunities for individuals and lead to overall benefits in greater overall efficiency of land use, expanded use of land in some areas, and reductions in land fragmentation. A number of safety net and land management issues will be monitored in relation to the performance of land markets, including any consequent enhanced access to credit, impact of Section 40 of Land Act (Cap. 227) relating to family consent to transactions, and potential negative social impacts. It will

be particularly important to monitor, and mitigate where possible, land speculation, land concentration and distress sales.

Resources for the Land Fund were not constrained under LSSP-I. However, its implementation was hampered by the absence of clear policy on government land management and the need to not lose sight of the historical and political context of the Land Fund. One of the major objectives of the Land Fund is to redress the historical injustices and inequities caused by the *mailo* tenure system. The other major objective of the Land Fund is for it to be a catalyst for implementing key Government policies which include resettlement in the event of natural disasters, poverty eradication, agricultural modernization and gender equality.

As previously observed, operationalization of the Land Fund and the Land Fund Credit is a priority under LSSP-II. However, any such action will have to be preceded by the development of more appropriate regulations and guidelines for ULC and the development of the management and administrative capacity required to operationalize the Land Fund. This will be necessary to eliminate the potential for abuse and to make the Land Fund administration consistent with the country's overall macroeconomic framework and market-led economic policies.

#### **6.4 Access to Justice and Dispute Resolution**

MoLHUD has welcomed the re-instatement of Land Tribunals and Justice Department decision to review Land Tribunal procedures for the purpose of allowing easier accessibility to justice by land owners and users. There is general agreement to assist local communities in identifying and implementing strategies to better manage conflict by moving away from the formal court structure whose ambience is intimidating, complicated and alienating.

The long vacuum in land dispute resolution caused by the abolition of Land Tribunals has had severe consequences on dispute resolution and in some cases criminal behavior and violence.<sup>28</sup> Access to justice and dispute resolution in regard to the land has a direct connection with good governance and contributes to poverty eradication, and is therefore a vital task and a high priority under LSSP-II.

The existing institutional framework for land dispute resolution will be revised to provide a more robust approach to land dispute resolution. Legal constraints and other factors that account for under utilization of existing dispute resolution institutions include historical grievances and normative dissonance where co-existing bodies of law of different origins are poorly harmonized. These opportunities for recognizing legal pluralism and alternative dispute resolution mechanisms will be explored as viable complements to the combination of

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<sup>28</sup> LAME 1

Land Tribunals at district level and LC Courts at lower levels. This will be done in consonance with the protections provided under law.

The incorporation of ADR institutions which apart from being affordable, also provide easy accessibility with enhanced fairness of the system, will be developed under LSSP-II to build a strong and effective system of land dispute resolution opportunities. The approach will include the development of guidelines and capacity building for the Judiciary. But it will also include training at all levels of the dispute resolution hierarchy down to the lowest level.<sup>29</sup>

## **6.5 Certification and Titling**

Demarcation and certification are the predominant technical services which will be required in the land sector. Demarcation and certification apply to unregistered land (either customary land or occupancy rights) and provide legal evidence of land rights. Certification services include the processing of claims, demarcation of boundaries, issuing and recording of certificates of ownership, confirmation of established occupancy and most importantly, the recording of subsequent transactions. Services relating to demarcation and certification are the responsibility of Land Committees and Recorders at sub county level. However, demarcation and certification are not equivalent to formal survey and registration, both of which provide a higher standard of legal evidence.

In Uganda, only about 15% of the land is registered and registration and titling services can only be afforded by the middle class and commercial businesses. Although titling services under the RTA will continue to be available at full cost to the user on a sporadic basis (through the system of District Land Offices). The Land Act (Cap. 227) makes it possible for individuals and communities to acquire improved tenure security through the acquisition of documented interests in the form of *Certificates of Customary Ownership* and *Certificates of Occupancy* for mailo tenants. However, recent experiences from Rwanda, Ethiopia and other developing countries indicate the cost of establishing capacity nationwide for systematic demarcation and certification are reasonable under current circumstances, and the desirability on equity grounds is also plausible. Therefore, LSSP-II will allocate resources to encourage nationwide systematic demarcation, certification and/or registration and the development of a LIS with national coverage.

This will require some restructuring of technical services to ensure equitable use of existing financial and human capacity. At the same time, the expansion of services at local level will be defined to facilitate the recording of subsequent transactions on certificated land. Although “customary leases” or rental of customary land are not required to be recorded, in some areas the land sector will pilot a “dynamic” approach to recording of all land transactions, in order to increase the local relevance and usefulness of the system for recording of customary rights and to assist in the development of land rental markets.

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<sup>29</sup>The accessibility and equity of the land dispute resolution system may be enhanced through the provision of legal advice and (in some cases) legal aid.

## 6.6 Land Rights Information

Provision of information on land rights is a key strategy for improving the security of land tenure and therefore livelihoods of vulnerable groups. It is also important for ensuring poor people, land owners and users in general are empowered to demand their rights, make use of, and monitor land services. Availability of information on land rights and land sector processes will be necessary to ensure consensual implementation of potentially controversial aspects of the LSSP-II, in particular, formalization of communal land associations, systematic demarcation and the development and enforcement of land use planning and development controls.

Recent surveys by ISR indicate that although a majority of people are aware of the existence of the Land Act and some of its provisions including the provision requiring spouses to consent to land sales, there is relatively little awareness of land sector institutions, procedures and knowledge of land rights in general.<sup>30</sup> The surveys provided key lessons to improve the effectiveness of land sector public information. Under LSSP-II knowledge of land rights will be improved by developing clearer messages, targeting messages more effectively and increasing the use of FM radio as a medium.

Key strategic dimensions which will inform the provision of land rights information under LSSP-II are:

- ✚ Improved participation and more reliance of CSOs and CBOs as partners in protecting the land rights of vulnerable groups and the poor;
- ✚ the incorporation of a broad range of sector issues into land sector messages, including environmental concerns, planning concerns, inheritance and succession and many others
- ✚ a three pronged approach to public information: to address national information needs, specific local and individual situations, and to ensure awareness of all stakeholders in systematic demarcation areas
- ✚ involving and building the capacity of a broad range of information providers including officers at district level, possibly providers of agricultural extension advice and NGOs, and the electronic and print media
- ✚ targeting resources to remove barriers to the acceptance of land sector programs.

## 6.7 Women and Vulnerable Groups

Women's land rights were strengthened under Land Act (Cap. 277), which made it mandatory for women to be consulted and to consent to the sale or other transfer of family land. Subsequent legal amendments requiring due process of law in the event of evictions and provisions for joint/common ownership of family land by spouses were added. More recently, a Marriage and Divorce bill has been recommended to amend the law on inheritance to eliminate discrimination. The land sector recognizes that strengthening women's land rights in law and in practice is a key strategy for advancing the objectives and purpose of the LSSP-

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<sup>30</sup> Steadman Research Services, 2000, & Makerere Institute of Social Research, 2001

II, and will work to mainstream gender in its activities. This will include making targeted interventions to improve mainstreaming women's land rights at the policy level. Monitoring indicators will also include specific reference to the gender balance of programs and their impact on vulnerable groups.

To address gender bias within the land sector, additional provision has been made for a number of studies (policy related, activity related) to inform and strengthen the development and implementation of policy and techniques for achieving results. Specific priorities include addressing the barriers to implementation of Section 40 of Land Act (Cap. 277) (the "Consent" provision), assessing the need for gender-based professional and technical training for closing the gender gap specifically to enable women to become more effective participants in land sector. This may be necessary to ensure gender issues are addressed in the design of land sector reforms and that land information is gender disaggregated to inform issues of policy and gender bias. LSSP-II may also address the provision of legal aid to women for land cases, and will pursue an outreach policy to encourage more young women into the land sector professions.

A similar process will be pursued to meet the needs of vulnerable groups, by mainstreaming these issues into activities and monitoring outcomes. A study will be conducted during Phase One on methods to enhance the land rights of communal land owners, and, if appropriate, agreed approaches developed and piloted, either in conjunction with the systematic demarcation pilots or separately.

## **6.8 Land Information System**

The Uganda Land Information System is a tool for legal, administrative and economic decision making and an aid for planning and development.<sup>31</sup> It is a parcel-based database containing spatially referenced information and the procedures and techniques for systematic collection, updating, processing and distribution of the data. The LIS roll out to 21 MZOs is based on the need in Uganda to replace the archaic manual land registration system and to provide more reliable land information, cost effectively to support decision making.

Under LSSP-II, an integrated Land Information System will be implemented which will be capable of supporting a more accelerated documentation of a variety of information (land - related, administrative etc.) from all land tenure systems. The ultimate goal is to provide an important tool for decision makers in relation to land registration and certification, allocation of public or publicly controlled, land, land conflict resolution, land use planning and management, strategic plans e.g.: environmental plans, disaster management plans, infrastructure plans, and land and property taxation.<sup>32</sup>

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<sup>31</sup> SwedeSurvey, *A Base for a Land Information System in Uganda*, 1996

<sup>32</sup> UNECA, *An Integrated Geo-Information System with Emphasis on Cadastre and Land Information Systems (LIS) for Decision-Makers in Africa*, 1998

From a cost of doing business point of view, a fully operational LIS will significantly improve property related transaction costs for general types of holdings as shown in the following table.

**Table 8: Property Transaction Costs in Uganda**

Type of Cost	Ugandan Schillings	US Dollars	Who Pays?
Legal Fees	UGS1,000,000	US\$543	buyer
Property Valuation	UGS500,000	US\$272	buyer
Surveyor Fee	UGS300,000-UGS500,000	US\$163-US\$272	buyer
Transfer Fee	UGS20,000	US\$11	buyer
Title Search	UGS10,000-UGS12,000	US\$5-US\$7	buyer
Consent to Transfer	UGS10,000	US\$5	buyer
Stamp Duty	1%	1%	buyer
Agent's Commission	5%-10%		seller
<b>Costs paid by buyer</b>	<b>2.5% - 2.7%</b>		
<b>Costs paid by seller</b>	<b>5% - 10%</b>		
<b>Average transaction costs</b>	<b>7.5% - 12.7%</b>		

Source: <http://www.globalpropertyguide.com/Africa/Uganda/Buying-Guide>

The LIS sustainability will be jeopardized without developing a supportive national geodetic reference framework and CORS. Similarly the full utility of the LIS will be realized only if there is collaboration with other users of spatial information. One of the priority objectives of the LSSP-II is to encourage the development of a National Spatial Data Infrastructure (NSDI) and to link closely with the requirements of other national GIS information systems already underway; to co-ordinate the participation of local governments and communities in the collection, maintenance and management of LIS information.

## 6.9 Systematic Demarcation

To ensure maximum contribution of the land sector to poverty reduction, good governance, and other government policy goals, the LSSP-II will develop and implement sound internationally tested systematic approaches for defining land rights and providing land services. Systematic demarcation (SD) of all land rights within selected administrative areas is one such approach. However in a national program to encourage first registration, SD approaches will be used to register lands belonging to Communal Land Associations found mostly in the Northern Regions of Uganda and for demarcation of individual parcels in customary tenure areas in the Eastern, Central and Western regions of the country.

Under Land Act (Cap. 277), sporadic demarcation of customary land and freehold titling is permitted across the whole country as and when demand arises. This form of demarcation

imposes a heavy cost in human resources for services for which demand cannot readily be quantified. Under LSSP-I, piloting of more systematic demarcation approaches that are more cost-effective, sustainable and pro-poor was tested and made available to communities at their request. In addition to ensuring security of ownership through legal documentation, SD provides comprehensive information on the spatial location of every plot in an administrative area, based on a hand sketch of the plot boundaries (or on surveyed boundaries where these are available). Individual plot identification numbers, and the names of all the persons linked with the customary ownership of that plot, is recorded on the sketch. During the process, Government land will be identified, and possibly forest areas, wetlands and other areas of common land and disputes over such land could be settled. In this way, information will be added incrementally to the inventory of Government land.

***Advantages of Systematic Demarcation:*** Systematic demarcation has numerous advantages over sporadic demarcation, provided it is carried out in a democratic and fair manner, and adequate safeguards against loss of land rights are designed and adhered to. Chief among these is the greater equitability of this approach. Since all land in an area will be demarcated at one time, rich and poor alike will benefit from the enhanced security provided by plot demarcation, as opposed to sporadic demarcation where only the relatively wealthy are likely to be able to afford the service.

Another important advantage is the improved cost-effectiveness of concentrating services such as demarcating boundaries, identifying third party rights, and resolving disputes in specific areas. This cost is estimated to be *around one tenth* of the cost of responding to individual sporadic certification requests.<sup>33</sup> Furthermore, the spatial information derived from systematic demarcation would enable government, communities and the private sector to plan more efficiently for the location of infrastructure developments, better targeting of disaster resources, could reduce the costs and increase the accuracy of the national census, and could improve the estimation and collection of local government taxes. Thus, information obtained through systematic demarcation can be used for a variety of purposes. It can also contribute to poverty eradication through the provision of social services, development of economic infrastructure and strengthening of the tax base.

Although systematic demarcation has all the above advantages and more, significant risks are associated with this approach, and these will have to be minimized through the development of fair, inclusive and transparent procedures for the exercise. Careful training and sensitization for all involved is a prerequisite, and a rigorous monitoring framework has to be developed to counter negative effects. Based on lessons learned, an initial study to crystallize principles for the implementation of a national program for systematic demarcation, guidelines and regulations will be developed in the first year of LSSP-II.

The SD process will be transparent and accountable to ensure the outcome is socially acceptable and does not lead to increased conflict over land rights. Information on the

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<sup>33</sup> Fourie, Clarissa & Jennifer Sharpley, Working Draft Land Sector Strategic Action Plan, 2000

process will be available at all stages to rights holders and affected persons. Communities will have the right to contest decisions of the adjudication team and the demarcation record. The criteria for selection of SD areas and sequencing of SD operations will be agreed among stakeholders, but suggestions already include customary areas which are already individualizing, areas with dense populations, non-nomadic ranching areas, mailo areas with partnership agreements involving the concerned parties, peri-urban areas where there is extreme pressure on land holdings, leasehold areas, fragmented land holdings and areas already designated for planning/service delivery (gazetted areas).<sup>34</sup>

Additional technical services will be incorporated in the demarcation exercises, such as participatory land use planning, recording of rights (including rental agreements or customary leases) and valuation for the purposes of property tax collection. The land sector will collaborate with relevant agencies in the design, implementation and monitoring of these exercises. Relevant agencies will include local councils and local government officers, local planning authorities, local dispute resolution institutions, NGOs, CBOs and traditional leaders. Other potential agencies (depending on the nature of the pilots chosen) are URA, the Wetlands Inspection Division, the Forest Department, UWA, and the PMA Secretariat.

## **6.10 Delivery of Land Services**

One of the key issues currently under consideration under the LSSP is the institutional mechanisms for increasing the effectiveness of land sector services. Key elements include, (i) the decentralization of the mandate of the Central Government for maintaining the integrity, quality standards and reliability of cadastral information and Land Registration services throughout the county; (ii) the devolution of decision making, planning and monitoring responsibilities to local governments, and (iii) the review of the balance between public and private sector provision of land services.

A new institutional framework for the land sector was approved in 2012 by Public Service Commission that allows the central ministry to establish Ministry Zonal Offices (MZOs); a decentralized network 21 cadastral information service centers. This institutional framework makes for a structure which is accessible to people at the village level but which is cost effective in human resources and therefore financial terms. Under LSSP-II, plans have been made on the basis of the LIS, NLIC and MZOs which will significantly reduce costs while still preserving the decentralized nature of land sector institutions.

These modifications are:

- i) Area Land Committees will remain at sub-county level and will collaborate with lower level Local Councils and traditional authorities in the execution of their role;
- ii) District Land Tribunals have been reinstated for more independent consideration of higher value cases and appeals from the LC Courts;

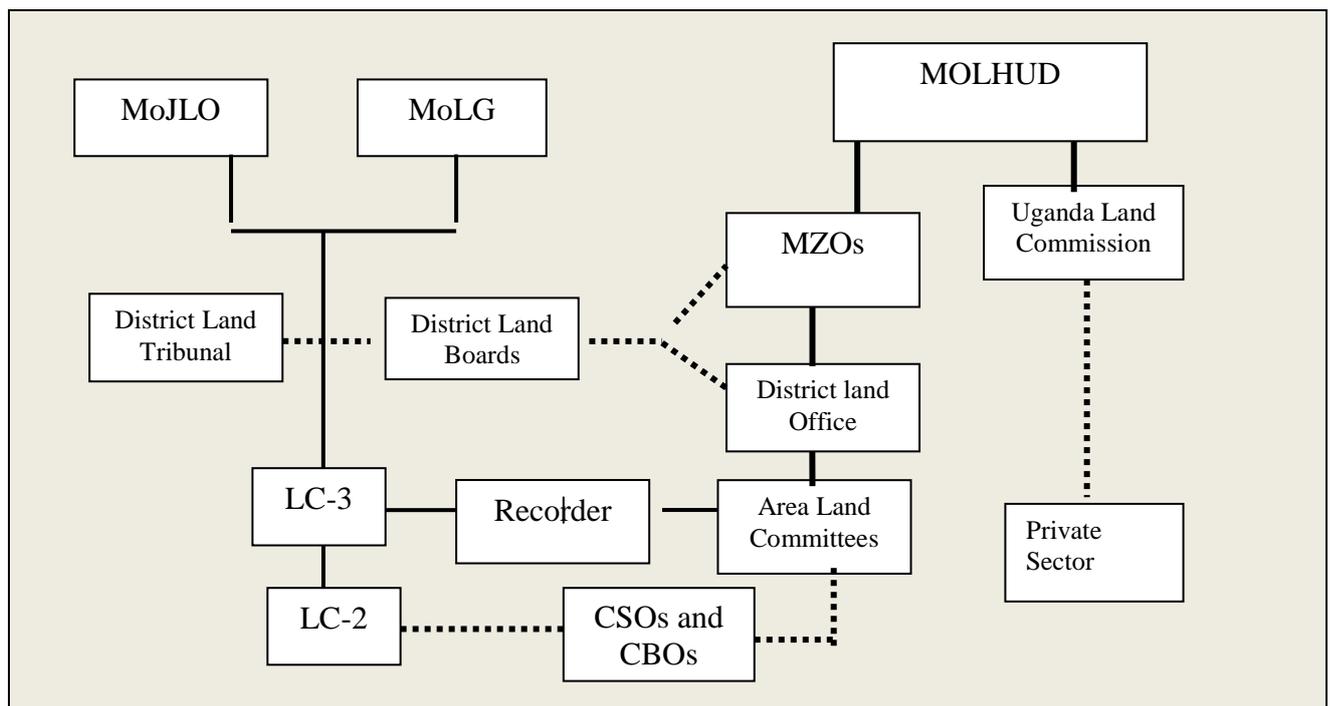
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<sup>34</sup> Fourie & Sharpley, 2000

- iii) The chronic District Land Office human capacity deficit created as a result of the shortage of qualified technical land services staff will be mitigated by creating fully staffed MZOs at regional levels.

The close proximity of the MZOs will enable technical and professional support to be provided closer to DLOs to meet the level of demand within their districts. Resources will therefore be targeted where demand is highest, and will be based on meeting capacity gaps. Districts with higher demand will be more readily assisted by professional officers, operating from rehabilitated offices with modern equipment.

**Figure 2: Revised Institutional Structure**



Districts with lower demand will be served by developing alternative low cost LIS services delivery options suitable for such localities.<sup>35</sup> In the meantime, existing arrangements for sharing of technical services between districts of higher and lower demand will be retained until other more effective service delivery options become available. This arrangement will preserve local accountability, meet demand where it is highest, and enable lower demand districts to expand their capacity. Districts able to afford to upgrade their service provision will be encouraged to do so.

Although the revised institutional structure helps to mitigate the professional and technical capacity shortfalls in the land sector, the re-engineered LIS system will continue to exert

<sup>35</sup>The use of mobile Land Registration units has been successfully piloted in India and there is a proposal to pilot a system on Ghana, but many more, mobile GIS and data collection applications have been developed in various disciplines. See A. Car, G. Griesebner, J. Strobl (editors): Geospatial Crossroads @ GI Forum '08, pages 199–204, Heidelberg: Wichmann Verlag, 2008.

significant human resource demands on the land administration system. A deliberate training strategy will have to be developed to build capacity and increase the number of qualified land services professionals in government and the private sector. Under LSSP-II, the sector will aim to provide an optimal level of service provision nationwide, while concentrating efforts in capacity building. The sector will also take advantage of technical assistance opportunities presented by government and donor funded projects to provide critically needed capacity, including formal and on the job training in project areas and districts with highest demand for land services during Phase One.

## **6.11 The Private Sector**

Government is promoting a policy and strategy of private sector-led transformation of the economy. The NDP policy is that the public sector should facilitate development undertaken by the private sector, and should manage rather than undertake development itself. Under LSSP-II, private sector participation in the land sector will be further enhanced in a number of ways.

- a) ***Support for Capacity Building in Land Sector Professions:*** There are a number of options for enhancing the delivery of technical land services through the private sector. The NLP proposes further support for Professional Land Service Associations and Agencies. It is hoped that strengthening the capacity of the private sector would reduce the attrition of professional, technical and administrative staff required to support land sector operations. An alternative proposed by the Ministry of Public Service restructuring report for MOLHUD calls for the creation of a Registration and Valuation Authority to provide such services to the Government. Other proposals suggest government scholarships and greater support for training in local institutions of higher learning and ISLM. The suitability and potential of these alternatives will be evaluated at an early stage during the LSSP-II (Year 2), with a view to exploring the process early in the second phase of the plan.
- b) ***Private supply of technical services:*** The private sector will continue to play an increasingly important role in land service delivery: its importance can already be seen through the privatization of cadastral and land management services. By the end of LSSP-II, the formalization of CLAs and efforts to increase the proportion of registered land in Uganda from the current level of 18% to 30% will increase the volume of secondary registrations exponentially. In order to improve private sector participation, however, it is necessary to identify strategies through which its role can be enhanced and supported.
- c) ***Creating an enabling environment for the private sector:*** The link between private sector and the LSSP is not confined to service delivery. Indeed, the implementation of the LSSP-II will positively contribute to the empowerment of the private sector in a wider context. The quality of land services delivery is crucial for the Private Sector, especially for businesses in construction, commercial agriculture, real estate development and the mortgage finance sector. Moreover, Uganda's private sector is characterized by small and medium enterprises, whose access to capital to acquire land is limited. As a result, the ability of the Private Sector to access credit by using land as collateral is limited, and this limits the size and diversity of investment portfolios.

For private sector professionals in the land sector to participate effectively, the number of qualified firms and freelance professionals has to be expanded, re-equipped and re-trained. Capacity building for the private sector will be critical throughout the LSSP-II. Access to quality education is necessary, and appropriate qualifications must be offered. Recognizing this, the LSSP-II will act as a catalyst for GoU intervention, by opening the policy formulation process to the private sector, and expanding the scope for private sector involvement in publicly funded programs.

Maintaining the quality of services delivered by the private sector is also important, and this calls for a comprehensive regulatory framework of the Private Sector in order to provide quality and control assurance. The Government role will therefore continue to be to set conducive policies, standards, rules and regulations, and to improve social and economic infrastructures to create an enabling environment for private sector participation without jeopardizing poverty alleviation objectives. It will be of paramount importance to institute accountable, transparent and accessible system of tendering and contracting, valuation and registering.

The LSSP will ensure the Land Registry is modernized and able to provide extensive access to land information, therefore contributing to private sector development. This is critical for the private sector because at the moment, the Land Registry does not serve the private sector needs satisfactorily; complaints include lost files, inefficiency, and widespread corruption, with the result that important transactions are disrupted.

Geo-referenced information collected during the implementation of the LIS and other programs to encourage systematic registration will increase data available in the Register and provide vital real estate information to business. The LIS will significantly improve access to information on the location of services, public easements, environmentally sensitive and other protected areas. This is especially true for investments in infrastructure services such as road, hospitals, schools and public utilities, but it also applies to private development in urban areas and emerging market centers.

## **6.12 Civil Society**

The term “civil society” has multiple meanings which, however, converge on the notion of organized groupings outside the state structure. As such, civil society’s role in Ugandan public life is expanding and flourishing. Through LSSP-II, the land sector aims to greatly increase the role of civil society and the participation of civil society groups in land sector decisions, implementation and monitoring activities.

Civil society has already been substantially involved in the land sector. During the formation of the NLP, various sections of civil society provided views to policy concerns directly and through elected representatives. Civil society organizations (CSOs) continue to organize around land issues, and have successfully influenced the content of the NLP and amendments to the Land Act (Cap. 277) through focused interventions. Some CSOs have continued to

participate actively in the formation of CLAs in the Northern region, sometimes in partnership with Government, other times in advocating for change to particular aspects of the law or specific land reform interventions.

A number of elements of civil society have been identified with which the land sector will seek to develop partnerships to improve the relevance and transparency of land sector activities. Important civil society organizations for the land sector include traditional land authorities and land dispute resolution institutions, NGOs and CBOs operating in the area of land rights and legal aid, the media, and academic institutions. Traditional land authorities will be important partners in efforts to promote public awareness, to develop methods for the protection of common property resources, and in the resolution of disputes. It is recognized that in some cases NGOs and CBOs have significant potential as avenues for public education, sensitization and interpretation of policies and regulations. But more importantly, civil society organizations are a formidable force for protecting the rights of the poor, vulnerable groups and others who may be sidelined by other institutions.

The role for CSOs in LSSP-II will be constructively developed through collaboration and consultation. CSOs will participate in several ways including the following ways:

- ✚ *Policy:* CSOs will be represented on the National Steering Committee for the LSSP-II. This body is the overall executing agency for the LSSP-II and is responsible for ensuring adherence to the principles of the NLP, strategic coherence and prompt and effective implementation of LSSP-II interventions. In addition, positions on working groups which will develop detailed implementation plans are reserved for CSOs. National level CSOs will be critical to the success of the participatory approach to policy dissemination through their membership, links and alliances to traditional institutions throughout the country;
- ✚ *Implementation:* CSOs are keen to participate in implementation of land sector programs, in particular those linked to information dissemination, provision of land rights advice, dispute resolution, strengthening women's rights, and training and capacity building of land sector institutions. Under LSSP-II mechanisms (financial and capacity building) will be sought which enable CSOs to fulfill these roles in partnership with Government. CSOs will also be encouraged to apply their own sources of finance to these tasks. Where possible, building capacity of CSOs to assist in service delivery (for example in connection with formation of CLAs and systematic demarcation) will be undertaken.
- ✚ *Monitoring and evaluation:* CSOs will play an important role in monitoring the implementation and impact of LSSP-II, collecting and disseminating information to assist implementers and policy makers. Their participation in monitoring and evaluation activities will improve the transparency and accountability of the overall LSSP.

## 7.0 Land Sector Institutional Framework

### 7.1 Institutional Framework for LSSP-II Implementation

The institutional framework for implementation of LSSP-II is built on a three tier structure, encompassing three broad areas at each tier. The three tiers are:

- a) national;
- b) district;
- c) sub-county and below

These three tiers correspond to the main decision making levels in the decentralised system as provided under the Local Government Act.

The three main functions of these tiers in relation to the land sector are:

-  policy/ planning and allocation
-  technical services and land management
-  dispute resolution

This multi-dimensional view of the institutional structure highlights both key roles and responsibilities at each level, and the most important linkages between the various institutions and individuals.

#### Policy / Planning and Allocation

##### 1) National Level

At national level, the lead agency for this function is Ministry of Lands, Housing and Urban Development (MLHUD) through the Directorate of Land Management and the Planning and Quality Assurance Department. However, in recognition of the broad stakeholder base for the land sector, and of the vital importance of land sector activities for many other policies and programs, a Land Sector Steering Committee (LSSC) will be established in order to develop and maintain a strong strategic focus on the objectives of the LSSP in resource allocations and program implementation. The LSSC will comprise a representative range of stakeholders from central and local government, the private sector, academic and research institutions, civil society organizations and development partners. The LSSC will report to Cabinet via MLHUD's Top Management Group, comprising Ministers, the Permanent Secretary and Directors of MLHUD. The LSSC will also be the major organ through which the land sector liaises with existing policy and information forums. The key forums identified are:

-  the PMA and CICS Steering Committees, since these are already working and have considerable financial backing and political support;
-  the donors' sub-groups on natural resources and decentralization;
-  the PRSC process through the Land Sector Desk Officer in MoFPED.

The LSSC will report periodically to these fora on policy and implementation of LSSP.

2) Region / district level

At the district level, responsibility for policy / planning and allocation will lie with the District Land Office (DLO), the District Planning Unit (DPU) and District Technical Planning Committee (DTPC), and the District Council. The District Council will be responsible for overall policy development, planning and allocation, while the District Land Office, DPU and DTPC will be responsible for harmonizing district land sector planning and allocations with the national LSSP. Implementation of district land policy in relation to land allocation will be performed by the District Land Boards, whose autonomy from the District Council will be improved through the provision of central government funding.

3) Sub-county level and below

At the sub-county level and below, these responsibilities are borne by the LC3 Executive Committee, the Sub-County Technical Planning Committee (SCTPC), and the Sub-County Chief / Recorder. Together they will be responsible for interpretation of national and district land policies, and allocation for land administration and management activities.

### **Technical land services and land management**

1) National level

Overall responsibility for implementation of LSSP will rest with the Steering Committee. Under LSSP II, much of the implementation will be devolved to lower levels of government, with MLHUD retaining the roles of inspection and monitoring, technical advice, support, supervision and training, in line with the Local Government Act. However, because new techniques and processes will be developed, implementation will be supported by a number of working groups comprised of a range of stakeholders. Working groups will include:

- Land Policy working group
- Land Use Policy working group
- Systematic Demarcation working group
- Land Information System working group
- Law Review working group
- Sensitization Focus Group
- Land Fund working group

Within MLHUD, the implementation roles of the various departments within the Directorate of Land Management are as follows:

- ✚ The *Department of Survey and Mapping* is responsible for the establishment of survey and geodetic controls, quality checks of cadastral jobs, survey of government land and international boundaries, production and printing of topographical maps. The Department is also responsible for producing a National Atlas and other thematic maps required by both the public and private sectors.

- ✚ The *Department of Land Registration* is responsible for issuance of certificates of titles, general conveyance, keeping custody of the national land register, coordination, inspection, monitoring and back-up technical support relating to land registration and acquisition processes to local governments.
- ✚ The *Department of Land Administration* is responsible for supervision of land administration institutions and valuation of land and other properties.
- ✚ The *Land Sector Reform Coordination Unit* is responsible for facilitation of policy, legal and regulatory framework development, land dispute resolution (with emphasis on alternative dispute resolution), provision of public information on land rights, geomatics and land information, promotion of good governance in delivery of land services, and planning for implementation of land sector reforms.

Other Directorates of the Ministry include Directorates of Physical Planning and Urban Development and that of Housing. Directorate of Physical Planning and Urban Development is composed of the following Departments:

- ✚ The *Department of Physical Planning* which is responsible for policy making, standard setting, national planning, regulation, coordination, inspection, monitoring and back-up technical support relating to urban and regional planning.
- ✚ The *Department of Urban Development* which is responsible for formulation of urban policies, regulations, development and review of relevant laws, standard setting to enhance orderly urban development; and the
- ✚ *Department of Land Use Regulation and Compliance* which is responsible for ensuring compliance of land use related policies, plans & regulations; providing technical support and guidance to LGs in the field of land use regulation, monitoring & evaluation; and systematization of the land use compliance monitoring function and practice.

The Directorate of Housing is comprised of two Departments:

- ✚ The *Department of Human Settlement* which is responsible for formulating policies, legislation, procedures, setting housing and human settlement standards, monitoring and evaluation of implementation of housing policies and providing technical back up support in order to increase the stock of affordable and decent housing that enhances the quality of life and safety of population as well as to guarantee the security of tenure for all especially the vulnerable in society.
- ✚ The *Department of Housing Development and Estates Management* focuses more directly on formulating policies, legislation, and procedures for supervising housing development and estates development.

## **Other relevant Institutions and Autonomous Bodies under the Ministry**

The Ministry also gives policy direction to the following autonomous and semi-autonomous institutions:

- ✚ *Uganda Land Commission:* The Uganda Land Commission (ULC) was established by the 1995 Constitution of the Republic of Uganda as an autonomous body with a mission “to effectively hold and manage all Government Land and property thereon and resolve all historical land injustices. The principal role of ULC is to ensure effective and efficient management of all Government land & property. In order to perform its core responsibilities, the ULC is required to develop & maintain an updated inventory and data base for all Government land and property. The agency has to ensure that all Government land is titled and secured and properly used. It also has to account for the Land Fund and to enable bonafide and lawful occupants acquire registerable interest.
- ✚ *The National Physical Planning Board* is responsible for ensuring orderly; progressive and sustainable urban and rural development through appropriate physical planning;
- ✚ *The Architects Registration Board* is responsible for regulating and maintaining the standard of architecture in the country through registering Architects, making Bye-laws for the better carrying into effect the provisions of the Statute, regulating the conduct of Architects and promoting training in Architectural Science; and
- ✚ *The Surveyors Registration Board* is responsible for regulating the surveying profession in the country. The Board regulates surveyors through registration of surveyors, disciplining of surveyors and giving practical licenses to surveyors.

In addition to its roles under the Directorate of Land Management, the Land Sector Reform Coordination Unit/Secretariat which will comprise of policy, communication, research and administration professionals with land sector experience will be concerned specifically with facilitation and promotion of LSSP implementation. The functions of the Secretariat will be:

- ✚ *Advisory:* to provide sector wide strategic and policy analysis;
- ✚ *Administrative:* to perform administrative functions in relation to procurement, contracting, organization of seminars and workshops, training and capacity building for central and local implementers;
- ✚ *Financial administration:* to support the preparation of annual sector budgets and to perform accounting functions as required;
- ✚ *Communication / information:* to act as a key liaison point for sector agencies and to formulate and implement an effective system for the generation and dissemination of information;
- ✚ *Research, monitoring and evaluation:* to provide comprehensive monitoring information necessary for the Steering Committee to make informed decisions regarding LSSP implementation.

#### **7.4.2 District / Regional level**

*Ministry Zonal Offices (MZOs) and District Land Offices (DLOs):* Due to the significant human resource challenges and immense costs associated with establishing a fully capacitated District Land Office in every district, a network of twenty one MZOs phased over the period of LSSP-II, will be established, to service a number of District Local Governments within a geographical area. However, there shall be clear demarcation of the responsibility centers, supervisory and reporting mechanism for effective and efficient land services delivery. During the first phase of the LIS roll out, MZOs will support the Ministry to perform its functions of providing Technical backup support, support supervision, monitoring and quality assurance of land Management functions and activities of the Local Governments, ensuring that districts will be supported to assume responsibility for technical services according to demand for these services within each district.

Functions such as surveying, valuation and cartography will be expanded, and responsibility for registration will gradually be decentralized to enable the National Land Information System to provide one stop centre facilities for the management of land information and records. This will provide more easy accessibility by clients/ beneficiaries and quick responses to issues and enquiries. District Land Offices will also participate in and oversee relevant aspects of land sector programs, and the development and regulation of the private sector within their districts. Responsibility for physical planning within the districts will remain with the District Physical Planner, but s/he will be based within the District Planning Unit in order to improve the harmonization between physical plans and economic planning, in relation, for example, to infrastructure construction. This will also lead to increased resources for physical planning within the districts.

Since it will not be possible due to funding and human resource constraints to support a fully staffed Land Office in every district, districts will continue to co-operate with each other in providing some technical services until such time as adequate MZO capacity has been built countrywide.

#### **7.4.3 Sub-county and below**

The primary technical service situated at this level is certification and recording of subsequent transactions. This critical role will be the responsibility of the Sub-County Chief / Recorder. Because of the significant existing responsibilities of this officer, the land sector will support the provision for an assistant dedicated to land sector work. The Sub-County Land Committee will assist the District Land Board in demarcation, inspection and recommending the issuance of certificates according to its role under Land Act (Cap. 277). In their operations, both the Recorder and the Land Committee will collaborate with lower levels of government.

#### **7.4.5 LSSP-II Technical Support Expectation**

Physical Planning and Urban Development Directorate will ensure progressive and orderly development in the country by preparing instructive rural land use plans, structure and detailed plans for urban areas. Under LSSP-II, the Directorate will develop a comprehensive national and sub-national land use plans to guide regional, district and municipal land use and land development activities. It will also prioritize planning for the Albertine Graben region and other areas of high economic potential. Officers of the Directorate will assist districts with the preparation of District Land Use Plans that are consistent with the National Land Use Plan. The Directorate will also help Districts and Municipalities develop physical development plans, including the provision of guidelines for infrastructure development, and by monitoring progress to ensure compliance with standards.

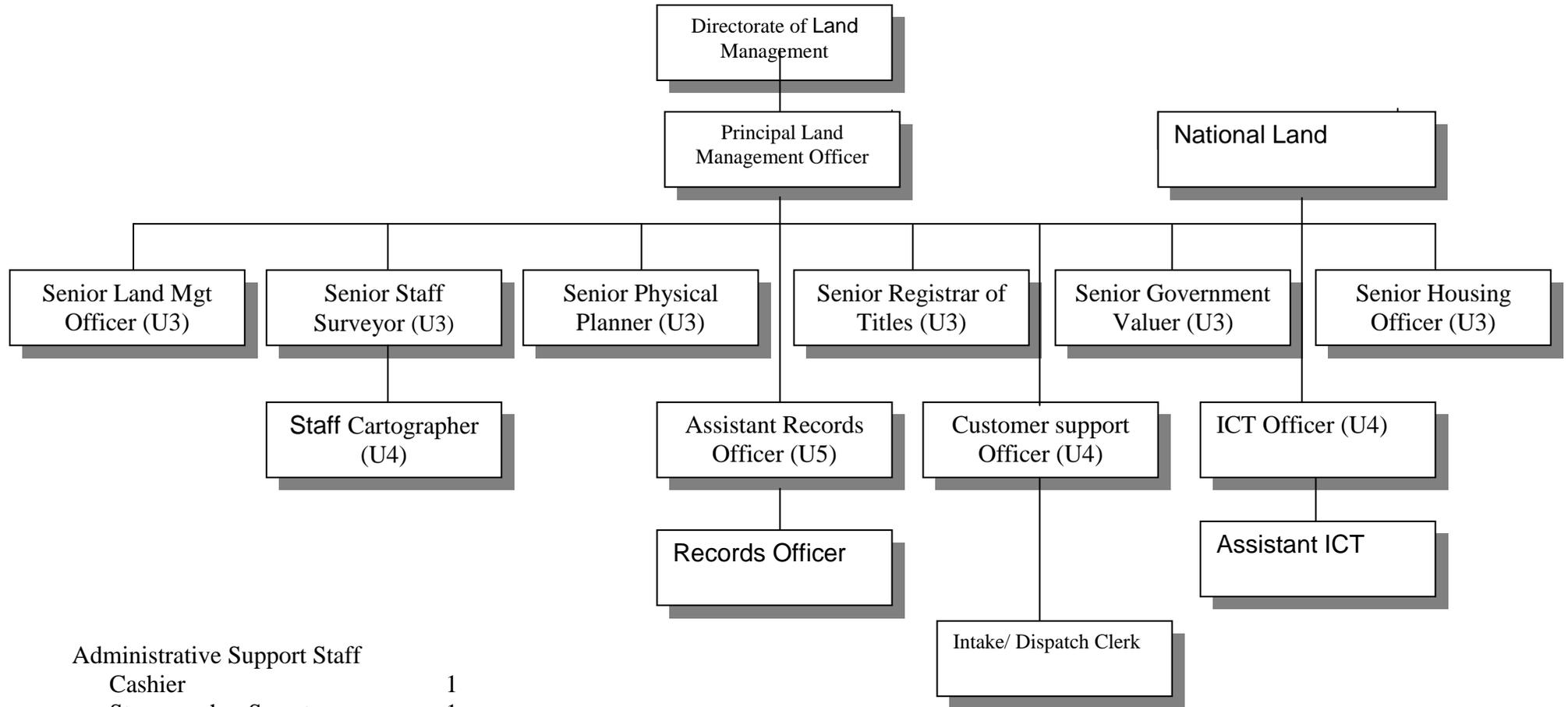
To accommodate technological innovations in land administration and management necessary to attain the strategic goals of Vision 2040, the Surveys and Mapping Department's physical infrastructure and technical capacity will have to be modernized and up-graded. Substantial new investment in cadastral surveying, digital mapping and spatial data production and distribution capacity is urgently needed to support public/private demand for spatial data; to facilitate systematic formalization of land ownership; and to enable the Land Information System perform its role in encouraging market forces to drive growth inducing investments in Uganda.

Although the general public often erroneously assume that improvements made to the services of the Land Registry is all that is required, timely execution of titling and registration of land transactions is dependent on the efficiency of several back office functions normally not visible to the public. For example, the *Valuation Division* is responsible for advising Government regarding the valuation of lands purchased, sold or rented by Government, for rating valuations in urban towns, and for the valuation of property to be registered for payment of stamp duty. These functions are critical to land market transactions and any bottleneck in performance of the valuation function can severally increase transaction cost.

To successfully implement the reforms planned under LSSP-II, all the technical departments under the Directorate of Land Management have to function efficiently and interdependently with no bottleneck anywhere along the process leading to final registration in interest in land. The completion of the planned network of 21 decentralized Zonal Land Registries, fully staffed and equipped is a necessary pre-requisite for the provision of the technical services required to enable the public access conveniently located facilities for registering all land transactions, thereby providing ready evidence of reliable information on ownership, mortgages, caveats and other forms of land and real estate collateral security.

**Figure 3: Structure of Zonal Land Office**

Structure for Zonal Land Office



Administrative Support Staff

Cashier	1
Stenographer Secretary	1
Data Entry Clerk	1
Office Attendant	1
Driver	1
Askaries	2

Finally, to ensure safe custody of titles for lands vested in or acquired by Government, the legal, administrative and operational framework of ULC needs to be strengthened. It is imperative that ULC become a common source of information, advice and support pertaining to Government's land holdings. It is additionally important that ULC is able to operationalize the Land Fund in order to undertake programs to address historical injustices, to encourage effective utilization of government acquired lands and to develop a framework for divestiture of un-needed government land where appropriate. The LSSP-II objective in this regard is to develop appropriate guidelines to enable ULC fulfill its government land administration and management functions. The first step is to provide the support necessary to undertake a careful re-examination of its policy, legal and regulatory framework.

## **7.5 Land Dispute Resolution Institutions**

### **7.5.1 National level**

Within the national judicial structure, dedicated land sector institutions will feed into the normal system through the High Court, Court of Appeals and Supreme Court. The Judicial Service Commission is responsible for recommending appointments, training, and oversight of the land sector courts.

### **7.5.2 Regional / District level**

District Land Tribunals as provided under Land Act (Cap. 277) will operate for the resolution of land disputes at district level. The operation of Land Tribunals, suspended by the Judiciary citing limited resources and duplication of services in 2008, will be re-instated and placed under the auspices of MLHUD in line with the recommendations approved under the National Land Policy.

Land tribunals have to be properly resourced and facilitated to enable them carry out their constitutional mandate under the Ministry of Lands. Access to timely, efficient and affordable dispute resolution mechanisms for efficient land markets, tenure security and investment stability in the land sector is imperative to realizing the vision and objectives of the NLP. Special provisions will be made to review and strengthen Land Tribunals under LSSP-II.

### **7.5.3 Sub-county and below**

The existing structure of institutions and the system for resolving land disputes at sub-county and below will be retained. The LC Courts will be strengthened through training, adequate levels of funding and the provision of strong guidelines on their conduct. As much as possible, informal systems of mediation and other alternative dispute resolution mechanisms will also be encouraged. Provision has also been made accordingly to review judicial procedures and to provide training, develop manuals and guidelines to assist the Judiciary in resolving land cases.

## **7.6 Public-Private-Civil Society Participation**

The LSSP-II plan is to deliver services primarily through decentralized structures, and the balance between public and private sector service providers. Land administration and management will be the responsibility of districts through their councils, District Land Boards, and Land Officers, and sub-counties through their Sub-County Chiefs and Sub-County Land Committees. Technical services will be provided through support to District Land Offices based on local demand and existing capacity. Special consideration will, therefore, be given to other public/private capacity building opportunities to enable the private sector organizations, NGOs and CBOs to more effectively add to the supply of land sector services.

## 8.0 LSSP-II Investment Plan - Budgeting and Costing

### 8.1.1 LSSP-II Budget Structure and Format

World Bank and Asian Development Bank costing tool - COSTAB 32 - was used to generate the LSSP-II budget. Since this software is primarily designed for projects, several editorial modifications were made on the output tables so as to conform to the requirements of a longer term strategic program. The structure of the budget closely follows that of the LSSP I - with necessary modifications to correspond to today's realities. This approach allows future comparisons and investigations of successive 10-year programs over long stretches of time to be made.

The proposed budget is an aggregate one and needs to be disaggregated before implementation through annual Government allocations via the ongoing MTEF and multi-year funding arrangements under donor funded projects.

The following points summarize the overall costing approach for LSSP-II.

- All costs were estimated in constant 2012 currency units (US\$ and UGSh)
- An exchange rate of US\$ = UGSh 2,650 was assumed in all computations.
- Both quantitative and qualitative information supplied by MLHUD authorities were utilized in assembling the LSSP-II budget.
- Where feasible unit costs and quantities were used for costing purposes.
- Where unit costs and quantity related data were unavailable - discretionary and approximate lump-sum costing was adopted.
- Price and physical contingencies were excluded.
- Such contingencies will be factored in when the budget is being disaggregated for implementation through detailed business plans and/or specific investment projects.
- The budget structure respects the current division of responsibility within MLHUD and outside. However, modifications will be necessary to harmonize and align the proposed line items with the various vote functions.

**Basic Budget Parameters:** Emphasis was placed on reinforcing basic Land Administration functions, in view of revamping the land market in Uganda.

- **Exclusions:** The Budget targets principally the Ministry of Lands, Housing and Urban Development with few other external areas of assistance. Department of Urban Development and Division of Housing were excluded, since investments coordinated by these two departments are being funded under separate programs.
- **Funding Modalities and Mechanisms:** A SWAP is being proposed. This is not a new topic for Uganda, and some background information is being provided in the Annex.

## 8.2 Financing the LSSP

LSSP-II will be financed from a range of sources, including central government provision, local government provision, own revenue, development partners' support, and the private sector. A summary of the resource envelope is provided in the following Table:

**Table 9: Summary of Program Cost Estimates**

(US\$ Million)	(US\$ Million)		
	Foreign	Local	Total
<b>A. Central Government Land Institutions</b>			
Physical Planning	24.05	12.06	36.11
Surveys and Mapping	14.27	8.52	22.79
Land Registration and Administration	3.41	2.26	5.67
Uganda Land Commission	3.11	25.65	28.77
Land Tenure Reform Coordination	10.48	6.75	17.23
MLHUD Headquarters in Kampala	11.31	50.20	61.50
<b>Subtotal</b>	<b>66.62</b>	<b>105.45</b>	<b>172.07</b>
<b>B. Policy and Legal Review</b>			
National Land Policy	0.68	0.44	1.12
National Land Use Policy	0.68	0.43	1.11
Other Policy and Thematic Studies	0.25	0.11	0.35
<b>Subtotal</b>	<b>1.61</b>	<b>0.97</b>	<b>2.58</b>
<b>C. Land Information</b>			
Expansion and Reinforcement of LIS	12.55	11.97	24.52
Valuation	0.73	0.37	1.10
Systematic Land Demarcation	21.06	14.04	35.10
Customary Land Registration	31.40	20.60	52.00
Demarcation of International Boundaries	0.96	0.62	1.58
Demarcation of Administrative Boundaries	2.11	1.41	3.52
<b>Subtotal</b>	<b>68.81</b>	<b>49.01</b>	<b>117.82</b>
<b>D. Decentralized Land Administration</b>			
DLOs and DLBs	1.10	17.39	18.49
Other County Structures	1.25	10.75	12.00
<b>Subtotal</b>	<b>2.35</b>	<b>28.15</b>	<b>30.49</b>
<b>E. Cross Cutting Interventions</b>			
Overall Training and Capacity Building	7.90	-	7.90
Support to the Land Market	9.00	-	9.00
<b>Subtotal</b>	<b>16.90</b>	<b>-</b>	<b>16.90</b>
<b>Total PROGRAM COSTS</b>	<b>156.29</b>	<b>183.58</b>	<b>339.86</b>

For the MTEF period (Phase One of LSSP-II), the strategic action plan is based on priority activities defined in Section Six of this document. This includes the continuation of the LIS design and piloting activities and other ongoing sector reform priorities deemed necessary to sustain the momentum of successful reforms made under LSSP-1. Projected allocations have been developed for the first 5 years of LSSP-II, for which the total resource envelope is US\$160.58 million.

A number of investment scenarios have been developed for Phase Two. Resources allocated to the strategic objectives according to priority and anticipated areas of activity amounts to US\$ 179.28 million. The total cost of LSSP-II over the proposed 10 years is forecasted at around USD 339.86 million.



**Table 10: Program Component Cost by Year**

Program Components by Year

(US\$ Million)

Totals In Constant Currency Units

	Phase 1 (2013/14 – 2017/18)					Phase 2 (2018/19 – 2022/23)					Total
	2013/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22	2022/23	
<b>A. Central Government Land Institutions</b>											
Physical Planning	2.23	3.41	1.46	5.01	4.00	4.00	4.00	4.00	4.00	4.00	36.11
Surveys and Mapping	2.29	3.27	4.78	6.12	1.78	0.58	1.02	1.02	1.02	0.94	22.79
Land Registration and Administration	0.74	0.69	1.53	2.60	0.12	-	-	-	-	-	5.67
Uganda Land Commission	0.10	1.42	3.55	3.10	3.10	3.50	3.50	3.50	3.50	3.50	28.77
Land Tenure Reform Coordination	2.55	2.03	1.67	1.57	1.47	1.90	1.82	1.41	1.41	1.41	17.23
MLHUD Headquarters in Kampala	5.30	9.15	12.05	5.00	5.00	5.00	5.00	5.00	5.00	5.00	61.50
<b>Subtotal</b>	13.21	19.97	25.03	23.39	15.46	14.98	15.34	14.93	14.93	14.85	172.07
<b>B. Policy and Legal Review</b>											
National Land Policy	0.20	0.17	0.06	0.06	0.06	0.20	0.17	0.06	0.06	0.06	1.12
National Land Use Policy	0.20	0.17	0.06	0.06	0.06	0.20	0.17	0.06	0.06	0.06	1.11
Other Policy and Thematic Studies	-	-	-	-	-	0.07	0.07	0.07	0.07	0.07	0.35
<b>Subtotal</b>	0.40	0.34	0.12	0.12	0.12	0.47	0.41	0.19	0.19	0.19	2.58
<b>C. Land Information</b>											
Expansion and Reinforcement of LIS	5.16	2.72	2.39	1.79	0.87	2.62	2.63	2.72	2.77	0.85	24.52
Valuation	0.37	0.12	0.06	0.02	0.02	0.27	0.16	0.06	0.02	0.02	1.10
Systematic Land Demarcation	-	-	4.20	4.20	4.20	4.50	4.50	4.50	4.50	4.50	35.10
Customary Land Registration	1.00	1.00	3.00	3.00	4.00	8.00	8.00	8.00	8.00	8.00	52.00
Demarcation of International Boundaries	0.20	0.35	0.35	0.35	0.35	-	-	-	-	-	1.58
Demarcation of Administrative Boundaries	0.18	0.35	0.53	0.35	0.35	0.35	0.35	0.35	0.35	0.35	3.52
<b>Subtotal</b>	6.91	4.54	10.52	9.70	9.78	15.74	15.64	15.63	15.64	13.72	117.82
<b>D. Decentralized Land Administration</b>											
DLOs and DLBs	1.88	1.84	1.84	1.84	1.84	1.88	1.84	1.84	1.84	1.84	18.49
Other County Structures	1.25	1.23	1.23	1.23	1.23	1.27	1.14	1.14	1.14	1.14	12.00
<b>Subtotal</b>	3.13	3.07	3.07	3.07	3.07	3.15	2.98	2.98	2.98	2.98	30.49
<b>E. Cross Cutting Interventions</b>											
Overall Training and Capacity Building	0.79	0.79	0.79	0.79	0.79	0.79	0.79	0.79	0.79	0.79	7.90
Support to the Land Market	0.32	0.32	0.32	0.32	0.32	0.64	0.79	2.02	3.32	0.64	9.00
<b>Subtotal</b>	1.11	1.11	1.11	1.11	1.11	1.43	1.58	2.81	4.11	1.43	16.90
<b>Total PROGRAM COSTS</b>	24.75	29.03	39.85	37.40	29.55	35.77	35.95	36.54	37.85	33.17	339.86



For the purpose of the investment plan, therefore, three alternative scenarios have been developed, based on different assumptions about the rate at which land services expand, and the expansion of the programs on systematic demarcation, land information and capacity building requirements based on the expected exponential growth in demand for land services; triggered by programs to accelerate formalization of customary and communal lands throughout the nation by the end of the LSSP-II lifecycle.

### **8.3 Expenditures**

The indicative investment strategy has been developed on the basis of the underlying investment scenarios. In each scenario, levels of expenditure on decentralized land administration and land information increase while those on central government institutions and policy and legislative review decline relative to the overall sector budget. These scenarios are summarized at Annex 3.

Two important new funding mechanisms will also be developed and implemented over the lifetime of LSSP-II: a move towards initial budget support for the land sector from the World Bank, followed by targeted activity funding support from other potential development partners. Furthermore, as recommended by the NLP, a mechanism for financial sustainability and revenue sharing, including the transfers of funds to Local Authorities for expenditure on local priorities within the sector will also be explored. By shifting previously centralized services to MZOs, increasing levels of funds are expected to be planned for, spent and accounted for at local authority level during the lifetime of the plan.

## 9.0 Monitoring and Evaluation

A comprehensive monitoring and evaluation strategy is a critical complement to LSSP-II, in order to provide management information concerning the performance of the sector and for assessing the impact of resources allocated to LSSP-II on the achievement of overall policy goals.

The sector will carry out Annual Reviews to assess progress against benchmarks and targets, and full evaluations at the end of each Phase of the program. The First Phase Evaluation will be carried out at the start of the second half of Year 4 of LSSP-II, prior to scaling up applications, and will recommend appropriate strategic and financial revisions to the LSSP-II for full implementation of Phase 2.

Monitoring and evaluation process will involve (a) the LSSP-II impact evaluation framework, and (b) arrangements for results monitoring.

### 9.1 Overall Assessment of the M&E Aspects in LSSP-I

An assessment of the M&E Aspects in the LSSP-I offers the following observations and comments on the implementation shortcomings of the M&E framework.

- Targets were not clearly set in the initial LSSP-I write up<sup>36</sup>,
- Essential baselines were not measured at the start of the LSSP-I,
- Indicators selected were not logically linked with the strategies,
- With the exception of legislative improvements, progress was visible in well planned and selected areas, but not in the overall scheme, and
- Progress has been limited to areas where funding was available.

Therefore, a more systematic M&E seems indispensable and inevitable for LSSP-II in order not to lose valuable lessons. With the recent heightened role of the line ministries in supplying information to UBS (rather than expecting UBOS to supply information to the ministries), there has been a proliferation of reports, all of which have some M&E content, which must be harmonized and streamlined to avoid duplication of effort as well as carry forward the M&E to a higher level; to focus and dwell on the critical evaluation and policy making dimensions than just collect and report data. The LSSP-II financial plan has provision for funding external consultants to establish a credible and functional M&E as an integral part of LSSP-II implementation.

The 2010 MLHUD Statistical Abstract<sup>37</sup> is a comprehensive and high quality document that the ministry has recently published on the UBOS web site. Efforts are underway to complete

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<sup>36</sup> All Government programs in Uganda must be accompanied by objectives, baselines, targets and budgets. The point being made above is that the initial LSSP I document did not include these targets and baselines, which had to be completed in later stages and in a piece meal manner.

those for 2011 and 2012. Whilst the document is highly useful and reflects diligent efforts of MLHUD staff, it essentially lacks two elements. The first shortcoming is that the MLHUD Statistical Abstract restricts itself to the mandate of the MLHUD only. Since MLHUD is primarily responsible for the implementation of LSSP-II, the statistics must go beyond the mere confines of MLHUD and report on the entire lands sector. The Statistical Abstract should contain information on the larger LSSP-II and all related projects. Secondly, there is an abundance of monitoring data while evaluations and assessments, that would naturally drive policy making, are generally lacking. The Statistical Abstract will naturally not contain the analytical parts, but should make explicit reference to the existence of such analytical assessments and evaluations based on the data contained in the statistical abstracts.

The LSSP-II has provision for the design and implementation of a comprehensive M&E that will serve the purposes of a general Performance Management Plan for the Lands Sector and become a subset of it. Unlike monitoring and statistical data gathering, evaluations and assessments require more focused and higher caliber professional interventions whose analysis and results would be subject to the scrutiny of the proposed LSSP-II Steering Committee before being publicly disseminated.

## 9.2 The New Approach to M&E

The recently approved Uganda Land Policy of February 7, 2013 states that successful land policy implementation will enable a faster rate of social and economic transformation. It is important, therefore, that visible mechanisms are put place to monitor progress and evaluate the effectiveness of the policy statements and strategies in attaining of the vision and objectives of the policy, where necessary leading in some instances to selective revision of elements of the land policy. This needs to be based on appropriate and integrated national indicators, established for the economy in general and the land sector in particular. This new orientation is adequately captured in the following policy statement.

**NLP Policy Statement:** The Government shall institutionalize a monitoring, review and evaluation framework for the implementation of the National Land Policy.

To institutionalize a monitoring and evaluation system, Government will therefore:

- ✚ Develop and apply indicators for monitoring and evaluation system;
- ✚ Develop appropriate tools for policy refinement and review
- ✚ Integrate land policy values and principles into the political discourse of Uganda;
- ✚ Link the Monitoring and Evaluation System to other national level monitoring processes for the National Development Plan;
- ✚ Define roles and responsibilities of all key stakeholders and players in Monitoring and evaluation.

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<sup>37</sup> 2010 MLHUD Statistical Abstract

<http://www.ubos.org/onlinefiles/uploads/ubos/pdf%20documents/PNSD/2010MLHUDStatAbst.pdf>

In order to maintain consistency of the National Land Policy with all emerging land issues in the country, Government will;

- ✚ Undertake periodic reviews of the land sector performance and the policy by identifying persistent and/or new issues requiring further policy interventions at least every 5 years;
- ✚ Review of the National Land Policy at least every ten years;
- ✚ Review the National Land Policy Implementation Action Plan and strategies every 3 years or as necessary;
- ✚ Create awareness on policy prescriptions for all stakeholders of in respect of issues reviewed.

Inspired by the policy statement and accompanying measures, this report adds that sector level and macro indicators are of special importance for LSSP-II, which should all be incorporated in a comprehensive M&E plan and Performance Management Plan, as is being practiced by major donors and governments.

Some of the critical sector level indicators for LSSP would consist of:

- ✚ Funds earmarked, allocated and appropriated to the Land Sector Agencies - and breakdown by recurrent and investment budgets - as a percent of national budget and GDP
- ✚ NSDI readiness index
- ✚ Mortgages outstanding as a percent of GDP
- ✚ Absolute and relative value of agricultural production with respect to GDP
- ✚ Number of real property transactions (land, houses and apartments)
- ✚ Number of conversions from mailo, customary and leasehold tenure arrangements into freeholds.

### 9.3 Proposed Overall M&E Framework

For obvious reasons, a high level concept document of this sort cannot delve into the details of an effective M&E system. However, the basic requirements of a country-wide land sector strategic plan are well established given that such a plan would inevitably impact four critical areas in the concerned country, which consist of (a) the economy, (b) natural environment, (c) the society and (d) governance of affairs. These are the main impact areas which will have a bearing on the principal domains.

For Uganda, we have identified four principal domains where LSSP-II impacts can be witnessed. For instance, for the economic impact, these principal domains consist of (a) productivity, (b) investments, (c) efficiency and (d) legal frameworks. Changes and improvements in the principal domains can in turn be monitored through the use of a number of key performance indicators (KPI), as listed in the **Annex.7** Effective evaluation can then proceed when the baseline and progress related data on the indicators have been compiled and verified, hence completing the cycle for an effective M&E system.

## **9.4 Monitoring Cross Cutting Issues in the Land Sector**

### **9.4.1 Environmental Degradation**

Unprecedented demands for fuel wood and construction materials have depleted vegetation cover. Elsewhere in Rural Areas Wetlands have been degraded for brick making and deforestation by Charcoal Burners. The outcome for poor natural resources use is clear. Namely, soil erosion, food insecurity and poor management of solid and liquid wastes; In Urban Centres there is high day rate of waste production from households, business establishments, small and medium industries and people on transit, which is not commensurate with existing infrastructures for waste management. Sewerage pollution is common especially during rainy seasons when polythene bags and papers block the drainage channels. Environmental laws and regulations, and enforcement may be too weak to overcome some of these issues.

### **9.4.2 Gender Issues**

The population structures of Uganda in terms of Gender indicate that there are more female than male, yet there is evidenced gender imbalance in respect to access to education, production resources and benefits, development opportunities and decision making. Generally female are less privileged than their male counterparts. Women as compared to men in terms of participation and engagement in economic activities indicate that much of their time is taken up in production for domestic goods and services for the welfare of their household members, yet they don't have control and ownership of production resources such as land, household assets and proceeds from land.

### **9.4.3 Population Distribution Concerns**

Pressure on land in the suburbs and some Districts, and under utilisation of natural resources in the sparsely populated areas have serious impact on the use of human and natural resources.

### **9.4.4 HIV/Aids**

This poses the greatest challenge to health and well being of the people. HIV/Aids has placed a burden on the household resources through payment of medical bills. The epidemic has hit the traditional labour intensive agricultural sector and as a result HIV/Aids has led significantly to household poverty.

### **9.4.5 Insecurity**

This is as a result of banditry and cattle raids in some parts of the Country. Insecurity has limited people's access to natural resources such as land and other resources. Unemployment and underemployment are reflected in a high number of unproductive population and under utilisation of environmental resources such as land. Consequently, Insecurity has caused poverty in the affected areas because land forms the basis for local livelihoods. The degree of access determines the scope and nature of poverty of the individual, household or

community. Therefore, failure to harness natural resources might have accelerated poverty in the Country.

## 10.0 Observations and Conclusions

The LSSP consultative and participatory process has been designed to facilitate ownership of the report by the stakeholders. The **LSSP-II** can easily be ‘internalized’ as the preparation process has carefully considered good governance principles with the involvement of international best practice and the stakeholders.

The LSSP-II investment envelope being proposed is not meant to compromise the logic of **MTEF** and some national parameters in the budgeting processes but rather augmenting such efforts through acknowledging that the sector must first get very substantial resources, to be drawn largely from Government and Donor sources, so that the capital investment and backlog of accumulated constraints noted throughout LSSP-I can be put to rest before the sector can deliver land services at the level of effectiveness necessary to become part of the mainstream of economic sectors.

The eventual sources of sources of supplemental resources include charges for economic operations undertaken by the sector, cross-sectoral operations (especially in some government and donor funded projects), ongoing activities and projects within the sector, and resources from international commitments which are normally ‘financially rewarded’.

Public awareness and education can make or break the success of the implementation of the land laws as the leadership is as much inclined to bend the rules, as are the users, out of ignorance. Public awareness starts with the top sector leadership, to the political and civic leadership at all levels down to individual land users and into schools.

The institutions, standards, processes and information technology for land delivery and control systems, better known as the land administration infrastructure in the LIS setup, has been totally re-engineered to enable the delivery of services and development of land. This shift has also opened a huge top-management technology gap in a land sector that now so heavily operate on information systems and this has to be addressed with urgency. Technical expertise is rare in the lands sector in Uganda, but reliance of foreign expertise also leaves much to be desired in the long run. An aggressive capacity building program supported by a comprehensive review of staff remunerations will be needed to ensure adequate levels of staff retention in the land sector.

A new institutional framework is needed to provide both horizontal and vertical linkages that entail a closer cooperation of the **MoFEP, MLHUD, MoLG, MoJCA** and the Private Sector than has hither to been experienced in Government.

### 10.1 Recommendations

The following cross-cutting general recommendations are made so as to avoid repetition.

- a) Draw up a program to guide public education, awareness creation and enhancement of LSSP-II processes and subsequently conduct focus group seminars, workshops, radio and television sessions for all levels of people involved in land administration and for the land users, based on the agreed public awareness campaign.
- b) Build capacity and enhance competency for the sector through refresher and short courses, particularly LIS and GIS technology oriented courses and encourage the institutions of higher learning and land sector professional associations to embark on joint programs for land based professions.
- c) Establish a land information infrastructure and capital replacement fund (**LISCRF**), that draws out of the land sector fees or similar charges levied against services delivered through specific legislation or provisions in laws and, in accordance with the value and use of land.
- d) Establish a viable spatial data infrastructure by setting up land, geographic, and management information systems (**LIS, GIS and MIS**) in land offices, registries and agencies; preparing land-use maps, strategic urban development plans, and schemes; establishing a solid geodetic and topographic framework and data; preparing base and land cover maps and images within the land sector; and providing adequate transport and communication systems for land administration. Already, the LIS has initiated computerization of land sector operations, digitization of cadastral survey data and plans and will soon add land use planning and valuation operations to complete the land administration and management system. It is equally important to ensure availability of detailed plans and operational manuals are available for information management systems being developed, buildings, GIS labs and registries.
- e) Increase levels of land delivery and issuance of Land Title, Certificates of Occupancy and Certificate of Customary Ownership. This recommendation is supported by the emphasis placed on systematic demarcation and the facilitation of systematic cadastral survey services and land adjudication activities for a faster speed and efficiency registration of individual parcels and communal land associations.
- f) Establish the LSSP Council (**LSSPC**) as a cross sector organ comprised of land user ministries and organizations. Expand its function to include the determination of national priorities for funding cross-sector land issues, implementation of horizontal and vertical linkages, and the monitoring of **LSSP** implementation progress.
- g) Establish a National Land Forum (**NLF**) for the interaction of the public, civil society and CBOs and private sector representatives on land matters in order to establish a partnership for growth and facilitate the development of the lands sector.

## 10.2 The Way Forward:

The draft strategic plan presented here has considered implementing carefully targeted land reforms in the context of sector growth and to complement delivery of land services across all sectors of the national economy. The inputs from stakeholders and consultative meetings constitute the voice of the public, land owners and users, civil society and community based organizations, investors and land sector professionals that need serious consideration and implementation in order to establish an enabling climate for meeting the strategic objectives of LSSP-II.

By the nature of MLHUD's mandate, some actions and activities presented for implementation in the plan of action for this strategy may be easier to put into effect than others. It is recommended firstly, that the levels of priority presented with the Indicative Investment Matrix be observed. The sector should also leverage its economic linkages with other productive sectors to bring other sectors (such as Finance, Agriculture, Oil, Local Government, Justice, Forestry and Environment, etc.) together to address cross-sectoral concerns in line with the strategic objectives of LSSP-II and Vision 2040.

Secondly, all actions that are purely sectoral, i.e., falling under the **MLHUD** mandate of activities, ought to commence as soon as possible, whilst those calling for cross-sector dialogue or higher-level authorization (Cabinet, Parliament, etc.), await such authority. It is strongly recommended that actions necessary to clarify the legal and regulatory framework should not be delayed for too long.

Thirdly and lastly, the financial framework proposed for this strategy calls for heavy reliance on a sustained and predictable government and donor funding to finance the GIS based LIS and the supporting land administration technology platform, the physical infrastructure and institutional arrangements, and human capacity and competencies required. Sustainability will depend on the degree with which, the funding mechanism responds to these recommendations and to the success of MLHUD dialogue with the private sector and development partners. It is essential that a truly public-private partnership prevail at all times during the implementation of this strategy.

**LSSP** provides the framework for the revision and implementation of the land laws, guidelines and regulations to a level that provides direction and the mechanism of implementation. The onus however is on the Sector, on behalf of the Government, to use this strategy to develop a detailed business plan of studies, targeted land sector projects and schedules for implementation. The LSSP identifies sets of intervention activities that can be consolidated into programs and projects, needed resources and their sources, etc, with the justification that is necessary to facilitate implementation by all responsible parties.

## Annex 1: Summary of Key Achievements under LSSP-1

1. ***An inclusive and pro poor policy and legal framework:*** The LSSP-I's core strategic objective was to create an inclusive and pro-poor land and land use policy and legal framework for the sector. Since 2001, the relevance of securing land rights of the majority has been heightened by the expansion of Uganda's economy and the attention given to the discovery and exploration of oil in the customary tenure dominated Albertine region. Similarly, with the return of peace, and the return of internally displaced communities in the Northern regions, both the economic potential of the region and the destruction of traditional land tenure systems have propelled the need to strengthen land administration and land rights management institutions and land dispute mechanisms to the center of national political debate. This coincidence of circumstances has presented a major opportunity to accelerate land tenure and land use reforms necessary to transform and integrate communal land ownership systems in the Northern and Eastern regions into the formal land law and land market.
2. ***Comprehensive policy, legal and institutional reforms*** have been ongoing since 2002 under LSSP-I and has benefited from a series of participatory National Land Policy consultative workshops to reflect the will of the citizens of Uganda. Citizens were encouraged to participate and express their voice to influence the process of policymaking, and to make sure that land reform epitomizes their needs and expectations. Similarly, the results of the modernization of the Land Registry and the shift from manual registry operations to a digital LIS platform is permanent and has been installed as a model land services delivery system in the six Districts with the most active land markets in Uganda.
3. ***The LIS system*** prescribed will be sustained and extended to 15 additional Zonal Land Registries to support decentralization and to take full advantage of the growing importance of spatial data as a tool for development planning and investment feasibility analysis. In conclusion, it is possible to say, the LSSP's assumptions about making land information easily accessible and affordable were realistic in terms of the development of the LIS and improvements to delivery of land services. The LIS has also enabled full decentralization of land services and the associated professional and technical capacity required to maintain the system to the six LIS districts. This represents the model of decentralization envisioned by the Land Act(1998) and has set the stage for a phased roll-out of the LIS system to the remaining 15 zonal LIS centers to serve the entire nation.
4. ***Putting land to more productive use and supporting the private sector:*** The opinion of most stakeholders interviewed in the course of the LSSP evaluation confirmed that support to the private sector has been incremental and positive. The most persistent view of the achievements made, especially with respect to Land Records Rehabilitation, Land Registration reforms and the decentralization of land services is that "*failure is not an option.*" Support for speedy development of the LIS and the associated improvements in access to high quality land information, higher levels of transparency and the potential elimination of graft is much higher among business stakeholders. However, the LSSP has not done as favorable a job as needed to educate most private sector users of land services of the changes envisaged by LSSP reforms. Members of the Real Estate Agents and Mortgage Finance Institutions expressed the need for more targeted training for their members. New documentation required to comply with the newly re-engineered land administration business process needs to be publicized to the general public to prevent fraud and profiteering, and the number of events and activities designed to raise public awareness of LSSP reforms should be emphasized in a more aggressive public awareness campaign.
5. ***Enhancing Land tenure security and livelihoods of the poor and vulnerable.*** The Land Act, 1998, by underwriting tenure security intended to increase the incentive for the poor to invest in

land improvements and expand their production and income. Although it is not easy to establish direct causality, there is widespread circumstantial evidence that, irrespective of the system of land tenure, whether communal or individual, more secure property rights are linked to a higher propensity to invest in sustainable long term conservation and other farm improvements.

6. ***The Land Fund:*** The Land Fund was intended to be part of a broad political, social and economic strategy for change, rather than a narrow intervention. However, operationalization of the Land fund could not proceed in the absence of policy and guidelines for managing the distribution of government land. Neither could the Land Fund perform ahead of other related programs, especially those for improving infrastructure nor technical support services to small farmers – credit, input supply, marketing, extension and adaptive research. Because production benefits are more likely to accrue from tenure reform and better land management where farm support services are made available, there is a strong case for focusing the implementation of the Land Fund together with public investment in infrastructure and services in the next LSSP.
7. ***LSSP has made measurable impact on capacity building.*** There is strong interest on the part of both the public sector and private sector to significantly increase capacity in the land sector. The LSSP support for reopening the Institute of Surveying and Land Management has made a significant contribution to the supply and availability of qualified technicians in all the relevant land administration and land management fields. Through the LSSP, relevant land sector staff has acquired the necessary skills and knowledge in LIS, GIS and critical cadastral and land management operations. The LSSP activities provided an effective platform for public and private dialogue. Land Sector Staff acquired skills in policy and legal reviews and customer oriented productivity in response to the lessons learned from land forums.

The LSSP Capacity building measures have attempted to address capacity at three levels: the societal level (policies, legal frameworks and accountability), the organizational level (institutional infrastructures and organizational effectiveness), and individual level (technical and professional competencies and responsibilities). Land services delivery capacity has seen marginal increases and the relevant services and land information made available in the DLOs which previously lacked quality land information through decentralization, and mass publication and distribution of policy, laws, regulations and guidelines. Support of the private sector for interventions that promote more productive use and development of land can be attributed to extensive work done by the LSSP in this area. There is high praise for the quality and relevance of trainings provided by both the ISLM and the short term skill upgrading training provided to land sector staff under the PSCP-II. Most of these efforts have been directed specifically at meeting the need to pilot the LIS in the first six districts. The challenge moving forward is to close similar capacity deficits, first in the remaining 15 Ministry Zonal offices that will complete the network of cadastral information service centers for Uganda by 2018 and to fully staff District Land Offices throughout the country.

## **Annex 2: Summary of LSSP-II Implementation Priority Areas**

1. **Policy and Legislative Activity Sequence:** Translate and disseminate both the National Land Policy and the National Land Use Policy; Develop District Land Policies
2. **National Land use and Physical Development Planning:** Accelerated development and completion of the of the National Physical Development Plan; Develop regional land use plans prioritized to support other LSSP-II implementation activities such as systematic demarcation and demarcation of land belonging to traditional communities and communal land Associations; Simultaneous development of land use plans for Albertine Graben region and areas of high economic potential.
3. **Review and revision of all land related laws** and implementation of the same.
4. **Certification and Titling of Communal Land Associations** and Enhancement of the Land market – Linking with CICS for more effective growth of land market
5. **Complete roll out of LIS infrastructure development** – Sustainability, Systematic Demarcation and NSDI development: Support activities and for land information and spatial data compilation, quality assurance and investments for populating the NLIS.
6. **Surveys and Mapping** – Geodetic reference network and physical facility modernization, retooling for map production and capacity development
7. **Systematic Documentation of Individual and Communal Lands:** Develop and implement a national program for systematic demarcation of individual parcels and land belonging to traditional communities and ommunal Land Associations
8. **Public Awareness and Support for Land Administration and Land Management**  
Physical Planning, Valuation and Human Settlements – Priority functions necessary for the comprehensive, efficient and effective access to land information. to assure implementation, utilization and coordination with local government.
  - a. National and District Land Use Plan development and implementation
  - b. District Land Policy development and implementation
  - c. Valuation Modernization and Capacity Building CAMA Systems
  - d. Pilot Peri-Urban Land Readjustment
9. **Full operationalization of the Land Fund** (including the credit component) to achieve the original fund objectives: (a) Land Fund Acquisitions and land redistribution, (b) Land Fund Credit support for beneficiary land development and investment projects
10. **Capacity Building** in the public and private sector for delivery of land services. Including well designed and funded IEC strategy and public education campaign. Deliberate efforts to increase the role and participation of civil society organizations.
11. **Special Studies requiring expert technical support and analysis** facilitating the centralized land administration institutions: (a) Agentization (NLD Policy Measure) and divestiture of some land services; (b) ULC policy, Legal and Regulatory Framework for effective custody of government land and the Land Fund; (c) Valuation systems, and database development, training and capacity building.
12. **Financial sustainability:** Address revenue generation and cost recovery and revenue sharing needs within the land sector; Develop strategy for resource mobilization and funding mechanisms necessary to sustain implementation of LSSP-II intervention activities.



### **Annex 3: Revision and Harmonization of Land Related Laws**

<b>DRAFT LAWS</b>
<ol style="list-style-type: none"><li>1. Registration of Titles Act 2008 – Revised</li><li>2. Land Acquisition Act – Revised</li><li>3. Real Estates Agents Act 2008 - Revised</li><li>4. Survey Act – Under revision</li><li>5. Surveyors Registration Act – Under Revision</li></ol>
<b>ISSUES PAPERS COMPLETED</b>
<ol style="list-style-type: none"><li>1. Surveyors Registration Act</li><li>2. Surveys and Mapping Act</li><li>3. Land Acquisition</li><li>4. Traditional Rulers (Restitution of Assets and Properties) Act</li><li>5. Proposed Government Land Act</li><li>6. Land Information System</li><li>7. Local Governments (Rating) Law</li><li>8. Registration of Titles Act</li></ol>
<b>BILLS APPROVED BY PARLIAMENT</b>
<ol style="list-style-type: none"><li>1. Mortgage Act and Regulations</li><li>2. Physical Planning Act</li><li>3. Condominium Act</li></ol>
<b>CONSULTATIVE PAPERS</b>
<ol style="list-style-type: none"><li>1. Real Estates Agents Act</li></ol>
<b>EXPLANATORY MEMORANDUM</b>
<ol style="list-style-type: none"><li>1. Real Estates Agents Act</li></ol>
<b>PENDING NEW LEGISLTATIONS</b>
<ol style="list-style-type: none"><li>1. Local Government Rating Bill</li><li>2. Land Information Bill</li><li>3. Land Records Storage and Archiving Bill and Regulations.</li></ol>

#### **Annex 4: LSSP-II Strategies and Interventions**

A number of improvements in the land sector, including programs to integrate customary land in the formal property systems will be necessary to ensure that an enabling environment is created for more effective utilization of land and land based resources. The ability to secure access to land resources through a variety of tenure systems that guarantee returns for short or long term investments is important for socio-economic transformation and national development, improving agricultural productivity in general and food security in particular.

<b>STRATEGIC OBJECTIVE 1:</b> <i>“To create an inclusive, policy, legal and regulatory framework for land administration and land management.”</i>		
<b>ITEM</b>	<b>STRATEGIES</b>	<b>INTERVENTIONS AND PERFORMANCE INDICATORS</b>
1.	Implement and disseminate the National Land Policy and Land Use Policy	<ol style="list-style-type: none"> <li>1. Translate the NLP and NLUP into major languages and other dissemination formats.</li> <li>2. Train and build capacity of land administration institutions, Private Sector Organizations, NGOs, and traditional leaders for implementation of the NLP/NLUP</li> <li>3. Prepare materials for civic education and public education for NLP/NLUP</li> <li>4. Develop appropriate tools for policy refinement and review</li> </ol>
2.	Develop, implement and disseminate sub-national Land Policies and Land Use Policies	<ol style="list-style-type: none"> <li>1. Develop sub-national Land Policies and Land Use Policies</li> <li>2. Translate Sub-National Land and Land Use Policies into major languages</li> <li>3. Train and build capacity of land administration institutions, Private Sector Organizations, NGOs, local and traditional leaders for implementation of the Sub-National Land and Land Use Policies</li> <li>4. Prepare materials for civic education and public education</li> <li>5. Develop appropriate tools for sub-national policy refinement and review</li> </ol>
3.	Formulate, review and revise land related laws, regulations and guidelines	<ol style="list-style-type: none"> <li>1. Complete the Revision and Harmonization of Priority Land Sector Laws, Regulations and Guidelines</li> <li>2. Formulate New Laws, Regulations and Guidelines to support land sector reforms including enabling E-Conveyancing</li> <li>3. Review and Harmonize all Land Related Laws</li> </ol>

**STRATEGIC OBJECTIVE 2:**

***“To ensure efficient utilization, protection and management of land and land based Resources for transforming Uganda’s economy.”***

ITEM	STRATEGIES	INTERVENTIONS AND PERFORMANCE INDICATORS
1.	Develop and implement the national and Sub-national Physical development plans	<ol style="list-style-type: none"> <li>1. Develop and implement the National Physical Development Plan</li> <li>2. Develop Physical Development Plans for the Albertine Graben Region, GKMA and other special planning areas..</li> <li>3. Expedite Physical Development Plans for areas of high economic potential.</li> <li>4. Develop and enforce rural and urban Physical Development Plans to promote orderly and sustainable development</li> <li>5. Develop appropriate tools for Physical Development Plan implementation and review.</li> <li>6. Develop guidelines for preparation and implementation of national and sub-national PDPs</li> <li>7. Develop and promote (SWAP) Sector-wide approach to planning (Integrated planning)</li> </ol>
2.	Develop and implement land use and physical development plans at regional, district and municipal levels	<ol style="list-style-type: none"> <li>1. Develop sub-national physical development plans</li> <li>2. Train and build capacity of Private Sector Organizations and local and community leaders’</li> <li>3. Prepare materials for civic education and public education</li> <li>4. Strengthen capacity of sub-national Physical Development Planning Committees</li> <li>5. Develop appropriate tools for sub-national physical development plan refinement and review</li> </ol>
3.	Ensure proper land use practices comply with sound environmental and natural resources management	<ol style="list-style-type: none"> <li>1. Develop and implement incentives to ensure land owners comply with principles of sound environmental management</li> <li>2. Create incentives for community participation in conservation on privately-owned land and in co-management of conservation on public land</li> <li>3. Develop and implement mechanisms to resolve human-wildlife conflict</li> <li>4. Strengthen mechanisms to safeguard ecologically sensitive areas.</li> </ol>
4.	Ensure equitable access to land for orderly development of urban and rural settlements	<ol style="list-style-type: none"> <li>1. Facilitate development and implementation of a comprehensive National Human Settlement Policy</li> <li>2. Facilitate development of a National Urban Policy</li> <li>3. Develop Guidelines and Facilitate Land Re-adjustment in Unplanned Settlements.</li> <li>4. Regulate sub-division of land in urban, peri-urban and rural areas and ensure strict enforcement of development control.</li> </ol>
5.	Identify, assess, inventory and register Government Land	<ol style="list-style-type: none"> <li>1. Expedite the formulation of the Government land Bill</li> <li>2. Develop Government Land management regulations and guidelines</li> <li>3. Define and Enforce ULC, MDA and LG Trusteeship relations</li> <li>4. Develop sensitization material and training manuals for undertaking Government Land Inventory</li> <li>5. Execute Assessment, Inventory and Registration of Government Land</li> <li>6. Develop GLI Management and Auditing Protocol for Uganda Land Commission</li> </ol>
6.	Review, update and Clarify Procedures for Land Acquisition	<ol style="list-style-type: none"> <li>1. Develop and prescribe a uniform method for land acquisition by Government</li> </ol>

	by Government	<ol style="list-style-type: none"> <li>2. Establish the mechanism and guidelines for local governments to acquire land in respect of meeting the requirements for compensation</li> <li>3. Develop and Prescribe a set of regulations and guidelines, the roles and responsibilities of the different state organs and agencies in the exercise of this power</li> </ol>
7.	Improve accessibility of land services to Land and rental market	<ol style="list-style-type: none"> <li>1. Compile, Establish and Maintain a National Land Value Database</li> <li>2. Prepare and Supply National and Sub-National Land Value Maps</li> <li>3. Prepare and Maintain Sub-National Rating and Valuation Database</li> </ol>

**STRATEGIC OBJECTIVE 3:**

*“To improve equity in access to land, livelihood opportunities and tenure security of vulnerable groups.”*

ITEM	STRATEGIES	INTERVENTIONS AND PERFORMANCE INDICATORS
1.	Strengthen land dispute mechanisms, institutions and structures.	<ol style="list-style-type: none"> <li>1. Strengthen and Re-align Institutional Framework for Land Dispute Resolution</li> <li>2. Implement Funding Mechanisms for Land Dispute Resolution Institutions</li> <li>3. Review Regulations and Develop Guidelines for Alternative Land Dispute Resolution Arrangements</li> </ol>
2.	Strengthen the land rights for the poor and vulnerable groups.	<ol style="list-style-type: none"> <li>1. Develop and implement a national program to ensure customary land rights are uniformly and effectively secured and protected.</li> <li>2. Streamline and strengthen the role and participation of civil society organizations in supporting Communal Land Associations</li> <li>3. Review impact of mechanisms for improving Land Rights of women and vulnerable groups and implement recommendations</li> <li>4. Implement Legal Aid Mechanisms to assure equity and access to justice through actions to protect land rights of vulnerable groups.</li> <li>5. Promote formalization of tenant occupancy on Registered Land.</li> </ol>
3.	Operationalize the Land Fund to provide improved land access	<ol style="list-style-type: none"> <li>1. Develop and implement Land fund Regulations Develop Procedures and Guidelines to Operationalize Land Re allocation under the Land Fund</li> <li>2. Develop Management and Administrative Procedures to Operationalize Land Fund Credit.</li> <li>3. Implement Public Works and Social Infrastructure Development Programs to support Land Fund Beneficiary Land Development and Investment sub-Projects</li> </ol>
4.	Streamline and integrate Communal Land Administration with formal systems.	<ol style="list-style-type: none"> <li>1. Review and Develop Road map for Integrating Communal Land Management and Rights Systems into the formal legal system.</li> <li>2. Implement a streamlined and well resourced system of Communal Land Management and administration of land rights</li> <li>3. Review Implementation Options for Post-conflict Resettlement in Northern Uganda.</li> <li>4. Document and establish guidelines for all other communal sub-tenure arrangements.</li> <li>5.</li> </ol>
5	Increase provision of public	<ol style="list-style-type: none"> <li>1. Design and Implement a National IEC Campaign on Land Rights,</li> </ol>

	information on land rights,	<p>LIS and Land Administration Issues.</p> <ol style="list-style-type: none"> <li>2. Design and implement targeted public awareness training for Legal practitioners, Real Estate agents, Financial Institutions, Surveyors and other Professional Associations</li> <li>3. Design and Implement Systematic Demarcation Sensitization Campaign</li> <li>4. Develop, adequately resource and implement National Land Sector Briefing Program to continuously enhance public awareness of land issues</li> </ol>
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**STRATEGIC OBJECTIVE 4:**

*“To increase availability, accessibility and affordability of land information for planning and development.”*

	STRATEGIES	INTERVENTIONS AND PERFORMANCE INDICATORS
1.	Review, roll out and sustain the Land Information System (LIS)	<ol style="list-style-type: none"> <li>1. Complete design, review and roll out of user friendly and accessible LIS</li> <li>2. Design, develop and implement Valuation and Physical Planning modules under the LIS</li> <li>3. Develop and operationalize NLIC business plan and on line services.</li> </ol>
2.	Develop Policy, Regulations and Guidelines for geo-spatial information production and management	<ol style="list-style-type: none"> <li>1. Develop Policy Regulations and Guidelines for efficient production and management of Geo-spatial Information to meet public and private sector demands.</li> <li>2. Upgrade technology for Survey and Mapping functions</li> <li>3. Undertake National Topographic Mapping</li> <li>4. Establish national Spatial Data Production and revision cycles</li> </ol>
3.	Establish National Spatial Data Infrastructure that integrates data for planning and development	<ol style="list-style-type: none"> <li>1. Develop and Implement the NSDI Policy</li> <li>2. Establish a sector-wide institutional arrangement for development and implementation of the NSDI</li> <li>3. Develop and implement NSDI Implementation Plan (taking into account standards and data sharing frameworks)</li> <li>4. Develop and implement an IEC strategy to support establishment of the NSDI</li> </ol>
4.	Establish an appropriate Infrastructure for geodetic reference frames to facilitate surveying, mapping, construction industry and other services.	<ol style="list-style-type: none"> <li>1. Design and construct a National Geodetic Reference Framework and tie into Africa Geodetic Reference Framework</li> <li>2. Install Continuously Operating Reference Stations (CORS)</li> <li>3. Densify the Geodetic Reference Network</li> <li>4. Ensure management and maintenance of CORS and Geodetic Reference Framework..</li> </ol>
5.	Review and roll out a national program of Systematic Adjudication, Demarcation, Survey and Certification or Registration of land.	<ol style="list-style-type: none"> <li>1. Carry out a comprehensive review of systematic adjudication, demarcation, survey, registration and certification practice.</li> <li>2. Carry out needs assessment of systematic Adjudication Demarcation and Survey</li> <li>3. Roll out National Program for Systematic Adjudication, Demarcation, Survey and Certification or Registration of land</li> </ol>

**STRATEGIC OBJECTIVE 5:**

**“To ensure transparent, accountable and easily accessible land rights administration institutions, and strengthen capacity for effective delivery of land services.”**

	<b>STRATEGIES</b>	<b>INTERVENTIONS AND PERFORMANCE INDICATORS</b>
1.	<i>Physical Capacity Development:</i> Ensure Provision of Custom Built Physical Infrastructure for effective Delivery of Land Services.	<ol style="list-style-type: none"> <li>1. Construct and Equip 10 more Ministry Zonal Offices</li> <li>2. Construct and Equip New Entebbe Surveys and Mapping Center</li> <li>3. Complete Construction and equip the Archival Preservation Center in Entebbe</li> <li>4. Construct and Equip ISLM Female Hostel, Classroom Block and Student Center (Dining, Assembly, Meeting Rooms, Recreation, etc.) in Entebbe.</li> <li>5. Construct and complete remaining floors for the National Land Information Center in Kampala.</li> <li>6. Construct and Equip a Modern, Technology Appropriate MLHUD Headquarters</li> </ol>
2.	Strengthen Professional and Technical Skills of Land Sector Staff	<ol style="list-style-type: none"> <li>1. Facilitate Review of curriculums for land management at training institutions</li> <li>2. Continue professional development programs for Land Sector staff</li> <li>3. Devise and implement productivity and customer oriented training program for land services delivery staff at all levels.</li> <li>4. Develop and implement a modern valuation skills training program (CAMA) for all valuers in the public and private sectors</li> <li>5. Devise a scholarship scheme for training of land management students</li> <li>6. Provide research support for new innovations in the land sector</li> <li>7. Institute female specific scholarships for the land administration and management (male-dominated) services.</li> </ol>
3.	Strengthen Capacity of Land Sector Institutions and Professional Associations to regulate all professions in the land sector	<ol style="list-style-type: none"> <li>1. Develop a systematic training program for land administration and dispute resolution institutions.</li> <li>2. Design and Implement Service Appropriate Training Programs for all Sub-National Land Sector Institutions</li> <li>2. Develop and Supply Backstopping Technical Support and Supervision Standards and Guidelines for Land Sector Institutions at the Center and Sub-National Levels.</li> <li>3. Develop Effective Monitoring and Evaluation Training, Programs and Guidelines for Managers and Supervisors</li> <li>4. MLHUD to Assume management and Control of ISLM</li> <li>5. Develop Partnerships for Providing Professional Skills Upgrading Programs for Practicing Surveying and Land Management Practitioners</li> <li>6. Develop Strategies to Facilitate Professional Compliance with International Standards and good practices</li> </ol>
4	Strengthen the overall land rights administration system	<ol style="list-style-type: none"> <li>3. Carry out a detailed study of the legal, institutional and administrative arrangements for establishment of an efficient, effective land rights administration system</li> <li>4. Carry out comprehensive study of revenue generation and sharing for all land delivery services.</li> </ol>

**STRATEGIC OBJECTIVE 6:**

***“To promote a “business approach” to the delivery of land services through Multi-sectoral approach.”***

ITEM	STRATEGIES	INTERVENTIONS AND PERFORMANCE INDICATORS
1.	Promote the land sector to be among the priority sectors in the national development agenda and for planning	<ol style="list-style-type: none"> <li>1. Leverage land sector linkages to other key productive sectors.</li> <li>2. Mobilize resources for the Land Sector through proactive advocacy</li> <li>3. Develop monitoring framework for measuring land sector contribution to growth and national development</li> </ol>
2.	Improve the effectiveness and reliability of land sector services	<ol style="list-style-type: none"> <li>1. Develop and implement “business approach” to land service delivery</li> <li>2. Develop and implement a strategy for mindset change to enhance productivity</li> <li>3. Review, update and implement Client Charter</li> <li>4. Conduct a business process re-engineering study for improved service delivery.</li> </ol>
3.	Strengthen land sector support for multi-sectoral participation	<ol style="list-style-type: none"> <li>1. Identify and promote land sector linkages with key production sectors.</li> <li>2. Develop and implement revenue sharing, cost recovery and financial sustainability options for land services delivery institutions.</li> <li>3. Engage and facilitate development and participation of private sector institutions and civil society in delivering land services</li> </ol>
4.	Strengthen Land Sector Support for Private sector Competitiveness	<ol style="list-style-type: none"> <li>1. Monitoring the performance of, and facilitate the land market.</li> <li>2. Develop a register and database of private sector land agencies, valuers, planners, etc.</li> <li>3. Engage and facilitate participation of private sector, institutions inland sector programs</li> </ol>
5.	Strengthen Land Sector Partnerships for delivering land services	<ol style="list-style-type: none"> <li>1. Engage and facilitate participation of civil society organizations and CBOs in sensitization and public awareness campaigns.</li> <li>2. Promote and strengthen Public Private Partnership (PPP) in the land sector</li> </ol>

## Annex 5-A: Estimated LSSP-II Investment Budget

<b>PROGRAM Cost Summary</b> (US\$ Million)	<b>Cost In Constant Currency Units</b>	<b>% of Total</b>	<b>Developme nt Partners Financing</b>	<b>% Financin g</b>
<b>A. Central Government Land Institutions</b>				
Physical Planning	36.11	10.6	36.11	100.0
Surveys and Mapping	22.79	6.7	20.59	90.4
Land Registration and Administration	5.67	1.7	5.12	90.2
Uganda Land Commission	28.77	8.5	20.93	72.7
Land Tenure Reform Coordination	17.23	5.1	17.23	100.0
MLHUD Headquarters in Kampala	61.50	18.1	9.78	15.9
<b>Subtotal</b>	<b>172.07</b>	<b>50.6</b>	<b>109.75</b>	<b>63.8</b>
<b>B. Policy and Legal Review</b>				
National Land Policy	1.12	0.3	1.00	89.3
National Land Use Policy	1.11	0.3	1.00	90.1
Other Policy and Thematic Studies	0.35	0.1	0.35	100.0
<b>Subtotal</b>	<b>2.58</b>	<b>0.8</b>	<b>2.35</b>	<b>91.1</b>
<b>C. Land Information</b>				
Expansion and Reinforcement of LIS	24.52	7.2	22.13	90.3
Valuation	1.10	0.3	1.10	100.0
Systematic Land Demarcation	35.10	10.3	28.08	80.0
Customary Land Registration	52.00	15.3	50.00	96.2
Demarcation of International Boundaries	1.58	0.5	1.58	100.0
Demarcation of Administrative Boundaries	3.52	1.0	3.52	100.0
<b>Subtotal</b>	<b>117.82</b>	<b>34.7</b>	<b>106.41</b>	<b>90.3</b>
<b>D. Decentralized Land Administration</b>				
DLOs and DLBs	18.49	5.4	1.43	7.7
Other County Structures	12.00	3.5	1.66	13.8
<b>Subtotal</b>	<b>30.49</b>	<b>9.0</b>	<b>3.09</b>	<b>10.1</b>
<b>E. Cross Cutting Interventions</b>				
Overall Training and Capacity Building	7.90	2.3	7.90	100.0
Support to the Land Market	9.00	2.6	8.46	94.0
<b>Subtotal</b>	<b>16.90</b>	<b>5.0</b>	<b>16.36</b>	<b>96.8</b>
<b>Total PROGRAM COSTS</b>	<b>339.86</b>	<b>100.0</b>	<b>237.97</b>	<b>70.0</b>

## Annex 5-B: LSSP-II Summary of Program Cost Estimates

(US\$ Million)	(US\$ Million)		
	Foreign	Local	Total
<b>A. Central Government Land Institutions</b>			
Physical Planning	24.05	12.06	36.11
Surveys and Mapping	14.27	8.52	22.79
Land Registration and Administration	3.41	2.26	5.67
Uganda Land Commission	3.11	25.65	28.77
Land Tenure Reform Coordination	10.48	6.75	17.23
MLHUD Headquarters in Kampala	11.31	50.20	61.50
<b>Subtotal</b>	<b>66.62</b>	<b>105.45</b>	<b>172.07</b>
<b>B. Policy and Legal Review</b>			
National Land Policy	0.68	0.44	1.12
National Land Use Policy	0.68	0.43	1.11
Other Policy and Thematic Studies	0.25	0.11	0.35
<b>Subtotal</b>	<b>1.61</b>	<b>0.97</b>	<b>2.58</b>
<b>C. Land Information</b>			
Expansion and Reinforcement of LIS	12.55	11.97	24.52
Valuation	0.73	0.37	1.10
Systematic Land Demarcation	21.06	14.04	35.10
Customary Land Registration	31.40	20.60	52.00
Demarcation of International Boundaries	0.96	0.62	1.58
Demarcation of Administrative Boundaries	2.11	1.41	3.52
<b>Subtotal</b>	<b>68.81</b>	<b>49.01</b>	<b>117.82</b>
<b>D. Decentralized Land Administration</b>			
DLOs and DLBs	1.10	17.39	18.49
Other County Structures	1.25	10.75	12.00
<b>Subtotal</b>	<b>2.35</b>	<b>28.15</b>	<b>30.49</b>
<b>E. Cross Cutting Interventions</b>			
Overall Training and Capacity Building	7.90	-	7.90
Support to the Land Market	9.00	-	9.00
<b>Subtotal</b>	<b>16.90</b>	<b>-</b>	<b>16.90</b>
<b>Total PROGRAM COSTS</b>	<b>156.29</b>	<b>183.58</b>	<b>339.86</b>



## Annex 5-C: LSSP-II Components Program Cost Summary

	(UGSh Billion)			(US\$ Million)			%	%
	Local	Foreign	Total	Local	Foreign	Total	Foreign Exchange	Total Costs
<b>A. Central Government Land Institutions</b>								
Physical Planning	32.09	63.98	96.06	12.06	24.05	36.11	67	11
Surveys and Mapping	22.66	37.96	60.62	8.52	14.27	22.79	63	7
Land Registration and Administration	6.02	9.06	15.08	2.26	3.41	5.67	60	2
Uganda Land Commission	68.24	8.27	76.51	25.65	3.11	28.77	11	8
Land Tenure Reform Coordination	17.96	27.88	45.83	6.75	10.48	17.23	61	5
MLHUD Headquarters in Kampala	133.52	30.07	163.59	50.20	11.31	61.50	18	18
<b>Subtotal</b>	<b>280.49</b>	<b>177.22</b>	<b>457.71</b>	<b>105.45</b>	<b>66.62</b>	<b>172.07</b>	<b>39</b>	<b>51</b>
<b>B. Policy and Legal Review</b>								
National Land Policy	1.17	1.81	2.98	0.44	0.68	1.12	61	-
National Land Use Policy	1.14	1.81	2.95	0.43	0.68	1.11	61	-
Other Policy and Thematic Studies	0.28	0.65	0.93	0.11	0.25	0.35	70	-
<b>Subtotal</b>	<b>2.59</b>	<b>4.27</b>	<b>6.86</b>	<b>0.97</b>	<b>1.61</b>	<b>2.58</b>	<b>62</b>	<b>1</b>
<b>C. Land Information</b>								
Expansion and Reinforcement of LIS	31.83	33.38	65.21	11.97	12.55	24.52	51	7
Valuation	0.99	1.94	2.93	0.37	0.73	1.10	66	-
Systematic Land Demarcation	37.35	56.02	93.37	14.04	21.06	35.10	60	10
Customary Land Registration	54.80	83.52	138.32	20.60	31.40	52.00	60	15
Demarcation of International Boundaries	1.65	2.55	4.20	0.62	0.96	1.58	61	-
Demarcation of Administrative Boundaries	3.75	5.62	9.36	1.41	2.11	3.52	60	1
<b>Subtotal</b>	<b>130.36</b>	<b>183.03</b>	<b>313.40</b>	<b>49.01</b>	<b>68.81</b>	<b>117.82</b>	<b>58</b>	<b>35</b>
<b>D. Decentralized Land Administration</b>								
DLOs and DLBs	46.26	2.93	49.19	17.39	1.10	18.49	6	5
Other County Structures	28.61	3.32	31.92	10.75	1.25	12.00	10	4
<b>Subtotal</b>	<b>74.87</b>	<b>6.24</b>	<b>81.11</b>	<b>28.15</b>	<b>2.35</b>	<b>30.49</b>	<b>8</b>	<b>9</b>
<b>E. Cross Cutting Interventions</b>								
Overall Training and Capacity Building	-	21.01	21.01	-	7.90	7.90	100	2
Support to the Land Market	-	23.94	23.94	-	9.00	9.00	100	3
<b>Subtotal</b>	<b>-</b>	<b>44.95</b>	<b>44.95</b>	<b>-</b>	<b>16.90</b>	<b>16.90</b>	<b>100</b>	<b>5</b>
<b>Total PROGRAM COSTS</b>	<b>488.31</b>	<b>415.72</b>	<b>904.03</b>	<b>183.58</b>	<b>156.29</b>	<b>339.86</b>	<b>46</b>	<b>100</b>

## Annex 5-D: LSSP-II Expenditure Accounts Program Cost Summary

Expenditure Accounts Program Cost Summary	(UGSh Billion)			(US\$ Million)			%	%
	Local	Foreign	Total	Local	Foreign	Total	Foreign Exchange	Total Costs
<b>I. Investment Costs</b>								
A. Goods	24.29	54.95	79.23	9.13	20.66	29.79	69	9
B. Technical Services	122.34	183.51	305.85	45.99	68.99	114.98	60	34
C. Training (Capacity Building)	6.43	40.94	47.37	2.42	15.39	17.81	86	5
D. Civil Works	23.74	29.06	52.80	8.93	10.93	19.85	55	6
E. Land Fund	64.51	2.00	66.50	24.25	0.75	25.00	3	7
F. Technical Assistance	43.38	91.44	134.82	16.31	34.38	50.69	68	15
<b>Total Investment Costs</b>	<b>284.69</b>	<b>401.89</b>	<b>686.58</b>	<b>107.03</b>	<b>151.09</b>	<b>258.11</b>	<b>59</b>	<b>76</b>
<b>II. Recurrent Costs</b>								
<b>A. LIS Enhancement and Sytem Roll Out Inc. Costs</b>								
Internet Communications	6.90	0.26	7.16	2.59	0.10	2.69	4	1
System Support and Maintenance	76.15	-	76.15	28.63	-	28.63	-	8
<b>Subtotal</b>	<b>83.05</b>	<b>0.26</b>	<b>83.31</b>	<b>31.22</b>	<b>0.10</b>	<b>31.32</b>	<b>-</b>	<b>9</b>
B. Central Government Annual Recurrent Costs	120.58	13.57	134.14	45.33	5.10	50.43	10	15
<b>Total Recurrent Costs</b>	<b>203.62</b>	<b>13.83</b>	<b>217.45</b>	<b>76.55</b>	<b>5.20</b>	<b>81.75</b>	<b>6</b>	<b>24</b>
<b>Total PROGRAM COSTS</b>	<b>488.31</b>	<b>415.72</b>	<b>904.03</b>	<b>183.58</b>	<b>156.29</b>	<b>339.86</b>	<b>46</b>	<b>100</b>

## Annex 5-E: LSSP-II Detailed Cost Estimate by Expenditure Category

	(UGSh Billion)			(US\$ Million)			%	%
	Foreign	Local	Total	Foreign	Local	Total	Foreign Exchange	Total Costs
<b>A. Investment Costs</b>								
1. Goods	54.95	13.88	68.83	20.66	5.22	25.87	80	8
2. Technical Services	183.51	76.46	259.97	68.99	28.75	97.73	71	29
3. Training (Capacity Building)	40.94	3.68	44.62	15.39	1.38	16.77	92	5
4. Civil Works	29.06	16.62	45.68	10.93	6.25	17.17	64	5
5. Land Fund	2.00	54.53	56.53	0.75	20.50	21.25	4	6
6. Technical Assistance	91.44	23.28	114.72	34.38	8.75	43.13	80	13
7. Duties & Taxes	-	96.24	96.24	-	36.18	36.18	-	11
<b>Total Investment Costs</b>	<b>401.89</b>	<b>284.69</b>	<b>686.58</b>	<b>151.09</b>	<b>107.03</b>	<b>258.11</b>	<b>59</b>	<b>76</b>
<b>B. Recurrent Costs</b>								
<b>1. LIS Enhancement and Sytem Roll Out Inc. Costs</b>								
Internet Communications	0.26	5.82	6.08	0.10	2.19	2.29	4	1
System Support and Maintenance	-	64.73	64.73	-	24.33	24.33	-	7
<b>Subtotal</b>	<b>0.26</b>	<b>70.55</b>	<b>70.81</b>	<b>0.10</b>	<b>26.52</b>	<b>26.62</b>	<b>-</b>	<b>8</b>
2. Central Government Annual Recurrent Costs	13.57	100.46	114.02	5.10	37.77	42.87	12	13
3. Duties & Taxes	-	32.62	32.62	-	12.26	12.26	-	4
<b>Total Recurrent Costs</b>	<b>13.83</b>	<b>203.62</b>	<b>217.45</b>	<b>5.20</b>	<b>76.55</b>	<b>81.75</b>	<b>6</b>	<b>24</b>
<b>Total PROGRAM COSTS</b>	<b>415.72</b>	<b>488.31</b>	<b>904.03</b>	<b>156.29</b>	<b>183.58</b>	<b>339.86</b>	<b>46</b>	<b>100</b>

## **Annex 6: Notes on Cost Benefit Analysis**

### **Cost Benefit Analysis (CBA) Methodology for Land Administration and Management:**

Basically there are two analytical approaches one could take to evaluate the investment decisions for land sector interventions and related projects. These are (a) cost benefit analysis (CBA) and (b) cost effectiveness analysis. The latter analytical approach is premised on a detailed analysis of costs and hence more appropriate for local and micro-economic applications, while the CBA could be adapted for applications in both micro- and macro-economic settings.

Application of CBA to land sector interventions has not been easy due to a general lack of data and methodological problems related to the attribution of program benefits which establish causal relationships between outcomes and outputs. While fewer issues and problems beset the aspect of program costs, identification, quantification and monitoring of benefits have proved largely elusive. According to the conventional cost benefit analysis of land sector interventions, benefits from such endeavors are usually associated with: (a) increased security of tenure (decreased government expropriation, land grabbing and disputes), (b) increased access to credit (because of better collateral), (c) improved functioning of land markets, (d) improved land use and environment (through better farming practices), and (e) information (improved tax collection and land use planning).

Inhibitors or factors which can prevent some, or all, of the benefits from being realized consist of: (a) poor program design which does not take into account the realities and complexities on the ground, (b) no institutions capable of making loans, (c) loan transaction costs being prohibitively high, and (d) the very high cost of mapping, cadastral surveying and other miscellaneous technical services which may exert an undue pressure on both donor and national funding. The last item in the above list of inhibitors warrants particular attention since it jeopardizes project sustainability in most land administration programs in Africa, and that applies to LSSP-II as well.

Various theoretical and conjectural schemes have been offered by economic researchers to understand the economic impact of land sector investments. It would be useful to offer a quick review of some existing papers dealing with the empirical modeling of such land sector interventions.

**CBA Methodologies Used in Land Administration and Reform:** There have been many attempts to offer a sound theoretical framework to study and quantitatively investigate land sector interventions, and apply the CBA as the basic tool of analysis. One of these was the below referenced research working paper <sup>38</sup> issued by the World Bank, which acknowledged that land sector related support and investments would affect not only a few sectors but the economy as a whole, as opposed to other conceptual approaches which relied on an investigation of beneficial effects on only one or few economic sectors. The model has been driven by the creation of new

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<sup>38</sup> Frank Byamugisha, *The Effects of Land Registration on Financial Development and Economic Growth*, 1999, World Bank Policy Research Working Papers, No: 2240

spatial information and built on the established relationship between improved land administration and financial development and economic growth. The framework offers five key linkages: (a) land tenure security and investment incentives linkage, (b) land title, collateral, and credit linkage (c) land markets, transactions, and efficiency linkage, (d) labor mobility and efficiency linkage, and (e) land liquidity, deposit mobilization, and investment linkage.

This particular conceptual model is amenable to further extension as a macro-economic tool whereby all of the above described linkages would interact to generate an impact on the economic growth, which could be measured in terms of a change in the GDP.

**Empirical Evidence on the Value of Spatial Information**<sup>39</sup>: A study completed in Australia in 2008 helps shed some important light on the impact of spatial information, on the whole economy. This study was a pioneering effort reporting that there were sizable aggregate economic impacts attributable to the spatial information (a proxy for LIS or the entire range of information from a land administration system), the full extent of which the national accounts (GNP and GDP calculation methods) did not capture.

The study revealed that spatial information was increasingly being used in most sectors of the economy where it was having a direct impact on productivity. In 2006-07 the accumulated impact of these direct impacts: (a) contributed to a cumulative gain of between \$6.43 billion and \$12.57 billion in Gross Domestic Product (GDP) - equivalent to 0.6% and 1.2% of GDP respectively, (b) increased household consumption by between \$3.57 billion and \$6.87 billion on a cumulative basis, (c) increased investment by between \$1.73 billion and \$3.69 billion on accumulative basis, (d) had a positive impact on the trade balance— exports were between \$1.26 billion and \$2.30 billion higher than they would otherwise have been.

This was the world's first authoritative analysis on the economic impact of spatial information and demonstrated a higher than expected industry value. The study was commissioned by the Cooperative Research Centre for Spatial Information (CRCSI) with support from ANZLIC, Australia's Spatial Information Council. It was based on an analysis of 22 sectors of the Australian economy.

Cost of inefficient access to data was assessed to be disconcerting. Constraints on access to data were estimated to have reduced the direct productivity impacts in certain sectors by between 5% and 15%. It was estimated that this could have resulted in GDP and consumption being around 7% lower in 2006-07 (around \$0.5 billion) than it might otherwise have been.

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<sup>39</sup>The Value of Spatial Information - The impact of modern spatial information technologies on the Australian economy, March 2008, ACIL Tasman, [http://www.crcsi.com.au/uploads/publications/PUBLICATION\\_323.pdf](http://www.crcsi.com.au/uploads/publications/PUBLICATION_323.pdf)

## **Annex7: Monitoring &Evaluation Framework**

## Conceptual M&E Framework - Economic, Environmental and Governance Impacts

Main Impact	Principal Domain	Key Performance Indicators
<b>Economic</b>	Investment	Increased access to credit
		Increased land capitalisation
		Increased infrastructure
		Increased land value
	Productivity	Increased investment on the property
		Increased yields
		Increased diversification of production
		Expanded rental market
	Efficiency	Enhanced product and labour mobility (inc. non-Farm alternatives, diversified livelihoods, best use of resources, etc.)
		Reduced distress sales
		Increased occurrence of market value for sales
		Improved market access
	Legal	Expanded market activity
		Enhanced product and labour mobility (as above)
		Enabling legislative environment for economic analysis
		Responsive legislative environment - responding to change
<b>Natural Environment</b>	Legal	Responsive legislative environment - meeting economic and investment needs
		Effective environmental legislation
		Responsive legislative environment - able to respond to change
	Sustainable Resource Use	Responsive legislative environment - meeting natural environment needs
		Reduced land degradation
		Enhanced soil conservation
		Reduction pollution (water, air, soil, other)
	Land Management	Resource protection
		Effective and comprehensive land use planning
<b>Governance</b>	Institutions	Functioning land service delivery institutions
		Cost effective land service delivery institutions
		Autonomous land service delivery institutions
		Self-sustaining land service delivery institutions (full cost recovery)
		Effective cash flow
		Effective investment in land governance institutions and human resources
		Effective enforcement of rights
		Transparency of land institutions in service delivery
	Accountability	Managerial independence
		Effective legislative oversight (of institutions, other actors, other authorities)
		Independent audit (compliance, financial, performance)
		Land service delivery institutions compliant with legislative requirements
		Public availability of audits, reviews, reports
		Personal accountability of public officers in the land service delivery institutions
	Registration	Checks and balances
		Efficient land registration
		Universal land registration
		Inclusive land registration process Accurate land registration
		Accurate land registration
		Small number of returns for errors and inaccuracies
		Inclusive and effective adjudication of land
	Cost effective land registration	

## Conceptual M&E Framework - Social Impacts

Main Impact	Principal Domain	Key Performance Indicators
Social	Equality	Increased equality in access to land markets (male and female, young and old, rich and poor)
		Increased equality in access to land services
		Increased equality in access to land (inheritance, etc.)
		Increased equality in ownership of land Improved fairness in land markets
	Security	Improved fairness in land markets
		Increased state enforcement of rights
		Increased protection from unfair expropriation
		Increased protection from encroachment
		Increased protection from land grabbing
	Certainty/Clarity	Increased recognition of rights of land holders
		Increased protection from land grabbing Increased recognition of rights of land holders
		Increased ability to enforce rights
	Transparency	Increased availability of information to ensure land transactions are legal and valid
		Increased certainty in obligations of landholders
		Increased openness in land administration processes
		Increased openness in land dispute resolution processes
	Comprehension	Increased openness in land transactions
		Increased ownership transparency
		Increased understanding of obligations of landholders
		Increased understanding of rights of landholders
	Satisfaction	Increased understanding of benefits/opportunities associated with rights
		Increased understanding of the land tenure registration process
		Increased landholder satisfaction with the land tenure registration process
		Increased national and institutional satisfaction with the land tenure registration process
		Increased landholder satisfaction with the product of land reform
	Legal	Increased satisfaction with the fairness of the land tenure registration process
Increased satisfaction with the fairness of the product of land reform		
Participation	Responsive legislative environment - able to respond to change	
	Responsive legislative environment - meeting social needs	
	Effective public involvement in land use planning	
	Effective public involvement in the process of land reform	
		Equal public participation in, and influence over, the land reform process across gender, socio-economic status, locational and other variables

Source: Adapted from Rwanda Land Sub-Sector Strategic Plan

[http://www.minirena.gov.rw/fileadmin/user\\_upload/Documents/strategies/Sub\\_sector\\_strategic\\_plan - Land.pdf](http://www.minirena.gov.rw/fileadmin/user_upload/Documents/strategies/Sub_sector_strategic_plan_-_Land.pdf)

## Annex 8: Reference Documents and Stakeholders Consulted

### The key Reference Documents and Related Materials

1. The LSSP 2002 2012 Document,
2. Land Sector Strategic Plan: Analysis of Economic Rationale and Investment Program
3. M & E Framework for LSSP
4. The LSSP Evaluation Report
5. The National Land Policy
6. The Land Policy Framework for Africa (available on internet)
7. FAO Voluntary Guidelines on Land Tenure (available on internet)
8. The Land Tenure Reform Project Documents
9. The PSCP II Land Component Documents
10. Draft FAO Project Preparation Report for Additional Financing/New Project, 2010
11. Feasibility Study of Establishing NSDI in Uganda (available on internet)
12. Various LIS Progress Reports by IGN Consortium
13. Various World Bank Aide Memoires of PSCP II (land component)
14. World Bank Report on Land Conflicts in Northern Uganda
15. World Bank Report on Transformational Growth in Uganda, 2012 (and background documents on land and agriculture)
16. Various empirical research papers on impacts of land tenure security, land disputes and land markets on investment, credit and productivity in Uganda and Sub-Saharan Africa
17. LSSP Working Group Reports
18. The MLHUD Performance Reports, Ministerial Policy Statements, BFPs
19. The National Development Plan
20. The EAC Common Market protocol
21. MTCS and CICS Reports
22. Cost of Doing Business Reports on Registering Property (available on internet)

### The key stakeholders consulted include:

National Level	
Ministry of Lands, Housing and Urban Development	Uganda Investment Authority
Uganda Land Commission	Uganda Revenue Authority
LSSP Working Group Members	NEMA
National Planning Authority (NPA)	Administrator General's Office
Ministry of Agriculture, Animal Industry and Fisheries	UWA
Ministry of Energy and Minerals Development	NFA
Ministry of Works and Transport	Bank of Uganda
Ministry of Finance, Planning and Economic Development	Uganda National Roads Authority
Ministry of East African Community Affairs	Enterprise Uganda
Ministry of Information and Communication Technology	Plan for Modernization of Agriculture Secretariat
Uganda Registration Services Bureau	The Economic Policy Research Centre
Uganda Law Reform Commission	CICS Secretariat, MoFPED
	DLO and RLO staff
	DLB and ALC Members

Ministry of Justice and Constitutional Affairs	Land Sector Reform Coordination Unit
<b>Regulatory Bodies and Associations</b>	
Surveyors Registration Board Inst. of Surveyors of Uganda (ISU) Uganda Law Society	Town & Country Planning Board Institute of Planners of Uganda Assn. of Real Estate Agents
<b>Development Partners</b>	
World Bank Irish Aid EU	AFD, France USAID
<b>Private Sector, Civil Society and Community Based Associations</b>	
Private Sector Foundation Uganda National Housing and Construction Company, Ltd.	Housing Finance Bank, Ltd. Assn of Micro Finance Institutions