LAND ADMINISTRATION REFORMS FOR ENHANCEMENT OF DELIVERY OF LAND SERVICES IN UGANDA

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Abstract

Major land administration reforms in Uganda were ushered in after the promulgation of the 1995 Constitution. The Land Act was enacted in 1998 but it created a massive implementation structure which was difficult to implement. Thereafter, the Land Sector Strategic Plan (LSSP I) was developed to implement land sector reforms and the Land Act.

Many land administration reforms were implemented under the LSSP I but were enhanced when a World Bank-funded Second Private Sector Competitiveness Project was initiated. Notably, design, development and piloting of the Land Information System (LIS) improved reliability and transparency in delivery of land services.

Further Interventions/reforms under the Competitiveness and Enterprise Development Project will ensure significant improvement of monitoring of performance of various aspects involved in land transactions. Furthermore the LIS will be linked to various agencies to ensure reliable and authentic land transactions. Among other reforms, systematic registration of individual and communally owned land using fit-for-purpose approaches that are cost effective, will ensure fast expansion of coverage of registered land. To sustain the reforms that are being carried out, capacity gaps should be addressed through a dedicated training and capacity building program.

Key Words: Land Administration, LIS, Reforms, Transparency, Uganda
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Introduction

Major land administration reforms in Uganda were ushered in after the promulgation of the 1995 Constitution. The Constitution has a number of provisions on Land Administration and Management and there was specifically a provision to put in place the Land Act within two years of coming into force of the Constitution. The Land Act was enacted in 1998 and although the spirit of the Land Act 1998 was to ensure a fully decentralized Land Administration and Management system, it created a massive implementation structure which was difficult to implement, which was one of the major findings of the Land Act Implementation Study (LAIS) that was carried out in 1999. After review of the Land Act 1998, guided by the findings in the LAIS, Cabinet directed for the development of a Strategic Action Plan for implementation of land sector reforms and the Land Act. This resulted in development of the 10 year Land Sector Strategic Plan (LSSP I). A number of guiding principles ensured that activities undertaken fell squarely within the overall government policy framework. These included: management of land resources must comply with broader social and economic objectives; management of land resources must guarantee environmental sustainability; land management institutions must be relevant, cost-effective, efficient, and sustainable; planning and implementation, decision making and monitoring must be democratic and participatory, transparent and accountable.

LSSP I was therefore designed to remove barriers to increased land utilization, to broaden land services to rural areas and customary land, to address inequality, tenure insecurity and inequitable systems and processes, to strengthen the land rights of the vulnerable, and of women, to empower local governments and communities to make and implement their own policies and plans for their land, and to provide an appropriate and supportive framework for sound environmental and natural resource management.

A number of strategies were adopted under the LSSP I to review the policy and legal framework, protect rights of vulnerable groups, improve Land Services delivery through Modernization of the Land Registry and support decentralized Land Administration institutions among other things:

- To create an inclusive and pro-poor policy and legal framework for the land sector
- To put land resources to sustainable productive use
- To improve livelihoods of poor people through a more equitable distribution of land access and ownership, and greater tenure security for vulnerable groups
- To increase availability, accessibility, affordability, and use of land information for planning and implementing development programmes
- To establish and maintain transparent, accountable and easily accessible institutions and systems for decentralised delivery of land services
- To mobilise and utilise public and private resources efficiently and effectively for the development of the land sector

A report on Analysis of Economic Rationale and Investment Programme, as a contribution to finalisation of the LSSP I was produced, the purpose of which was to enhance the contribution of the then overarching Poverty Eradication Action Plan (PEAP) and the Plan for the Modernisation of Agriculture (PMA). The main outputs of the report included an analysis of the economic rationale for public investment in the LSSP
with specific reference to the PEAP and the PMA; An assessment of the financial costs and benefits of the LSSP and a ten-year investment plan reflecting the strategic objectives of the LSSP.

**Activities Implemented Under the LSSP I**

The following activities were implemented under the LSSP I: Development of a National Land Policy and Land Use Policy; Review of the Legal Framework; Inventory of some Government Land; Implementation of the Land Fund; Provision of Public Information on Land Rights; Development of Strategies for Protection of Rights of Vulnerable Groups; Strengthening of Land Dispute Resolution (Alternative Land Dispute Resolution, Land Tribunals, Local Council Courts); Systematic Adjudication, Demarcation, Survey and Certification/Registration of Land Rights; Development of a Land Information System; Support to Decentralized Land Administration Institutions (District Land Offices, District Land Boards, District Land Tribunals, Area Land Committees, Local Council (LC) Courts) through training and capacity building, provision of equipment thus allowing for addressing of capacity gaps.

**Major Achievements under LSSP I**

The following were the major achievements under LSSP I: The National Land Policy was approved in 2013, while the National Land Use Policy was approved in 2008; Review of land related laws and enactment of new laws was initiated and the Mortgage Act and Physical Planning Act were enacted in 2009 and 2010, respectively; Data collection for Preliminary Government Land Inventory was carried out in some parts of the country; Developed a Communication Strategy and provided public information on land rights including development and dissemination of Information Education and Communication (IEC) materials in support implementation of various land sector reforms; The Gender Baseline Survey was developed in support of development of strategies for protection of rights of vulnerable groups; Land Tribunals were operationalized to support land dispute resolution; The Ministry set up the Systematic Demarcation Technical Committee (SDTC) to steer the program of Systematic Adjudication, Demarcation, Survey and Certification/Registration of Land Rights. The SDTC was a multi-sectoral and multidisciplinary committee, with membership comprised of stakeholders from various land administration and management institutions. Guidelines and Training Manuals were developed for Systematic Adjudication, Demarcation, Survey and Certification/Registration of Land Rights and piloting of Systematic Demarcation was carried out in the 4 Districts of Ntugamo, Iganga, Mbale and Kibaale;

A Technical Working Group was put in place to oversee the development and implementation of the Land Information System. Various studies were carried out in support of this and included: Spatial Data Infrastructure for Uganda; Concept Paper for a Land Information System Under the Land Sector Strategic Plan; Computerized Land Records Management System (CLRMS) for the Land Registration Department; Technical audit on current initiatives and proposals for securing land registry records in Uganda; Review of the Status of the Land Information Systems in Uganda; A Concept for a National Land Information System in Uganda; A Detailed plan for the Design, Development and Implementation of a Land Information System; Review of manual and computerised systems in the Lands Registry.
Basic computerization of the busiest Land Registry in the country was carried out, 3 Land Offices were renovated, surveying and computer equipment supplied to 17 Land Offices, technical support including training was provided to District Land Offices, Land Boards, Area Land Committees and LC Courts; Short and long term specialized training of staff was carried out to support and sustain land sector reforms.

Enhancement of Land Sector Reforms

Due to lack of funding, actual implementation of the LSSP started only in 2005 when a World Bank-funded Second Private Sector Competitiveness Project (PSCP II) was initiated. The major activities carried out included:

Conclusion of the Basic Computerization/Interim Records Rehabilitation

- Sorting, reorganization, reconstruction, indexing and data entry for the Kampala Mailo Land Registry database (170,438 titles and 569,636 instruments) completed in May, 2009
The Kampala Mailo Land Registry (handling Kampala, Wakiso and Mpigi Districts) was able to:
- Reduce time taken to complete a search from more than 15 days to between 1 day and 5 working days
- Eliminate a backlog of unprocessed land registration transactions
- Registration of mortgages to banks and other financial institutions reduced from 1 week to 3 working days

Results: Contributed to improvement of ranking in the Cost of Doing Business for Registering Property by 7 positions

Other Land Registry Service Improvements

- A Help-line was put in place
- SMS Text Message Customer Service for Handling Complaints was tested
- Records Center for Root Titles was set up
- Client Service Information Guide as a precursor to Clients Charter was developed
- New Land Administration Procedures were introduced
- New Ministry Website with Land Forms, was developed

Renovation and Construction of Buildings – 13 Ministry Zonal Offices, National Land Information Centre, Storage and Archival Centre and Institute of Surveying and Land Management;
Design, development and piloting of the National Land Information System (NLIS)

The aim of the project was to contribute to the establishment of an efficient land administration system in Uganda, to facilitate and improve the delivery of basic land services to the public and improve land tenure security. The main activities included: Rehabilitation and digitization of existing land records and cadastral maps (500,000 Titles, 16,500 Maps); Provision of the base map covering 17,362 sq.km - Digital Ortho rectified Imagery covering the pilot area at 20cm resolution (for urban areas) and 50cm resolution (for rural areas) was produced to support the development of the LIS; Upgrade of the working environment and supporting system tools for 6 Ministry Zonal Offices (MZOs) and National Land Information Centre (NLIC) through Provision of IT equipment (hardware and software); Provision of tailor-made Land Information System (LIS); Preparation of the “Strategy for modernization of land registry offices and enhancement of the land administration services”, assist the MLHUD in implementation of this strategy through - Technical Support, Training and Capacity Building, Public Awareness and Communication Campaign, Testing the approach in 6 MZOs and the NLIC and prepare a Nation-wide Roll-out Plan.

The project achieved significant progress in the areas of decentralizing and computerizing land registration systems. In particular, the intervention resulted in a reduction in the number of days to transfer property
from 227 in 2006 to 52 in 2012 (see DB 2013). During the same period the Doing Business (DB) Ranking for Uganda under Registering Property jumped by 28 positions. Generally it was observed that there was improved reliability and transparency in delivery of land services. Other major achievements included: Effective decentralization of cadastral and registration services; Securing of land records and maps; Establishment of audit trail; Enhanced Security of land transactions; Improvement of the quality of records and their management; Instant retrieval of information; Improvement in service delivery; Improvement of decision-making intelligence – as information from Ministry of Water and Environment (lakes, rivers), National Forestry Authority, Uganda Wildlife Authority and Uganda National Road Authority, among other institutions, was incorporated in the LIS.

Revision and Drafting of New Land Related Laws

Existing legislation identified for consideration included: Land Acquisition Act, Registration of Titles Act, Survey Act, Traditional Rulers (Restitution of Assets and Properties) Act, Condominium Law and Surveyors Registration Act. Areas requiring new legislation are: Legislation Governing Transactions on Government Land, Land Information System Law and the Real Estates Agents Law. Detailed Issues Papers and working draft laws were developed.

Training and Capacity Building
Development and Implementation of a Training and Capacity Building Programme - which included specialized professional training in the areas of Geodesy, Valuation and GIS enabling us to address capacity gaps in these areas; Support to the Rehabilitation of the Institute of Surveying and Land Management (ISLM) included development of a Strategy and Business Plan and a Draft Curriculum for the ISLM.

Development and Implementation of an IEC Strategy - which included production and dissemination of IEC materials and use of print and electronic media.

Rehabilitation of the National Geodetic Network - Carried out GPS observation of 9 zero order stations.

Further Interventions under the Competitiveness and Enterprise Development Project

It was noted that additional interventions were needed to support implementation of the LSSP’s strategic objectives, which were grossly underfunded. The Land Component of the Competitiveness and Enterprise Development Project (CEDP) which was a follow on project to the PSCP II, which became effective in June 2014, addresses those issues which have been highlighted as priority areas for action in the second LSSP (2013-2022) and required a major boost, but had remained unfunded due to financing constraints. Such key areas include:

Construction of Land Administration Buildings - Construction of Ten (10) Ministry Zonal Offices, a Hostel and Multi-Purpose Hall for the ISLM in Entebbe. Furthermore, to facilitate the smooth operationalization of the next 7 MZOs, renovations and LIS related electrical and LAN fittings were carried out.

LIS Phase II Design Enhancement and Roll-Out to all 21 MZOs

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Development and implementation of the Land Information System incorporating registration, valuation and physical development planning functions in all zonal land offices (including conversion of associated land records) and moreover there will be significant improvement of monitoring of performance of various aspects involved in land transactions; Furthermore the land information system will be linked to the tax authority, courts, land use, financial institutions, national identification registration authority, company registry and administrator general to ensure reliable and authentic land transactions.

Improvements in the new NLIS:

- New functions (Physical Planning and Valuation)
- New system is based on Open Source components. All developments will also be delivered in this mode
- Web architecture
- Improved data model (LADM compliant, simplified)
- A unified data model will be used for registry and cadaster in order to assure database consistency
- Handling of land transactions submitted - Queuing based on First come, First Served
• Integration with other Government systems: URA, NIRA, KCCA, URSB, Banks, Administrator General among others
• Customer Call Centre for the Public
• Staff, Public and Corporate Web Portals
• Physical File Tracking System
• Administrative dashboard for Managers in the Ministry
• CCOs Transactions
• SMS Notification for all land transactions
• Improved operations and modules to reflect user experience in phase I (and information collected during the visits to pilot sites) - Simplified transactions and workflows

Other Achievements:

• Contract for roll out phase of the LIS was signed 27/1/2015 between the Government of Uganda (MLHUD) and IGN FI/IGN France Consortium
• LIS rollout phase was launched on March 10, 2015 and implementation started with the design for the roll out phase.
• 60% of maps scanned and 54% of these maps georeferenced at Surveys and Mapping Department, Entebbe
• Problem Resolution Team (PResT) – Technical Team put in place to resolve outstanding Registry, Cadastral and other Land Administration issues
• Overall system development is at 65%, and testing of LIS Software is taking place at NLIC, by the Ugandan Testing Unit
• Operationalization of the 7 MZOs by installation of equipment and training of staff is ongoing. Training of staff for Lira MZO undertaken in Kampala and testing of the public and private portal for Lira Office undertaken. The launch of Lira MZO was done on 2th February, 2017. This will be followed by Kabarole and Kibaale MZOs in March and April 2017 respectively.
• The maximum roll out date for LIS is 17/11/2017 subject to completion of construction of the 8 new MZOs.

Improving Physical Planning

Development of the National Physical Development Plan (NPDP) – The Consultant for NPDP is on board and commenced work in July 2016, submitted an acceptable Inception Report and has embarked on Situation Analysis. The duration of the Contract is 18 months and completion is by January 2018. The Consultant will work closely with Physical Planning Department and Urban Management Information System to link with the LIS.

Undertaking a Baseline Study on Physical Planning – The Consultant for the Baseline Study is on board and they are in the field – carrying out data collection. The team is ready to present the preliminary findings to the stakeholders. The Baseline Study will inform the Study on Institutional and Legal Changes

Review of Physical Planning Legislation – Work due to commence upon completion of the procurement process

Strengthening the Land Valuation Function

Review of the Policy and Legal Framework - Studies for strengthening land valuation function undertaken including review of the institutional and legal framework, which led to lifting of Valuation Division to Departmental level

Development of CAMA - Technical requirements and bidding document for CAMA being finalized

Support to Housing

• Consultant for Affordable Housing Finance Feasibility Analysis on board and report submitted
• ToR for Development of a Real Estate Bill submitted to WB for review
• ToR for development of housing standards and building codes for disaster prone areas in Uganda developed


Production and Dissemination of Base Maps for Land Administration

• COWI/PASCO signed the contract on 30th September, 2015 for the production of base maps
• Aerial Photography coverage is 80% (40 cm) and 75% (15 cm). The rural areas covered are Lira, Kabarole, Kiboga, Kibaale, Hoima, Masindi, Kiryandongo, Nwoya, Gulu, Kitgum, Moroto, Soroti, Nakapiripirit, Usuk and Napak.
• Consultants have delivered orthophotos for Lira and Kabarole blocks
• Orthophotos at 15 cm resolution for 10 Urban/peri urban areas expected to be delivered by mid-January 2017.
• Ongoing works proceeding with establishment of Ground Control Points (GCPs)
• Progress on aerial photography affected by bad weather from mid last year to end of the year.

Systematic Registration of Individual and Communally Owned Land

This involves demarcation and registration of individual lands in rural and peri-urban areas (including issuance of titles to said individuals) ensuring application of fit-for-purpose approaches that are cost effective and that will ensure fast expansion of coverage of registered land; establishing Communal Land
Associations (CLAs) in priority areas; demarcation and registration of communal lands in the priority areas and issuance of certificates or titles to said CLAs

- Systematic Land Adjudication and Certification (SLAAC) Technical Committee in place to oversee implementation of Systematic Titling/Certification process
- Program for selection of working areas and Selection Criteria approved
- Finalised preparation of an Operations, Training and Mobilization & Sensitization Manuals for SLAAC.
- Software for capturing SLAAC information finalised
- National and District level sensitization completed, Rapid Physical Planning Assessment (RaPPA) completed in the Districts of Jinja, Sheema and Apac
- Pretesting of developed software tools completed in Jinja – Mawuta Village and Sheema – Nyamiko village.
- 98 parcels adjudicated and demarcated in Nyamiko village – Sheema district (21.516 Hectares); 8 parcels adjudicated and demarcated in Nyamuyanja parish Isingiro District; and 210 demarcated in Mawuta – Jinja district.
- Technical Requirements/ToRs for RaPPA and Systematic Adjudication developed and submitted for review

Reconnaissance, mobilization and sensitization visit in Jinja district

Systematic Adjudication Team demarcating parcels in Jinja-Mawuta
Strengthening Institutions and Mechanisms for Land Dispute Resolution

- Access to Land Justice to All (ALJA) multi-sectoral Committee comprising staff of the Judiciary, JLOS, MJCA, ULRC, MLHUD, Private Sector, Academia, professional bodies, CSOs among others set up to steer the process
- Retreat for Access to Land Justice to All (ALJA) multi-sectoral committee held to concretize the workplan and initiate the subcomponent activities
- ToR/technical specifications being developed for various activities including Review of Procedures and Institutional Framework required to Restore and Support functioning of Land Tribunals

Other Activities

In order to sustain the reforms that are being carried out, the Land Component of the CEDP also supports the following activities: comprehensive review of the organizational structure and capacities of land administration and management institutions to identify gaps and making recommendations for improvement; assessment of other public and private land sector institutions to identify skill gaps and implementing capacity development programs; developing and implementing gender, civil society engagement and communication strategies. Currently, the procurement process for the IEC Strategy is due to be completed. However, the following IEC activities have been carried out: Development and launch of the Project Web site; Open Registry Days held on 14th and 15th May 2015 in Mukono MZO; The Kampala Registry Open Day held at the National Theatre from 27th to 29th May, 2015 and 25th to 27th May, 2016; Dissemination of Information on Land Sector Reform activities through Newsletter, fliers, posters, electronic and print media.
The Ministry is currently working with the Gender Innovation Lab of the World Bank. Baseline data collection, analysis and report were completed. The report provides evidence to the SLAAC project team on important indicators, such as perceived land tenure security, land use, land related conflicts, knowledge on formal land registration, willingness and motives to title the land. Procurement of the firm that will implement the activities for the impact evaluation is being finalized.

**Conclusion**

Interventions in the areas mentioned above will help address a number of land administration issues including: (i) low documentation of land rights in rural areas – only 5 percent of rural land is registered and only 18 percent countrywide (ii) a high level of land disputes; (iii) an inefficient land administration; (iv) a dysfunctional land use planning system; and (v) a high level of informality in urban areas, with about 60 percent of the urban population living in slums.

**Challenges Experienced in Implementation of Land Administration Reforms in Uganda**

Population growth - Rapidly increasing population growth is putting greater pressure on land resources and this will affect areas already densely populated;
Low rate of utilization - Much of Uganda’s potentially productive land is not under productive use, sometimes due to land tenure conflicts;
Land tenure insecurity - A high incidence of land tenure insecurity is experienced by specific categories of land users, including women, tenant farmers and households living in densely settled areas where land disputes are common. Land Dispute Resolution still poses a big challenge in Land Administration and Management;
Low awareness of land issues - Much of the population is not aware of its rights or obligations on land, and is therefore vulnerable to loss of land or rights. Although studies have indicated that awareness of the Land Act is almost 50%, accurate knowledge of its content is limited, and misconceptions are high, particularly on procedures and on the roles of the institutions involved in land administration in general. Lack of information and access to advice renders some groups particularly vulnerable to loss of their land rights;
Inadequate policy and legal framework - Although the National Land Policy is now in place, there are still huge challenges in implementation and there still remains a lot of work on review of the legal framework to support land sector reforms;
Inadequate capacity for service delivery - There is inadequate human and financial capacity to support delivery of land services at the level provided for in the National Land Policy and Land Act.
References: