



How are Land Related Challenges Affecting Service Delivery in Uganda?

Key Issues

- *Programme implementation in key sectors is much slower and service delivery is poor due to land related challenges.*
 - *The key challenges are: encroachments; denial of access to land (Right of Way) for public infrastructure; re-allocations of land to private investors; delayed compensations for project affected persons (PAPs); land wrangles; and land grabbing by senior public officials.*
 - *Poor planning for land acquisition for public infrastructure and services, and lack of proper land gazettement and titling are key causes of the land related challenges.*
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Introduction

Uganda aims at attaining middle income status through strengthening mechanisms for quality, effective and efficient service delivery. Evidence from monitoring work undertaken by the Budget Monitoring and Accountability Unit (BMAU) in Ministry of Finance, Planning and Economic Development (MFPED) has repeatedly highlighted land related challenges as a critical impediment to effective and efficient service delivery in key sectors of Government. Service delivery is considered effective when intended outputs and outcomes are achieved as per the plan; and efficient if implementation is on schedule and within budget. This policy brief analyses the various dimensions of this problem and its effects on delivery of public services in Uganda for five financial years (2014/15-2018/19) in the affected sectors. Both primary and secondary data sources are used.

Land use and governance in Uganda

Uganda has a total geographical area of 241,038.00 square kilometres (sq.km) of which the water bodies cover 43,938.00 sq.km (18.23%), and the land surface is 197,100.00 sq.km (81.77%). Agricultural land covers the largest proportion (53.15%) of the total geographical area, the rest being grasslands, forests, wetlands, water bodies and built up areas. Due to the high population density (173 persons per sq.km) and high pace of urbanisation, built up areas have more than tripled from 365.7 sq.km in 2005 to 1,360.02 sq.km in 2015 (UBOS, 2018; UBOS, 2016). Land scarcity for development is becoming a major challenge in Uganda.

According to Article 237 of the Constitution of the Republic of Uganda (1995), all land in Uganda belongs to the people. It is owned in accordance to four land tenure systems namely: customary; freehold; mailo and leasehold. The Government may acquire land in the public interest and non-citizens may acquire leases in accordance with the country's land laws.



Key challenges in the land sub-sector affecting service delivery

Over the five-year period 2014/15 – 2018/19, there have been many land related challenges constraining service delivery in the most affected sectors as elaborated below.

Agriculture

By June 2015, the rehabilitation of 13 fish ponds at Kajjansi Aquaculture Research Development Centre (ARDC) in Wakiso District was abandoned at 20% completion as some of the Centre's land was re-allocated to construction of the Entebbe Expressway. The works became irrelevant as the road construction led to flooding and contamination of the ponds, thus stalling the research work.



Flooded fish ponds at Kajjansi ARDC due to construction of the Entebbe Expressway

In FY 2014/15, the 250 acres of land that were procured by Government for the investor OPUL for oil palm growing in Bujumba and Bugoye sub-counties in Kalangala District were encroached upon by 10 people. In Namayanja village, Bujumba sub-county, an additional 67 acres allocated to OPUL were used by the local government to construct a fish landing site. These land cases were taken to court and Government was tasked to find alternative land with compensation for the investor. The land related constraints led to delayed establishment of oil palm plantations in Kalangala District.

The ongoing land encroachments by squatters and demarcations by Government at the National Animal Genetic Resources Centre and Data Bank (NAGRC&DB) ranches were a key contributory factor to low performance (56.63%) in genetic breeding services by 31st December 2018. In July 2018, the 64sq.km at Maruzi Ranch in Apac District was demarcated in response to a Presidential Directive as follows: NAGRC&DB (8 square miles); National Agricultural Research Organisation -NARO (7 square miles); Hillside an Investor (43 square miles); and out growers (6 square miles). The land demarcations disrupted the breeding work as less pastures were available for the animals leading to poor service delivery.

During the same period, the main challenge at Njeru Stock Farm in Kiryowa Village, Buikwe District was encroachment as 219 acres (30.45%) out of the 719 acres were occupied by encroachers. This reduced the available pastures for the animals leading to low production and productivity. The breeding work at Sanga Field Station in Sanga Village was interrupted and reduced by encroachment of 1.5 sq. miles (60%) occupied by a one Captain Basaija, out of the 2.5 square miles.

Energy

The most common challenge in the Energy Sector is denial of access to land (Right of Way – RoW) by the landlords, to establish a corridor for the transmission lines. This is because the landlords either do not want the infrastructure on their premises; or the value of compensation is regarded too low; or there is delayed compensation by Government. In FY2015/16, there was a major delay in completion of Mbarara-Nkenda/Tororo-Lira Transmission line due to lack of RoW. The same problem led to lower performance (54.6%) and late completion of 26 power transmission lines by the Uganda Electricity Transmission Company Ltd (UETCL). Energy access by the population was thus constrained.



The performance of the Karuma Interconnection Project by 31st December 2017 was fair (55.5%). One of the key constraints was the slow process of land acquisition for Olwiyo substation due to low valuation rates which were rejected by the project affected persons (PAPs). Similarly, the construction of Mbarara-Nkenda/Tororo-Lira Transmission line in the same period was poor (37.7%). The land acquisition process was not progressing well. The performance of the construction of substations and transmission lines for Mukono, Iganga and Namanve Industrial Parks was fair (66.8%) by 31st December 2017. The works were progressing very slowly due to challenges in acquisition of land for transmission lines and the substations. Poor programme performance led to delayed and low access to electricity by the target communities.

Industrialization

In FY 2014/15, the process of boundary opening and installation of border makers in Kabarole Industrial and Business Park stalled because land was withdrawn by the owner - Ministry of Agriculture, Animal Industry and Fisheries (MAAIF) for alternative use. In FY 2015/16, the planned preparation of a masterplan, Environmental Impact Assessment (EIA) and boundary opening of this park was not accomplished because the local government (LG) and MAAIF had still not handed over land to Uganda Investment Authority (UIA).

By 30th June 2016, the development of a master plan and EIA for Mbale Industrial and Business Park was not done due to the presence of squatters on the land. The squatters resisted the land compensation values which were deemed to be very low. Due to the delays in compensations, new claimants settled on the Mbale Industrial land. During the same year, land wrangles at the site for the proposed Karamoja Industrial and Business Park stalled progress in completing the master plan and further developments. These challenges had started in FY 2014/15 with the districts of Moroto and Napak having disagreements on the boundaries of their sub-counties in the park land. The above challenges led to slow or non-establishment of industrial parks in those parts of the country.

Public Sector Management

By December 2014, the Office of the Prime Minister (OPM) acquired 2,828 acres of land in Bunambutye sub-county in Bulambuli District for re-allocating 1,000 households at risk of landslides in the Elgon region, under the Humanitarian Assistance Project. The process of allocating the land and settling the households was much slower due to interference by politicians in the distribution of plots contrary to the OPM guidelines.

Roads

By September 2015, the construction of the three Goli and Nyagak bridges in Zombo District had stalled and the contractor abandoned the site for three months due to the differences in land compensation policies between Uganda and Congo. The land for the approach road (140m by 30m) was valued by the Congolese owners at USD5,000 higher than the Uganda land valuers estimates. The land policy for Congo allows land owners to value their land, whereas in Uganda, valuation is undertaken by a Government Valuer.

By 30th June 2016, the construction/rehabilitation of 9 out of 12 roads under the National Road Construction/Rehabilitation Programme was behind schedule primarily due to delayed land acquisition for the right of way, among other factors. For example, the works were behind schedule for Iganga – Kaliro (32km) by 37.31%; Musita-Lumina-Majanji (104km) by 56.82%; and Olwiyo (Anak)-Gulu Road (70.3km) by 37.46%.



By 31st December 2017 delayed land acquisition disrupted steady progress of works on the National Road Construction/Rehabilitation Programme roads such as Rushere-Nhwerenkye (11.1km), Kyenjojo-Kagadi-Kabwoya (100km)-only 48.7km had been handed over, Bumbobi-Lwakhakha (44.5km); and Kashenyi-Mitooma (11.53km) at Km 0+800. The delays were attributed to non-payment of compensation to the affected persons. The programme performance was lower at 68.8% as all projects were behind schedule. Land related challenges thus delayed road construction and access by the target communities and led to time and cost over runs for the projects.

Water and Environment

In FY 2017/18, works at Iziru water supply in Jinja District delayed due to land acquisition issues for the pump station. Delayed land acquisition was caused by communities retracting their earlier position on availability of land which had been offered free of charge for system components. They later demanded compensation. This slowed works at the pump station and at the 50m³ reservoir tank in Iziru and for most of the project components to be constructed in Bulegeni. This led to contract extension by five months.

By December 2017, the performance of the Water for Production (Project 0169) was poor at 10.4%. The major outputs that included construction of bulk water and surface water reservoirs were not achieved. Among the key challenges was the limited land available for construction of Water for Production facilities. In some instances, land owners exaggerated the rates for compensation compared to the government valuer's rates. During the same period, the performance of the Multi-Lateral Lakes Edward and Albert Integrated Fisheries and Water Resources Management (LEAFII) was lower (66.47%) due to late acquisition of land by the districts. These challenges led to delayed access to clean water in the target communities.

Conclusion

Programme implementation in the key sectors of Agriculture, Energy, Industry, Roads, Public Sector Management; and Water and Environment has been slower over the past five years and the outcomes lower due to challenges related to land acquisition and use for core public sector projects. The acquisition of land for Government programmes is poorly planned for and the emanating challenges are not timely addressed resulting in poor service delivery. Most public land is not properly gazetted and titled leading to massive encroachment by people, including Government officials.

Recommendations

- i) The Ministry of Lands, Housing and Urban Development (MLHUD), Uganda Land Commission and sector ministries and agencies should ensure that all public lands are demarcated and titled and the land wrangles resolved.
- ii) The Government should centralize planning for and acquisition of land for all public infrastructures and services for all sectors.
- iii) The Lands sub-sector should be prioritized for frequent monitoring by the BMAU.

References

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