

## Challenges Facing Uganda Police Land Desks in Managing Conflicts in Wakiso and Mukono Districts



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### ABSTRACT

**Purpose:** The purpose of the study was to examine the challenges facing Uganda police land desks in managing conflicts in Wakiso and Mukono districts.

**Methodology:** The research was guided by a cross sectional and descriptive survey research designs which involving both qualitative and quantitative studies. The study population consisted of community members in Wakiso and Mukono districts who were affected by (victims of) land conflicts; Police land desks officials and the district land boards with purposive and stratified sampling used to select them. A sample of 385 respondents was used and questionnaires, interview guides, focus group discussion and documentary review were used to collect data with both SPSS and content analysis was used to analyze the field data.

**Findings:** it was found out that there was corruption on the side of police land desk officers as represented with (mean=4.74, strongly agreed). findings revealed from Mukono and Wakiso district there was lack of professional training by land desk officers in land matters as represented with (mean= 4.65, strongly agreed). Further findings revealed that there was lack of enough financial resources was as follows (mean=4.45, strongly agreed). After analysis findings revealed that 38.1 % of respondent attributed to poor administration of the desk, 23.8% corruption, 19% lack of facilitation, 9.5% low salaries, 4.8% to communication gap and money transaction used by the ring leaders in causing conflicts and distorting peace.

**Unique contribution to theory, practice and policy:** The study findings would shed light on how police land desks are developing and identify the determinants of this development, and the implication of the development processes on land conflict management. Additionally, the findings will help in understanding the bases of land conflicts, and by unbundling these land conflicts by type, the study will shed light on the comparative impact of different conflict types on national budget. After the findings, this thesis will commend necessary policy options that will bind the benefits of police land desks, boost available laws, and restrain land conflicts.

**KEYWORDS:** Challenges facing Uganda police land desks, managing conflicts

### 1.0 INTRODUCTION

#### 1.1 Background of the study

Worldwide, access to, use of and control over land are as old as humankind and frequently occur everywhere at the intra-personal level such as between siblings or neighbours, at the intra-societal level between different ethnic groups or between the state and local population and at the inter-societal level between different states.<sup>1</sup> Land issues played a major role in all but three of the more than thirty intrastate conflicts that occurred between 1990 and 2009.<sup>2</sup>Consequences of land conflicts vary tremendously ranging from disturbed inter-personal relationships to the total destruction of one's livelihood.<sup>3</sup> Many land conflicts affect people's human rights as defined in the,<sup>4</sup> International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, such as the right to own property alone as well as in association with others, the right to an adequate standard

<sup>1</sup> M. Odeny. "Improving Access to Land and strengthening Women's land rights in Africa. 2013

<sup>2</sup> ELI/UNEP 2013

<sup>3</sup> J. Daudelin, "Land as a Source of Conflict and in Post-Conflict Settlement." World Bank Regional Workshop on Land Issues in Africa , Kampala, Uganda and the Middle East, April 29-May 2, 2002.

<sup>4</sup> Universal Declaration of Human Rights 1948,

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of living, the right to freedom to choose one's residence, the right to adequate housing, the right to adequate food and the right to freedom from discrimination.<sup>5</sup>

Descriptive studies suggest that the incidence of individual land ownership is high in communities with many immigrants in sub-Saharan Africa still on move.<sup>6</sup> In sub-Saharan Africa still, conflict over land is intensifying at the local level in many countries.<sup>7</sup> Similar cases have also been reported in West Africa in a state of In Nigeria where 15% of women in the sample had personally been involved in a land conflict within the past two years with two of the top three most frequent disputes being with children and spouses.

Numerous studies conducted in Tanzania have examined factors contributing to the occurrence of farmer-herd conflicts, pointing to policy deficiencies and contradictions, corruption practices, insecurity of land tenure, inadequate capacity in village land use planning, and lack of land information as major contributing factors.<sup>8</sup> By contrast,<sup>9</sup> analyze land conflicts concerning land reforms and the extent to which pastoralists and peasants are involved in the decision making for land-related issues. Moreover, different government programs and strategies meant to address land conflicts have been examined.<sup>10</sup> However, there is a paucity of studies investigating land conflicts concerning the immigrations caused by vulnerable populations fleeing social and political conflicts. Kigoma region is unique in that it is periodically impacted by refugees from neighboring countries, particularly Burundi and the Democratic Republic of Congo.<sup>11</sup>

According to the Uganda's constitution, 1995 as amended stipulates that; "all land in Uganda shall vest in the citizens of Uganda and be owned in accordance with the following land tenure systems: customary, freehold, mailo and leasehold" (Republic of Uganda, 1998: 4985). A significant proportion of Uganda's total land 81,122 km<sup>2</sup>, or 40 percent is under customary tenure. Broken down by region, and 76 percent of land in the north, 54 percent in the east, and 47 percent in the west is under customary tenure. Land conflicts, such as the Acholi-Madhavani Group case, prevail in other parts of the north as well as other regions of Uganda. In the eastern region, for example, the government is dueling with the Bagisu and Bagwere ethnic groups over the Namatala wetland.<sup>12</sup> In western Uganda, the conflict pits the Banyoro ethnic group, who assert ownership rights, against the government. According to a report conducted by WitnessRadio.org, a non-governmental organization involved in documenting land conflicts in Uganda, between September 2016 and November 2017, in Mubende District, revealed that forceful evictions of people were made where many were left living as squatters on other people's land, affecting 265,502 households.<sup>13</sup>

The Districts of Mukono and Wakiso in Central Uganda (Buganda Kingdom), is known for having much Mailo land, which is relatively easy to change ownership. Also, the advantage of Mailo is that one can own the land forever. No more new titles of Mailo tenure are being issued, as all titles were issued before 1928. The Mailo tenure system sees two types of ownership: titled and Kibanja ownership. This former type of ownership is considered an occupancy right, and Kibanja holders are described as "tenants" as opposed to landowners. Kibanja holders have a significant vulnerability risk to property grabbing due to the perceived uncertainty related to this tenure system, even though the Ugandan government recognizes Kibanja as a form of land ownership. In its 2014 baseline study, IJM considered Kibanja ownership as one of four statistically significant risk factors for the prevalence of property.

### 1.2 Statement of the Problem

Land conflicts in Uganda are broadly categorized into three major types: boundary, inheritance, and eviction (sometimes termed as land grabbing-related conflicts), which emerge differently.<sup>14</sup> Originally, Uganda land conflicts were consequences of colonial legacy structure around relations and management. Colonialists introduced individualized ownership of property rights in land previously held either communally or on the basis of sovereign trustees. However, in response to settle the land question and deal with fundamental issues in land tenure, land management and administration Uganda police force under presidential directive to the Inspector General of Police, Genral Kale Kayihura, established a land Police Protection Unit (LPPU ) to protect the less privileged from exploitation by land grabbers and stop illegal evictions around the country especially in the districts of Wakiso, Mubende Mukono, Mpigi, Kiboga and Lyatonde.<sup>15</sup> The land police protection unit (LPPU) later expanded to all police stations and formed

<sup>5</sup> Protection of Human Rights under Universal International Law, 2021

<sup>6</sup> S., Hazell, P., Blarel, B., & Place, F. *Indigenous Land Rights Systems in Sub-Saharan Africa: A Constraint on Productivity?* The World Bank Economic Review, 1991 5(1), 155 - 175.

<sup>7</sup> P. E. Peters, "Inequality and Social Conflict over Land in Africa." *Journal of Agrarian*, 2004.

<sup>8</sup> D. Mwamfupe, *Persistence of Farmer-Herder Conflicts in Tanzania*. *J. Sci. Res. Publ.* 2015, 5, 8.

<sup>9</sup> L. Massoi, *Land Conflicts and the Livelihood of Pastoral Maasai Women in Kilosa District of Morogoro*, Tanzania in Kilosa District of Morogoro, Tanzania. Ph.D. Thesis, Ghent University, Gent, Belgium. 2015; Shayo, (2010)

<sup>10</sup> , S.J. Kabote, S.J. *Land Governance and Conflict Management in Tanzania: Institutional Capacity and Policy-Legal Framework Challenges*. *AJR* 2017, 5, 46–54.

<sup>11</sup> URT, 2018

<sup>12</sup> Bitu and Edyegu, 2011

<sup>13</sup> editorial@ug.nationmedia.com

<sup>14</sup> Ngologoza, 1998; Ministry of Lands, 2011; Mwebaza and Ziwa, 2011

<sup>15</sup> News 07<sup>th</sup> sept, 2008

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land police desks as one of the reforms of land conflict management, getting its powers from,<sup>16</sup> and,<sup>17</sup> which lists the functions of the police as: protecting life and property and the Penal Code Act Cap 120 section 338 and 339.

Despite the progress made to address land-related legislative issues, the land sector in Uganda still faces several challenges that include insecurity of tenure, overlapping and conflicting land rights, and glaring inequity in access to and ownership of land. According to the Uganda criminal investigation directorate (CID) spokesperson, Charles Mansio Twine, land cases are on the increase and were greatly registered in the areas of Kampala Metropolitan (KMP) policing areas of Kampala, Wakiso, Mukono. Therefore, it's against this background that the study seeks to examine the role of Uganda police land desks in conflict management in Wakiso and Mukono districts.

### **1.3 General objective**

The purpose of the study was to examine the challenges facing Uganda police land desks in managing conflicts in Wakiso and Mukono districts.

## **2.0 THEORETICAL REVIEW**

The study was anchored by Conflict Theory Updated by Adam Hayes in 2020 and first purported by Karl Marx. The theory assumes that competition exists as a result of the scarcity of resources, including material resources; money, property, commodities, and more. Beyond material resources, individuals and groups within a society also compete for intangible resources as well. These can include leisure time, dominance, social status, sexual partners, among others. Conflict theorists assume that competition is the default (rather than cooperation). Conflict occurs between social classes, one outcome of this conflict is a revolutionary event. Human relationships and social structures all experience inequalities of power. In this way, some individuals and groups inherently develop more power and reward than others. Conflict theorists tend to see war as either a unifier or as a 'cleanser' of societies.

### **2.1 Strength of conflict theory**

Conflict theory seeks to explain political and economic events in terms of an ongoing struggle over finite land resources in Wakiso and Mukono districts. In the same struggle, Marx emphasizes the antagonistic relationship between social classes, in particular the relationship between the owners of capital which Marx calls the 'bourgeoisie' and the working class, which he calls the 'proletariat'.

### **2.2 Criticisms of Conflict Theory**

One common criticism of conflict theory is that it fails to capture the way in which economic interactions can be mutually beneficial to the different classes involved. For example, conflict theory describes the relationship between land owners and grabbers as one of conflict, in which the grabbers do not wish to pay for the land and owners are set in a position of defending their land as a resource. Moreover, institutions such as Uganda police, courts of law, land tribunals and land commission are failing to execute their duties.

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## **3.0 METHODOLOGY OF THE STUDY**

### **3.1 Methods and Data**

The research adopted a cross sectional and descriptive survey research designs. Description of data in both qualitative and quantitative was helpful to establish the views and opinions, feelings and attitude of respondents about the role of Uganda police land desks in conflict management in Wakiso and Mukono districts. The study population consisted of community members/victims of land conflict, police land desk officers and district land boards/committees in Wakiso and Mukono districts.

Data collection methods catered for both primary and secondary sources (Amin, 2005). Primary data was collected from the field using questionnaires, focus group discussions and key informant interviews. Secondary data was collected by documentary reviews that were done in the course of the study. Survey questionnaires were administered to household's victims of land conflicts and these included heads of families' fathers and mothers, children ages above 18 years and other clan members in the districts of Wakiso and Mukono.

Data Analysis Methods was used to analyze data where quantitative data encompasses calculations such as averages totals as compared to grand totals of responses expected. A statistical package for social scientist (SPSS) software. SPSS was used to capture data, and to conduct data analysis and management (Lind et al., 2006). Qualitative data analysis was done where the researcher organized and prepared data for analysis by sorting and arranging the data into various themes as reflected in the key informant guide and Focus group Discussion Instrument. A mixture of thematic content analysis and narrative analysis was adopted<sup>18</sup>. This

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<sup>16</sup> Article 212 of the Uganda Constitution 1995

<sup>17</sup> section 4 of the Police Act, 2006

<sup>18</sup> C. Marshall, *Designing Qualitative Research* (5th ed.). Thousand Oaks, CA: Sage Publications. has been cited by the following article: 2010.

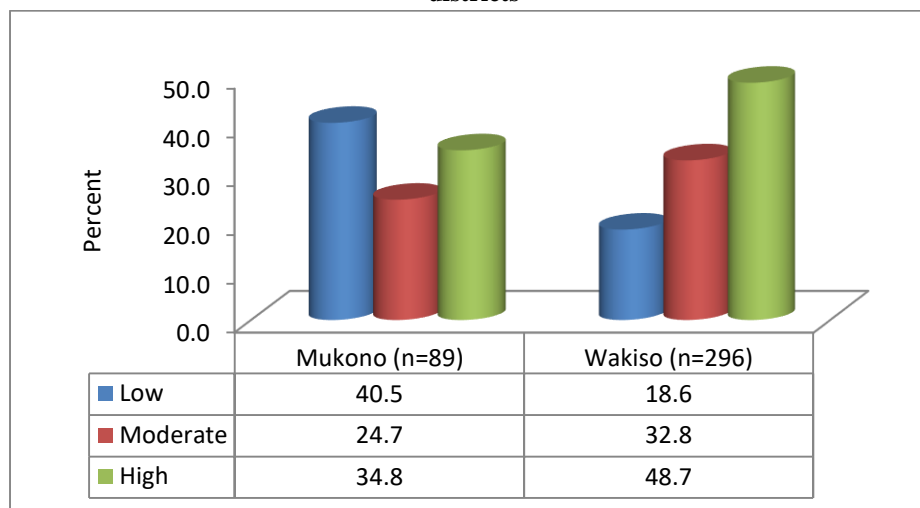
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was through getting familiar with the data by reading and re-reading after previewing the recordings with the written interviews per selected interviewees. This was followed by coding (labeling) the whole text.

### 4.0 RESULTS OF THE STUDY

#### 4.1 Levels of land conflicts in Mukono and Wakiso districts

Figure 1: Summary statistics of respondent's views as regards to the levels of land conflicts in Mukono and Wakiso districts



Source; Field Survey (2021/2)

Figure above presents the comparative results from Mukono and Wakiso districts on the levels of land conflicts in the following ways; from Mukono district where (n=89) as the number of respondents interviewed or who answered the questionnaires out of the total number (total n=385), 40.5% of respondents revealed that land conflict was low in Mukono district, followed by 24.7% of respondents who revealed that land conflict in Mukono district and 34.8% of respondents said land conflict was high in Mukono district.

From Wakiso district (n=296) the number of respondents interviewed or those who answered the questionnaires out of the total number (total n=385). Result indicated that 18.6% of respondents revealed that land conflict in Wakiso was low, followed by 32.8% of respondents who said that land conflict in Wakiso district were moderate 48.7% of respondents revealed that land conflict in Wakiso district were high. The fact there was high cases of land conflict in Wakiso district compared cases in Mukono district this implies that there was an ever increasing demand of land in areas of Wakiso district which brings a lot of conflict. Secondly increased population of people who tend to flood in Kampala city where land is already scarce and the demand for it is always high tend to bring friction over it by the people who try to share it and hence high conflict.

#### 4.2 Challenges faced by Uganda Police Force land desks in managing land conflicts Wakiso and Mukono districts

The study was to find out challenges and mechanisms deployed by UPF land desks in managing land conflicts Wakiso and Mukono districts. The items showed the average response from the respondents for each item in relation to challenges and mechanisms deployed by UPF land desks influence managing land conflicts Wakiso and Mukono districts. The items were rated on the 5 point likert scale ranging between strongly disagree, disagree, not sure, agree and strongly agree. The findings are shown in table below:

Table 1: Summary statistics of challenges faced by Uganda police force land desks

	Internal challenges	Mean	Std Dev	Response mode
D 1	There is corruption on the side of police land desk officers	4.74	2.01	Always
D 2	There is lack of professional training by land desk officers in land matters	4.65	2.10	Always
D 3	There is lack of proper investigation	4.31	2.02	Always
D 4	There is lack of enough financial resources	4.45	2.71	Always

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D 5	Police does not sensitize the public on land matters	4.01	2.71	Often
	<b>External challenges</b>			
D 6	There is ignorance of land laws by the general public	4.39	2.06	Always
D 7	There is resistance by some community members	4.21	2.3	Often
B8	There is lack of community sensitization	4.32	2.04	Always
D 9	There is political interferences by some politicians like Members of parliament	4.22	2.0	Often
D 10	There is malfunctioning or faulty land system	4.49	2.6	Always
	<b>Average mean</b>	<b>4.09</b>		

Source;

Field Survey (2021/2)

According to table above indicates that, respondents strongly agreed that there was corruption on the side of police land desk officers as represented with (mean=4.74, strongly agreed). This implies that police land desk have kept silent on incidences of land grabbing and eviction where by in recent years, land grabbing disputes manifesting in mass and violent evictions, incessant and long court cases, and land conflict-related murders have reached epidemic proportions throughout the country with devastating consequences. The findings are in line with studies that corruption and illegitimate demand for money both in land administration and dispute resolution is at the extreme. Despite Government of Uganda's (GoU) array of policy formulations and technical achievements, several studies including the 2003 National Integrity Survey reports indicate that the perception of corruption and real level of corruption in public offices in Uganda is still high.

The Land Registry processes about 15,000 to 20,000 transactions annually. MOJ carried out a survey in 2004 and found out that the registry was making an average of 100 filings per day. The filing involves transfers, lodging and release of caveats, withdraws and release of mortgages, extension of leases, surrender of leases, fresh registration of leases and free holds. The report of the survey indicates also that 92% of the lawyers perceive an increase in corruption in the Land Registry. Corruption and illegitimate demand for money slow the justice delivery process. A 2008 survey<sup>19</sup> for Ministry of Justice found that 88% of respondents were asked to make un-receipted payments in dispute resolution institutions. 52.3% of the respondents in the survey reported that they had made payment to District Land Tribunals (official and unofficial payments for the services they received). Bribery was highest (33.0%) in the central police; 16% in the High Court; 16% in the Magistrate's Court; 11% in the District Land Tribunals; 7.3% in the LC1 Courts. Bribery was least common in the customary courts where only 2.7% of the households paid a bribe.

Respondents from Mukono and Wakiso district strongly agreed that there was lack of professional training by land desk officers in land matters as represented with (mean= 4.65, strongly agreed). This implies that police officers from the land desk department were carrying out duties which are not in line with their profession which has tempted respondents from Mukono and Wakiso district describe them as unprofessional. In the same way, the literature has showed that surveyors Registration Board has been blamed on the increased number of unqualified land surveyors who have deliberately failed to adhere to professional standards, "mistakes are done during boundary openings and the problem is serious due to increased number of 'undercover' surveyors".<sup>20</sup> "If we are to curb land conflicts, there should be no short cuts to quality".<sup>21</sup> Out of the 650 surveyors so trained in the country, only 56 are registered members of the Institute of Surveyors of Uganda, a professional body for surveyors in the country. Within the traditional institutions on the other hand, custodians of customary law are modifying customary or informal systems to address changing socio- economic conditions often times skewed to guaranteeing greater and more secure rights for male custodians at the expense of weaker and marginalized groups thus more disputes.

Responses on whether there was there was lack of proper investigation in Mukono and Wakiso district on matters of land conflict was represented as follows (mean= 4.31, strongly agreed). This implies that Police land desk was arresting and court prosecution was done without investigating the land matter which brought doubts among respondents in Mukono and Wakiso districts. Similarly to note was that studies which show that lack of legal awareness or sensitization on the part of the majority population about their rights vis a vis the law both for landlords and tenants on land. From history, land law created a class system of land ownership influenced by the Landlord Tenant relationship. Under the existing law, there is no equality of arms between the owners and users

<sup>19</sup> Ibid; Miall, H, Ramsbotham, O, Woodhouse, T (1999),

<sup>20</sup> MOJ Survey, 2004

<sup>21</sup> Ibid; MOJ Survey, 2004



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of the land. There is need for lawful or bonafide occupants to be recognized beyond mere protection on someone else's land and be conferred with registrable interest.

In addition, it is also important that all land in Uganda be parcelled and titled for purpose of easy identification of ownership which would significantly reduce land disputes and promote economic development. Absence of a clear land policy Uganda has no clear land policy and guidelines on land acquisition, land registration, land management, the issue of eviction, and utilisation of natural resources, among others. The land laws are supposed to be informed by a formal and clear land policy if the laws are to be consistent and progressive. Therefore, there is need for a Clear land policy to inform land legislation in Uganda in regards to land acquisition, land registration, land management, eviction, and utilisation of natural resources, regularisation of the relationship between the owners and users of land in Uganda.

Also respondents on whether there was lack of enough financial resources was as follows (mean=4.45, strongly agreed). This implies that the police land desk department was not supported financially yet it need funds to facilitate movements to the field for site protection and land conflict areas, field investigations, sensitization, court hearings among others. This was in agreement with studies that due to lack of Resources in implementation of the 1999 Land Acts, the financial conditions seem to be what challenges the new legislation and the whole land reform. The constraints of the whole implementation to be shortage of resources of all kind including finance, lack of skilled staff of different professions and physical resources such as offices.

An analysis on whether Police does not sensitize the public on land matters was as follows (mean=4.01, agreed). The result implies that if people from Mukono and Wakiso districts are not convinced then either some areas are not covered or the fact they don't do the sensitization of communities on land conflict management matters. This was contrary to different authors wrote about the challenges that are facing village land councils in managing land disputes in the village levels. They pointed out the weakness that facing VLC in resolving land disputes in their administrative areas. The purpose of Tanzania's Land Acts was to decentralize responsibility for management of land to existing local governments and institutions 18 in the villages. This approach was thought to make implementation easier at the local level, but has proven to be problematic. According to him, the following are challenges if the reform is to be implemented countrywide.<sup>22</sup>

Responses on whether there was ignorance of land laws by the general public was as follows (mean= 4.39 strongly agreed). Results imply that there was total lack of sensitization of community in the districts of Mukono and Wakiso about the laws in regards to access, ownership and management of land. Findings were in agreement with studies in on governance deficit manifests itself in variety of ways such as absence or weak central authority to enforce law and order, control by interest groups and biased policy, absence of transparent rules of law and enforcement, inadequate institutional and legal framework, and deficiency in capacity (i.e., manpower, finance and broad-based political support), where there is potential or actual conflict, there is governance deficit. There are two parallel legal and judicial systems in place for dealing with land issues, that of customary tenure and that of the state administration. Although the latter recognizes the former, there are unresolved contradictions in the way in which it has co-opted it, which could be a potential source of conflict over land in the future and are likely to give the more powerful an advantage in land disputes. The nature of mediation and dispute resolution mechanisms are important factors in determining whether parties involved in a conflict will resort to violence: if they are seen as partial or ineffective, violence is likely.

Respondents also on whether there was resistance by some community members was as follows; (mean=4.21 agreed). Results means that imply that efforts on sensitization still should be boosted by police land desk department and also people in communities should be shown where to report land cases and not taking the law into their hand by using violence and mob justice. The findings were in line with Local Council Courts (LCCs) are the institutions that mainly deal with land conflicts but are often going beyond their legal mandates when dealing with land conflicts. LCC2 and LCC3 are the courts that are supposed to deal with land conflict but due to a lack of effective mechanisms it is the LCC1 that deals with land conflicts but LCC1 does not have the legal authority to do so. The surveys have found that people trust the LCCs as they are seen as accessible, fair, and uncomplicated. However, LCCs are far from perfect institutions and have problems with exploitation and nepotism. Vulnerable groups such as women and children are particularly prone to exploitation by the LCCs. They need gender sensitization as well as education campaigns on human rights.

From the respondents also it was revealed that there was lack of community sensitization was represented with (mean 4.32 strongly agreed). In the same way, studies reveal the shortcomings of land dispute resolution that were recognized when discussing other dynamics of land tenure, land governance, and agrarian livelihoods in the area first, despite the loss of legal status of customary land, in practice, a dual system of land tenure persists in Kitchanga. Customary leaders continue to fulfill key functions in local land administration and dispute resolution and are often in competition with the state about who should be in charge of land governance, especially in peri-urban settings.<sup>23</sup> This contributes to tenure insecurity and (continuation of) disputes. There is no agreement among policymakers, international interveners and local organizations on the way forward. While some interviewees claimed that enhancing land administration by the state might de-ethnicize landownership which might also help enable land access for the anciens

<sup>22</sup> R.H. Pedersen, Tanzania's Land Law Reforms; The implementation challenge. (Working paper) Danish Institute of international studies, (DITS) COPENHAGEN. 2010.

<sup>23</sup> Final workshop and Self-assessment, Hôtel Mbiza, Goma, 10 October 2016; as well as interviews Mathys 2016

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outriders and facilitate investment in land, others feared it would effectively strengthen patronage and disregard customary rights to land.<sup>24</sup> This issue is not solved by promoting existing legislation and enhancing institutional capacities only but requires a debate on the nature of land governance and the role in this of customary institutions.

Respondents also on whether management there was political interferences by some politicians like Members of parliament was represented with (mean 4.22 agreed). Results reflect on one thing about land corruption that it very difficult to fight because unlike other

criminals, dishonest public officials get involved in the vice continue to wield power and influence. Political interference, even involving low-level officials frequently can derail prosecution. Worsening accountability in the public sector and corruption have almost become a way of life in Uganda. Even Government admits that this is perhaps the biggest problem facing the country now. Lastly respondents on whether there was malfunctioning or faulty land system was represented with (4.49 strongly agreed). This imply that there are high cases of illegal property and land markets confronted with deficient information regimes resulting in their underperformance in districts of Mukono and Wakiso. Similarly to note, the Land Registry's main problems revolve around; (1) fraudulent and back-door practices which lead to the losses of the property by rightful owners, undermine public confidence to the state registration system, affect the land tenure security, makes the transactions of the property uncertain and has tragic consequences for many families that suffer from such practices (2) counterfeit land titles circulating in the market, which create additional uncertainty in the market (3) the existing registration system and procedures are too disorganized and practically ineffective to prevent such cases and properly resolve the issues (4) the degraded registry environment and damaged and outdated land records leave a little chance to the genuine owners and clients to protect themselves or get reliable information about the property (5) a great majority of the title records in registry strong rooms are in very dilapidated and sorry state, and they continue to deteriorate, with consequent loss of information and strategic data sets (6) inappropriate systems are still predominantly used in the land records management and archiving system; the manual system results in wear and tear, loss of documents and consequent loss of information.<sup>25</sup>

### 4.3 Qualitative findings

Key informant from the land desk official as regards to the internal Challenges were as follows.

The researcher found out that some of the challenges Uganda police land desks face are internal in the sense that they emanate from the police force itself. The following were police-related challenges:

#### 4.3.1 Corruption

The data revealed corruption by land desk officers in the Uganda police force was the most pressing challenge that hinders police land desks in Mukono and Wakiso districts from carrying out its roles as expected. The Command of Land Protection Unit of Uganda Police Force described the state of corruption in the force:

"People who say that police officers are corrupt are absolutely right. Moral degeneration is the main cause of corruption among police land desk officers, not necessarily lack of finances". "This is because those who are paid highly are still corrupt, sometimes the most corrupt. But besides moral degeneration, the welfare of police officers also triggers corruption."

The Commandant's description agreed without doubt that corruption is a challenge in police land desks. He suggested that corruption which is mostly in form of bribes is not associated with officers' financial status per se. This implies that corruption is a moral related aspect as opposed to a financial aspect as it has mostly been perceived. The commandant however adds that a certain proportion of police land officers are corrupt because of financial needs. They lured into corruption to meet their standard of living since their source of livelihood alone cannot meet their financial needs.

However, the officer in charge of land desks at Nsangi police station had a different thought and highlighted that;

"We are neutral people but members of the public expect all parties to be satisfied". "And when one party wins, you find that the other party goes unsatisfied and that's when people end up saying that we are corrupt."

#### 4.3.2 Lack of professional training

Inadequate training of the land desk officers in properly handling land matters was another major challenge. The officer in charge of land desk at Entebbe police station stated that:

"As police land desks officers, we have no professional training in resolving land matters". "We simply rely on experience. But sometimes, even you as an investigator, you don't know what to do".

This officer highlighted that land desk officers operate in an unprofessional manner. It appears that no formal or professional training has been given to land desk officers. But instead, they use experience gained from other cases for example domestic violence cases to solve land related conflicts. This might not offer a working solution since land cases might require different expertise. Further,

<sup>24</sup> Ibid; Final workshop and Self-assessment, Hôtel Mbiza, Goma, 10 October 2016; as well as interviews Mathys 2016

<sup>25</sup> Baseline Evaluation Report 2007

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the fact that sometimes land desks officers are clue-less of what to do during a land conflict operation might mean that some cases go unsolved or wrongly solved.

### **4.3.3 Insufficient investigation**

Lack of proper investigation into land matters was another internal challenge that hinders land desks in UPF. This has also been linked to inadequate training of the officers to carryout proper training. This is what the Commandant, Land Protection Unit, Uganda police force said in regards to training:

“It is true that the investigations carried out by police land officers are inadequate. This is mainly because of lack of training”. “Land issues are complex and hence need to be investigated by trained personnel”. “Although I have personally received professional training, no training has been received by land desk officers under my command. Lack of enough facilitation also limits investigation”.

Besides, the officer in charge of police land desk at Nsangi police station added a different aspect that hinders training;

“Police is always the first unit with the files. But before investigations are done by us, the files are called by either DPP, regional police or the police headquarter. This disrupts our investigation process.”

According to the land desk officer, improper investigation is linked to the malfunctioning structural system with in UPF. It appears that some departments or units within the police overshadow the work of the land desks especially investigations. They either delay or completely prevent them from happening.

### **4.3.4 Insufficient resources**

Lack of enough resources especially human and financial, was also another challenge directly faced by police land desks besides indirectly limiting land conflicts investigation. In line with resources, the land desk investigating officer of Entebbe Police Station stated:

“There are insufficient resources to handle land disputes for example vehicles, funds and human resources (officers)”. “The resources are not enough because police has other departments and units besides the land unit.”

The officer explained how insufficient resources are not allocated to land matters. This is both financial and human. Police land desks are under-prioritized compared to other units/departments in UPF. This was further mentioned by the officer in charge of land desk at Entebbe police station when she stated that:

“Another challenge is lack of transport and as such, cases have to first accumulate such that investigation can be done at once”. “Sometimes, community policing is applied of which community members are not skilled to handle land matters too”. “We lack resources to get on ground and resolve land matters when they arise although some NGOs have come in to help for example Redeem”.

## **5.0 SUMMARY CONCLUSIONS AND RECOMMENDATIONS**

### **5.1 Summary**

After analysis from the field, it was found out that there was corruption on the side of police land desk officers as represented with (mean=4.74, strongly agreed). This implies that police land desks have kept silent on incidences of land grabbing and eviction where by in recent years, land grabbing disputes manifesting in mass and violent evictions, incessant and long court cases, and land conflict-related murders have reached epidemic proportions throughout the country with devastating consequences.

Also findings revealed from Mukono and Wakiso district there was lack of professional training by land desk officers in land matters as represented with (mean= 4.65, strongly agreed). This implies that police officers from the land desk department were carrying out duties which are not in line with their profession which has tempted respondents from Mukono and Wakiso district describe them as unprofessional.

Also responses on whether there was there was lack of proper investigation in Mukono and Wakiso district on matters of land conflict was represented as follows (mean= 4.31, strongly agreed). This implies that Police land desk was arresting and court prosecution was done without investigating the land matter which brought doubts among respondents in Mukono and Wakiso districts.

Further findings revealed that there was lack of enough financial resources was as follows (mean=4.45, strongly agreed). This implies that the police land desk department was not supported financially yet it need funds to facilitate movements to the field for site protection and land conflict areas, field investigations, sensitization, court hearings among others.

An analysis on whether Police does not sensitize the public on land matters was as follows (mean=4.01, agreed). The result implies that if people from Mukono and Wakiso districts are not convinced then either some areas are not covered or the fact they don't do the sensitization of communities on land conflict management matters. Responses on whether there was ignorance of land laws by the general public was as follows (mean= 4.39 strongly agreed). Results implies that there was total lack of sensitization of community in the districts of Mukono and Wakiso about the laws in regards to access, ownership and management of land.

Respondents also on whether there was resistance by some community members was as follows; (mean=4.21 agreed). Results means that imply that efforts on sensitization still should be boosted by police land desk department and also people in communities should



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be shown where to report land cases and not taking the law into their hand by using violence and mob justice. From the respondents also it was revealed that there was lack of community sensitization was represented with (mean 4.32 strongly agreed).

Respondents also on whether management there was political interferences by some politicians like Members of parliament was represented with (mean 4.22 agreed). Results reflects on one thing about land corruption that it very difficult to fight because unlike other criminals, dishonest public officials get involved in the vice continue to wield power and influence. Political interference, even involving low-level officials frequently can derail prosecution. Worsening accountability in the public sector and corruption have almost become a way of life in Uganda. Even Government admits that this is perhaps the biggest problem facing the country now, there was malfunctioning or faulty land system was represented with (4.49 strongly agreed). This imply that there are high cases of illegal property and land markets confronted with deficient information regimes resulting in their underperformance in districts of Mukono and Wakiso.

After analysis findings revealed that 38.1 % of respondent attributed to bad leadership, 23.8% corruption, 19% lack of facilitation, 9.5% low salaries, 4.8% to technology as a facilitating communication and money transaction used by the ring leaders in causing conflicts and distorting peace. bad leadership, corruption lack of facilitation among other challenges take the lead on what may be considered as the challenges facing the UPF in the case study. This clearly illustrates that the major problem in the problem in the police force is an institution one. Bad leadership as discussed in the previous chapters of this research is a challenge that has led police not to perform its duties but to do what can maintain some people in their political power for them to earn a leaving this begins from the top leaders in police i.e the inspector general of police who is appointed by the president and he must work hard to maintain the president in power otherwise he can miss the cake and therefore this spreads up to the lower or the last ranks.

### 5.2 CONCLUSIONS

In conclusion also, each land conflict needs its own individual solution which is adapted to its particular local, regional, national and supranational political, social, socioeconomic, economic, cultural, power-related etc. conditions. The facts of each specific case will determine which of the tools presented in this guide should be applied, and how, for the effective resolution and prevention of land conflicts. However, a crucial element of any land conflict resolution and prevention is the (re)establishment of core values of a society commonly agreed upon and reflected by law. Without a common understanding of the necessity to respect human rights as well as the environment, land conflicts will persist at high level forever more.

### 5.3 Recommendation

There is need for training of police land desk officers in current policies and land tenure systems its interpretation access, ownership and rights. This will help the investigating officers working in police land desks to be conversant with the land laws. This will in turn benefit them to avoid errors and prosecute the criminals who cause land conflicts.

The Police land desk should be facilitated as the measure to help the weak investigate their cases reported. This will aid to find out the truth rather than police receiving facilitation from the land grabber who has all money and is ready to facilitate the investigating officer who at the end will be compromised by the so called the rich.

Corruption of some of the police land desk officers and others should be urgently addressed in order to bring justice than continuing to happen and cause the abuse of the whole institution yet there are only few individuals.

Impartiality and transparency should be applied to all in land investigations complaints in order to avoid conflicts. Poor investigations by taking one side can escalate land conflicts by the aggrieved party such those that has been witnessed in many land conflicts in wakiso and Mukono.

There is a strong need for the public land inventory is to create transparency on the current situation, to map it and thereby provide a base for discussion and problem solving. The establishment of such a public land inventory, generally, requires the use of General Positioning System and General Information System software.

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